



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29653 APPLICANT: SIEGEL COMPANIES, INC.
OWNER: PARADISE SUITES, LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The existing 9-1/2 foot high monument sign may remain in its current location and size.
2. Approval of a new 12-foot high/48 square feet free standing sign is allowed on the St. Louis frontage, the location to be approved by the Planning and Development Department.
3. Only four amenity signs will be allowed. Location to be approved by the Planning and Development Department.
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.

Public Works

5. The proposed sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow for a 50-foot tall freestanding sign where 12 feet is the maximum height allowed; a Variance to allow for 435 square feet of sign area where 48 square feet is the maximum allowed; a Variance to allow for six freestanding signs where one sign per street frontage is the maximum allowed; a Variance to allow for a 30-foot or greater distance separation between each freestanding and/or monument sign where 100 feet is the minimum distance separation allowed; a Variance to allow a 1.5-foot setback for the five, five-foot freestanding signs where five feet is the minimum required; and a Variance to allow for an existing 9.5-foot tall monument sign where 8 feet is the maximum height allowed on 1.66 acres at 2000 Paradise Road. The Variances requested represent a ten to an 806 percent deviation from the Title 19 standard.

This is a self imposed hardship that could be easily rectified by proposing signage for this site that meets Title 19.14 standards. Due to the intensity and excessive amount (six in total) of Variances requested with this application staff can not support this request and is recommending denial of all Variances requested.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/19/05	The City Council approved a request for a Variance (VAR-5458) to allow 107 parking spaces where 120 spaces are required; a Special Use Permit (SUP-5457) for a Residence Hotel; and a Site Development Plan Review (SDR-5456) for a 120-unit Residence Hotel with Waivers of landscaping standards at 2000 Paradise Road. The Planning Commission recommended approval.
02/02/05	The City Council approved a request for a Review of Condition (ROC-6012) for condition #2 of Special Use Permit (SUP-5457) for a Residence Hotel at 2000 Paradise Road.
01/11/06	Code Enforcement (Case #37503) processed a complaint of no hot water, a leaking toilet, and a microwave that sparks when used at 2000 Paradise Road, Apartment #3201. The case was resolved on 02/07/06.
01/12/06	Code Enforcement (Case #37517) processed a complaint for the entire building having no hot water at 2000 Paradise Road. The case was resolved on 01/17/06.
05/23/06	Code Enforcement (Case #42424) processed a complaint of a bug infestation at 2000 Paradise Road, Apartment #2305. The case was resolved on 05/25/06.
07/30/07	Code Enforcement (Case #55055) processed a complaint for banners at 2000 Paradise Road. The case was resolved on 07/30/07.

04/09/08	Code Enforcement (Case #64330) processed a complaint of no hot water in building 51 and building 40 at 2000 Paradise Road. The case was resolved on 04/10/08.
10/09/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #29/ne).
<i>Related Building Permits/Business Licenses</i>	
11/1987	A business license application was received for an apartment house at 2000 Paradise Road. A business license (A07-01062) was then issued for an Apartment House at 2000 Paradise Road. A Cease & Desist was issued on 02/15/05. The license was re-issued on 01/10/07.
09/10/96	A building permit (#96018352) was issued for a 315 square-foot interior remodel of the laundry room at 2000 Paradise Road. The permit expired on 05/31/97.
09/16/96	A building permit (#96018782) was issued for an interior remodel (plumbing) of the laundry room at 2000 Paradise Road. The permit expired on 05/31/97.
09/20/96	A building permit (#96019076) was issued for an interior remodel (electrical) of the laundry room at 2000 Paradise Road. The permit was finalized on 10/18/96.
10/07/96	A building permit (#96020262) was issued for an interior remodel (mechanical) of the laundry room at 2000 Paradise Road. The permit expired on 05/31/97.
11/07/96	A building permit (#96399247) was issued for fire monitoring at 2000 Paradise Road. The permit expired on 05/31/97.
02/05/02	A building permit (#2001921) was issued for a 32 square-foot double faced sign (tag #005812) at 2000 Paradise Road. The permit expired on 08/31/02.
12/20/02	A business license (P35-00616) was issued for an Outdoor Pay Phone per Location at 2000 Paradise Road.
02/16/05	A building permit (#36282) was issued for a sewer fixture count at 2000 Paradise Road. The permit was finalized on 07/19/06.
07/17/06	A building permit (#69406) was issued for a water heater at 2000 Paradise Road. The permit expired on 02/16/05.
01/23/07	A building permit (#7000273) was issued for a sign (tag #09522) at 2000 Paradise Road. The permit expired on 09/01/07.
08/07/07	A Temporary Sign Permit (TSP-23526) was issued for two (2) temporary banner signs (399 feet by 4 feet) at 2000 Paradise Road. The Temporary Sign Permit expired on 09/28/07.
<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.	

