

City of Las Vegas

AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 13, 2021

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BSC SIGNS - OWNER: TWIN STAR ENERGY, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
21-0102-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 200

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

21-0102-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a canopy sign that takes up 25.5% of the canopy elevation where 25% is the maximum allowed.
2. A Variance is hereby approved to allow a canopy sign that takes up 34.3% of the canopy elevation where 25% is the maximum allowed.
3. Approval of and conformance to the Conditions of Approval for Sign Design Review (21-0102-ARC1) shall be required, if approved.
4. 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.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. 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 two canopy signs which exceed the maximum area requirements at 1701 South Las Vegas Boulevard.

ISSUES

- A Variance is requested to allow a canopy sign that takes up 25.5% of the canopy elevation where 25% is the maximum allowed.
- A Variance is requested to allow a canopy sign that takes up 34.3% of the canopy elevation where 25% is the maximum allowed.
- If the application is approved, the proposed signage will undergo a separate review, as the subject site is located within the Las Vegas Boulevard Scenic Byway Overlay.

ANALYSIS

The subject site is an existing convenience store located at the southeast corner of Oakey Boulevard and Las Vegas Boulevard. The subject site is zoned C-2 (General Commercial). In addition, the subject site is located within the Downtown Las Vegas Gateway District and the Las Vegas Boulevard Scenic Byway Overlay District.

In April 2020, staff administratively approved a proposed 974 square-foot building addition, façade improvements, landscape improvements, parking lot reconfiguration, and a 1,936 square-foot gas canopy with fuel pumps at the subject site. The subject site is currently being developed for these improvements.

In association with these improvements, the applicant is proposing new signage for the 0.48-acre site. New signage is proposed on the fuel canopy elevations. Title 19 limits commercial canopy signage to 25 percent of the elevation area. Based on this, only 15 square feet of the north and south canopy elevations could be allocated toward signage. The applicant is requesting a Variance to allow canopy signs that take up 25.5% (south) and 34.3% (north) of the canopy elevation. Two sets of building permits (C20-03627 and C20-04338) have been submitted for review; however, each of these permit reviews are open pending the outcome of this Variance request.

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If this application is approved, the proposed signage will require a separate review, as the subject site is located within the Las Vegas Boulevard Scenic Byway Overlay. This review will include all signage on the subject site for compatibility with neon, animation, and illumination standards to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway.

No substantial evidence has been presented to warrant the requested Variance. Staff finds that the applicant has created a self-imposed hardship by proposing to incorporate signage that exceeds the Title 19 development standards. Therefore, staff recommends denial of this request.

FINDINGS (21-0102-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 signage that exceeds the fuel canopy. A reduction to proposed signage 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>	
01/26/84	The Board of Zoning Adjustment approved a Variance (V-0014-84) to allow an existing on-premise freestanding sign to be converted to an off-premise sign that is 68 feet where 40 feet is the maximum height permitted at the southeastern corner of Oakey Boulevard and South Las Vegas Boulevard.
06/18/08	Code Enforcement processed a Case (CE-66769) for general window sign, debris, trash, graffiti, vehicle, and other zoning violations at 1701 South Las Vegas Boulevard. The case was resolved on 06/19/08.
04/18/12	City Council approved a Special Use Permit (SUP-44448) for a proposed nine square-foot Accessory Package Liquor Off-Sale Use within an existing 2,640 square-foot convenience store at 1705 South Las Vegas Boulevard. Planning Commission recommended approval while staff recommended denial
08/22/12	Code Enforcement processed a Case (CE-118788) for three banners on a sign at 1701 South Las Vegas Boulevard. The case was resolved on 10/08/12.
05/23/13	Code Enforcement processed a Case (CE-129174) for graffiti on buildings and block walls at 1701 South Las Vegas Boulevard. The case was resolved on 06/08/13.
07/29/13	Code Enforcement processed a Case (CE-131481) for unpermitted banners at 1705 South Las Vegas Boulevard. The case was resolved on 08/05/13.
08/08/13	Staff administratively approved a one-year Required Review (RQR-48915) for an existing nine square-foot Accessory Package Liquor Off-Sale Use within an existing 2,640 square-foot convenience store at 1705 South Las Vegas Boulevard.
03/07/16	Code Enforcement processed a Case (CE-164204) for a reroof without a building permit at 1701 South Las Vegas Boulevard. The case was resolved on 03/17/16.
04/15/20	Staff administratively approved a Site Development Plan Review (SDR-78612) for a proposed 974 square-foot building addition, façade improvements, landscape improvements, parking lot reconfiguration, and a 1,936 square-foot gas canopy with fuel pumps on 0.48 acres at 1705 South Las Vegas Boulevard.

