



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - VAR-29659 - APPLICANT:
SIEGEL COMPANIES, INC. - OWNER: ST. LOUIS SUITES, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. 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

The applicant is requesting a Variance to allow for a proposed 250 square-foot wall sign where 50 square feet is the maximum allowed, to allow for four existing five-foot tall freestanding signs where one freestanding sign is permitted, to allow for a distance separation of less than 100 feet between freestanding to freestanding sign where 100 feet is the minimum distance required, and to allow for the four existing freestanding signs to be setback one-foot where five feet is the minimum setback required in an R-5 (Apartment) zone at 525 East St. Louis Avenue. These Variance requests represent a 35 to 80 percent deviation from Title 19.14 standards.

Due to the massive size of the proposed wall sign and the excessive amount of freestanding signs which fail to meet the distance separation or setback requirements, staff can not support this application and is recommending denial of these Variance requests.

BACKGROUND INFORMATION

1963	Building was constructed.
<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/27/90	The Board of Zoning Adjustment approved a Variance (V-0112-90) request to allow a ten-foot high block wall where six feet is the maximum height allowed at 525 East St. Louis Avenue.
09/30/03	Code Enforcement (Case #4943) processed a complaint for the air conditioning not working, and mold at 525 East St. Louis Avenue, Apt. #4. The case was resolved on 10/24/03.
01/28/04	Code Enforcement (Case #9231) processed a complaint for no hot water at 525 East St. Louis Avenue, Apt. #416. The case was resolved on 01/30/04.
02/05/04	Code Enforcement (Case #9586) processed a complaint for no hot water at 525 East St. Louis Avenue, Apt. #416. Manager fixed the hot water (Case #9231), but it was not working two days later. The case was resolved on 05/18/04.
02/09/04	Code Enforcement (Case #9670) processed a complaint for no hot water at 525 East St. Louis Avenue, Apt. #310. The case was resolved on 02/17/04.
02/10/04	Code Enforcement (Case #9766) processed a complaint for no hot water at 525 East St. Louis Avenue, Apt. #217. The case was resolved on 02/17/04.
02/12/04	Code Enforcement (Case #9846) processed a complaint for no hot water and no heat at 525 East St. Louis Avenue, Apt. #309. The case was resolved on 02/13/04.

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04/08/04	Code Enforcement (Case #12404) processed a complaint of a broken stove, broken air conditioning, sewer backed-up in bathroom, toilet doesnt flush, mushrooms on bathroom ceiling, broken sliding glass door, and a broken kitchen sink at 525 East St. Louis Avenue, Apt. #21. The case was resolved on 12/10/04.
08/30/04	Code Enforcement (Case #20990) processed a complaint of a broken stove, a broken bathroom, mold, the ceiling caving in, and a roach infestation at 525 East St. Louis Avenue, Apt. #21. The case was resolved on 04/19/04.
09/02/04	Code Enforcement (Case #21187) processed a complaint for the master bathroom having no water, a sewage back-up in the shower stall, mold in bathrooms, ceiling above the shower growing mushrooms, no handle on both sliding glass doors cant get in or out, carpet in bedroom soaked, broken stove, plugged kitchen sink, no screens, black spots on carpet in living room, air conditioning doesnt work, tile unfinished in bathroom, holes in living room wall, and no outlet covers in kitchen and living room at 525 East St. Louis Avenue, Apt. #21. The case was resolved on 10/07/04.
10/04/04	Code Enforcement (Case #22429) processed a complaint for a roach infestation, over grown vegetation, dead trees, laundry room equipment does not function properly, and plumbing problems at 525 East St. Louis Avenue. The case was resolved on 01/19/05.
11/12/04	Code Enforcement (Case #23686) processed a complaint of electrical receptacles that are falling apart, have no covers, and have open wiring. Hole by kitchen sink created by flood never repaired, carpet is disintegrating, and the landlord issued a 30-day notice to tenant for complaining at 525 East St. Louis Avenue, Apt. #9. The case was resolved on 12/21/04.
01/25/05	Code Enforcement (Case #25434) processed a complaint for no hot water, disposal not working, no return air filter, roaches, and holes in walls at 525 East St. Louis Avenue, Apt. #415. The case was resolved on 01/12/06.
05/04/05	Code Enforcement (Case #29558) processed a complaint of a hole in the floor at 525 East St. Louis Avenue, Apt. #10. The case was resolved on 06/01/05.
07/20/05	Code Enforcement (Case #32736) processed a complaint for the air conditioning not working at 525 East St. Louis Avenue, Apt. #416. The case was resolved on 08/03/05.
07/21/05	Code Enforcement (Case #32812) processed a complaint for the air conditioning not working, plumbing not working (toilet overflows and no water coming out of one sink), and possible mold at base boards at 525 East St. Louis Avenue, Apt. #20. The case was resolved on 08/16/05.
07/29/05	Code Enforcement (Case #33068) processed a complaint for the air conditioning not working at 525 East St. Louis Avenue, Apt. #416. The case was resolved on 07/29/05.
08/02/05	Code Enforcement (Case #33183) processed a complaint for the air conditioning not functioning properly, mold in the bathroom, a hole in the ceiling, and mold that was painted over at 525 East St. Louis Avenue, Apt. #1. The case was resolved on 08/15/05.

