



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

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

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-37021	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SDR-37021 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-18755) and Site Development Plan Review (SDR-18751) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Pursuant to Title 19.10.010(H), an off-site parking agreement shall be submitted to the Planning and Development Department and approved by the City Attorney's office prior to issuance of a building permit.
4. All development shall be in conformance with the site plan date stamped 04/30/10, the landscape plan, building elevations, and floor plans date stamped 04/13/10, except as amended by conditions herein.
5. All signage shall be reviewed by the Downtown Design Review Committee and must adhere to the standards of the Las Vegas Scenic Byway Overlay District and Conditions of Approval for Site Development Plan Review (SDR-18757) prior to issuance of building permits for any signage.

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6. Prior to occupancy, 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 Building and Safety Department.
7. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.
8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: 50 five-gallon shrubs shall be provided along the east perimeter landscape buffer fronting Encanto Drive.
9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

16. Grant a 20-foot Public Sewer Easement over the existing public sewer line on this site. Alternatively, provide appropriate documentation acceptable to the City Engineer of the intent to reserve a 20-foot Public Sewer Easement over the existing sewer line prior to the issuance of any building permits. The proposed building shall not encroach into the public sewer easement area and the easement may be offset a distance (acceptable to the Collection Systems Planning Section of the Department of Public Works) from the center of the existing public sewer line to accommodate the proposed building.
17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Neon Boneyard Park project, the Las Vegas Boulevard Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
19. Site development to comply with all applicable conditions of approval for SDR-18751 and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-18751) for a proposed Museum on 1.13 acres at 770 North Las Vegas Boulevard. The request is for a proposed 3,547 square-foot museum where a 2,768 square-foot museum was previously approved. The proposal will increase the building area by 779 square feet, increase required parking, and required landscaping; therefore, a Major Amendment to the approved Site Development Plan Review (SDR-18751) is required. Staff can support the requested Major Amendment as the proposed site conforms to Title 19 Commercial Development Standards and parking requirements and will result in an enhanced site by providing additional landscaping from the previous approval. If denied, the site must comply with the previously approved Site Development Plan Review (SDR-18751).

ISSUES

- The applicant must submit a parking agreement outlining the terms and conditions of the proposed off-site parking to be located in the parking lot of the park to the north prior to issuance of building permits.
- The previously approved landscape buffer widths will remain except for the north perimeter landscape buffer which will increase from three feet to nine feet.
- The provided landscape buffer trees are increasing from 4 trees to 12 trees.
- A condition has been added requiring the applicant provide 50 five-gallon shrubs along the east perimeter landscape buffer, as was approved by Site Development Plan Review (SDR-18751).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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.

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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 an 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.
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.

Most Recent Change of Ownership

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 139-27-812-045.

Related Building Permits/Business Licenses

09/29/00	An electrical permit 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.

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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.
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.
01/28/10	A building permit (141827) was issued for a parking lot access gate 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.

Pre-Application Meeting

04/12/10	A pre-application meeting was held on the indicated date. The following items were discussed at the meeting: • A Site Development Plan Review application is required, as the existing building will be expanding by over 700 square feet. The requirements for a Site Development Plan Review were discussed. • An off-site parking agreement with the City Park north of McWilliams Avenue is required to avoid a parking Variance.
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Neighborhood Meeting

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

Field Check

04/22/10	Staff conducted a field check on the indicated date. The following items were noted: • A commercial lot under construction.
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Details of Application Request

Site Area

Net Acres	1.13
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Museum	PF (Public Facility)	C-V (Civic)
North	City Park	PF (Public Facility)	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)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown North Plan			Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
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
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the following development standards shall apply:

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	1.13 acres
Min. Lot Width	109 Feet
Min. Setbacks • Front • Side • Corner • Rear	22 Feet 8 Feet 37.5 Feet 118 Feet
Max. Lot Coverage	7%
Max. Building Height	29 Feet
Trash Enclosure	Not indicated

Mech. Equipment	Screened
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Per Title 19.08.060, the following Residential Adjacency Standards shall apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	87 Feet	168 Feet	Y
Adjacent development matching setback	20 Feet	168 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

