



DEPARTMENT: PLANNING AND DEPARTMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: IPC-3852 Public hearing and possible action regarding an appeal from the approval by the Historic Preservation Commission of a consideration of application for Certificate of Appropriateness for demolition of historic guard shack, façade and tower at the Moulin Rouge located at 840 W. Flamingo Road (Phone: 139-28-703-014), C-2 (General Commercial) Zone, Ward 15 (Barlow)

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Historic Preservation Commission (HPC) considered the application for a Certificate of Appropriateness for demolition of the historic guard shack, façade and tower at the Moulin Rouge site. The application was approved on June 23, 2010, pursuant to an 8-1-1 vote. That action was subsequently appealed by Patricia Hershwitzky and scheduled for this public hearing.

RECOMMENDATION:

Staff recommends the City Council deny the appeal and uphold the action of the Historic Preservation Commission.

BACKUP DOCUMENTATION:

1. Aerial map
2. Staff Report
3. Supporting Documentation
4. Photos
5. Work Description - Exhibit A
6. Site Map Submitted at 06/23/10 HPC meeting by the applicant
7. Letter of Appeal of HPC Decision Submitted by Patricia Hershwitzky
8. Notice of Public Hearing
9. Submitted at Meeting - PowerPoint Presentation and Supplemental Documents by Patricia Hershwitzky, Petition to Preserve the Historic Designation by Barbara Crockett and Email by Deputy City Attorney Dan Still

Motion made by RICKI Y. BARLOW to Deny the appeal, thereby upholding the action of the Historic Preservation Commission

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Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Items 69 and 70.

A videotape was shown on Item 70, but a copy was not submitted.

ATTORNEY JORY SHOELL, appeared representing Olympic Coast Investment, Inc. and Las Vegas Apartment Lenders, the parties who petitioned the Historic Preservation Commission for the permit to conduct the demolition on the property.

PATRICIA HERSHWITZKY appeared as Secretary of the Moulin Rouge Museum and Cultural Center, as historian and world traveler, and as an educator who fully understands the necessity of tangible historical settings and artifacts. She submitted substantial materials, including a letter and doctiorial on the West Las Vegas area, a copy of the engineering report and documentation raising serious questions about the historical designation of the property, should the remnants on the site be removed or destroyed. She then utilized a detailed PowerPoint Presentation, a copy of which is made a part of the backup documentation, on the historical significance of the Moulin Rouge.

ATTORNEY SHOELL noted that many of the issues raised in MS. HERSHWITZKY'S presentation were not included in the appeal that was filed, denying him the opportunity to review them entirely. He then rebutted to some of the issues raised : 1) The address in the application is accurate, as indicated by the Assessor's Office; 2) No one has produced a copy of a 99 year lease, and, if it did exist, it was extinguished by the foreclosure proceedings; 3) Notice of demolition of a property is not necessary and only requires a demolition permit; 4) KATHERINE DUNCAN'S abstention on the approval to demolish the property by the Historic Preservation Commission is negligible due to the majority vote in support; 5) The demolition will not have any bearing on the property's historic designation.

BEATRICE TURNER, resident of West Las Vegas, stated that the Moulin Rouge property has been an eyesore for many years, and that the property owner should be required to clean it up.

TODD FARLOW, Las Vegas resident, questioned the materials of the building and asked if there is a development plan for the property.

BARBARA CROCKETT, Las Vegas Advisory Board, submitted a 25-signature petition, which is made a part of the minutes, for the preservation of the Moulin Rouge. She felt the property is worth saving in order to build around it.

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KATHERINE DUNCAN, Moulin Rouge Museum and Cultural Center, advised the Council that the same procedure to have a property listed as a historic site is required to have it delisted, and alleged that once the tower is demolished, the property stands no chance of holding its historic designation. She argued that the museum belongs to the Moulin Rouge and Cultural Center; therefore, she requested time to investigate why the museum is being demolished.

MS. DUNCAN informed COUNCILMAN BARLOW that in 1995, as part of the Sarah James Walker project, the state issued \$45,000 to the Moulin Rouge Museum and Cultural Center. That money was turned over to the Moulin Rouge Hotel, and she has tried to contact the attorney for the hotel to no avail. She believes the current owner is the appropriate owner; however, the Moulin Rouge Museum and Cultural Center has the rights to the area underneath the tower. After confirming with DEPUTY CITY ATTORNEY DAN STILL, COUNCILMAN BARLOW advised MS. DUNCAN that her issues with this property are private matters that have to be resolved independent of the City of Las Vegas. MS. DUNCAN argued that the owner is being compelled to demolish the property by the actions taken by the City.

LISA MORRIS HIEBLER, Deputy Director of Neighborhood Services, referred to videotape shown and concurred with the statements of ATTORNEY SHOELL and noted that staff is recommending a six-month review on Item 70, reserving the right to bring it back before the Council at any time before then.

ATTORNEY SHOELL stated that the property owner is trying to maintain a good relationship with the City and to put an end to the eyesore status of the property, confirming for MAYOR GOODMAN that the owner intends to sell the property and not develop it.

DICK TAYLOR requested additional time in order to meet with the owner.

MAYOR GOODMAN was saddened that despite many past proposals to develop this property, none of them came to fruition and the situation has reached the point of demolition of a symbolic beacon to the City's position as far as its history on segregation and desegregation. However, he concurs with COUNCILMAN BARLOW'S adamant position on developing the property for the benefit of the entire City of Las Vegas and the nearby residents.

COUNCILWOMAN TARKANIAN asked that any salvageable remnants with historical value be stored at the Neon Museum. ATTORNEY SHOELL assured the Councilwoman that one of the rose-colored pillars is salvageable and will be stored.

COUNCILMAN WOLFSON observed that no action taken by the Council changes the historical site and its symbolism, and that the Council retains control over its future development.

COURTNEY MOONEY, Urban Design Coordinator and Historic Preservation Officer of Planning and Development, indicated for COUNCILMAN BARLOW that anyone can apply for listing or delisting a property as a historical site, as long as the owner's approval is obtained. The

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state regularly looks at properties to see if they need to be delisted. She had no knowledge of a 99-year lease, and in her conversation with the state officer, he said that it is a City matter and not a state matter. DEPUTY CITY ATTORNEY STILL interjected that a state officer confirmed via e-mail that there is no such lease, and he indicated he would retrieve that e-mail and submit it.

COUNCILMAN BARLOW stated that as part of his campaign to clean up Ward 5, this unsightly property was brought to the forefront. There are individuals that are in support of the demolition and those against it, but improvements to the property are necessary for the benefit and quality of life of all the residents in the area.

COUNCILMAN REESE noted that in all the years he represented this area and in dealing with the various development projects proposed for this area, a 99-year lease on the museum never came up.

COUNCILMAN BARLOW encouraged new development on this site and asked that the owner salvage as many historical features as possible. DEPUTY CITY ATTORNEY STILL advised the Councilman that this matter involves an appeal and any other conditions regarding historic preservation are not appropriate.

MAYOR GOODMAN declared the Public Hearing closed for Items 69 and 70

