



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: APRIL 19, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ART OF BARBERING, LLC

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0672-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
22-0672-SDR1	Staff recommends DENIAL, if approved subject to conditions:	22-0672-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

NOTICES MAILED 193 (By City Clerk)

PROTESTS 2

APPROVALS 0

**** CONDITIONS ****

22-0672-VAR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (22-0672-SDR1) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. 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 Department of Building and Safety.
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.

22-0672-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for a Variance (22-0672-SDR1) shall be required, if approved.
2. Wheel stops shall be provided in all parking spaces abutting a perimeter landscape buffer and shall be shown on the site plan submitted for building plan review.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

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4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/18/23, except as amended by conditions herein.
5. A Waiver from Title 19.08.040 is hereby approved, to allow the proposed building to be set back from the street frontages where required to be oriented to the corner and street fronts.
6. A Waiver from Title 19.08.040 is hereby approved, to allow a loading zone adjacent to the Miller Avenue street frontage where service and loading zones shall be located to the rear, side or internal location where visibility from public rights-of-way will be minimized.
7. A Waiver from Title 19.08.080 is hereby approved, to allow nine-foot perimeter landscape buffers along the north and west property lines where 15 feet is required.
8. 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 Department of Building and Safety.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.
11. Pursuant to LVMC Title 19.08.040.G for commercial and industrial properties, a perimeter wall shall be constructed adjacent to any residential zoning district or property used solely for residential purposes. The wall or fence is intended to screen the commercial or industrial activity from the residential property, and shall be of a solid decorative material that is a minimum of six feet in height measured from the side of the commercial or industrial property. In no case shall the wall or fence exceed the overall height limitation applicable to the adjacent zoning district or property unless approved through a Variance or other applicable means. The overall height of a wall or fence shall be measured from the side with the greatest vertical exposure above finished grade.

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12. 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, which shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The landscape plan submitted for building permit review shall indicate how the unimproved portions of public right-of-way will be landscaped.
13. 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.
14. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. The sidewalk adjacent to this site shall meet Public Right-of-Way Accessibility Guidelines (PROWAG) in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. Grant any Pedestrian Access Easement needed to complete this requirement.
17. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to develop a proposed 8,535 square-foot, two-story commercial building on 0.66 acres of vacant land at the southeast corner of Miller Avenue and Martin L King Boulevard.

ISSUES

- A Variance is requested to allow a 15-foot tall monument sign on this site where 10 feet is required. Staff recommends denial. Approval of a Variance for the sign does not take the place of a sign review for permit.
- A Waiver is requested to allow nine-foot wide perimeter landscape buffers along Martin L King Boulevard and Miller Avenue where 15 feet is required. Staff recommends denial.
- A Waiver is requested to allow the building not to be oriented to the corner and street frontages where such is required. Staff recommends denial.
- A Waiver is requested to allow a loading zone to be visible from Miller Avenue where service and loading zones are required to be located in an interior location away from public rights-of-way. Staff recommends denial.
- The subject site is bisected by a line delineating the boundary of the city's Redevelopment Area 1. Remapping of the site will not affect this boundary, although the Assessor's Parcel Numbers will be updated and two tax parcels will remain.
- The Department of Public Works requires all unimproved rights-of-way to be landscaped and maintained per condition of approval. The current landscape plan does not indicate how this area will be landscaped. A condition of approval addresses this issue.
- Wheel stops are required in all parking spaces that abut landscape buffers. A condition of approval addresses this issue.
- A future map to consolidate the underlying lots that make up this site prior to issuance of permits will be required as a condition of approval.

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ANALYSIS

The site is zoned C-2 (General Commercial). The site is adjacent to single-family residential properties to the south zoned R-2 (Medium-Low Density Residential); vacant land to the north zoned C-1 (Limited Commercial); an Individual Care Center zoned C-V (Civic) to the west and single-family residential property to the east also zoned C-2. The West Las Vegas Plan indicates this area is planned for mixed uses; the Las Vegas 2050 Master Plan redesignated these properties as TOC-2 (Transit-Oriented Corridor - Low), which allows for moderate intensity transit-oriented development with mixed uses suitable for bus and transit corridors such as along Martin L King Boulevard. The current zoning district and zoning regulations are compatible with this designation.

