

11/15/22 PC AGENDA SHEET

MUSEUM
(TITLE 30)

PARK ST/EL CAMPO GRANDE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-22-400112 (UC-1674-06)-BELLIVEAU ROBERT ROCK TR & BELLIVEAU ROBERT ROCK TRS:

WAIVER OF CONDITIONS of a use permit limiting to 24 days per calendar year in conjunction with a museum on 9.1 acres in an R-E (Rural Residential Estates) (RNP-I) Zone.

Generally located on the east side of Park Street and the north side El Campo Grande Avenue within Lone Mountain. RM/jud/syp (For possible action)

RELATED INFORMATION:

APN:

125-30-706-001

LAND USE PLAN:

LONE MOUNTAIN - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 5850 N. Park Street
- Site Acreage: 9.1
- Project Type: Art museum
- Number of Stories: 1
- Square Feet: 12,180
- Parking Required/Provided: 41/12 (approved with WS-1156-08)

Plans, History, & Request

The previously approved plans depicted an approximately 11,200 square foot addition to an existing 3,000 square foot residence used as an art museum. However, in 2008, the plans were modified and the area of the museum was reduced to 12,180 square feet via UC-1156-08. Exterior building materials consist of sand-colored stucco and tile roof. The floor plan depicts 5 gallery rooms and a gift shop. The site was approved with no parking lot landscaping or street landscaping.

At the original time of approval, the applicant proposed to exhibit works of art by special invitation during a maximum of 24 events per year. The applicant proposed commercial uses accessory to the museum, consisting of incidental sale of the exhibited art. The applicant

proposed to continue living on the property within the existing residence; today, the applicant continues to reside on site.

The applicant is requesting to open the museum Thursdays through Saturdays 11:00 a.m. to 5:00 p.m. and Sundays from 11:00 a.m. to 4:00 p.m. The applicant also proposes to have 2 special events per month lasting from 2 to 4 hours, concluding by 10:00 p.m. WC-22-400113 (WS-1156-08) is a companion item on this agenda to waive the condition limiting the maximum number of guests per event to 35. The request includes allowing up to 50 guests per day, and up to 100 guests for special events.

Previous Conditions of Approval

Listed below are the approved conditions for AR-20-400002 (UC-1674-06):

Current Planning

- Remove the time limit.
- Applicant is advised that a Clark County Business License may be required.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for AR-20-400008 (WS-1156-08):

Current Planning

- Remove the time limit.
- Applicant is advised that a Clark County Business License may be required.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ET-18-400181 (UC-1674-06):

Current Planning

- Until January 18, 2020 to commence and review as a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ET-18-400182 (WS-1156-08):

Current Planning

- Until January 18, 2020 to commence and review as a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-1674-06 (ET-0066-13):

Current Planning

- Until January 18, 2018 to commence and review as a public hearing.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant is advised to submit to either the Southern Nevada Health District concerning the use of an individual disposal system, or to inquire with the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

Listed below are the approved conditions for WS-1156-08 (ET-0067-13):

Current Planning

- Until January 18, 2018 to commence and review as public hearing.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRI) does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant is advised to submit to either the Southern Nevada Health District concerning the use of an individual disposal system, or to inquire with the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the parcel.

Listed below are the approved conditions for WS-1156-08 (ET-0136-10):

Current Planning

- Until January 18, 2014 to commence and review as a public hearing to coincide with UC-1674-06;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.

- Applicant is advised that any change in circumstance or regulations may be justification for the denial of an extension of time.

Public Works- Development Review

- Right-of-way dedication to include 30 feet for Park Street and 30 feet for El Campo Grande Avenue;
- Execute a Restrictive Covenant Agreement (deed restriction).

Listed below are the approved conditions for UC-1674-06 (ET-0266-09):

Current Planning

- Until January 18, 2014 to commence and review as a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Civil Engineering

- Compliance with previous conditions.

Listed below are the approved conditions for VS-0183-09:

Current Planning

- Satisfy utility companies' requirements;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that the recording of the order of vacation in the Office of the County Recorder must be completed within years of the approval date or the application will expire.

Civil Engineering

- Right-of-way dedication of portion of knuckle at the intersection of TeePee Lane and Corbett Street;
- Drainage study and compliance;
- Revise legal description, if necessary, prior to recording.

Listed below are the approved conditions for WS-1156-08:

Current Planning

- Until January 18, 2011 to commence and review a public hearing to coincide with UC-1674-06;
- A maximum of 35 guests per museum event;
- All applicable standard conditions for this application type.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Civil Engineering

- Pave Corbett Street and TeePee Lane to non-urban standards, or apply for and have approved the vacation of Corbett Street and TeePee Lane;
- Drainage study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Listed below are the approved conditions for UC-1674-06 (ET-0204-08):

Current Planning

- Until January 18, 2010 to commence and review as a public hearing;
- Property owner must apply for a commercial septic system permit for the museum from the Nevada Division of Environmental Protection;
- Property owner to acquire additional water rights from the Nevada Division of Water Resources to convert from a domestic use well to a commercial use well;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Civil Engineering

- Drainage study and compliance;
- Compliance with previous conditions.

Listed below are the approved conditions for UC-1674-06:

Current Planning

- 4 years for review as a public hearing;
- Limited to 24 days per calendar year;
- Any future additions will require approval of a new use permit;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Civil Engineering

- Construct paving to non-urban standards on Corbett Street and Tee Pee Lane;
- Execute Restrictive Covenant (deed restrictions).

