



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 12, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 901 FREMONT DEVELOPMENT PARTNERS, L.P.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-73202	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 233

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

VAR-73202 CONDITIONS

Planning

1. Conformance to the approved conditions Site Development Plan Review (SDR-60326).
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.

Public Works

6. Fremont Street is currently a Nevada of Transportation (NDOT) street. Obtain permission from NDOT to allow the sign to project in the Fremont Street public right-of-way. Alternatively Submit a License Agreement for the sign in the Fremont Street public right-of-way adjacent to this site prior to this issuance of permits for these improvements if not required by NDOT. The applicant must carry an insurance policy for the term of the License Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836). A similar condition was previously required by condition of approval #18 of SDR-60326 but did not include Fremont Street.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested a Variance to allow two projecting signs to extend eight feet from the building elevation where six feet is allowed and to allow each sign to be 203 square feet where 32 square feet is allowed for an existing Mixed-Use development located at 901 Fremont Street.

ISSUES

- A Variance is required to allow two projecting signs to extend eight feet from the building elevation where six feet is allowed. Staff does not support this request.
- A Variance is required to allow each sign to be 203 square feet where 32 square feet is allowed. Staff does not support this request.

ANALYSIS

The subject property is located within Area 1 of the Downtown Las Vegas Overlay – Fremont East District and the subject site is zoned C-2 (General Commercial). Furthermore, the subject site is subject to the development standards outlines within Title 19 Appendix F Interim Downtown Las Vegas Development Standards, which indicate the all signage must comply with Title 19.08 development standards. Per Title 19.08.120(F)(24) projecting signs within this commercial development are limited to 32 square feet in maximum area and cannot project more than six feet from the building elevation to which they are attached.

The applicant is proposing to install two wall signs on the northwest corner of Mixed-Use development which are both 203 square feet in area, where 32 square feet in the maximum allowed. In addition, the two proposed signs will project 7.33 feet from the building they are attached, where six feet is the maximum allowed. No evidence of a unique or extraordinary circumstance has been presented.

Staff has determined that the proposed signage is inconsistent with the intent of the Title 19.08 sign development standards; therefore, staff recommends denial of this project.

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FINDINGS (VAR-73202)

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 requesting to install signage that exceeds the maximums allowed under the Title 19.08 projecting sign development standards for the C-2 (General Commercial) zoning district. Alternative design 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
12/16/64	The City Council approved Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 Acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south, Wards 1 and 3. The Planning Commission recommended approval on 12/10/64.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
10/21/15	The City Council approved Site Development Plan Review (SDR-60326) for a five-story Mixed-Use development to include 226 residential units, five live/work units, and 15,000 square feet of commercial space and a waiver of the Downtown Centennial Plan Streetscape requirements adjacent to the southeast corner of Fremont Street and 9th Street. The Planning Commission and Staff recommended approval of the request.
	The City Council approved Rezoning (ZON-60327) from C-1 (Limited Commercial) and R-4 (High Density Residential) to C-2 (General Commercial) at 115, 121 and 125 South 9th Street. The Planning Commission and Staff recommended approval of the request.
	The City Council approved a Petition to Vacate (VAC-60328) the public right-of-way commonly known as 9th Street located between Fremont Street and Carson Avenue and the alleyway segment bound by Fremont Street, 9th Street, 10th Street and Carson Avenue. The Planning Commission and Staff recommended approval of the request.

<i>Most Recent Change of Ownership</i>	
12/18/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/19/16	A building permit (#C-293679) was issued for a mixed-use building located a 901 Fremont Street. The permit has not been finalized.
	A building permit (#C-293680) was issued for on-site improvements with shade structures located a 901 Fremont Street. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
03/12/18	A Pre-Application meeting was conducted with the applicant to go over the application materials and submittal requirements for a Variance for two proposed projecting signs for a proposed Mixed-Use Development.

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

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Field Check	
05/07/18	Staff conducted a routine site visit and found the subject site to be a well maintained site, which is currently under construction.

Details of Application Request	
Site Area	
Net Acres	1.75

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Mixed-Use Development	C (Commercial)	C-2 General Commercial
North	Parking Lot	C (Commercial)	C-2 General Commercial
South	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential)
East	Liquor Establishment Tavern	C (Commercial)	C-2 (General Commercial)
	Undeveloped		C-1 (Limited Commercial)
	Undeveloped		
West	Vacant Casino	C (Commercial)	C-2 General Commercial

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
DTLV-O (Downtown Las Vegas Overlay) District – Fremont East District	Y
LW-O (Live/Work Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Fremont Street	Major Collector	Master Plan of Streets and Highways	80	Y
Carson Avenue	Major Collector	Master Plan of Streets and Highways	80	Y

Pursuant to Title 19.08, the following standards apply:

<i>Projecting Sign – Fremont Street</i>			
Standards	Allowed	Provided	Compliance
Maximum Number	1 per sign entrance	1 per sign entrance	Y
Maximum Area	32 SF	203 SF	*N
Maximum Height	1 foot above eave or rafter line, whichever is higher	Below the rafter line	Y
Minimum Setback	3 feet from back of curb	5 feet from back of curb	Y
Maximum Projection	6 feet from building elevation	7.33 feet from the building	*N
Minimum Clearance	8 feet from ground to bottom of sign	23.41 feet from the ground to bottom of sign	Y
Other	Cannot be located on same property as a freestanding sign	No freestanding signs are located on the subject site	Y
Illumination	Internal, external, animated and EMU	Internally illuminated channel letters	Y

* A Variance (VAR-73202) has been requested to allow two proposed projecting signs to extend eight feet from the building elevation where six feet is allowed and to allow each sign to be 203 square feet where 32 square feet is allowed.

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<i>Projecting Sign – 9th Street (vacated)</i>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Number	1 per sign entrance	1 per sign entrance	Y
Maximum Area	32 SF	203 SF	*N
Maximum Height	1 foot above eave or rafter line, whichever is higher	Below the rafter line	Y
Minimum Setback	3 feet from back of curb	Roadway has been vacated	Y
Maximum Projection	6 feet from building elevation	7.33 feet from the building	*N
Minimum Clearance	8 feet from ground to bottom of sign	23.41 feet from the ground to bottom of sign	Y
Other	Cannot be located on same property as a freestanding sign	No freestanding signs are located on the subject site	Y
Illumination	Internal, external, animated and EMU	Internally illuminated channel letters	Y

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