



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 6, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: RESTAURANT ROW, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0501-RQR1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0501-RQR1 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Variance (V-0040-97) and Special Use Permit (U-0030-97) shall be required.
2. The applicant shall submit an application to the City of Las Vegas for a Required Review of this Variance in five (5) years, at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for fees associated with the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.
3. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.
5. If the existing Off-Premise Sign is voluntarily demolished, this Variance (V-0040-97) shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
December 6, 2023 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a five-year Required Review of an approved Variance (V-0040-97) that allowed a 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign where a 55-foot tall double-faced sign is allowed at 1991 North Rainbow Boulevard.

ISSUES

- This is the sixth Required Review of the approved Variance.
- A Special Use Permit and Variance were approved and a building permit was issued for the subject sign. A final inspection was completed in 1997.
- Staff recommends another review of the off-premise sign in five years. The applicant is requesting no additional reviews for this off-premise sign.

ANALYSIS

This is the sixth Required Review of the approved Variance (V-0040-97). The subject off-premise sign is located in a parking lot within a commercial subdivision, facing U.S. 95, Lake Mead Boulevard and Rainbow Boulevard. Land in this area is fully developed with commercial uses zoned C-1 (Limited Commercial) or C-2 (General Commercial). The sign is located within the Off-Premise Sign Exclusionary Zone, in which off-premise signs are prohibited; however, a portion of the Exclusionary Zone is designated “exempt,” where off-premise signs are allowed within 660 feet of the U.S. 95 freeway. The existing off-premise sign is legally located within this Exempt Area.

Since the last review, the City of Las Vegas adopted the Las Vegas 2050 Master Plan, which contained some 3,100 changes in General Plan land use to accommodate future mixed-use development with residential density up to 25 dwelling units per acre. The SC (Service Commercial) designation on this property became NMUX (Neighborhood Mixed-Use Center) as part of this action. The purpose of this category is to accommodate walkable, moderate intensity, mixed-use, micro-transit oriented development and neighborhood servicing village centers. Since 2021, there have been no changes in zoning in this area to accommodate mixed-use redevelopment in accordance with the General Plan. An Off-Premise Sign remains a conforming use in the C-1 (Limited Commercial) zoning district.

Staff Report Page Two
December 6, 2023 - City Council Meeting

Staff conducted a field check of the subject site and found that the sign faces and supporting structure were in good condition and the area around the sign was well maintained. There have been no other significant changes in actual development or land use since the previous Required Review (RQR-74229). No issues have arisen in conjunction with the three sign faces or height.

The applicant has requested (through the justification letter) that no additional reviews be conducted for this sign, as the sign has been in this location since 1997 and the City Council has previously found no compatibility issues. Staff recommends another review in five years, as the review process allows for regular assessment of land use conditions that may affect future compatibility of the off-premise sign, particularly after the establishment of the NMXU (Neighborhood Mixed-Use Center) General Plan designation on this site.

FINDINGS (23-0501-RQR1)

A building permit was issued for a triple-faced off-premise sign in 1997 and all inspections have been completed. The off-premise sign is in compliance with Title 19 requirements and the sign remains compatible with the adjacent land uses. Therefore, staff recommends approval with conditions. If denied, the off-premise sign must be removed.

