

SIGNAGE & PLAN MODIFICATIONS  
(TITLE 30)

RUSSELL RD/POLARIS AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0047-HERBST FAMILY LIMITED PARTNERSHIP II:**

**APPEAL WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** increase wall sign area; **3)** permit animated signage (video units) where not permitted; **4)** increase animated sign area; **5)** permit roof signs; **6)** increase projecting sign area; and **7)** allow a projecting sign to be animated.

**DESIGN REVIEWS** for the following: **1)** modifications to an approved parking garage; and **2)** a comprehensive sign plan for a parking garage, supper club, convenience store and gasoline station on 4.0 acres in an M-1 (Light Manufacturing) (AE-60) Zone.

Generally located on the west side of Polaris Avenue between Dewey Drive and Russell Road within Paradise. MN/al/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-29-401-013; 162-29-401-014; 162-29-401-016

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase building height to 72 feet for a roof mounted flagpole where a maximum building height of 50 feet is permitted per Table 30.64-5 (a 44% increase).
2. Increase wall sign area to 8,767 square feet where a maximum of 3,781 square feet is permitted per Table 30.72-1 (a 131.9% increase).
3. Permit animated signage (video units) where only electronic message units are permitted per Table 30.72-1.
4. Increase aminated sign area to 8,405 square feet where 300 square feet is permitted per Table 30.72-1 (a 2701.7% increase).
5. Permit roof signs where not permitted per Section 30.72.
6. Increase projecting sign area to 60 square feet where a maximum of 32 square feet is permitted per Table 30.72-1 (an 87.5 % increase).
7. Permit a projecting sign to be animated where not permitted per Table 30.72-1.

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 5625 Polaris Avenue
- Site Acreage: 4
- Project Type: Building modifications & comprehensive sign plan
- Building Height (feet): 54 (building)/72 (roof top flagpole)

#### Site Plan

The site is located within the Stadium District. On the southern portion of the site is an existing convenience store with gasoline station. The northern portion of the site is being developed with a parking garage that includes a supper club and spaces for future tenants on the first floor. Access to the existing convenience store and gasoline station is provided by existing driveways from Russell Road and Polaris Avenue. Access to the parking garage is provided by a driveway located on the northwestern corner of the site.

#### Elevations

The building was originally approved with a height of 49 feet 4 inches. Materials for the exterior of the supper club will include a painted aluminum fascia, glass overhead roll-up doors, metal railing, and a painted concrete retaining wall. The majority of the parking garage building is approximately 42 feet in height. The building height is increased to approximately 54 feet to allow for an elevator. The highest portion of the building is 72 feet in height which is a flagpole that is incorporated into the design of the building for a stairway and elevator.

#### Signage

The request includes a comprehensive sign plan that includes the existing signage for the convenience store and gasoline station on the southern portion of the site. The existing signage consists of 5 wall signs with a total of 142 square feet and a 235 square foot freestanding sign. There is no animated signage on the site at this time.

Table summarizing the signage is provided below:

<b>Type of Sign</b>	<b>Approved/ Existing (sq. ft.)</b>	<b>Proposed (sq. ft.)</b>	<b>Total (sq. ft.)</b>	<b>Allowed per Title 30 (sq. ft.)</b>	<b># of Existing Signs</b>	<b># of Proposed Signs</b>	<b>Total # of Signs</b>
Flag (non-commercial)	600 (flag)	216 (flag)	816	3 (flags)	1	1	2
Wall <sup>1</sup>	142	8,625	8,767	3,781	5	5	10
Roof	0	360	360	0	0	6	6
Projecting <sup>1</sup>	0	60	60	32	0	1	1
Freestanding <sup>1</sup>	235	195	430	750	1	0	1
Animated <sup>(1 &amp; 3)</sup>	0	8,405	8,405	100	0	5	5
Totals <sup>(2 &amp; 3)</sup>	377	9,240	9,617	4,563	7	13	20

<sup>1</sup>Animated signage includes 1 projecting sign, 3 wall signs, and a cabinet on the existing freestanding sign.

<sup>2</sup>Flags not counted towards total sign area.

<sup>3</sup>Animated signs not counted toward total number of signs or sign area since counted in other categories.

The plans show a total of 5 animated signs which include a cabinet being added to the existing freestanding sign on the southern portion of the site, a projecting sign on the north side of the parking garage, and 3 wall signs located on the north, south, and east sides of the parking garage. The 3 animated wall signs are a total of 8,150 square feet out of 8,405 square feet of proposed signage (97%) for the site. The 6 roof signs are located on the front edge of canopies along the east side of the building. These signs extend above the top of the canopies which are considered as roofs making these roof signs. The 2 remaining wall signs are located on the northwest corner of the parking garage.