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12/29/05	Code Enforcement (Case #37268) processed a complaint for both elevators. One doesn't work at all, the other only works sometimes. The door to the building has been removed and not replaced, padlocks on gate for parking were removed and not replaced, communication system not working, and kids getting into pool (empty) area at 525 East St. Louis Avenue. The case was resolved on 01/12/06.
02/02/06	Code Enforcement (Case #38070) processed a complaint for mushrooms growing in the bedroom, the shower caving in, and mold in the kitchen and bathroom sinks at 525 East St. Louis Avenue, Apt. #215. The case was resolved on 02/15/06.
04/28/06	Code Enforcement (Case #40704) processed a complaint for no air conditioning and doors that do not work at 525 East St. Louis Avenue, Apt. #14. The case was resolved on 06/07/06.
05/01/06	Code Enforcement (Case #40750) processed a complaint for no air conditioning at 525 East St. Louis Avenue, Apt. #314. The case was resolved on 05/09/06.
05/01/06	Code Enforcement (Case #40751) processed a complaint for no air conditioning at 525 East St. Louis Avenue, Apt. #310. The case was resolved on 05/03/06.
05/23/06	Code Enforcement (Case #42401) processed a complaint for no hot water throughout complex, no air conditioning, pool was drained and is now being used as a storage area, and the security doors are broken and/or missing throughout the complex at 525 East St. Louis Avenue. The case was resolved on 06/15/06.
05/30/06	Code Enforcement (Case #42641) processed a complaint for no air conditioning in the entire complex for over a week at 525 East St. Louis Avenue. The case was resolved on 06/01/06.
05/31/06	Code Enforcement (Case #42689) processed a complaint for no air conditioning in the entire complex for over a week at 525 East St. Louis Avenue. The case was resolved on 06/15/06.
06/05/06	Code Enforcement (Case #42827) processed a complaint for no hot water, no air conditioning, manager threatening to give 30-day notices for people complaining, exposed pipes, sewage, garbage, and the hallways and pool are being used as storage areas at 525 East St. Louis Avenue, Apt. #410. The case was resolved on 06/15/06.
06/14/06	Code Enforcement (Case #43013) processed a complaint for the entire complex having no air conditioning and no hot water at 525 East St. Louis Avenue. The case was resolved on 06/30/06.
06/30/06	Code Enforcement (Case #43975) processed a complaint for no air conditioning and poor maintenance at 525 East St. Louis Avenue. The case was resolved on 06/30/06.