Staff Report Page Three
December 6, 2023 - City Council Meeting

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
07/28/92	The City Council approved a Special Use Permit (U-0148-92) for a proposed 40-foot tall, 14-foot by 48-foot double-faced Off-Premise Sign at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard. The Board of Zoning Adjustment recommended approval of the sign, but denied a request for a 55-foot tall sign.
03/28/94	The City Council denied a request for a Variance (V-0010-95) to allow two Off-Premise Signs, each with a 500-foot separation from another off-premise sign where 750 feet is the minimum separation required on property located on the east and west sides of the Oran K. Gragson Highway, south of Lake Mead Boulevard. The Board of Zoning Adjustment denied the request and the decision was appealed to the City Council. Staff recommended denial.
03/15/95	The City Council approved a Special Use Permit (U-0011-95) for a proposed 40-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard, subject to a five-year review. The Board of Zoning Adjustment and staff recommended approval.
07/25/96	The Planning Commission approved a Tentative Map (TM-0058-96) for a one-lot commercial subdivision on 9.92 acres at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard. Staff recommended approval.
	The Planning Commission approved a Final Map (FM-0116-96) for a one-lot commercial subdivision on 9.92 acres at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard. Staff recommended approval. The map was recorded on 04/07/97.
09/18/96	The City Council approved a General Plan Amendment (GPA-0035-96) from SC (Service Commercial) to GC (General Commercial) on 9.13 acres at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard. The Planning Commission failed to reach a supermajority; therefore, it had no recommendation. Staff recommended denial. The City Council amended the approval to GC only for the portion proposed for a hotel.

Staff Report Page Four
December 6, 2023 - City Council Meeting

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
9/18/96	The City Council approved a Rezoning (Z-0084-96) from N-U (Non-Urban) under Resolution of Intent to C-1 (Limited Commercial) to C-2 (General Commercial) on 9.13 acres at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard. The Planning Commission recommended approval. The proposal included plans for a hotel, bank and restaurants. The City Council amended the approval to C-2 only for the proposed hotel and C-1 for the remainder of the site.
06/23/97	The City Council approved a Variance (V-0040-97) to allow a proposed 14-foot by 48-foot triple-faced Off-Premise Sign where a double-faced sign is allowed at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard, subject to a review in five years.
07/14/97	The City Council approved a Special Use Permit (U-0030-97) to allow a proposed 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign at the southwest corner of Lake Mead Boulevard and Rainbow Boulevard. The Planning Commission recommended approval.
02/02/00	The City Council approved a Site Development Plan Review [Z-0084-96(4)] for a consolidated freestanding ground sign on 1.61 acres at 1931 North Rainbow Boulevard. The Planning Commission recommended approval.
06/19/02	The City Council approved a five-year Required Review [V-0040-97(1)], which allowed a 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign where a 55-foot tall, double-faced sign is allowed at 1991 North Rainbow Boulevard. The Planning Commission and staff recommended approval, subject to another review in five years.
02/06/08	The City Council approved a second Required Review (RQR-25330), which allowed a 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign where a 55-foot tall, double-faced sign is allowed at 1991 North Rainbow Boulevard. The Planning Commission and staff recommended approval, subject to another review in three years.
09/17/09	The Department of Planning administratively approved a request for a Site Development Plan Review (SDR-36064) for a 74.16 square-foot embellishment on an existing 61-foot tall, 14-foot by 48-foot, triple-faced Off-Premise Sign located at 1991 North Rainbow Boulevard.
02/08/11	The City Council approved a third Required Review (RQR-40454) of an approved Variance (V-0040-97), which allowed a 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign where a 55-foot tall, double-faced sign is allowed at 1991 North Rainbow Boulevard. Staff recommended approval, subject to another review in three years.

Staff Report Page Five
December 6, 2023 - City Council Meeting

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
02/19/14	The City Council approved a fourth Required Review (RQR-52379) of an approved Variance (V-0040-97), which allowed a 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign where a 55-foot tall, double-faced sign is allowed at 1991 North Rainbow Boulevard. Staff recommended approval, subject to another review in five years.
07/10/18	The Planning Commission approved a request for a Site Development Plan Review (SDR-73542) for a proposed 80-foot tall, 400 square-foot illuminated freestanding sign (Chick-Fil-A) on 1.81 acres at 1991 North Rainbow Boulevard. Staff recommended approval.
03/06/19	The City Council approved a fifth Required Review (RQR-74229) of an approved Variance (V-0040-97), which allowed a 61-foot tall, 14-foot by 48-foot triple-faced Off-Premise Sign where a 55-foot tall, double-faced sign was allowed at 1991 North Rainbow Boulevard. Staff recommended approval.
06/02/21	The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the General Plan from various categories to TOD-1 (Transit Oriented Development - High), TOD-2 (Transit Oriented Development - Low), TOC-1 (Transit Oriented Corridor - High), TOC-2 (Transit Oriented Corridor - Low) or NMUX (Neighborhood Mixed-Use Center) within the City of Las Vegas. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
07/17/97	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/03/97	A building permit (#97018239) was issued for relocation of a triple-faced off-premise sign at 1981 North Rainbow Boulevard. The permit was finalized on 09/26/97.

