



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 8, 2011

DEPARTMENT: PLANNING

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>
VAR-40799	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAR-40799 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Rezoning (ZON-18755) and Site Development Plan Reviews (SDR-18751), (SDR-37021) and (SDR-38563), except as amended herein.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. 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

This application is a request for a Variance to allow the installation of a 25-inch wrought iron fence on top of an eight-foot high solid wall where an eight-foot high wall is the maximum height allowed at the Neon Museum located at 770 North Las Vegas Boulevard. The subject site is currently surrounded by an eight-foot high temporary construction fence that has proven ineffective against problems with site trespassing and vandalism. The applicant proposes increasing the eight-foot high wall with a 25-inch iron fence addition in order to prevent unauthorized site access. Staff recommends approval of this request. If denied, the applicant will only be allowed to proceed with the previously approved eight-foot high wall.

ISSUES

- The current eight-foot high temporary construction fence surrounding the Museum's outdoor neon sign collection is unable to prevent trespassing and vandalism.
- The twenty-five inch iron fence is requested as a security measure to impede unauthorized site access.
- Title 19.06.020 Development Standards do not apply to wall height; therefore a Variance to Title 19.12.075 is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.

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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.
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 at 770 North Las Vegas Boulevard.
05/27/10	The Planning Commission approved the request for a Major Amendment (SDR-37021) to an approved Site Development Plan Review (SDR-18751) to expand an approved 2,768 square-foot Museum to 3,547 square feet.
07/29/10	The Planning Commission approved the request for a Major Amendment (SDR-38563) to an approved Site Development Plan Review (SDR-37021) for a reduction of the proposed Museum to 3,373 square-feet where a 3,547 square-foot Museum was approved with a Waiver to allow a zero-foot perimeter landscape buffer where 15 feet is required along a portion of the north and west perimeters. Also, a request to Vacate (VAC-38583) an existing five-foot wide 220-foot long public utility easement was approved with this request at 770 North Las Vegas Boulevard. Staff recommended approval of these requests.

<i>Most Recent Change of Ownership</i>	
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.

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<i>Related Building Permits/Business Licenses</i>	
11/08/07	A Building Permit (#94823) was issued for the construction of the Neon Museum 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.

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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.
06/03/11	A Building Permit (#164387) was issued for an eight-foot high vehicular access gate at 770 North Las Vegas Boulevard.

<i>Pre-Application Meeting</i>	
01/07/11	A pre-application meeting was held on the indicated date. The following items were discussed: The requirements for a Variance were discussed, as the existing 8-foot high perimeter wall will increase 25 inches beyond the allowed height.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
01/27/11	Staff conducted a field check on the indicated date. The following items were noted: - Existing walls are in place along the Park portion of the development (810 North Las Vegas Boulevard) and range in height from eight feet to 14 feet. - The Museum portion of the development (770 North Las Vegas Boulevard) is currently under construction with an eight-foot high temporary construction fence in place.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.13

<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		

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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 Land Use Plan	X		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 – 200 Feet	X		Y
H (Historic Designation) – La Concha Motel Lobby	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
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 19.12.075, the following standards apply:

	Allowed	Proposed
Wall Height	8 Feet (96 inches)	10 Feet, One inch (121 inches)
Percent Deviation	-	26%

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Las Vegas Boulevard</i>	Primary Arterial	Master Plan of Streets and Highways	100	Y
<i>McWilliams Avenue</i>	NA	NA	60	NA

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ANALYSIS

The requested Variance to allow a 25-inch wrought iron fence to be placed on top of an approved eight-foot high wall stems from the applicant's difficulty in successfully securing the subject site from vandalism. The site is currently under construction and has a temporary eight-foot high wire fence with cloth screening that has been unable to keep vandals from accessing the historic neon signage stored on site. Staff supports the Variance request because the proposed 25-inch wrought iron extension has been tastefully designed and will increase the level of site security without creating a public safety hazard. The requested Variance constitutes a 26% deviation from the eight-foot wall height required by Title 19.12.075. The redesigned 10-foot, one-inch high wall will have a positive effect on the Museum and benefit the community by providing increased protection of the community's historic signs. Staff supports this request; if denied, the applicant will be allowed to continue with the original eight-foot high solid wall design as approved by the current Site Development Plan Review (SDR-37021).

FINDINGS (VAR-40799)

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070(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."

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Evidence of a unique or extraordinary circumstance has been presented, in that the applicant has demonstrated an ongoing issue with unauthorized site access and resulting vandalism to the Museum's holdings. The original eight-foot high wall would allow conformance to the Title 19 requirements but would be proven just as ineffective as the eight-foot high temporary construction fence currently in place. Staff finds that a combination of environmental conditions such as the changing grade and neighboring structures has created a hardship for facilitating unauthorized site access that is unique to the site. It is concluded that the applicant's hardship is not preferential in nature, and it is within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 180

APPROVALS 0

PROTESTS 1