



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ESCAPE RESORTS, INC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0579-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 31

NOTICES MAILED 261

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0579-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a Roof Sign to extend 14-feet above the top of wall, marquee or parapet where eight feet is the maximum height allowed.
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 Building and Safety Division.
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 Roof Sign to extend 14 feet above the top of wall, marquee or parapet where eight feet is the maximum height allowed at 1108 East Ogden Avenue.

ANALYSIS

The applicant is proposing a Roof Sign that extends above the roof by 14 feet at 1108 East Ogden Avenue. This sign is for a boutique hotel, The Bent Inn.

The site plan review for the Bent Inn was approved through a Site Development Plan Review (SDR-78465) for a two-story hotel and associated pool deck area. The Department of Community Development administratively approved a minor amendment to that Site Development Plan Review (23-0389-SDR1) for a 136 square-foot outdoor kitchen addition at 1108 East Ogden Avenue.

The subject site is zoned T5-MS (T5 Main Street) and is subject to the sign standards and procedures for the C-2 (General Commercial) zoning district as set forth in Title 19.09.100(I) and Title 19.08.120. Under those requirements, a roof sign is allowed to extend above the top of the wall, marquee or parapet to which it is attached by eight feet. The proposed sign will exceed that height by 14 feet, a 75-percent deviation above the allowed extension.

The proposed sign features four, six-sided aluminum dual lit channel letter signs cubes mounted on a pole extending from the roof over the building's entrance. The support pole is seven inches in diameter, and the cubes' faces are all three feet tall and three feet wide. The lettering has a maximum copy height of two-and-a-half feet. The proposed sign design, with the individually boxed lettering, evokes the sign design for the Golden Gate Hotel & Casino located at 1 Fremont Street, but at a smaller scale.

The subject site is within the Downtown Las Vegas Master Plan area. The city of Las Vegas has a rich tradition of iconic signage in the downtown area, which this sign would reinforce. As stated in the Justification Letter, the sign seeks to have a "memorable look" and "distinctive style" to compliment the unique hotel business that it identifies. The intention of the sign is to be an eye catching attraction, while complimenting the architectural features and building color palette.

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Despite the provided reasoning, the requested Variance is outside the realm of Nevada Revised Statutes (NRS) Chapter 278 statutes to justify granting a Variance from the City's signage standards. Therefore, staff recommends denial of the requested Variance.

FINDINGS (23-0579-VAR1)

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 a taller sign than allowed by Title 19.08. A less tall sign 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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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc</i>	
10/16/19	The City Council approved a General Plan Amendment (GPA-75814) from MXU (Mixed Use) to FBC (Form-Based Code) on the northeast corner of Fremont and 11 th Streets. Planning Commission and staff recommended approval.
	The City Council approved a Rezoning (ZON-76747) from C-2 (General Commercial) to T5-MS (T5 Main Street) on the northeast corner of Fremont and 11 th Streets. Planning Commission and staff recommended approval.
05/20/20	The City Council voted to approve a Special Use Permit (SUP-78466) for a 26,010 square-foot tavern-limited establishment use at 1108 East Ogden Avenue. Planning Commission and staff recommended approval.
	The City Council voted to approve a Site Development Plan Review (SDR-78465) for a two-story, 16,192 square-foot hotel with pool deck at 1108 East Ogden Avenue. Planning Commission and staff recommended approval.
09/21/23	The Department of Community Development administratively approved a Minor Amendment (23-0389-SDR1) of Site Development Plan Review (SDR-78465) for a 136 square-foot outdoor kitchen addition at 1108 East Ogden Avenue.
12/12/23	The Planning Commission is hearing a concurrent Waiver (23-0580-WVR1) application for an eight foot tall front yard fence at 1108 East Ogden Avenue.

<i>Most Recent Change of Ownership</i>	
01/24/20	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/15/22	A building permit (#C22-04863) was processed for the in ground pool and spa at 207 North 11th Street. This permit was issued on 09/27/23.
01/13/22	A building permit (#C22-00196) was processed for the wall and fence at 207 North 11th Street. This permit was issued on 07/11/22.
01/13/22	A building permit (#C22-00195) was processed for on-site work including a trash enclosure, light poles, and hardscapes at 207 North 11th Street. This permit was issued on 07/14/22.
01/13/22	A building permit (#C22-00194) was processed for a new building at 207 North 11th Street. This permit was issued on 07/14/22.

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<i>Pre-Application Meeting</i>	
10/30/23	A pre-application meeting was held to discuss the submittal requirements for a Variance.

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

<i>Field Check</i>	
08/30/23	During a routine site visit, staff observed a well maintained construction site without any concerns of note.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.80

<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	Hotel, Motel, or Hotel Suites	FBC (Form Based Code)	T5-MS (T5-Main Street)
North	Undeveloped	FBC (Form Based Code)	T4-MS (T4 Main Street)
South	Undeveloped	FBC (Form Based Code)	T5-MS (T5-Main Street)
East	Multi-family Residential	FBC (Form Based Code)	T4-MS (T4 Main Street)
West	Undeveloped	FBC (Form Based Code)	T5-MS (T5-Main Street)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
2050 City of Las Vegas Master Plan: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
DTLV-O (Downtown Las Vegas Overlay) District – Fremont District	Y
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Roof Signs: 19.08.120(F)(25)</i>			
<i>Standards</i>	<i>Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Number	1 per building elevation	1 total	Y
Maximum Area	20% of building elevation	4.2%	Y
Maximum Height	8 Feet above top of wall, marquee or parapet	14 Feet above the top of wall marquee or parapet.	N*
Maximum Projection	4 Feet	Less than 1 Foot	Y
Illumination	Internal/External	Internal	Y

**The Applicant is requesting a Variance to allow a 14 foot extension above the roof where eight feet is the maximum allowed.*