City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-34308 - APPLICANT: GEORGE RAINHART - OWNER: ASPEN HIGHLANDS HOLDINGS, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (4-0-2/rt/mb vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. The approval is pursuant to the submitted plans dated stamped June 19, 2009

2. No off-premise advertising shall be allowed on the signage at any time.

3. Approval of, and conformance to the conditions for Waiver (WVR-34311), Special Use Permit (SUP-34309) and Site Development Plan Review (SDR-34306), if approved.

4. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 98-foot tall LED video display roof sign on top of a two-story casino and retail establishment at the northeast corner of Sahara Avenue and Las Vegas Boulevard. The proposed sign would be oriented to the south and west, facing Sahara Avenue and Las Vegas Boulevard, respectively. As the sign is proposed to be an LED display, it meets the requirements of the Las Vegas Boulevard Scenic Byway Overlay District, although it should be noted that no Off-Premise Signs are permitted within the district, and the sign could be used to advertise goods and services offered only at the subject site. Staff is recommending denial of this request as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, and has created a self-imposed hardship by proposing a sign that does not meet the standards of Title 19.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/21/96	The City Council approved a Special Use Permit (U-0151-95) for the off-premise sale of beer and wine in conjunction with a convenience store.
04/20/94	The City Council approved a Special Use Permit (U-0026-94) to allow the sale of beer and wine in conjunction with a proposed restaurant.
11/03/04	The City Council approved requests for a Special Use Permit (SUP-5028) for a proposed 73-story mixed-use development, and a Site Development Review (SDR-5027) with Waivers of the Downtown Centennial Plan Standards for streetscape, building stepbacks, and reflective glazing for a 73-story, 1,300,000 square-foot mixed-use development consisting of 960 condominium units and 25,000 square feet of commercial uses on 2.17 acres at 2423 and 2417 Las Vegas Boulevard. The Planning Commission recommended approval.
03/02/05	The City Council approved a Petition to Vacate (VAC-5030) a 20-foot wide public alley generally located north of Sahara Avenue, west of Paradise Road. The Planning Commission recommended approval.
06/15/05	The City Council approved a request for a Review of Conditions (ROC-6691) for an approved Site Development Plan Review (SDR-5027) to remove Condition numbers 18, 27 and 30 for an approved 73-story, 863-foot tall, 1,300,000 square-foot mixed-use development consisting of 951 condominium units and 41,000 square feet of commercial uses on 2.17 acres at 2417 and 2423 South Las Vegas Boulevard.

11/03/05	The Planning Commission approved a Tentative Map (TMP-9117) for a 944-unit mixed-use condominium development on 2.17 acres adjacent to the northeast corner of Sahara Avenue and Las Vegas Boulevard.
12/06/06	The City Council approved a request for an Extension of Time (EOT-16956) of an approved Special Use Permit (SUP-5028) that allowed a 73-story mixed-use development at 2423 and 2417 Las Vegas Boulevard.
07/09/09	The Planning Commission recommended approval of companion item WVR-34311, SUP-34309 and SDR-34306 concurrently with this application. The Planning Commission voted 4-0-2/rt/mb to recommend APPROVAL (PC Agenda Item #11/sg).

Related Building Permits/Business Licenses	
07/20/90	A building permit (#90075858) was issued for a retail center at 2401 S. Las Vegas Blvd. The permit was finaled on 12/10/91.
09/26/90	A building permit (#90083891) was issued for a retail center at 2401 S. Las Vegas Blvd. The permit was finaled on 12/05/91.
08/16/91	A building permit (#91116828) was issued for on-site improvements at 2401 S. Las Vegas Blvd. The permit was finaled on 12/10/91.
08/16/91	A building permit (#91116829) was issued for a three-level garage structure at 2401 S. Las Vegas Blvd. The permit was finaled on 12/10/91.