The proposed uses for this building are a 4,301 square-foot Business School [barber school] and two-story, 4,234 square-foot Office, Other Than Listed [speculative office space]. Both uses are permitted as of right in the C-2 zoning district.

The building meets all setback and architectural design requirements. It is not subject to residential adjacency standards, due to its location adjacent to non-qualifying zoning districts. Sufficient parking is provided to accommodate the proposed Business School and office uses. Staff notes that additional uses or future changes to permitted but more intense uses such as retail or restaurants will require approval of a parking Variance. Wheel stops are required in the spaces that abut landscape buffers, but are not shown on the submitted site plan. A condition of approval addresses this requirement.

Several Waivers of Title 19 standards are requested as part of the proposal. In order to accommodate both the building and required parking spaces, the perimeter landscape buffers along Miller Avenue and Martin L King Boulevard are proposed to be reduced to as little as nine feet in width where 15 feet is required. The east and south buffers adjacent to existing residential uses are proposed to be eight feet as required by Title 19. Staff recommends denial of the Waiver request, as the hardship is self-created and not due to site characteristics.

Title 19.08.040 requires that buildings on corner lots be oriented to the corner and street frontages so that parking may be located on the site interior. This site is set back from both frontages, thus requiring a Waiver of this requirement. There are no drive-through lanes proposed, and the site is neither irregularly shaped nor constrained by existing development. Staff therefore recommends denial of this Waiver.

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A third Waiver is requested to allow a loading zone to be located adjacent to the Miller Avenue street frontage where Title 19.08.040 requires service and loading zones to be located to the rear, side or internal location where visibility from public rights-of-way will be minimized. Staff recommends denial of the Waiver request, as the hardship is self-created and not due to an atypical characteristic of the site.

Prior to the issuance of permits, the site will need to be remapped to eliminate existing underlying lot lines. A condition of approval addresses this issue. The site is bisected by a line delineating the boundary of the city's Redevelopment Area 1. Remapping of the site will not affect this boundary, although the Assessor's Parcel Numbers will be updated and remain as two tax parcels following recordation. Both parcels would have the same TOC-2 (Transit-Oriented Corridor - Low) General Plan designation. The applicant may also petition the city through a separate process to include the current Assessor's Parcel Number 139-21-510-079 as part of Redevelopment Area 1.

A sign is indicated on the site plan oriented towards Martin L King Boulevard. Submitted elevations indicate this to be a proposed 15-foot monument sign where Title 19 allows 10 feet. As the sign could be reduced in height to meet code requirements, staff recommends denial of the requested height Variance. If approved, staff notes that a Variance for the sign does not preclude the need for a sign review for permit.

The submitted elevations show a one-story, 17-foot tall building that rises to two stories and 30 feet in height on the east side of the property. The facades consist of a grey split faced block with a row of light grey smooth block to break up the building mass and provide visual interest as required by Title 19.08.040.B. Decorative green-colored steel awnings will be provided at the storefronts along the north and side elevations. Windows will be carried on all sides. Two two-story portion of the building will contain a sloped metal roof.

According to the Traffic Engineering Section of the Department of Public Works, this project is expected to add an additional 522 trips per day on Miller Avenue, Carey Avenue and Martin L King Boulevard. Currently, Carey Avenue is at about 45 percent of capacity and Martin L King Boulevard is at about 87 percent of capacity. With this project, Carey Avenue is expected to be at about 47 percent of capacity and Martin L King Boulevard to be at 88 percent of capacity. Counts are not available for Miller Avenue, but it is believed to be under capacity. Based on Peak Hour use, this development will add into the area roughly 63 additional peak hour trips, or about one every minute.

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The type of development proposed is appropriate for this site; however, as designed, the site cannot accommodate the proposed building without the need for multiple Waivers of commercial development standards. A monument sign is also proposed that does not meet height standards, prompting a Variance. Staff therefore recommends denial of both the Variance and Site Development Plan Review requests, with conditions if approved.

