



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - WVR-29865 - APPLICANT: JOHN STALUPPI,**  
**JR. - OWNER: CENTENNIAL-AZURE, LLC**

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**\*\* 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**

This is a request for a Waiver of the Town Center Development Standards to allow exposed neon border where exposed neon is a prohibited material on 5.92 acres at 6200 Centennial Center Boulevard. The applicant is proposing to place approximately 690 lineal feet of exposed neon tubing at the roofline and parapet levels on the façade of an existing automobile dealership. The Town Center Development Standards Manual establishes standards for exterior materials with the intent to encourage creative expression. Furthermore, the exterior materials of all buildings within Town Center shall contribute to a cohesive physical environment and convey a sense of timelessness. As exposed neon does not meet these standards, it is a prohibited material within the Town Center area. Staff finds that the request to allow exposed neon tubing is a self-imposed hardship that does not meet the intent of the Town Center Development Standards; therefore, denial of this request is recommended.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |   |
|---|---|
| 05/03/95  | The City Council approved a request for a Zoning Reclassification (Z-0016-95) from N-U (Non-Urban), C-2 (General Commercial), R-E (Residence Estates), and C-2 (General Commercial) under Resolution of Intent to C-V (Civic) to C-1 (Limited Commercial), R-PD7 (Residential Planned Development 7 Units per Acre), R-PD11 (Residential Planned Development 11 Units per Acre), and R-PD18 (Residential Planned Development 18 Units per Acre) for 1,685 single and multi-family dwellings and commercial on property located on the south side of Centennial Parkway and the west side of Rancho Drive. The Planning Commission forwarded this item to the City Council without a recommendation due to the failure to obtain a majority decision for approval or denial. |
| 01/14/99  | The Planning Commission approved (final action) a request for a Tentative Map (TM-0066-98) on property located on the southwest corner of Centennial Parkway and U.S. 95.   |
| 02/08/99  | The City Council approved a request for a Site Development Plan Review [Z-0076-98(1)] for a proposed retail development totaling approximately 827,000 square feet and seven proposed automobile dealerships on property located on the southwest corner of Centennial Parkway and U.S. 95. The Planning Commission recommended approval.   |
| 05/10/99  | The City Council approved a request for a Required 90 Day Review [Z-0076-98(4)] for the Frontage Road landscaping / street section on property located on the southwest corner of Centennial Parkway and U.S. 95.   |

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| 08/26/99 | The Planning Commission approved (final action) a request for a Final Map on property located on the west side of Rancho Drive, south of Centennial Parkway.   |
| 10/06/99 | The City Council approved a petition to Vacate (VAC-0034-99) a 60-foot wide public access easement on the southwest corner of the intersection of Centennial Parkway and U.S. 95. The Planning Commission recommended approval.  |
| 10/06/99 | The Department of Planning and Development administratively approved a request for an Administrative Site Development Plan Review [Z-00-76-98(8)] for a proposed auto dealership on property located approximately 1,320 feet west of U.S. 95 and 1,320 feet south of Centennial Parkway.  |
| 10/28/99 | The Planning Commission approved (final action) a request for a Final Map (FM-0078-99) on property located adjacent to the southwest corner of U.S. 95 and Centennial Parkway.   |
| 05/25/00 | The Planning Commission approved (final action) a request for a Tentative Map (TM-0018-00) for eight lots adjacent to the southwest corner of the intersection of Centennial Parkway and Rancho Drive.   |
| 05/25/00 | The Planning Commission approved (final action) a request for a Final Map (FM-0036-00) for four lots on 57.58 acres adjacent to the southwest corner of the intersection of Centennial Parkway and Rancho Drive.   |
| 10/04/00 | The City Council approved a petition for a Vacation (VAC-0025-00) to vacate a 20-foot wide public sewer easement generally located west of Rancho Drive, south of Centennial Parkway. The Planning Commission recommended approval.  |
| 10/04/00 | The City Council approved a request for a Special Use Permit (U-0135-00) for gasoline sales at 8080 West Tropical Parkway. The Planning Commission recommended approval.   |
| 09/16/03 | Code Enforcement (Case #4349) processed a complaint for a vacant lot with junk cars at 6200 Centennial Center Boulevard. The case was resolved on 09/22/03.  |
| 03/15/06 | The City Council approved a request for a Site Development Plan Review (SDR-11200) and a Special Use Permit (SUP-11201) for a proposed motor vehicle sales (new) facility with service bays facing the public right-of-way and Waivers of the Town Center build-to-line and open space requirements adjacent to the east side of Centennial Center Boulevard, approximately 375 feet north of West Tropical Parkway. The Planning Commission recommended approval. |
| 01/02/08 | The Centennial Hills Architectural Review Committee Town Center (CHARC-TC) approved a Major Modification (ACR-26094) to a previously approved Master Sign Plan and a Waiver of the Town Center Development Standards to allow one 24-foot high pylon sign to advertise one business where multi-business advertising is required at 6200 Centennial Center Boulevard.  |

