



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 21, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: EVAPS, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-53064	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

VAR-53064 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. 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 proposing to place a 10-foot tall, 30 square-foot double-faced non-illuminated monument sign on the east frontage of property located at 400 South 7th Street. Zero-foot setbacks on all sides of the property were previously approved and the portion of the building nearest the proposed sign location has been constructed eight feet from the corner side property line. This results in a three-foot envelope within which to place freestanding signage without encroaching into public right-of-way. Therefore, a variance is being sought for a one-foot sign setback from the right-of-way line of 7th Street. There are currently no existing signs along the 7th Street frontage adjacent to this property.

As other types of signs could be proposed that conform to Title 19 requirements, staff recommends denial of the request, with conditions if approved. If denied, the proposed sign could not be constructed.

ISSUES

- A Variance is required to allow a sign one foot from the public right-of-way where a minimum of five feet is required.
- The existing building was built eight feet from the 7th Street right-of-way at the proposed sign location. A Variance (VAR-39122) was previously approved to allow zero-foot setbacks on all sides of the property; this variance has been exercised.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/17/10	A Merger and Resubdivision Parcel Map (PMP-38638) to combine eight lots on 0.64 acres at the southwest corner of Chef Andre Rochat Place (now Stanley W. Cooper Place) and 7th Street was recorded.
12/01/10	The City Council approved a Variance (VAR-39122) to allow zero-foot setbacks where 10-foot side yard, 15-foot corner side yard and 20-foot front and rear yard setbacks are required, and to allow 86% lot coverage where 50% lot coverage is the maximum allowed on 0.64 acres at 400 South 7th Street. The Planning Commission recommended approval; staff recommended denial.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/01/10	The City Council approved a Site Development Plan Review (SDR-39121) for a proposed 5-story, 120-foot tall, 55,132 SF office building with waivers of perimeter landscape buffer requirements to allow zero-foot buffers where 15 feet is required on the north and east perimeters and 8 feet is required on the south and west perimeters on 0.64 acres at 400 South 7th Street. The Planning Commission recommended approval; staff recommended denial.
07/20/11	The City Council approved a Variance (VAR-41054) to allow 160 parking spaces where 184 spaces are required on 0.64 acres at 400 South 7th Street. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Major Amendment (SDR-41047) to a previously approved Site Development Plan Review (SDR-39121) to eliminate one subterranean level of required parking, consisting of 24 spaces, on 0.64 acres at 400 South 7th Street. The Planning Commission recommended approval; staff recommended denial.
06/06/12	The City Council approved a Variance (VAR-44710) to allow 100 parking spaces where 156 spaces are required on 0.64 acres at 400 South 7th Street. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Major Amendment (SDR-44708) to a previously approved Site Development Plan Review (SDR-39121) to eliminate one subterranean level of required parking and one story of office space on 0.64 acres at 400 South 7th Street. The Planning Commission recommended approval; staff recommended denial.
04/08/14	The Planning Commission voted (7-0) to DENY as it determined the Variance request to allow a one-foot setback from the public right-of-way for a proposed sign where five feet is required to be a self-imposed hardship.
04/17/14	The Office of the City Clerk received a request to appeal the denial by the Planning Commission for VAR-53064 [PRJ-53033]. The City Council will consider the appeal on May 21, 2014.

<i>Most Recent Change of Ownership</i>	
03/02/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/08/12	A building permit (190638) was issued for a 4-story office building at 400 South 7th Street. A final inspection was completed on 02/26/14.

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<i>Pre-Application Meeting</i>	
02/19/14	Submittal requirements for a Variance application were discussed with the applicant's representative. From the submitted plans, the proposed sign appeared to conform to all sign standards for the C-1 zoning district except for the five-foot setback from the public right-of-way.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
02/27/14	The site contains a multi-story office building and parking garage, which appear to be completed. The location of the proposed sign currently contains two rows of shrubs.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.64

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	C (Commercial)	R-5 (Apartment)
South	Office, Other Than Listed (Ancillary Parking Facility)	C (Commercial)	C-1 (Limited Commercial)
East	Private School	PF (Public Facilities)	C-V (Civic)
West	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
	Office, Other Than Listed		P-R (Professional Office and Parking)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Las Vegas High School Neighborhood District	N/A
Live/Work Overlay District	N/A

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Downtown Redevelopment Area	Y
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to the approved Variance (VAR-39122) for this site, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Building Setbacks:			
• Front	0 Feet	1 Foot	Y
• Side	0 Feet	0 Feet	Y
• Corner (7th Street)	0 Feet	8 Feet	Y
• Rear	0 Feet	0 Feet	Y

<i>Monument Signs: [7th Street frontage]</i>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Number	1 / 200 feet street frontage (7th St) 1 total	190 feet street frontage (7th St) 1 total	Y
Maximum Area	75 SF per sign	30 SF	Y
Maximum Height	10 feet	10 feet	Y
Minimum Setback	5 feet	1 foot	N
Illumination	direct/internal	non-illuminated	Y

ANALYSIS

The site is located within the Las Vegas High School Historic District, which is not included on the local City of Las Vegas historic property register and does not affect this request.

A Multi-Use Transportation Trail will be constructed on the east side of 7th Street and thus does not affect the office site or location of the proposed sign.

The proposed sign would be located between two rows of existing shrubs in an area near the parking garage exit on 7th Street. Although the shrubs would not need to be removed, the landscaping is not required, as the full required buffer width along the east frontage was waived by SDR-39121. Although this portion of the building is set back eight feet from the property

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line, the approved Variance (VAR-39122) allows the building to be placed up to two feet from the back of the sidewalk. The placement of the building relative to the back of sidewalk does not leave any other place to install a monument sign of any size along 7th Street. The requested deviation from the Title 19 standard is 80 percent. The Department of Public Works notes that the proposed sign would not impede sight visibility at the egress point.

Notwithstanding the above, other sign types are available that would allow conformance with Title 19 setback requirements. A projecting sign of the same size as proposed for the monument sign may be legally constructed with a six-foot projection from the building. Wall signs are also allowed up to 20 percent of the area of the east building elevation. Given the fact that the applicant has constructed the building within the setback area normally left wide open enough to place a freestanding or monument sign without need for a variance, and the availability of other types of signage in lieu of the proposed monument sign, the stated hardship is self-imposed and staff recommends denial of the variance request.

FINDINGS (VAR-53064)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing the building in such a way that freestanding signage cannot meet the required setback from public right-of-way, and by proposing a monument sign within the required setback from public right-of-way when other sign types 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 40

NOTICES MAILED 130 (By City Clerk)

APPROVALS 0

PROTESTS 11