

**PLANNING COMMISSION
STAFF REPORT**

Date: June 8, 2023

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action): Case No. LDC23-00052 (Panda Express Variance) – A request has been made for a variance from the freestanding sign requirements of the General Commercial (GC) zone to: a) increase the number of allowed freestanding signs from one to two and b) increase the allowed sign copy area from 250 square feet to 500 square feet. The ±4.60 acre project site is located south of Sky Vista Parkway, ±182.9 feet east of its intersection with Vista Knoll Parkway. The project site is located within the General Commercial (GC) zoning district and has a Master Plan land use designation of Special Planning Area/Reno-Stead Corridor Joint Plan/General Commercial (SPA/RSCJP/GC).

From: Carter Williams, Assistant Planner

Ward #: 4

Case No.: LDC23-00052 (Panda Express Variance)

Applicant: Michael Ford

APN: 086-380-18

Request: **Variance:** To allow for: a) an increase in the number of allowed freestanding signs from one to two; and b) an increase in the allowed sign copy area from 250 square feet to 500 square feet.

Location: See Case Maps (**Exhibit A**)

Proposed Motion: Based upon noncompliance with the applicable findings, I move to deny the variance.

Summary: The ±4.60-acre project site is located south of Sky Vista Parkway, ±182.9 feet east of its intersection with Vista Knoll Parkway. The proposed variance would allow an increase to the allowed number of freestanding signs from one to two and increase the allowed sign copy area for each sign from 250 square feet to 500 square feet. The General Commercial (GC) zone allows one freestanding sign per street frontage. Freestanding signs can be up to 91.6 feet in height. Key issues

related to this request consist of: 1 compatibility with surrounding uses and development, and 2) code compliance.

Analysis:

Compatibility with Surrounding Uses: The applicant proposes two pole signs: one at 70 feet in height and one at 40 feet in height. Each sign is proposed to have 500 square feet of sign copy area in an internally illuminated cabinet. The 40 foot sign would be located adjacent to Sky Vista Parkway while the 70 foot sign would be internal to the property, closer to the US-395 Highway (**Exhibit B**). Signs positioned within 100 feet of the highway right-of-way and visible from travel lanes of the highway are limited to 20 square feet. The proposed sign is located outside of this buffer zone.

The proposed signs would be taller than any signs in the area and would be the only site within a mile that includes on-premises, freestanding signage oriented toward the highway (**Exhibit C**). The project site is generally at the same grade as the highway and adjacent neighborhood. The proposed 70 foot sign may negatively impact the privacy of existing residential uses within the immediate vicinity. Should the Planning Commission support the variance to increase the number of signs and increase the sign copy area, staff recommends **Condition No. 5** that would limit the sign height to 35 feet for both signs to be more consistent with sign height in the area and reduce the impact on adjacent residentially zoned property.

The proposed signage has 500 square feet of copy area each, twice the allowed size of a sign normally allowed for individual signs in the GC zone on frontages posted 35 MPH. Comparably, the existing Walmart center sign across Sky Vista Parkway has 215 square feet of sign copy area and is 35 feet tall. The design of the sign does not appear to be in harmony with the aesthetic or identity of the proposed development (**Master Plan Policy C-SC.15**). Should the Planning Commission support the variance to increase the number of signs and increase the sign copy area, staff recommends **Condition No. 6** that requires a monument sign, where the width of the sign structure base is not less than 50 percent the width of the sign copy, and that the architecture of the sign structure be consistent with the architecture within the development.

Master Plan Conformance: The subject site has a Master Plan land use designation of Special Planning Area/Reno-Stead Corridor Joint Plan (SPA/RSCJP) and is located in an Outer Neighborhood area within a Neighborhood Center and a Suburban Corridor per the Structure Plan Framework of the Reno Master Plan. As proposed the project is not in conformance with the following applicable Master Plan goals and policies:

CNC-G.14: Signage

C-SC.15: Development Identity

Variance Findings: There are four findings that must be made by the Planning Commission, along with five general review criteria and considerations. **Variance findings 1a and 1b** require an extraordinary or exceptional physical characteristic for the property and that the strict application of the regulation would result in peculiar or exceptional practical difficulties to or exceptional and undue hardships upon the owner of the property. There are no extraordinary physical characteristics to the property as this site is a relatively large, generally flat area which is highly visible from adjacent arterial roads.

