



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JULY 19, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: FAWN DOUGLAS - OWNER: NUWU ART, LLC

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 23-0183-ZON1 | Staff recommends APPROVAL. | |
| 23-0183-SUP1 | Staff recommends APPROVAL, subject to conditions: | 23-0183-ZON1 |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 409 (by City Clerk)

PROTESTS 0

APPROVALS 4

**** CONDITIONS ****

23-0183-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Museum, Art Display, or Art Sales (Private) use.
2. Approval of Rezoning (23-0183-ZON1) shall be required, if approved.
3. Conformance to the approved conditions for Special Use Permit (U-0182-91).
4. 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.
5. 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 Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting the approval of a Rezoning (23-0183-ZON1) and Special Use Permit (23-0183-SUP1) in order to operate a Museum, Art Display, or Art Sales (Private) use at 1331 South Maryland Parkway.

ISSUES

- The applicant has requested a Rezoning (23-0183-ZON1) from R-1 (Single Family Residential) to P-O (Professional Office). Staff recommends approval of the request.
- Per Title 19.12, a Museum, Art Display, or Art Sales (Private) land use is permissible in the P-O (Professional Office) zoning district with an approved Special Use Permit. Staff recommends approval of the request.

ANALYSIS

The applicant has proposed to operate a Museum, Art Display, or Art Sales (Private) use within the existing 1,459 square-foot building on the subject site located at 1331 South Maryland Parkway. The subject site is located in the R-1 (Single Family Residential) zoning district, with a TOC-1 (Transit Oriented Corridor - High) General Plan designation and is subject to Title 19 development standards. The subject parcel is included in the City of Las Vegas 2050 Master Plan within the Downtown South area. This area is comprised of traditional historic neighborhoods including the Huntridge neighborhood and major transportation corridors on its periphery, including Maryland Parkway where the subject site is located.

On August 8, 1991 the Board of Zoning Adjustment approved a Special Use Permit and Plot Plan Review (U-0182-91) to allow a child care facility in conjunction with a synagogue at 1331 and 1335 South Maryland Parkway. Pursuant to this approved entitlement, the synagogue was designated to operate at 1331 South Maryland Parkway with the associated child care facility operated at 1335 South Maryland Parkway which were zoned R-1 (Single Family Residential) and P-R (Professional Office and Parking) respectively. The approved site plan date stamped July 10, 1991 indicated six parking spaces located behind the synagogue building at 1331 South Maryland Parkway; one parking space on the property line; and two parking spaces behind the child care facility at 1335 South Maryland Parkway. The applicant has proposed no modifications to the subject site.

**Staff Report Page Two
July 19, 2023 - City Council Meeting**

Existing commercial office uses are located to the north and south of the subject site, which are zoned P-R (Professional Office and Parking). The applicant has requested to Rezone (23-0183-ZON1) the subject site from R-1 (Single Family Residential) to P-O (professional Office). As is common within this corridor of Maryland Parkway, the immediate area consists primarily of single-family dwellings that have been converted to or entirely replaced by professional offices and rezoned to P-R (Professional Office and Parking). Staff has determined that proposed Rezoning (23-0183-ZON1) to P-O (Professional Office) is appropriate and consistent with the surrounding area; therefore, staff recommends approval of the request.

The proposed Museum, Art Display, or Art Sales (Private) land use is allowed with approval of a Special Use Permit (23-0183-SUP1) within the proposed P-O (Professional Office) zoning district. The Museum, Art Display, or Art Sales (Private) land use is defined in Title 19.12 as, "A privately-operated facility or area for the acquisition, preservation, study, exhibition or sales of works of artistic, historic or scientific value." There are no minimum Special Use Permit requirements associated with the land use.

The submitted justification letter states, "Nuwu Art will use the building to engage the community through the arts. We will contribute to the Historic Huntridge neighborhood and city of Las Vegas by displaying visual arts that include drawings, paintings, and sculptures." The justification letter goes on to state, "Nuwu Art, LLC will oversee the gallery, which will include art exhibitions and related activities that will be open to the general public. Our main gallery hours will operate on Thursdays and Fridays from 4:00 pm - 8:00 pm, as well as Saturdays from 12:00 pm - 4:00 pm. We anticipate the possibility of increasing these hours in the future, as we train volunteers and art students in gallery practice."