FINDINGS (22-0672-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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 19.16.140(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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a 15-foot tall monument sign where 10 feet is required. Reducing the height of the proposed sign would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (22-0672-SDR1)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) 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;**

As proposed, the proposed business school and office development is too large for this site, prompting the need for Waivers of development standards. The development could be compatible if the scale of the building is reduced.

2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development features uses that are consistent with the existing C-2 (General Commercial) zoning district and the TOC-2 (Transit Oriented Corridor - Low) General Plan designation. However, the proposed development requires multiple Waivers of Title 19 that are not supported by staff.

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

Access to the site is proposed from Miller Avenue, a local street with low traffic counts. If this project is approved, about one vehicle per minute is projected to be added to traffic in this area. Site circulation is logical and will not affect area traffic.

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

The building and materials provided are typical for retail and office buildings in this area. Landscape planting materials are drought-resistant and appropriate for this area.

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 submitted building elevations create an orderly and aesthetically pleasing environment and are varied in materials, colors and architectural designs for visual interest.

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

Development of the site is subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
03/16/05	The City Council approved Site Development Plan Review (SDR-5899) for a proposed Child Care Facility with Waivers of the Build-To Standard, foundation landscaping and perimeter landscaping on 0.65 acres adjacent to the southeast corner of Martin Luther King Boulevard and Miller Avenue. The Planning Commission and Staff recommended approval. This entitlement was never exercised.
05/15/19	The City Council denied a request for a General Plan Amendment (GPA-74265) from MLA (Medium Low Attached) to GC (General Commercial) on 0.34 acres at 1437 Miller Avenue. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Special Use Permit (SUP-74267) for a Single Room Occupancy Residence use
	The City Council denied a request for a Special Use Permit (SUP-74268) for an alternative parking standard to allow 15 parking spaces where 23 are required at 1437 and 1485 Miller Avenue. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Site Development Plan Review (SDR-74266) for a proposed five-unit Single Room Occupancy and Social Service Provider Facility [Transitional Living Facility and Resource Center] on 0.66 acres at 1437 and 1485 Miller Avenue. The Planning Commission and staff recommended approval.

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
02/14/23	<p>The Planning Commission voted to HOLD IN ABEYANCE the following Land Use Entitlement project requests on 0.66 acres at the southeast corner of Miller Avenue and Martin L King Boulevard (APNs 139-21-510-078 and 079), C-2 (General Commercial) Zone, Ward 5 (Crear)</p> <p>22-0672-VAR1 - VARIANCE - TO ALLOW A 15-FOOT TALL MONUMENT SIGN WHERE 10 FEET IS ALLOWED;</p> <p>22-0672-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 8,535 SQUARE-FOOT BUSINESS SCHOOL AND OFFICE DEVELOPMENT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS, TO NOT ORIENT THE BUILDING TO THE CORNER AND STREET FRONTAGES WHERE SUCH IS REQUIRED AND TO ALLOW A LOADING ZONE AT THE STREET FRONTAGE WHERE REQUIRED TO BE PLACED ON THE SITE INTERIOR</p>
03/14/23	<p>The Planning Commission voted (7-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.66 acres at the southeast corner of Miller Avenue and Martin L King Boulevard (APNs 139-21-510-078 and 079), C-2 (General Commercial) Zone, Ward 5 (Crear).</p> <p>22-0672-VAR1 - VARIANCE - TO ALLOW A 15-FOOT TALL MONUMENT SIGN WHERE 10 FEET IS ALLOWED;</p> <p>22-0672-SDR1 - SITE DEVELOPMENT PLAN REVIEW - FOR A PROPOSED TWO-STORY, 8,535 SQUARE-FOOT BUSINESS SCHOOL AND OFFICE DEVELOPMENT WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS, TO NOT ORIENT THE BUILDING TO THE CORNER AND STREET FRONTAGES WHERE SUCH IS REQUIRED AND TO ALLOW A LOADING ZONE AT THE STREET FRONTAGE WHERE REQUIRED TO BE PLACED ON THE SITE INTERIOR</p>

Most Recent Change of Ownership	
02/09/21	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no relevant building permits/business licenses related to the subject site.	