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07/03/06	Code Enforcement (Case #44006; #44007; #44011; #44012; #44013; #44017; #44019; #44021; #44025; #44029; #44030; #44032; #44037; #44040; #44041; #44042; #44043; #44045; #44046; #44047; #44048; #44049; #44051; #44052; #44055; #44056; and #44057) processed a complaint for no air conditioning and poor maintenance at 525 East St. Louis Avenue. The cases were resolved on 07/03/06.
07/05/06	Code Enforcement (Case #44062; #44063; #44064; #44065; #44067; #44068; #44070; #44071; #44072; #44073; #44074; #44075; and #44076) processed a complaint for no air conditioning and poor maintenance at 525 East St. Louis Avenue. The cases were resolved on 07/05/06.
09/21/06	Code Enforcement (Case #46506) processed a complaint of the complex advertising a weekly rate (banner displayed \$299 weekly rate) without a business license for said use at 525 East St. Louis Avenue. The case was resolved on 10/04/06.
12/05/06	Code Enforcement (Case #48424) processed a complaint for non-permitted remodeling of the complex by unlicensed contractors at 525 East St. Louis Avenue. The case was resolved on 12/12/06.
12/18/06	Code Enforcement (Case #48653) processed a complaint of an exposed ceiling, water leaking into unit causing electrical problems, and the tenant was told not to complain or they will be evicted at 525 East St. Louis Avenue, Apt. #316. The case was resolved on 12/27/06.
01/02/07	Code Enforcement (Case #48829) processed a complaint for the water being turned off to complex, no hot water, and no cable at 525 East St. Louis Avenue, Apt. #305. The case was resolved on 01/08/07.
04/18/07	Code Enforcement (Case #52310) processed a complaint for excessive dog waste along Santa Paula Drive at 525 East St. Louis Avenue. The case was resolved on 05/16/07.
06/18/07	Code Enforcement (Case #54528) processed a complaint for two (2) non-permitted banners on a fence and one (1) on the west side of the building at 525 East St. Louis Avenue. The case was resolved on 07/02/07.
07/02/07	A request for a Temporary Sign Permit (TSP-22978) to allow three (3) temporary banner signs at 525 East St. Louis Avenue was approved. The temporary banner signs were permitted to be displayed from 07/02/07 to 08/30/07.
07/05/07	Code Enforcement (Case #55081) processed a complaint for dangerous / unsafe elevators at 525 East St. Louis Avenue. The case was resolved on 07/09/07.
08/01/07	Code Enforcement (Case #56328) processed a complaint for exposed tacks on floor that were left after carpet was removed, no hot water, front has no door knob and the door can not be locked from the outside, air conditioner is broken and is dripping water into the unit because there is no ceiling at 525 East St. Louis Avenue, Apt. #201. The case was resolved on 08/03/07.

