



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 9, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CHARLESTON ASSOCIATES, LLC, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-69662	Staff recommends DENIAL, if approved subject to conditions:	
MSP-69663	Staff recommends DENIAL, if approved subject to conditions:	VAR-69662

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 983

PROTESTS 3

APPROVALS 0

**** CONDITIONS ****

VAR-69662 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Master Sign Plan (MSP-69663) shall be required, if approved.
2. 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.
3. 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.
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.

MSP-69663 CONDITIONS

Planning

1. Conformance to the sign elevations and documentation as submitted and date stamped 05/01/17, 04/20/17 and 03/23/17 in conjunction with this request, except as modified herein.
2. All signage, including temporary signage, shall have proper permits obtained through the Department of Building and Safety prior to installation of any proposed signage. Any existing non-permitted signage shall be removed within 30 days of final action, or permits shall be obtained.

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3. A comprehensive Master Sign Plan detailing location, materials, review and maintenance of all existing signs within the boundaries of the shopping center, along with any other applicable applications shall be submitted to the Department of Planning within 60 days of final approval. Building permits for signs depicted within sign elevations and documentation as submitted and date stamped 05/01/17, 04/20/17 and 03/23/17 shall not be issued until such time as said submittal has been made.
4. All signage approved under this Master Sign Plan shall conform to LVMC Title 19.08.120.B.11 regarding animated signs containing a changeable electronic message.
5. No off-premise message shall be displayed on any sign contained within this Master Sign Plan.
6. Minor modifications to the approved sign plan in conformance with this approved sign plan and Title 19 may be approved by the Department of Planning.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

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

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a new Master Sign Plan for a portion of the existing Boca Park Shopping Center that includes proposed signage to be located at the northeast corner of Charleston Boulevard and Rampart Boulevard. Staff has requested that the applicant extend this sign plan to the entire Boca Park property, and has notified this application to the full extent of the Boca Park Shopping Center.

ISSUES

- A Variance is required to permit three proposed 24-foot tall monument signs where 10 feet is the maximum height allowed, to allow one 383 square-foot and two 172 square-foot monument signs where 75 square feet per sign is allowed, and to allow an eight-foot separation between three proposed monument signs where a minimum separation of 100 feet between signs is required. Staff recommends denial.
- Sign standards were only provided for the proposed corner signage and for the existing Boca Park Marketplace located on approximately 42 acres at the northeast corner of Charleston Boulevard and Rampart Boulevard. Staff is requesting that a comprehensive master sign plan be submitted for the entire 72.55-acre shopping center that includes both Boca Park Marketplace and Boca Park Fashion Village/Shops at Boca Park within 60 days of final action.
- None of the proposed signs are subject to Residential Protection Standards. The golf course to the west of Rampart Boulevard is zoned R-PD; however, the previous approval for signage on this site entitled illuminated signage oriented to the Rampart Boulevard frontage, not to the golf course.
- The site is located within the Off-Premise Sign Exclusionary Zone. No off-premise signage is allowed on any of the signs within the development.

ANALYSIS

A Master Sign Plan was originally approved with the Master Development Plan for Phases I and II of Boca Park in 1999. Another Master Sign Plan was approved in 2013 over the same area to establish criteria for both new and existing signs; however, no building permits were issued for any of the proposed signs, and the approval expired on 11/20/15. Per Title 19.16.270, a Master Sign Plan is required for any nonresidential project with a site area larger than 15 acres, such as this site. In addition to establishing criteria for existing and proposed signage at the Boca Park Marketplace development, six new signs are proposed at the corner of Charleston and Rampart through this Master Sign Plan, which, according to the applicant are intended to serve as one sign.

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Currently, the corner contains a landscaped setback area, behind which is a low retaining wall with the letters “BOCA PARK” attached centered to the corner. Behind the wall are five palm trees and six light standards. This request would replace the existing channel letters spelling “BOCA PARK” with newly designed individual letters (“Type 1.5”) on painted aluminum blocks with a burgundy background. These blocks would be embedded into the low wall, rising to one foot above the wall. Just behind these letters, a 24-foot tall, 383 square-foot monument sign (“Type 1.1”) containing six animated LED display units is proposed. The display units are intended to operate as a single sign as opposed to displaying six different messages.

Left and right from the center of the wall, two 24-foot tall monument signs are proposed behind the wall, with one sign facing the Rampart Boulevard frontage (“Type 1.2”) and the other facing the Charleston Boulevard frontage (“Type 1.3”). Each sign consists of one 55 square-foot tenant cabinet and five 13 square-foot tenant cabinets, as well as two 34 square foot tenant cabinets near the base that are perpendicular from the tenant panels above. Each cabinet would contain the tenant name in pan channel letters internally illuminated by white LEDs. Attached to the wall just below these last two cabinets is a 36 square foot tenant cabinet (“Type 1.4/1.6”) with similar characteristics as those above.