The applicant contends that the bend on US-395 at Lemmon Drive causes a condition where the sign is not visible from the highway and would result in misdirection and greater traffic on the surrounding roadway network. The Land Development Code specifically limits signs that are visible from the travel lanes of the highway when within 100 feet of the right-of-way. There is no exceptional undue hardship or practical difficulty based on the curvature of the highway, because the highway is not a street frontage for on-premises signs and the code has standards implemented to minimize visual pollution from these corridors.

As conditioned to limit the height and architectural style of the proposed signs, **variance findings 1c** can be made because the request does not appear to be materially detrimental to the public health, safety, or welfare; or injurious to property or improvements in the vicinity.

The code already allows for additional signs and sign copy area based on the number of street frontages, the size of the property, and characteristics of the roadway such as speed limit. Given that specific thresholds and maximums were established by the code and this request proposes modifications that greatly exceed those thresholds, this request is not consistent with the intent and purpose of the code in accordance within **variance finding 1d**.

The General Review Criteria and Considerations required to be met for all development applications requires **consistency with the Master Plan**. This request does not appear to be supported by any Master Plan policy and is otherwise inconsistent with policies related to signage and development identity. The request does not balance visibility considerations with the need to minimize impacts on surrounding views and neighborhood character. The proposed sign architecture does not appear to contribute to a distinct identity for the center. All other review criteria and considerations are met as conditioned.

Public and Stakeholder Engagement: No concerns were identified from the external agency comments that were received for this application. The project was heard at the May 18, 2023 Ward 4 Neighborhood Advisory Board meeting. A courtesy notice was sent out to surrounding property owners upon initial submission of the project and two comments were received in opposition

(Exhibit D). Any future comments will be forwarded to the Planning Commission as they are received.

Recommended Conditions of Approval: All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The owner or developer shall apply for a building permit or business license for the entire project within 18 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Prior to the installation of the freestanding signs, the applicant shall have plans approved illustrating that the sign height is reduced to 35 feet from the top of grade at the base of the sign to the top of the sign copy.
6. Prior to the installation of the freestanding signs, the applicant shall have plans approved illustrating that a monument sign is proposed, where the width of the sign structure base is not less than 50 percent the width of the sign copy, and that the architecture of the sign structure is consistent with the architecture of the development.

Findings:

General Review Criteria and Considerations: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- (1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:

- a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- (2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
 - (3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
 - (4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
 - (5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

Variance:

- (1) In addition to meeting the approval criteria in Section 18.08.304(e), Approval Criteria Applicable to all Applications, the following findings shall be made prior to granting a variance:
 - a. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness, or shape, or it has exceptional topographic conditions at the time of enactment of the regulations;
 - b. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property;
 - c. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity; and
 - d. The proposed variance is consistent with the intent and purpose of this Title per Chapter 18.01 Article 2, Purpose.

- (2) In granting variances, the decision-making body shall have no power to take action which has the effect of allowing a use of land in contravention of the applicable zoning district or which in any other way changes the applicable zoning district. Any action that has in effect changed the zoning district shall be deemed a violation of powers of this section and be of no force and effect.
- (3) The fact that a building exists or was constructed or expanded in a manner which does not conform with this Title prior to the consideration of a variance application may not be used as a basis for the granting of a variance.
- (4) Where the variance pertains to an application marked as a First Amendment application by the applicant, the Planning Commission shall consider the following in lieu of Subsection (1)(c), above:
 - a. Granting the variance will not be materially detrimental to property or improvements in the vicinity.

Attachments:

Exhibit A – Case Maps

Exhibit B – Site Plan

Exhibit C – Sign Renderings

Exhibit D – Public Comment