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08/13/07	Code Enforcement (Case #56684) processed a complaint for no air conditioning, carpet not being tacked down, and the carpet has mildew at 525 East St. Louis Avenue, Apt. #201. The case was resolved on 08/16/07.
09/14/07	Code Enforcement (Case #57839) processed a complaint for the air conditioner being broken at 525 East St. Louis Avenue, Apt. #321. The case was resolved on 09/17/07.
04/17/08	Code Enforcement (Case #64726) processed a complaint for plumbing problems at 525 East St. Louis Avenue. The case was resolved on 04/24/08.
05/19/08	Code Enforcement (Case #65733) processed a complaint for no air conditioning at 525 East St. Louis Avenue, Apt. #321. The case was resolved on 05/22/08.
06/04/08	Code Enforcement (Case #66339) processed a complaint for the air conditioner being broken and no cold water at 525 East St. Louis Avenue, Apt. #321. The case was resolved on 06/18/08.
06/20/08	Code Enforcement (Case #66897) processed a complaint for the entire complex not having air conditioning at 525 East St. Louis Avenue. The case was resolved on 06/24/08.
06/20/08	Code Enforcement (Case #66918) processed a complaint for the entire complex not having air conditioning for 16 days at 525 East St. Louis Avenue. The case was resolved on 06/24/08.
10/09/08	The Planning Commission approved a request to abey Variance (VAR-29659) until the 11/06/08 Planning Commission meeting.
<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (#A07-00530) was issued for an apartment house (Chancellor Apartments) at 525 East St. Louis Avenue. The license was marked out on 06/06/06.
09/14/89	A building permit (#89039137) was issued for plumbing work to be performed at 525 East St. Louis Avenue. The permit was finalized on 09/20/89.
03/18/91	A building permit (#91100332) was issued for electrical work at 525 East St. Louis Avenue. The permit was finalized on 04/11/91.
05/17/91	A building permit (#91106959) was issued to replace an existing boiler at 525 East St. Louis Avenue. The permit was finalized on 07/23/91.
12/31/93	A building permit (#93182282) was issued for an iron fence for lots 1-12 at 525 East St. Louis Avenue. The permit expired on 12/31/93.
08/09/95	A building permit (#95384338) was issued for re-roofing at 525 East St. Louis Avenue. The permit expired on 02/24/96.
08/18/95	A building permit (#95385291) was issued for an AVI loop at 525 East St. Louis Avenue. The permit expired on 02/24/96.
08/23/99	A building permit (#99016634) was issued for re-roofing at 525 East St. Louis Avenue. The permit expired on 02/19/00.
12/04/02	A business license (#P35-00526) was issued for an outdoor pay phone located at 525 East St. Louis Avenue. The license was marked out on 07/17/07.
05/14/04	A building permit (#4012546) was issued to replace a boiler at 525 East St. Louis Avenue. The permit expired on 11/13/04.

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08/19/04	A business license (#G04-05675) was issued for gifts and novelties at 525 East St. Louis Avenue. The license was marked out on 03/26/07.
09/13/05	A business license (#M01-08625) was issued for a maintenance service janitorial at 525 East St. Louis Avenue. The license was marked out on 04/15/06.
05/30/06	A building permit (#66521) was issued for fire repair (electrical and mechanical) at 525 East St. Louis Avenue.
05/31/06	A building permit (#66404) was issued for fire repair (change out of HVAC units) at 525 East St. Louis Avenue.
06/19/06	A business license (#A07-01713) was issued for an apartment house (Siegel Suites St. Louis) at 525 East St. Louis Avenue.
<i>Pre-Application Meeting</i>	
06/30/08	A pre-application meeting was held where the submittal requirements for a Variance were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
09/02/08	A routine field check was performed by staff where temporary non-permitted signs (banners) were noted on-site; the parking lot landscaping is dead, only sawed-off tree stumps remain; and a temporary cooling system was installed within the landscape buffer at the corner of St. Louis Avenue and Santa Paula Drive. Exposed piping and cords were noted leading from the cooling system to the building.
10/09/08	A field check was performed by staff where it was noted that since the prior field check four additional non-permitted freestanding signs had been installed along St. Louis Avenue.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.90

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	C (Downtown Commercial)	R-5 (Apartment)
North	Offices & Multi-Family Residences	C (Downtown Commercial)	P-R (Professional Office and Parking) & R-4 (High Density Residential)
South	Offices	C (Downtown Commercial) & SC (Service Commercial)	P-R (Professional Office and Parking) & R-4 (High Density Residential)
East	Multi-Family Residences	H (High Density Residential)	R-4 (High Density Residential)
West	Offices & Parking Lot	C (Downtown Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		N
Beverly Green / Southridge Neighborhood Plan	X		N*
Las Vegas Redevelopment Plan / Downtown Redevelopment Area	X		N**
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District 175 feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

***Beverly Green / Southridge Neighborhood Plan**

One of the primary issues stated by the Beverly Green / Southridge Neighborhood Plan was the lack of property maintenance by some property owners and the negative effect the poor maintenance has on the area overall. The resulting goal of this plan is to support a program that will have 100 percent of the properties in the neighborhoods up to the City of Las Vegas minimum code standards within three years of adoption of the plan. The Beverly Green / Southridge Neighborhood Plan was adopted by City Council on August 6, 2003. The subject site has had over 80 code enforcement cases involving both exterior and interior maintenance concerns.