Pre-Application Meeting	
04/16/09	A pre-application meeting was held to discuss the necessary applications for the proposed project, including a Site Development Plan Review, a Variance for signage, Special Use Permits for excessive height within the Airport Overlay District and for a Liquor Establishment, Tavern, and a Waiver to Title 18 street standards. Also discussed were the following issues: • Remapping of the subject parcels into a single parcel is required. • The project is deemed to be a Project of Regional Significance (PRS) as it pertains to the Special Use Permits because it is located within 500 feet of the boundary with Clark County. Traffic analysis, when available, may also affect this designation for the Site Development Plan Review. • Minor changes required to bring the streetscapes into compliance with the Downtown Centennial Plan. • Approval of the required Waiver of distance separation for the Liquor Establishment, Tavern, is dependent upon the passage of Text Amendment (TXT-32865). • Parking to be calculated as a Shopping Center only for those portions of the site meeting the definition. The casino portion is to be calculated separately. • Pursuant to Title 19.06.140, no Off-Premise Signs are permitted within the Las Vegas Scenic Byway.

Neighborhood Meeting
A neighborhood meeting was neither required nor held for this request.

Field Check	
05/07/09	A field check was conducted by staff. The site has existing vacant commercial buildings that are in relatively good shape, with the exception of a roof sign is disrepair. Landscaping is in poor shape, with weeds in most planter areas.

Details of Application Request	
Site Area	
Gross Acres	2.17 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Vacant Commercial Building and Parking Structure	C (Commercial)	C-2 (General Commercial)
North	Shops and Motel	C (Commercial)	C-2 (General Commercial)
South	Resort / Casino	CT (Commercial Tourist) Clark County	H-1 (Limited Resort and Apartment District) Clark County
East	Retail Center	C (Commercial)	C-2 (General Commercial)
West	Retail Center	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan (Las Vegas Boulevard)	X		Y
Beverly Green / Southridge Neighborhood Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District (Las Vegas Boulevard, John S. Park Adjacent Area)	X		N
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District (175 Feet)	X		N
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.14.060, the following standards apply:

Wall Signs:		
Standards	**Allowed**	**Provided**
Maximum Area	Maximum 20% of the building elevation	• North: 1,781 SF or 15% • South: 3,064 SF or 28% • East: 1,640 SF or 23% • West: 3,415 SF or 39%
Maximum Projection	4 Feet	Zero Feet
Illumination	Internal/External	LED Full Motion Video Display

Roof Sign:		
Standards	**Allowed**	**Provided**
Maximum Number	1 / Building Elevation 4 total	1 / Building Elevation 1 total
Maximum Area	Maximum 20% of the building elevation to which the sign is most nearly parallel to, up to a maximum of 150 square feet. The total combined area of all wall, window, roof, awning and marquee signs shall not exceed twenty percent of the building elevation to which they are attached.	• North: 1,781 SF or 15% • South: 8,802 SF or 79% • East: 1,640 SF or 23% • West: 8,887 SF or 101%
Maximum Height	A roof sign shall not extend more than eight feet above the top of wall, marquee or parapet to which it is attached. The total height of the building, including the sign, shall not exceed permitted height of the building in the zoning district in which it is located.	98 Feet
Illumination	Direct/Internal	LED / Full Motion Video Display

ANALYSIS

The proposed sign is 98 feet tall, and mounted atop a two-story, 40-foot tall commercial building. It has an LED display on the south and west elevations, facing Sahara Avenue and Las Vegas Boulevard, respectively. The site is located within the Las Vegas Boulevard Scenic Byway Overlay District, and the sign will meet the minimum standards of the district; however, no Off-Premise Signs are permitted within the district, and the sign could be used to advertise only those goods and services offered at the subject site. The LED display, combined with the height of the proposed sign, will make it visible for a great distance. Staff is recommending denial of this request as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, and has created a self-imposed hardship by proposing a sign that does not meet the standards of Title 19.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a sign that does not meet the requirements of Title 19. Alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 736 by City Clerk

APPROVALS 8

PROTESTS 16