Applicant's Justification

The applicant is requesting to open 4 days a week and hold 24 events per year. The proposed hours of operation are Thursday through Saturday from 11:00 a.m. to 5:00 p.m. and Sunday from 11:00 a.m. to 4:00 p.m. The special events would be twice a month for 2 to 4 hours each event, concluding before 10:00 p.m.

Access to the site's parking lot is via El Campo Grande Avenue. The applicant states that the museum's architecture is such that one cannot see the visitors entering the parking lot. The museum sits on 10 acres, most of which is a buffer zone around the museum. A beautiful cast

stone wall surrounds the museum and residence with landscaping using decorative gravel and desert plants.

The applicant proposes to mitigate parking demands by providing shuttle vans and asking attendees to carpool to accommodate parking. The current parking lot provides 12 parking spaces (2 designated to handicap parking) with an additional large parking area to the west of the parking lot for a bus (unpaved). The applicant provided a plan to accommodate the increase number of people attending the museum which states: 1) schedule visitors by appointment only; 2) stagger parking reservations for 2.5 hour-time periods for the designated 12 parking spaces throughout the day and not to exceed 12 vehicles at any one period; 3) stagger increased visitor numbers through the additional days that the facility is opened; and 4) the facility has sufficient parking and is ADA-compliant with a concealed handicapped ramp. In order to mitigate the lack of trash enclosure, the applicant states that no food or beverages will be allowed in the museum, therefore, no additional trash will be created. When there is an event, it will be catered, and the caterer will remove the debris from the site.

The Rita Deanin Abbey Art Museum is unique to the State of Nevada and offers ample space where small groups can gather and experience art in a museum setting. Applicant states the museum enhances the neighborhood and it is an amenity to Clark County residents and visitors interested in art and culture.

Prior Land Use Requests

Application Number	Request	Action	Date
AR-20-400002 (UC-1674-06)	First application for review for a museum with accessory commercial uses; removed time limit	Approved by PC	March 2020
AR-20-400008 (WS-1156-08)	First application for review for reduction of parking and museum redesign; removed time limit	Approved by PC	March 2020
ET-18-400181 (UC-1674-06)	Fourth extension of time for the use permit for a museum	Approved by PC	October 2018
ET-18-400182 (WS-1156-08)	Third extension of time to reduce parking and museum redesign	Approved by PC	October 2018
UC-1674-06 (ET-0066-13)	Third extension of time for the use permit for a museum	Approved by PC	September 2013
WS-1156-08 (ET-0067-13)	Second extension of time to reduce parking and museum redesign	Approved by PC	September 2013
WS-1156-08 (ET-0136-10)	First extension of time to reduce parking and museum redesign	Approved by PC	October 2010
UC-1674-06 (ET-0266-09)	Second extension of time for the use permit for a museum	Approved by PC	November 2009
VS-0183-09	Vacated portions of Corbett Street and a portion of Tee Pee Lane	Approved by PC	May 2009
WS-1156-08	Reduced parking and museum redesign	Approved by PC	February 2009
UC-1674-06 (ET-0204-08)	First extension of time for the use permit for a museum	Approved by PC	September 2008

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1674-06	Original application for a museum and waivers for landscaping	Approved by PC	January 2007
VC-0910-00	Allowed an accessory structure (sculpture) in the front yard	Approved by PC	July 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped
South & West	Rural Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
East	Rural Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

Related Applications

Application Number	Request
WC-22-400113 (WS-1156-08)	A request to increase the limit of people per museum event is a companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 states a condition may be waived (or modified) upon the finding that the condition will no longer fulfill its intended purpose. The applicant originally stated the number of events per year would be 24 and by special invitation only. Staff is concerned with the potential for a more intense use by increasing the number of events allowed per year as well as the days opened to the public. The only access to the site is via a local street, creating the potential for significant traffic impact on adjacent streets and single family residences.

Policy LM-1.2: Neighborhood Integrity of the Clark County Master Plan promotes the preservation and the integrity of contiguous and uniform neighborhoods through development regulations that encourage compatible infill development and standards for transitioning from higher intensity uses. Although the approved use has not had known public response complaints filed and as it stands, it is opened to the public by invite only and during certain events. The fact that the applicant is requesting to modify the number of events per year and the hours of operation, the use can become a potential nuisance to the neighbors. The property is in the planning area A1 of the Lone Mountain Interlocal Agreement. The agreement states that the area must remain residential. The interlocal agreement did not anticipate the use to increase in intensity. Therefore, staff cannot support this request.

Staff Recommendation

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

If approved:

- Until January 1, 2024 to review as a public hearing;
- Special events to end by 8:00 p.m.;
- Days and hours of operations to the public to be limited to Thursday to Saturday from 11:00 a.m. to 4:00 p.m.
- Applicant is advised approval does not constitute or imply approval any other County issued permit, license or approval; a Clark County business license may be required; that 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 and application for review; 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.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Lone Mountain - approval (1 year to review as a public hearing; use of cargo van to transport guests to the site; no more than 12 vehicles per event including staff and guests; not to exceed 8:00 p.m. on weekdays and 9:00 p.m. on weekends).

APPROVALS:

PROTEST:

APPLICANT: ROBERT ROCK BELLIVEAU AND RITA DEANIN ABBEY FOUNDATION
CONTACT: LAURA SANDERS, RITA DEANIN ABBEY MUSEUM, 5850 NO PARK ST,
LAS VEGAS, NV 89149