<i>Most Recent Change of Ownership</i>	
12/10/19	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
06/02/09	A business license (W10-00320) was issued for wire transfers at 1705 South Las Vegas Boulevard. The license is currently active and set to expire on 04/01/21.
03/05/12	A building permit (C-205966) was issued to demolish a canopy over a fueling station at 1705 South Las Vegas Boulevard.
12/18/14	A business license (X62-00040) was issued for 5 gaming machines at 1705 South Las Vegas Boulevard. The license is currently active and set to expire on 04/01/21.
03/08/16	A building permit (C-312838) was issued for reroofing at 1701 South Las Vegas Boulevard.
08/15/19	A business license (G67-06003) was issued for an automated teller machine at 1705 South Las Vegas Boulevard. The license is currently active and set to expire on 08/01/21.
09/18/19	A business license (G67-06776) was issued for a convenience store at 1705 South Las Vegas Boulevard. The license is currently active and set to expire on 04/01/21.
10/22/19	A business license (G67-06777) was issued for tobacco sales at 1705 South Las Vegas Boulevard. The license is currently active and set to expire on 10/01/21.
09/17/20	A building permit (C20-03627) is currently being processed for two sets of illuminated channel wall signs and logo cabinets on an existing gas canopy at 1701 South Las Vegas Boulevard. The permit review is open pending the outcome of this signage review.
11/09/20	A building permit (C20-04338) is currently being processed for wall, canopy, and price signs at 1701 South Las Vegas Boulevard. The permit review is open pending the outcome of this signage review.
11/17/20	A building permit (C20-04157) was issued for the full interior demolition of the existing build-out at 1701 South Las Vegas Boulevard.
12/02/20	A building permit (F20-01407) was issued for the installation of two fuel tanks and dispensers at 1705 South Las Vegas Boulevard.
01/11/21	A building permit (L20-01633) was issued for the renovation of an existing building with onsite pavement replacement and filing of an existing driveway and conversion to the sidewalk at 1705 South Las Vegas Boulevard.
02/11/21	A building permit (C20-03096) was issued for the interior demolition of an existing convenience store with a full interior remodel and building additions and a new fuel canopy and pumping station at 1705 South Las Vegas Boulevard.

Pre-Application Meeting	
02/23/21	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance and Downtown Design Review Signage Review for proposed signage at a redeveloped convenience store.

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<i>Neighborhood Meeting</i>

A neighborhood meeting was not required, nor was one held.
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<i>Field Check</i>

06/29/21	A routine field check was conducted by staff; staff found a convenience store currently under construction. Nothing was noted of concern.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Net Acres	0.48
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<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	General Retail Store, Other than Listed Package Liquor Off-Sale Establishment Gaming Establishment Restricted	C (Commercial)	C-2 (General Commercial)
North	General Retail Store, Other than Listed Beer/Wine/Cooler Off-Sale Establishment Gaming Establishment Restricted		
South	Wedding Chapel		
East	Vacant		
West	Restaurant		

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Beverly Green/ Southridge Neighborhood Plan	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 1 (Gateway District)	Y
SB-O (Las Vegas Boulevard Scenic Byway Overlay) District	Y

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Other Plans or Special Requirements	Compliance
Trails	Y
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	120	Y
Oakey Boulevard	Collector Street	Master Plan of Streets and Highways Map	80	Y

Canopy Signs: [Side C – South Side - Sinclair]		
Standards	Allowed	Provided
Maximum Number	Limited by total area	1 / Canopy Elevation
Maximum Area	25% of the face of the canopy 15 SF	34.3% of building elevation 20.6 SF
Illumination	75% exposed neon, animation, or any combination thereof	Exposed neon

Canopy Signs: [Side D – North Side – Dinosaur]		
Standards	Allowed	Provided
Maximum Number	Limited by total area	1 / Canopy Elevation
Maximum Area	25% of the face of the canopy 15 SF	25.5% of building elevation 15.3 SF
Illumination	75% exposed neon, animation, or any combination thereof	Exposed neon