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| 02/05/08   | The Centennial Hills Architectural Review Committee Town Center (CHARC-TC) denied a Revision to an existing Master Sign Plan (ACR-26500) and a Waiver of the Town Center Development Standards to allow an exposed neon border on the building where no exposed neon is permitted at 6200 Centennial Center Boulevard.  |
| 03/05/08   | The City Council denied the applicants request for an appeal of The Centennial Hills Architectural Review Committees Town Center (CHARC-TC) denial action on a request for a revision to an existing Master Sign Plan (ACR-26500) and a Waiver of the Town Center Development Standards to allow an exposed neon border on the building where no exposed neon is permitted at 6200 Centennial Center Boulevard. |
| 10/23/08   | The Planning Commission approved a request to hold this Waiver (WVR-29865) in abeyance for two weeks in order to allow for additional signage research to be completed.   |
| <b><i>Related Building Permits/Business Licenses</i></b>   |   |
| 05/11/07   | A building permit (#7001561) was issued for a 2-story auto dealership with garage at 6200 Centennial Center Boulevard. The permit was finalized on 06/24/08.  |
| 05/11/07   | A building permit (#7001562) was issued for onsites at 6200 Centennial Center Boulevard. The permit expired on 11/10/07.  |
| 07/19/07   | A building permit (#7002332) was issued for electrical work at 6200 Centennial Center Boulevard.  |
| 07/23/07   | A building permit (#7002345) was issued for onsite water, sewer, and grease at 6200 Centennial Center Boulevard. The permit expired on 03/01/08.  |
| 08/13/07   | A building permit (#7002507) was issued for plumbing at 6200 Centennial Center Boulevard.   |
| 09/11/07   | A building permit (#7002678) was issued for mechanical work at 6200 Centennial Center Boulevard.  |
| 02/12/08   | A building permit (#7003458) was issued for a sign with channel letters (tag #10316) at 6200 Centennial Center Boulevard.   |
| 06/11/08   | A business license (#A16-01293) was issued for automobile sales at 6200 Centennial Center Boulevard.  |
| 07/01/08   | A building permit (#8000263) was issued for a sign at 6200 Centennial Center Boulevard.   |
| <b><i>Pre-Application Meeting</i></b>                      |   |
| 06/13/08   | A pre-application meeting was held where the submittal requirements for a Master Sign Plan (MSP) were discussed. It was later determined that the applicant would need a Waiver (WVR) from Town Center Standards. The application was then changed from a Master Sign Plan (MSP) to a Waiver (WVR).   |
| <b><i>Neighborhood Meeting</i></b>                         |   |
| A neighborhood meeting was not required, nor was one held. |   |

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| <b>Field Check</b>                    |  |
|---------------------------------------|--|
| 09/16/08                              | A routine field check was performed by staff where some of the shrubs within the parking lot landscaping were deceased and in need of replacement, and a couple of trees were missing from the multi-use transportation trail. |
| <b>Details of Application Request</b> |  |
| <b>Site Area</b>                      |  |
| Net Acres                             | 5.29   |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                       | <b>Planned Land Use</b>   | <b>Existing Zoning</b>                      |
|-----------------------------|--|---|---|
| Subject Property            | Auto Dealership                                | GC-TC [(General Commercial Town Center) Special Land Use Designation] | T-C (Town Center District) TC (Town Center) |
| North                       | US-95  | US-95   | US-95                                       |
| South                       | Shopping Center                                | GC-TC [(General Commercial Town Center) Special Land Use Designation] | T-C (Town Center District) TC (Town Center) |
| East                        | Full Service Gas Station / Tire Shop/ Car Wash | GC-TC [(General Commercial Town Center) Special Land Use Designation] | T-C (Town Center District) TC (Town Center) |
| West                        | Vacant Lot                                     | GC-TC [(General Commercial Town Center) Special Land Use Designation] | T-C (Town Center District) TC (Town Center) |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          | X          |           | Y                 |
| Centennial Hills Sector Plan                      | X          |           | Y                 |
| Northwest Open Space Plan                         | X          |           | Y                 |
| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>      | X          |           | Y                 |
| Centennial Centre                                 | X          |           | Y                 |
| Town Center Development Standards                 | X          |           | Y*                |
| <b>Trails Multi Use Transportation Trail</b>      | X          |           | Y                 |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