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****Las Vegas Redevelopment Plan / Downtown Redevelopment Area**

As stated by the City of Las Vegas Redevelopment Agency Land Uses and Development Requirements, section IV.F.6 Signs, All signs shall conform to City requirements as appropriate. The proposed signage is not in compliance with Title 19.14. The proposed signage deviates from the code standard by 35 to 80 percent.

A-O Airport Overlay District 175 feet

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitations and does not violate the height limitations as the proposed wall sign and freestanding signs do not alter the height of the structure in any way, nor does it exceed the height limitations set forth by the Airport Overlay District.

DEVELOPMENT STANDARDS

Wall Signs: [250 Square-Foot Wall Sign]		
Standards	Allowed	Provided
Maximum Number	1 per Street Frontage 1 Street Frontage	1 per Street Frontage 1 Wall Sign
Maximum Area	50 SF / Sign	250 SF*
Maximum Projection	2 FT	1.25 FT
Illumination	Internal/External	Internal

*The applicant is requesting a Variance to allow for a 250 square-foot wall sign where 50 square feet is the maximum size allowed in an R-5 (Apartment) zone.

Freestanding Signs: [Four (4) Five-Foot Freestanding Signs]		
Standards	Allowed	Provided
Maximum Number	1 per Street Frontage 1 Street Frontage	4 per Street Frontage*
Maximum Area	48 SF / Sign	5.34 SF
Maximum Height	12 FT	5 FT
Minimum Setback	5 FT	1 FT*

*The applicant is requesting a Variance to allow for four freestanding signs along St. Louis Avenue where one freestanding sign is the maximum allowed and to allow for the four freestanding signs to be setback one-foot where five feet is the minimum setback allowed in an R-5 (Apartment) zone.

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The applicant is requesting a Variance to allow for a 250 square-foot wall sign where 50 square feet is the maximum allowed. The proposed wall sign is 18.25 feet high, and 13.67 feet in width. The sign will be internally lit with Reflex Blue and #110 Yellow Gold as the primary colors of the sign. The sign will also have an exposed White neon border and a Yellow Gold II neon surrounding cabinet. The sign border will also consist of a 0.42-foot split color retainer, alternating the yellow outside and the blue inside. Since this wall sign faces the west away from residential development, residential adjacency does not apply in regards to the neon elements of the proposed sign. The sign face itself is an aluminum flexible vinyl with a map satin finish. The proposed wall sign will protrude 1.25 feet from the building façade meeting the maximum allowed by Title 19.14 of two feet. This request represents an 80 percent deviation from the standard.

The applicant is also requesting a variance to allow for four existing five-foot tall freestanding signs that are setback one-foot from the property line and have a distance separation of less than 100 feet as required by code. Title 19.14 allows for only one freestanding sign per street frontage and requires those signs to have a minimum distance separation of 100 feet and to be setback five feet from the property line. These variance requests represent a 35 to 80 percent deviation from the standard. The existing freestanding signs are double faced non-illuminated post mounted signs advertising amenities offered within the apartment complex.

Due to the massive size of the proposed wall sign and the excessive amount of freestanding signs that do not meet the minimum distance separation or setback requirements, staff can not support this application and is recommending denial of these Variance requests.

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 massive wall sign and an excessive amount of freestanding signs that do not meet the minimum distance separation and the minimum setback requirements. Alternative sign design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 277

APPROVALS 1

PROTESTS 11