<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	

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

Staff Report Page Six
December 6, 2023 - City Council Meeting

Field Check	
09/20/23	The subject off-premise sign is located in a parking lot island within a commercial center along the west side of the property. It is oriented both toward U.S. 95 and Rainbow Boulevard. It contains three sign faces and is cantilevered over the parking area. The structural pole and sign faces were well maintained and free of graffiti.

Details of Application Request	
Site Area	
Net Acres	1.81

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Off-Premise Sign	NMXU (Neighborhood Mixed-Use Center)	C-1 (Limited Commercial)
	Shopping Center		
North	U.S. 95 Off-Ramp to Lake Mead Blvd.	Right-of-Way	Right-of-Way
South	Shopping Center	GC (General Commercial)	C-2 (General Commercial)
		SC (Service Commercial)	C-1 (Limited Commercial)
East	General Personal Service	NMXU (Neighborhood Mixed-Use Center)	C-1 (Limited Commercial)
	Financial Institution, Specified		
	Restaurant		
	Alcohol, On-Premise Full		
	Gaming Establishment, Restricted		
West	U.S. 95 Freeway	Right-of-Way	Right-of-Way

Staff Report Page Seven
December 6, 2023 - City Council Meeting

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (140 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
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

DEVELOPMENT STANDARDS

Pursuant to Title 19.12.120, the following standards apply:

<i>Standards</i>	<i>Code Requirements</i>	<i>Provided</i>	<i>Compliance</i>
Location	No off-premise sign may be located within public right-of-way	Not in public ROW Located in the Exempt Area of the Off-Premise Sign Exclusionary Zone	Y
Zoning	Permitted only in the C-1, C-2, C-M and M zoning districts, except permitted in the C-V district if the parcel is operated or controlled by an agency of local, state or federal government.	Located in a C-1 (Limited Commercial) zoning district	Y
Setback	Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	Set back 15 feet from U.S. 95 right-of-way	Y

Staff Report Page Eight
December 6, 2023 - City Council Meeting

Standards	Code Requirements	Provided	Compliance
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Each display face contains 672 sf A 74 sf embellishment was approved in 2009; however, there are currently no embellishments	Y
Height	No taller than 40 feet from grade at the point of construction; may be raised a maximum of 30 feet above an adjacent elevated freeway or to 55 feet if a significant portion of the display surface is obscured from view from the travel lanes of the freeway.	61 feet tall from grade to top of sign. Freeway is not elevated, but the sign is at a lower grade than the roadway surface of the freeway.	Y*
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	All structural elements of the sign are screened from public view.	Y
Distance Separation	At least 750 feet to another off-premise sign along freeway frontage or at least 300 feet to another off-premise Sign (if not freeway)	Sign is approximately 750 feet southwest of the nearest off-premise sign along the eastern frontage of U.S. 95.	Y
	At least 300 feet to the nearest property line of a lot in any "R" or "U" zoned districts.	Sign is approximately 380 feet from the nearest property line zoned either "R" or "U."	Y

Staff Report Page Nine
December 6, 2023 - City Council Meeting

<i>Standards</i>	<i>Code Requirements</i>	<i>Provided</i>	<i>Compliance</i>
Other	All off-premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently attached to the ground and detached from any other structures.	Y

*A Variance (V-0040-97) was approved to allow a 61-foot tall Off-Premise Sign where 55 feet is allowed.