**\*Town Center Development Standards Section C.1.E Exterior Materials**  
**Development Standards:**

It is the intent of the exterior materials standards to encourage creative expression. Exterior materials of all buildings shall contribute to a cohesive physical environment and convey a sense of timelessness. Because they do not meet these standards, the following exterior materials are prohibited:

1. Mirrored Glass
2. Wood and asphalt shingles
3. Corrugated fiberglass
4. Exposed, unfinished tilt-up concrete
5. Plastic laminate
6. Neon

**Multi Use Transportation Trail**

Adjacent to the northeast perimeter of the subject site adjacent to US-95 exist a multi-use transportation trail. This trail is intended to be used and shared by bicyclists and persons on other non-motorized vehicles and for pedestrians.

**DEVELOPMENT STANDARDS**

*Per the Town Center Development Standards Manual C.1.E*

| <b>Exposed Neon Décor:</b> |                |                                |
|----------------------------|----------------|--------------------------------|
| <b>Standards</b>           | <b>Allowed</b> | <b>Provided</b>                |
| Maximum Number             | Prohibited     | Approximately 690 Lineal Feet* |
| Maximum Projection         | Prohibited     | Approximately 8 inches*        |
| Illumination               | Prohibited     | Tube Neon*                     |

\*The applicant is requesting a Waiver to allow for approximately 690 lineal feet of exposed neon on the northeast, northwest, southeast, and southwest facades of the existing structure where exposed neon is not allowed within Town Center.

| <b>Waivers</b>  |                    |                             |
|---|--------------------|-----------------------------|
| <b>Request</b>  | <b>Requirement</b> | <b>Staff Recommendation</b> |
| Approximately 690 Lineal Feet of exposed Neon Décor on building façade. | Prohibited         | Denial                      |

## **ANALYSIS**

The applicant is requesting a Waiver from the Town Center Development Standards to allow for approximately 690 lineal feet of exposed neon on the northeast, northwest, southeast, and southwest façades of an existing automobile dealership located at 6200 Centennial Center Boulevard where the use of exposed neon as an exterior material within Town Center is prohibited. The applicant is proposing approximately 66 and 102 lineal feet of exposed neon at the rear and northwest facades of the building, visible from U.S. 95. The remaining approximately 94 and 428 lineal feet of exposed neon will be on the southeast and southwest facades of the building, visible from Centennial Center Boulevard.

The exposed neon will be housed in raceway tracks which will be found at the roofline and parapet levels of the building, as well as wrapping around several existing columns at multiple levels. The exposed neon will be horizon blue in color and project a maximum of eight inches from the building façade.

A Waiver of the Town Center Development Standards Manual is required for the neon to be installed on the building. The code does not permit any exposed neon within the Town Center boundaries. Although there are some businesses that have exposed neon approved prior to adoption of the Town Center Standards in the area, additional neon is not advised as it would contribute to the visual clutter of the area. The previously approved exposed neon within the Centennial Centre development was permitted through a review performed by the Centennial Centre Landlord and the City permitting process. The Town Center area was designed to be an active suburban-type retail corridor that is found in many other western cities. To further this goal, exposed neon was not allowed in the design standards. The applicant has not provided convincing justification to deviate from the code and as a result, staff is not in support of the Waiver request.

## **FINDINGS**

### **Town Center Development Standards Section A.4.D Waiver Development Standards:**

The standards set forth in the Town Center Development Standards Manual are minimum requirements. A waiver of any of these standards may be approved upon the request of an applicant if the applicant can show through convincing and substantial evidence that the waiver will not be contrary to the overall purpose and intent of the standards or the Town Center land Use Plan. Such a Waiver may be granted by the Director in connection with the approval of a Site Development Plan Review. In cases where the Director does not approve a requested Waiver, the request may be acted upon by the Planning Commission or City Council as part of a Site Development Plan Review. Notice of action on the Waiver request may be incorporated into the notice of decision regarding the Site Development Plan Review.

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a material that is not permitted in Town Center. By following the intent of the Town Center Development Standards Manual, utilizing a more creative approach in architectural and building design would allow conformance to the Town Center Development Standards. 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 staff is recommending denial of this application.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 52

**APPROVALS** 0

**PROTESTS** 0