Applicant’s Justification

The applicant indicates that it is necessary to increase the height of the parking garage building to allow for an elevator, light poles on the top of the structure, and a flagpole that is incorporated into the design of the structure. The increase in the height for the elevator is only 4 feet above the Code requirement and will have no impact on the abutting development. Light poles on top of the structure are needed for safety and security. The flagpole is an architectural enhancement for the Stadium District. The additional signage and animated signage will result in a design aesthetics synergy and character outlined in the Stadium District Plan. The signage will create an ambiance and provide additional lighting in the area to create a safe environment for pedestrians in the district. The site is in close proximity to the Las Vegas Resort Corridor which is designated as a scenic highway renowned for distinct signage. Following this example in this area will create another distinction that is different from other stadium areas. Therefore, the applicant states this request is appropriate for and compatible with the area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-22-400100 (WS-20-0294)	First extension of time for a design review for a parking garage	Approved by BCC	October 2022
VS-22-0182	Vacated and abandoned patent easements	Approved by PC	May 2022
UC-21-0412	Supper club on the first floor of a parking garage	Approved by PC	October 2021
WS-20-0294	Parking garage	Approved by BCC	August 2020
VC-0321-99	Turf landscaping	Approved by PC	April 1999
VC-1118-97	75 foot high freestanding sign	Approved by PC	August 1997
UC-0752-97	100 foot high flagpole	Approved by BCC	July 1997
VC-0153-97	Reduced parking for a warehouse	Approved by PC	March 1997
ZC-1579-93	Reclassified the southern portion of the site to M-1 zoning for a convenience store with gasoline pumps and an office/warehouse	Approved by BCC	October 1993

### Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0246-90	Reclassified the northern portion of the site and the parcel to the west to M-1 zoning for a warehouse and office building	Approved by BCC	October 1990

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	M-1	Parking lot
South	Commercial Tourist	M-1	Convenience store with gasoline station
East	Commercial Tourist	H-1	Allegiant Stadium
West	Public Facilities	M-1	NV Energy substation & parking lot

### STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### Analysis

#### Comprehensive Planning

##### Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

##### Waiver of Development Standards #1

The increase in the height of the building for the elevator is a minor increase in the height of the building. The light poles on the roof of the parking garage will improve safety and security for people using the facility. The flagpole is designed as part of the structure. If this were a standalone structure, Section 30.56.045 would allow a height of up to 100 feet. Therefore, staff can support this request.

##### Waivers of Development Standards #2 through #7

The Stadium District Plan was accepted by the Board of County Commissioners in June 2021 as guidelines for development within the Stadium District. This plan did not establish any specific Code standards for the Stadium District. Title 30 has established specific requirements for signage within the Resort Corridor for the resort hotels which have allowed them to develop with unique signage and again there are no similar special Code standards for signage within the Stadium District. Signage discussed within the Stadium District Plan pertains to wayfinding signage including directional signage and identity signage. Therefore, staff finds that the Stadium District Plan does not support the applicant's statement that the proposed signage will enhance

the Stadium District. There is an existing convenience store and gasoline station on this site. The parking garage building is under construction at this time, which will include the approved supper club. Based on the plans there is space for other businesses within the parking garage, possibly 2 more tenants for the site. Staff finds the amount of signage proposed for the site is excessive based on the number of businesses that will be located on the site. There are other existing businesses in this area, allowing the proposed increase could cause other businesses in this area to request increases in signage. Staff finds the applicant has not provided a sufficient justification to warrant the approval of this request, the requested signage is excessive in relation to the size of the site and the potential number of businesses to be located on the site. Therefore, staff does not support these requests.

#### Design Review #1

The proposed increase to the height of the parking garage will improve the safety and security of the facility with the addition of the light poles on the roof of the structure. The elevator is a minor increase in the height of the structure and if the flagpole were a standalone structure, it would be allowed by Code. Staff finds the proposed increase will have little impact on the abutting developments and supports this request.

#### Design Review #2

Staff does not support the required waivers of development standards for proposed signage; therefore, staff cannot support this request.

#### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

#### **Staff Recommendation**

Approval of waiver of development standards #1 and design review #1; denial of waivers of development standards #2 through #7, and design review #2.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PLANNING COMMISSION ACTION:** April 18, 2023 – APPROVED – Vote: Aye: Castello, Stone, Kilarski, Lee, Mujica, Frasier Nay: Kirk

#### **Comprehensive Planning**

- Reduce nits (brightness of the video unit) to 25% of maximum brightness at nighttime.
- Applicant is advised that off-premises advertising is not permitted at this location; the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension

of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0122-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### **WAIVER OF DEVELOPMENT STANDARDS #3 WAS DENIED.**

**TAB/CAC:** Paradise - approval of waivers of development standards #1 and #5 through #7, and design review #1; denial of waivers of development standards #2 through #4 and design review #2.

**APPROVALS:** 1 card

**PROTESTS:**

**PLANNING COMMISSION ACTION:** April 4, 2023 – HELD – To 04/18/23 – per the applicant.

**APPEAL:** This item was appealed by the applicant who does not agree with the Planning Commission action denying waiver of development standards #3, and feels the application as submitted is appropriate for the Stadium District.

**APPLICANT:** TIMOTHY HERBST

**CONTACT:** CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV  
89101