



## AGENDA MEMO

**CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: NEON MUSEUM - OWNER: CITY OF LAS VEGAS**

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### \*\* STAFF RECOMMENDATION(S) \*\*

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| <b>VAC-38583</b>       | Staff recommends APPROVAL, subject to conditions: | N/A                              |

### \*\* CONDITIONS \*\*

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## VAC-38583 CONDITIONS

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1. The limits of this Petition of Vacation shall be all of the City of Las Vegas' interest in a 5-foot wide 220-foot long Public Utility Easement generally located east of Las Vegas Boulevard between McWilliams Avenue and Wilson Avenue. This action will vacate only City of Las Vegas interests, and does not affect the interests any other public utility company may have.
2. Reserve a 20-foot Public Sewer Easement over the existing public sewer line crossing the proposed area of Vacation. Alternatively, provide appropriate documentation acceptable to the City Engineer of the intent to reserve the 20-foot portion over the existing public sewer line crossing the proposed area of Vacation prior to the issuance of any building permits.
3. All development shall be in conformance with code requirements and design standards of all City Departments.

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4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted. This condition should always be the last condition.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site, which is currently under construction for a proposed museum, is located at 770 North Las Vegas Boulevard. The request is to vacate an existing five-foot wide public utility easement, which runs through the proposed museum site between Las Vegas Boulevard and Encanto Drive. Staff can support the requested Vacation as the easement is unused in its current configuration and may be remapped in a different configuration.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i> |                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/24/02                                                          | The Planning Commission approved a request for a Site Development Plan Review (SD-0049-02) for a proposed banner display adjacent to the east and west sides of Las Vegas Boulevard between Washington Avenue and Bell Drive. Staff recommended approval.                                                                                          |
| 01/07/04                                                          | The City Council approved a Rezoning (ZON-3256) from C-2 (General Commercial) and R-3 (Medium Density Residential) to C-V (Civic) on 1.79 acres adjacent to the west side of Encanto Drive, north and south of McWilliams Avenue. The Planning Commission and staff recommended approval.                                                          |
| 01/07/04                                                          | The City Council approved a Site Development Plan Review (SDR-3257) for a museum adjacent to the west side of Encanto Drive, north and south of McWilliams Avenue. The Planning Commission and staff recommended approval. The Site Development Plan Review application (SDR-3257) expired in January 2006, as no building permits were submitted. |
| 02/21/07                                                          | The City Council approved a Rezoning (ZON-18755) from C-1 (Limited Commercial) to C-V (Civic) on 0.30 acres at 501 and 505 East McWilliams Avenue. Planning Commission and staff recommended approval.                                                                                                                                             |
| 02/21/07                                                          | The City Council approved a Site Development Plan Review (SDR-18751) for a 2,768 square-foot museum on 2.10 acres at 501 through 509 East McWilliams Avenue, 731 North 9th Street, and 770 North Las Vegas Boulevard. Planning Commission and staff recommended approval.                                                                          |
| 08/01/07                                                          | The City Council approved a request (DIR-22243) to designate the La Concha Motel Lobby as a Historic Property within the City of Las Vegas on 1.14 acres at 770 North Las Vegas Boulevard. Planning Commission and staff recommended approval.                                                                                                     |
| 06/25/09                                                          | The Planning Commission approved a request for a Variance (VAR-34515) to allow a proposed sign height of 37 feet where 12 feet is the maximum allowed at the northeast corner of Las Vegas Boulevard and McWilliams Avenue. Staff recommended approval.                                                                                            |

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|          |                                                                                                                                                                                                                                                                                                                                                                      |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/17/10 | The City Council approved a request for an Extension of Time (EOT-37123) of a previously approved Site Development Plan Review (SDR-18751) for a 2,768 square-foot museum at 770 North Las Vegas Boulevard. Staff recommended approval.                                                                                                                              |
| 02/24/10 | The Historic Preservation Commission approved a Certificate of Appropriateness (HPC-37397) for new construction at the La Concha building, Neon Museum, located 770 North Las Vegas Boulevard.                                                                                                                                                                       |
| 05/27/10 | The Planning Commission approved a request for a Major Amendment of the Site Development Plan Review (SDR-37021) to an approved Site Development Plan Review (SDR-18751) for a 779 square-foot addition to a 2,768 square-foot museum and site modifications on 1.13 acres at 770 North Las Vegas Boulevard. The Planning and Development staff recommended approval |
| 07/29/10 | The Planning Commission voted (7-0) to recommend APPROVAL of VAC-38583 and voted (7-0) to APPROVE SDR-38563 (PC Agenda Items #21-22/rg)                                                                                                                                                                                                                              |