Title 19.08.120 contains all the applicable standards for signage within this development. Given the unusual design of these signs, staff has determined that the intent of Title 19 is best served by separating the messages into six distinct signs—three monument signs and three wall signs. The monument signs proposed maintain ground contact at the base and thus fall into this sign type. The height and size of the monument signs far exceed the maximum allowed by Title 19. In contrast, freestanding signs are permitted up to 40 feet in height and the size varies depending on the length of the site’s frontage. The wall signs are permitted to cover up to 20 percent of the wall to which they are attached. In this instance they do not exceed 20 percent.

The submitted sign criteria document states that all signs in the Boca Park Marketplace shall conform to all standards, procedures and requirements of the City of Las Vegas Zoning Code, although the Developer of the property explicitly states that it has no responsibility to check for compliance with local ordinances. An applicant may request a variance of these standards through the City. Beyond the proposed corner signage, the criteria have not changed from previous master sign plan approvals. Staff has requested that the applicant revise the document to eliminate any inconsistencies in the requirements and to combine the Boca Park Marketplace standards with those for the Boca Park Fashion Village/Shops at Boca Park (Phase III) so that one comprehensive document may be referenced by the Developer, tenants and City staff. If this Master Sign Plan is approved, a condition has been added requiring the applicant to submit such a document to the Department of Planning within 60 days of final approval. Criteria that are outside of the scope of Title 19 will be subject to additional public hearings for review.

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There is no unique characteristic of the Boca Park property that would result in a true hardship for the applicant if Title 19 standards are applied to signage. In this case, the hardship is solely design-related, and conformance to the Zoning Code could be achieved with a different design. Staff therefore recommends denial of the variance and the master sign plan, subject to conditions.

FINDINGS (VAR-69662)

In accordance with the provisions of Title 19.16.140(B), the 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 proposing signage that far exceeds monument sign height, size and separation standards set by Title 19. Use of freestanding signs or smaller monument signs 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.

FINDINGS (MSP-69663)

The proposed monument signage at the northeast corner of Charleston Boulevard and Rampart Boulevard exceeds the allowable height, size and separation requirements of Title 19. Per Title 19.16.270, all signs within a Master Sign Plan shall either conform to

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all standards for the zoning district in which the signs will be located or establish more restrictive requirements that conform to specific criteria relating to aesthetics, development patterns, architectural compatibility and durability. A Variance is otherwise required. As the signs proposed in this master sign do not conform to the applicable standards, and staff does not support the associated Variance request, staff therefore also cannot support the Master Sign Plan.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/02/92	The City Council approved a Rezoning (Z-0030-92) to C-1 (Limited Commercial) on this site as part of a larger request that included a Regional Mall. The Planning Commission and staff recommended approval.
04/27/98	The City Council approved a Rezoning (Z-0012-98) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) to PD (Planned Development) on 47.40 acres at the southeast corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial. This action established development standards for the Peccole Town Center Master Plan area as well as the shopping area, designating the southern 49 acres (zoned C-1) as Phase I and the northern 47 acres (zoned PD) as Phase II. The site plan for Phase II included a five-story non-gaming hotel, 650-seat amphitheater, 592,800 square-feet of retail/office uses, 125 condominium units and two parking garages.
04/27/98	The City Council approved a request for a Site Development Plan Review [Z-0030-92(5)] for a proposed 433,240 square-foot retail Shopping Center, including 21 retail pad sites, on 48.7 acres at the northeast corner of Rampart Boulevard and Charleston Boulevard (Phase I). This was not a Major Amendment of the Rezoning case (Z-0030-92), but instead replaced that approved plan.
06/14/99	The City Council approved a request for a Site Development Plan Review [Z-0030-92(7)] for a proposed commercial development consisting of 434,967 square feet of retail and 58,418 square feet of office uses within the previously approved Boca Park Phases I and II Shopping Center on 51.07 acres at the northeast corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission denied the request and it was approved upon appeal.

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Related Relevant City Actions by P&D, Fire, Bldg., etc.	
04/18/01	The City Council approved a request for a Master Sign Plan [Z-0012-98(3)] for Boca Park Phase III located at the southeast corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
10/08/13	The Planning Commission approved a request for a for a Major Amendment (MSP-50845) of an approved Master Sign Plan [Z-0012-98(3)] for an existing Shopping Center (Boca Park Fashion Village) on 22.15 acres on the east side of Rampart Boulevard, approximately 1,250 feet north of Charleston Boulevard. Staff recommended approval.
11/20/13	The City Council approved a request for a Master Sign Plan (MSP-50849) for an existing Shopping Center (Boca Park Marketplace) on 47.30 acres at the northeast corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission and staff recommended approval. The approval expired 11/20/15.