Pursuant to Title 19.12, the following standards shall apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	11 Trees	6 Trees	N
• South	1 Tree / 30 Linear Feet	8 Trees	Zero Trees	N
• East	1 Tree / 20 Linear Feet	17 Trees	3 Trees	N
• West	1 Tree / 20 Linear Feet	6 Trees	3 Trees	N
TOTAL PERIMETER TREES		42 Trees	12 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	Zero Trees	Zero Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		9 Feet	N
• South	15 Feet		Zero Feet	N
• East	15 Feet		3 Feet	N
• West	8 Feet		22 Feet	N
Wall Height			8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Museum	3,547 SF	1:300	12		Zero		N
Park	2.10 acres	2/acre	6		31		
TOTAL SPACES REQUIRED			18		31		Y
TOTAL (With Handicapped)			17	1	29	2	Y
Loading Spaces			1		1		Y

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	Previously Approved (SDR-18751)	Proposed
Building Size	2,768 SF	3,547 SF
Lot Coverage	6%	7%
Wall Height	9 Feet 6 Inches	8 Feet
Parking	10 spaces required 15 spaces provided	12 spaces required Zero spaces provided
Elevations	Height – 29 Feet	Height – 29 Feet
Setbacks	Front – 22 Feet Side – Zero Feet Corner – 24 Feet	Front – 22 Feet Side – 8 Feet Corner – 24 Feet
Landscape Buffer Widths	North – 3 Feet South – Zero Feet East – 3 Feet West – 22 Feet	North – 9 Feet South – Zero Feet East – 3 Feet West – 22 Feet
Landscape Buffer Trees	4 Trees provided	12 Trees provided

**SDR-18751 includes APN 139-27-805-004, north of McWilliams Avenue.*

ANALYSIS

As proposed, the museum will increase in square-footage from 2,768 square feet to 3,547 square feet, with subsequent changes in site design. Site changes include eliminating the 15 parking spaces previously approved, adding six feet of perimeter landscape buffer width along the north perimeter buffer, providing additional perimeter landscape buffer trees and decreasing the overall height.

The site complies with all Title 19 requirements with the exception of required landscaping. However, the previously approved Site Development Plan Review (SDR-18751) addressed these landscaping concerns and the proposed Major Amendment does not increase any previously approved deficiencies; therefore, no additional Waiver or Exception requests are required. The proposed changes in landscaping include increasing the provided landscape buffer trees from four trees to 12 trees and increasing the previously approved three-foot landscape buffer along the north perimeter to nine feet in width. A condition of approval has been added requiring 50 five-gallon shrubs along the east perimeter landscape buffer, as was approved by Site Development Plan Review (SDR-18751).

The applicant is also proposing to eliminate 15 parking spaces previously approved by Site Development Plan Review (SDR-18751). The applicant has agreed to enter into an off-site parking agreement with the City Park, north of McWilliams Avenue, to ensure that parking will be provided for the development. The City Park provides 31 parking spaces and is only required to provide six spaces. The proposed museum is required to provide 12 parking spaces; therefore the parking lot is more than sufficient to meet the needs of the museum and park. A condition

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has been added requiring the applicant submit a parking agreement, approved by the City Attorney, detailing the terms and conditions of the proposed off-site parking prior to issuance of building permits. The provided access and circulation will be adequate for pedestrians and vehicles.

The site as proposed will decrease the previously approved landscaping deficiencies. The applicant is providing an enhanced site with additional perimeter landscape trees, buffer widths, and enhanced building elevations; for these reasons, staff recommends approval.

FINDINGS (SDR-37021)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The Neon Museum will be located in the Cultural Corridor along Las Vegas Boulevard, and will increase the cultural offerings in the area. While there are residential properties to the east of the site, adequate separation and buffers will be in place to minimize any conflicts.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed development is consistent with the Las Vegas 2020 Master Plan and the Downtown North Land Use Plan. The design of the facility is consistent with Title 19, as conditioned.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

The only driveway will be located on McWilliams Avenue, so as to minimize impacts to Las Vegas Boulevard and the residential neighborhood to the south of the site. This driveway will not be accessed by the public, but will primarily be used by employees to move display signage in or out of the site.

4.Building and landscape materials are appropriate for the area and for the City;

The proposed building materials and plant materials are appropriate for the area and for the city, and are consistent with the era of the relocated La Concha Motel building.

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5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The proposed addition to the historic La Concha lobby is consistent with the original architecture of the structure; the materials and design of the proposed perimeter wall around the exterior of the site is appropriate to the era of the historic structure. The landscape materials are appropriate for the area and city.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

13

NOTICES MAILED

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APPROVALS

2

PROTESTS

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