Field Check	
09/02/08	A routine field check was performed by staff where several non-permitted temporary signs (banners) were noted to be on-site; the existing monument sign not built to building specifications and not finalized; the five, five-foot freestanding signs requested as part of this application have already been installed; and a non-permitted A-frame, or sandwich board type temporary sign being displayed at the northwest corner of the site.

Details of Application Request	
Site Area	
Net Acres	1.66

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	C (Downtown Commercial)	R-5 (Apartment)
North	Office / Apartments	C (Downtown Commercial)	R-5 (Apartment) & C-1 (Limited Commercial)
South	Vacant Land	C (Downtown Commercial)	R-4 (High Density Residential)
East	Offices	C (Downtown Commercial)	R-4 (High Density Residential) & C-1 (Limited Commercial)
West	Restaurant / Offices / Shops / Parking Lot	C (Downtown Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	X		N
Beverly Green Southridge Neighborhood Plan	X		N*
Las Vegas Redevelopment Plan / Downtown Redevelopment Area	X		N**
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
G-O Gaming Enterprise Overlay District	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 five code enforcement cases involving both exterior and interior maintenance concerns.

****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, and deviates from the code standard by ten to 89 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 freestanding signs do not exceed the height limitation of 175 feet set forth by the Airport Overlay District.

DEVELOPMENT STANDARDS

Freestanding Signs: [50-Foot Freestanding Sign]		
Standards	Allowed	Provided
Maximum Number	1 per Street Frontage; 2 Street Frontages Available	3 on St. Louis Avenue* 3 on Paradise Road* 6 total*
Maximum Area	48 SF	435 SF**
Maximum Height	12 Feet	50 Feet***
Minimum Setback	5 Feet	5 Feet
Illumination	Internal and external illumination. In addition, signs over 200 feet from any existing residential property or from property which is designated in the General Plan for future residential development may be animated or contain an electronic message unit.	Internal illumination with an electronic message unit.

* The applicant is requesting a Variance to allow for one 50-foot freestanding sign and five, five-foot freestanding signs for a total of six freestanding signs. Three of the signs will be located on the St. Louis Avenue street frontage, with the remaining three signs to be located on the Paradise Road street frontage. One freestanding sign per street frontage is allowed. The subject site fronts on both St. Louis Avenue and Paradise Road, therefore allowing for two freestanding signs.

**The applicant is requesting a Variance to allow for a freestanding sign with a face area of 435 square feet where 48 square feet is the maximum area allowed.

***The applicant is requesting a Variance to allow for a 50-foot tall freestanding sign where 12 feet is the maximum height allowed.

Freestanding Signs: [Six (6) Five-Foot Freestanding Signs]		
Standards	Allowed	Provided
Maximum Number	1 per Street Frontage; 2 Street Frontages Available	3 on St. Louis Avenue* 3 on Paradise Road* 6 total*
Maximum Area	48 SF	5.34 SF
Maximum Height	12 Feet	5 Feet
Minimum Setback	5 Feet	**1.5 Feet
Illumination	Internal and External Illumination.	No Illumination

* The applicant is requesting a Variance to allow for one 50-foot freestanding sign and five, five-foot freestanding signs for a total of six freestanding signs. Three of the signs will be located on the St. Louis Avenue street frontage, with the remaining three signs to be located on the Paradise Road street frontage. One freestanding sign per street frontage is allowed. The subject site fronts on both St. Louis Avenue and Paradise Road, therefore allowing for two freestanding signs.

**The applicant is requesting a Variance to allow a 1.5-foot setback where five feet is the minimum setback required for five freestanding signs.

Monument Signs: [9.5-foot Monument Sign]		
Standards	Allowed	Provided
Maximum Number	1 per Street Frontage; 2 Street Frontages Available	1 on Paradise Road
Maximum Area	60 SF/Sign	56 SF
Maximum Height	8 Feet	9.5 Feet*
Minimum Setback	5 Feet	5 Feet
Illumination	Direct/Internal	Internal

*The applicant is requesting a Variance to allow for a 9.5-foot tall monument sign where 8 feet is the maximum height allowed.