Most Recent Change of Ownership	
09/26/97	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
06/25/99	A building permit (#99012608) was issued for four double-faced illuminated freestanding signs and project identifier wall signs at 8740 West Charleston Boulevard. A final inspection was completed 02/09/00.
08/17/04	A building permit (#04019072) was issued for refacing of four existing freestanding signs along the Charleston Boulevard and Rampart Boulevard frontages (at 8740 West Charleston Boulevard). A final inspection was not completed.

Pre-Application Meeting	
02/23/17	A pre-application meeting was held with the applicant's representative to discuss submittal requirements for a Master Sign Plan application. The representative presented the proposed corner signage as one unified sign; staff ultimately determined that the signage would be regulated as six separate signs. Staff also requested that sign criteria be submitted describing how new and existing signs were to be reviewed and any specific criteria beyond Title 19 for which a variance would be necessary.

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Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
03/30/17	The site contains an existing shopping center with two internally illuminated freestanding signs facing Charleston Boulevard, two internally illuminated freestanding signs facing Rampart Boulevard and a low wall with channel letters affixed spelling "BOCA PARK." The signs are in good condition.

Details of Application Request	
Site Area	
Net Acres	72.55

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center		PD (Planned Development)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial) and C-2 (General Commercial)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
	Multi-Family Residential (Condominiums)	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
	Utility Installation, Other Than Listed (Pump Station)	PF (Public Facilities)	C-V (Civic)

Master and Neighborhood Plan Areas	Compliance
Boca Park Phases I and II	N/A
Peccole Ranch Master Plan	N/A

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Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails (Charleston Blvd and Rampart Blvd Pedestrian Paths)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

SIGN ANALYSIS SUMMARY

Sign Key	Location	Type	Setback (feet)	Height (feet)	Area (SF)	Illumination	Animation
Type 1.1	NE corner Charleston/Rampart	new monument	17	24	383	Internal/LED	Yes
Type 1.2	NE corner Charleston/Rampart	new monument	17	24	172	Internal/LED	No
Type 1.3	NE corner Charleston/Rampart	new monument	17	24	172	Internal/LED	No
Type 1.4	NE corner Charleston/Rampart	new wall	15	3	36	Internal/LED	No
Type 1.5	NE corner Charleston/Rampart	new wall	15	4	86	Internal/LED	No
Type 1.6	NE corner Charleston/Rampart	new wall	15	3	36	Internal/LED	No

DEVELOPMENT STANDARDS

Monument Signs: [Types 1.1, 1.2 and 1.3]		
Standards	Permitted	Provided
Maximum Number	1 / 200 linear feet street frontage 9 total on Rampart Blvd 9 total on Charleston Blvd	3 total
Maximum Area	75 SF /sign	383 SF
Maximum Height	10 feet	24 feet
Minimum Setback	5 feet	15 feet
Illumination	Subject only to Residential Protection Standards	Internal LED Electronic message unit Animation

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Monument Signs: [Types 1.1, 1.2 and 1.3]		
Standards	Permitted	Provided
Separation between freestanding/monument signs	100 feet measured along the street frontage	8 feet
Residential Protection Standards	Within 200 feet of property zoned or designated in GP as planned for single family residential use, cannot use electronic message units, animated signs, flashing signs, neon tubing or bare bulbs	Not within 200 feet of residentially zoned parcel or parcel planned for residential use in GP

Wall Signs: Types 1.4, 1.5 and 1.6 <i>[Attached to existing low wall at corner of Charleston Blvd and Rampart Blvd]</i>		
Standards	Permitted	Provided
Maximum Number	N/A	3 total
Maximum Area	Total area of all wall signs cannot exceed 20% of the wall elevation (880 SF)	18% (158 SF)
Maximum Height	No higher than 12 inches from the top of wall, marquee or parapet	12 inches from top of low wall
Maximum Projection	4 feet	5 inches
Support	Shall be integral part or supported by the wall	Types 1.5 is integral part of wall; Types 1.4 and 1.6 are attached to wall
Illumination	Internal/External	Internal LED
Residential Protection Standards	Within 200 feet of property zoned or designated in GP as planned for single family residential use, cannot use electronic message units, animated signs, flashing signs, neon tubing or bare bulbs	Not within 200 feet of residentially zoned parcel or parcel planned for residential use in GP