



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39237	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAR-39237 CONDITIONS

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-18755), and Site Development Plan Review (SDR-18751) shall be required.
2. The freestanding sign shall be no taller than 42 feet and have a surface area no greater than 505 square feet.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow a proposed 42-foot tall freestanding sign where 37-feet is the maximum height allowed at 810 North Las Vegas Boulevard. The project is a component of the overall Neon Museum and Boneyard Complex and will be located in the new Neon Boneyard Park. The sign meets the minimum design criteria of the Las Vegas Boulevard Scenic Byway Signage Overlay and will be an asset to the Byway. Therefore, staff recommends approval with conditions. If denied, the sign would have to conform to Title 19.14.060(c) standards.

ISSUES

- A previous Variance (VAR-34515) was approved for a height of 37 feet and surface area of 505 feet. However, there were embellishments on the sign that increased the height to 42-feet that were not factored into the original request and therefore, a new Variance is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/07/04	The City Council approved a Rezoning (ZON-3256) and a related Site Development Plan Review (SDR-3257) application for a portion of the subject site. The Planning Commission and staff both recommended approval of the requests. The Site Development Plan Review application (SDR-3257) expired in January 2006, as no building permits were submitted; however, the subject properties have since been hard zoned to C-V (Civic).
02/21/07	The City Council approved a Rezoning application (ZON-18755) from C-1 (Limited Commercial) to C-V (Civic) for a site located on the east side of Las Vegas Boulevard, north and south of McWilliams Avenue.
02/21/07	The City Council approved a Site Development Plan Review (SDR-18751) for a 2,768 square-foot museum and park for a site located on the east side of Las Vegas Boulevard, north and south of McWilliams Avenue
<i>Pre-Application Meeting</i>	
08/17/10	A pre-application conference was conducted with the applicant; issues were discussed regarding the need for a sign variance and the need for the sign to meet the Las Vegas Boulevard Scenic Byway signage standards for neon and/or animation.

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<i>Neighborhood Meeting</i>

A neighborhood meeting is not required for this application request, nor was one held.
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<i>Field Check</i>

08/19/10	Staff conducted a field check of the subject site. The site was found to be fenced and under construction for a new city park.
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<i>Most Recent Change of Ownership</i>

03/07/05	A deed was recorded for a change in ownership to the City of Las Vegas.
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<i>Related Building Permits/Business Licenses</i>
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12/30/09	Public Works issued a permit (L-37069) for a public park that will complement the Neon Museum at Las Vegas Boulevard and McWilliams Avenue. The park will include picnic facilities, passive recreation space and enhanced landscaping.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Net Acres	1.0 acres
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic)
North	Parking Lot	PF (Public Facilities)	C-V (Civic)
South	Museum	PF (Public Facilities)	C-V (Civic)
East	Single-Family Residences; Multi-Family Residential Residences	MXU (Mixed-Use)	R-1 (Single-Family Residential); R-3 (Medium-Density Residential)
West	Cultural Facility; Undeveloped	PF (Public Facilities)	C-V (Civic)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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<i>Master Plan Area</i>			
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Downtown North Plan	X		Y
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YK

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<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V (Civic) District	X		Y
A-O (200-Foot Airport Overlay) District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Freestanding Signs: [VAR-34515]</i>		
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>
Maximum Number	1 / Street frontage 1 total	1/ Street frontage 1 total
Maximum Area	505 Square Feet	505 Square Feet
Maximum Height	37 Feet	42 Feet
Minimum Setback	5 Feet	5 Feet
Illumination	75% Exposed Neon and/or Animated	Animated with the use of L.E.D. lighting

ANALYSIS

The proposed sign is for the Neon Boneyard Park which is a component of the Neon Museum complex located at 770 North Las Vegas Boulevard. The sign is also located within both the Cultural Corridor and the Las Vegas Boulevard Scenic Byway. Staff has reviewed the sign for conformance with the standards outlined within the Scenic Byway Signage Overlay District and found that it is within those standards. Although the sign is using L.E.D. lighting instead of neon, the fact that the letters will be animated and set up in a chasing pattern meets the standards established. The sign, as proposed, will be an asset to the Scenic Byway program.

A previous Variance (VAR-34515) was approved to allow a 37 foot tall, 18-foot wide sign with a surface area of 505 square feet where the C-V (Civic) zoning designation only permitted signs to be 12 feet tall with a surface area of 48 square feet. The oversized sign was requested as a vital part of the overall Neon Museum complex. This Variance is needed as the embellishments at the top of the sign were not included in the height calculations. Thus, the sign will be 42-feet high and requires an additional five feet in height Variance. The sign is 42 feet tall and 18 feet wide featuring a lattice surface area. Attached to the lattice are replicas of historic neon lettering spelling out the word "neon." The letters will be animated and light up in a chasing pattern from

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top to bottom. An atomic star will be offset to the right of the lettering. The lighting proposed is L.E.D. instead of neon due to the reduced maintenance costs over time. The sign will be supported by a six foot wide, 27'-9" high concrete pylon with smooth cement plaster finish in a vista sandalwood color.

This project is governed by the Downtown North Land Use Plan that calls out this parcel as part of the Cultural Corridor set aside for cultural amenities. The park and the proposed signage meet the requirements called for in this plan. The park is also covered by the C-V (Civic) District that allows for public uses and a City Park is within these allowed uses. A 200-Foot Airport Overlay and the Las Vegas Boulevard Scenic Byway Signage Overlay also apply to this project. The proposed sign is under 200 feet high and therefore is in compliance with this requirement. The proposed sign also meets the minimum standards called for in the Las Vegas Boulevard Scenic Byway Signage Overlay.

The proposed sign would be an asset to the Las Vegas Boulevard Scenic Byway and as the park is a civic asset, the visibility is needed. Since the proposed sign was addressed in the approved Variance (VAR-34515) application and only material changes are being made to the overall sign, staff is recommending approval, with conditions. If denied, the sign could only be 37 feet tall.

FINDINGS (VAR-39237)

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 19.18.070(L) 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."

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This sign was addressed in the Site Development Review process which determined a Variance was required. A Variance (VAR-34515) was subsequently approved by City Council. However, the embellishments at the top of the sign were not included in the height calculations and thus a five-foot discrepancy exists which required a new Variance. The proposed sign will still meet the Scenic Byway Signage Overlay requirements and will be an added feature for the Cultural Corridor for visibility of the new park. Therefore, the public good would be served.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 166

APPROVALS 0

PROTESTS 0