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Pre-Application Meeting	
11/16/22	A pre-application meeting was held with the applicant to discuss submittal requirements for Variance and Site Development Plan Review applications.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
01/05/22	The subject site is undeveloped with no wall or fence surrounding it, except adjacent to rear and side residential properties. Some trash and debris was present at the southeast corner of the site. Attached sidewalks have been installed on Miller Avenue and Martin L King Boulevard. Two existing driveway curb cuts were present from Miller Avenue. Electrical transmission lines are located at the rear of the property.

Details of Application Request	
Site Area	
Net Acres	0.66

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	TOC-2 (Transit Oriented Corridor - Low)	C-2 (General Commercial)
North	Undeveloped	NMXU (Neighborhood Mixed-Use Center)	C-1 (Limited Commercial)
South	Single Family, Detached	MXU (Mixed Use)	R-2 (Medium Density Residential)
		MLA (Medium Low Density Residential - Attached)	
East	Single Family, Detached	MLA (Medium Low Density Residential - Attached)	C-2 (General Commercial)
West	Individual Care Center	NMXU (Neighborhood Mixed-Use Center)	C-V (Civic)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: West Las Vegas	Y
West Las Vegas Plan	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (105 Feet)	Y

Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	Y
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	28,750 SF	N/A
Min. Lot Width	100 Feet	230 Feet	Y
Min. Setbacks			
• Front	10 Feet	39 Feet	Y
• Side	10 Feet	13 Feet	Y
• Corner	10 Feet	75 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50 %	30 %	Y
Max. Building Height	N/A	2 Stories/30 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Parapet screened	Y

Residential adjacency standards do not apply, as the site is adjacent to R-2, C-V and C-1 zoning districts, as well as a residential property zoned C-2.

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Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	7 Trees	12 Trees	Y
• South	1 Tree / 20 Linear Feet	11 Trees	11 Trees	Y
• East	1 Tree / 20 Linear Feet	6 Trees	6 Trees	Y
• West	1 Tree / 30 Linear Feet	4 Trees	6 Trees	Y
TOTAL PERIMETER TREES		28 Trees	35 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	11 Trees	11 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North		15 Feet	9 Feet	N*
• South		8 Feet	8 Feet	Y
• East		8 Feet	8 Feet	Y
• West		15 Feet	9 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet along E and S property lines	Y

*A Waiver is requested from this standard. See Waiver table below.

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Martin L King Blvd	Primary Arterial	Master Plan of Streets and Highways Map	100-115	Y
Miller Ave	Local Street	Title 13	60	N/A

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Business School [Barber School]	4,301 sf	1 space per staff member, plus 1 space per 2 students at max capacity [3 staff + 32 students]	19	
Office, Other Than Listed	4,234 sf	1 space per 300 sf GFA	15				
TOTAL SPACES REQUIRED			34		34		Y
Regular and Handicap Spaces Required			32	2	32	2	Y
Loading Spaces	8,535 sf	0-10,000 sf	1		1		Y*

*A Waiver is requested from loading zone requirements. See Waiver table below.

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Monument Signs: [Labeled "Sign" on site plan]			
Standards	Allowed	Provided	Compliance
Maximum Number	1 / 200 feet street frontage 1 each along Miller Ave and Martin L King Blvd	1 total along Martin L King Blvd	Y
Maximum Area	75 SF / sign	42 SF	Y
Maximum Height	10 Feet	15 Feet	N*
Minimum Setback	5 Feet	10 Feet	Y
Illumination	Internal/External	Internal	Y

*A Variance (22-0672-VAR1) is requested from this standard.

Waivers		
Requirement	Request	Staff Recommendation
15-foot perimeter landscape buffers adjacent to right-of-way.	To allow 9-foot buffers along the north (Miller Ave) and west (MLK Blvd) property lines.	Denial
Service and loading zones shall be located to the rear, side or internal location where visibility from public rights-of-way will be minimized.	To allow location of a loading zone in view of the Miller Ave street frontage.	Denial
Buildings on corner lots should be oriented to the corner and to the street fronts.	To allow the proposed building to be set back from the street frontages.	Denial