| <b><i>Most Recent Change of Ownership</i></b> |                                                                     |
|-----------------------------------------------|---------------------------------------------------------------------|
| 03/29/96                                      | A deed was recorded for a change in ownership at APN 139-27-805-005 |
| 03/29/96                                      | A deed was recorded for a change in ownership at APN 139-27-805-045 |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                  |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/29/00                                                 | An electrical permit (#18297) was issued for the property at 770 North Las Vegas Boulevard (a portion of the subject site).                                                      |
| 11/08/07                                                 | A building permit (#94823) was issued for the reconstruction of the La Concha shell at 770 North Las Vegas Boulevard. The permit has not been finalized.                         |
| 08/21/09                                                 | A building permit (#141824) was issued for a 14 foot CMU block wall and 16 foot CMU block/wrought iron wall at 770 North Las Vegas Boulevard. The permit has not been finalized. |
| 08/21/09                                                 | A building permit (#141822) was issued for an 8 foot block wall at 770 North Las Vegas Boulevard. The permit has not been finalized.                                             |
| 08/21/09                                                 | A building permit (#141820) was issued for temporary chain link fencing at 770 North Las Vegas Boulevard. The permit has not been finalized.                                     |
| 01/28/10                                                 | A building permit (#141810) was issued for a trash enclosure at 810 North Las Vegas Boulevard. The permit has not been finalized.                                                |

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|          |                                                                                                                                                                              |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/28/10 | A building permit (#141811) was issued for a public park at 810 North Las Vegas Boulevard. The permit has not been finalized.                                                |
| 01/28/10 | A building permit (#141813) was issued for rough grading at 810 North Las Vegas Boulevard. The permit has not been finalized.                                                |
| 01/28/10 | A building permit (#141825) was issued for a shade structure at 810 North Las Vegas Boulevard. The permit has not been finalized.                                            |
| 01/29/10 | A building permit (#141878) for a monument sign was denied by Planning and Development as the sign is required to obtain approval from the Downtown Design Review Committee. |
| 06/03/10 | A building permit (#164387) was issued for an eight-foot vehicular access gate at 770 North Las Vegas Boulevard. The permit has not been finalized.                          |

***Pre-Application Meeting***

|          |                                                                                                                                                               |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/28/10 | A pre-application meeting was held on the indicated date to discuss the submittal requirements for a Vacation and an associated Site Development Plan Review. |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Neighborhood Meeting***

A neighborhood meeting is not required, nor was one held.

|          |                                                                                                                              |
|----------|------------------------------------------------------------------------------------------------------------------------------|
| 06/24/10 | Staff conducted a field check of the subject property and noted a commercial lot under construction for the proposed museum. |
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***Details of Application Request***

***Site Area***

|           |      |
|-----------|------|
| Net Acres | 1.13 |
|-----------|------|

***Field Check***

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.04</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| Subject Property                   | Museum                                          | PF (Public Facilities)                                | C-V (Civic)                            |
| North                              | City Park                                       | PF (Public Facilities)                                | C-V (Civic)                            |
| South                              | Multi-Family Residential                        | MXU (Mixed-Use)                                       | C-2 (General Commercial)               |
|                                    | General Retail                                  |                                                       |                                        |
| East                               | Single Family Residential                       | MXU (Mixed-Use)                                       | R-1 (Single Family Residential)        |
| West                               | Undeveloped                                     | MXU (Mixed-Use)                                       | C-2 (General Commercial)               |

**Staff Report Page Four**  
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| <b>Master Plan Areas</b>                          | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---------------------------------------------------|------------|-----------|-------------------|
| <b>Master Plan Area</b>                           |            |           |                   |
| Downtown North Plan                               | X          |           | Y                 |
| <b>Special Purpose and Overlay Districts</b>      | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| C-V (Civic) District                              | X          |           | Y                 |
| A-O (Airport Overlay) District                    | X          |           | Y                 |
| H (Historic Designation)                          | X          |           | Y                 |
| Las Vegas Boulevard Scenic Byway Overlay District | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Las Vegas Redevelopment Plan Area</b>          | X          |           | Y                 |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## **LEGAL DESCRIPTION OF PROPOSED VACATION**

The above property is legally described as a five-foot (5') wide public utility easement approximately 220-foot long between Las Vegas Boulevard and Encanto Drive, approximately 72 feet south of McWilliams Avenue. Said property is lying within a portion of Lot 1, the north forty-nine feet (49') of Lot 2, Lot 15 and Lot 16 of Biltmore Addition Annex Number 3.

## **ANALYSIS**

The five-foot wide public utility easement extends approximately 220 feet between Las Vegas Boulevard and Encanto Drive. The proposed vacation will allow for continuity throughout the project in conjunction with the proposed Neon Museum. Since the five-foot wide public utility easement is no longer being utilized in its intended form, staff recommends approval of this request.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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### **NOTICES MAILED**

1 (By City Clerk)

### **APPROVALS**

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### **PROTESTS**

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