ANALYSIS

50-foot Freestanding Sign: The applicant has requested a Variance to allow for a 50-foot tall freestanding sign to be constructed at the northwest corner of the site where 12 feet in height is the maximum allowed. An additional Variance has been requested to allow for this sign to have a sign face of 435 square feet where 48 square feet is the maximum allowed. The proposed sign would have an aluminum base and pole covered with simulated stucco. The proposed elevation shows the base of the sign being painted a dark brown and the pole of the sign being painted a light tan. The sign face itself would be an aluminum faced cabinet with a map satin finish colored reflex blue with animated vertical lines of blue neon to be on a 3 point flashing chaser. The sign will also have steadily burning White, Yellow Gold II and Horizon Blue Neon trim around the sign and incorporated throughout the face of the sign with the lettering. The word Paradise would be lit with incandescent bulbs. Approximately 21 feet from the base of the sign, below the sign face, would be a four-foot tall aluminum faced animated LED display (reader board). The proposed height of the sign represents a 76 percent deviation and the proposed sign face represents an 89 percent deviation from code standard.

Six Freestanding Signs: The applicant has requested a Variance to allow for six freestanding signs where one per street frontage is allowed, and for five of those freestanding signs to be setback 1.5 feet where five feet is the minimum setback required. By Title 19.14 the applicant has also requested a Variance for those signs to have a distance separation less than the required minimum distance separation of 100 feet in between each freestanding and/or monument sign.

The proposed site has street frontage on both Paradise Road and St. Louis Avenue, therefore allowing for two freestanding signs. The applicant has proposed three freestanding signs for each street frontage for a total of six freestanding signs. Along St. Louis Avenue beginning at the northwest corner of the property would be the proposed 50-foot tall freestanding sign. Going east, 30 feet from that sign would be an existing five-foot tall freestanding sign. Another 75 feet from that existing sign would be an additional five-foot tall existing freestanding sign with another existing freestanding sign placed 90 feet from that sign. On Paradise Road from north to south, the applicant has three more existing freestanding signs that have a distance separation of 75 feet from the first freestanding sign to the existing monument sign, 30 feet from the existing monument sign to the next freestanding sign, and 90 feet from that freestanding sign to the final freestanding sign. Paradise Road has a total of four signs, three five-foot freestanding and one monument sign. The percent of deviation for the distance separation of said signs is noted in the chart below.

Five of the proposed six freestanding signs exist today on the subject site. These existing five-foot tall freestanding signs are a double faced non-illuminated post mounted sign that carry a commercial message (i.e. company name and logo). Currently there are three of these five-foot freestanding signs placed along Paradise Road, and two along St. Louis Avenue. There is also a non-permitted freestanding A-frame or sandwich board type sign on St. Louis Avenue.

Monument Sign: The applicant has requested a Variance to allow for an existing 9.5-foot tall monument sign along Paradise Road. A permit (#7000273) was issued for the construction of an eight-foot tall by seven-foot wide monument sign on 01/23/07. The monument sign was not built to plan, constructed 1.5 feet too tall. A final inspection was not requested and the permit for its construction expired on 09/01/07. The existing sign is a double faced internally illuminated monument display. The existing 9.5-foot tall monument sign represents a 16 percent deviation from code standard.

	Allowed	Provided	% of Deviation
Freestanding Sign	In an R-5 (Apartment) zone, a maximum height of 12 feet, and a maximum area of 48 square feet.	A 50-foot tall Freestanding Sign with a sign area of 435 square feet.	317% for the sign height; 806% for the sign area.
Number of Freestanding Signs Allowed	One (1) per street frontage for a total of two (2) allowed.	Six (6) Freestanding Signs	200%
Distance Separation Paradise Road	Minimum separation of 100 feet measured along the street frontage.	From North to South: 75, 30, and 90 Feet.	25%, 70%, and 10% respectively.
Distance Separation St. Louis Avenue	Minimum separation of 100 feet measured along the street frontage.	From West to East: 30, 75, and 90 Feet.	70%, 25%, and 10% respectively.
Sign Setback	5 Feet	1.5 Feet	70%
Monument Sign	8 Feet Tall by 7 Feet Wide	9.5 Feet Tall by 7 Feet Wide	19% for Sign Height.

This is a self imposed hardship that could be easily rectified by proposing signage for this site that meets Title 19.14 standards. Due to the intensity and excessive number (six in total) of Variances requested with this application staff can not support this request and is recommending denial of all Variances requested.

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 signage that exceeds the allowable height, sign area, number of freestanding signs, minimum setback requirements and sign separation requirements allowed by Title 19. An alternative number of sign and sign placement 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.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 3 as shown, which approved some but not all signs. The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 219 by City Clerk

APPROVALS 0

PROTESTS 0