The Rezoning of the subject site to P-O (Professional Office) is appropriate within this area of the Downtown South area and Maryland Parkway corridor. Also, the proposed Museum, Art Display, or Art Sales (Private) land use adheres to the parking standards outlined in Title 19.12 by providing six parking spaces where a minimum of five spaces is required. Therefore, staff recommends approval of the requested Special Use Permit, subject to conditions.

FINDINGS (23-0183-ZON1)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed P-O (Professional Office) zoning district conforms to the existing TOC-1 (Transit Oriented Corridor - High) General Plan designation, which allows a range of residential and commercial land use designations.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The P-O (Professional Office) zoning district is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. These uses are compatible with the existing P-R (Professional Office and Parking) zoning district on the adjacent parcels to the north and south.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The transition of this area from single family residential uses to light intensity commercial and office uses is nearing completion. This fact indicates that rezoning of this property to a commercial zoning district is appropriate.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The subject site is accessed from Maryland Parkway, which is a 100-foot Primary Arterial street, as classified by the city's Master Plan of Streets and Highways. Given the relatively small volume of traffic expected to be generated by this project under the proposed zoning district, the current facilities are adequate to meet the needs of the P-O (Professional Office) zoning district.

FINDINGS (23-0183-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The existing surrounding land uses consist of low intensity office uses. The proposed Museum, Art Display, or Art Sales (Private) use can be conducted in a manner that is harmonious and compatible with the existing surrounding uses.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site can physically accommodate the proposed Museum, Art Display, or Art Sales (Private) land use and is in close proximity of other commercial uses in the area.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Access to the site is provided from Maryland Parkway, which is classified as a Primary Arterial Street according to the Master Plan of Streets and Highways. The proposed development is expected to have minimal impact on neighborhood traffic.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

The proposed Museum, Art Display, or Art Sales (Private) use will be subject to regular inspections during rehabilitation of the building itself by the Department of Building and Safety, and regular inspections by the Department of Planning – Business Licensing Division once a business license is issued protecting the public health, safety, and welfare.

5. **The use meets all of the applicable conditions per Title 19.12.**

There are no minimum Special Use Permit requirements associated with the land use.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i> | |
|---|--|
| 08/22/91 | The Board of Zoning Adjustment approved a request for a Special Use Permit and Plot Plan Review (U-0182-91) to allow a child care facility in conjunction with a synagogue at 1331 and 1335 South Maryland Parkway. |
| 05/17/06 | The City Council approved a request for a General Plan Amendment (GPA-12043) from SC (Service Commercial) and L (Low Density Residential) to O (Office) on multiple APNs on approximately 30.15 acres. The Planning Commission and staff recommended approval of the request. |
| 07/24/19 | A Code Enforcement case (#CE19-01377) was processed for garbage left on the sidewalk in front of a vacant building at 1331 South Maryland Parkway. The case was resolved on 08/01/19. |
| 06/02/21 | The City Council approved a request for a General Plan Amendment (21-0029-GPA1) to adopt the City of Las Vegas 2050 Master Plan and amend the City of Las Vegas General Plan from various categories to TOD-1 (Transit Oriented Development-1), TOD-2 (Transit Oriented Development-2), TOC-1 (Transit Oriented Corridor-1), TOC-2 (Transit Oriented Corridor-2), or NMUX (Neighborhood Center Mixed Use) within the City of Las Vegas. The Planning Commission and staff recommended approval of the request. |
| 06/13/23 | <p>The Planning Commission voted (6-0-0) to recommend APPROVAL of the following Land Use Entitlement project requests on 0.14 acres at 1331 South Maryland Parkway (APN 162-02-210-006), Ward 3 (Diaz)</p> <p>23-0183-ZON1 - REZONING - FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-O (PROFESSIONAL OFFICE)</p> <p>23-0183-SUP1 - SPECIAL USE PERMIT - FOR A PROPOSED MUSEUM, ART DISPLAY, OR ART SALES (PRIVATE) USE</p> |

| <i>Most Recent Change of Ownership</i> | |
|---|--|
| 04/23/20 | A deed was recorded for a change in ownership. |

Staff Report Page Six
 July 19, 2023 - City Council Meeting

| Related Building Permits/Business Licenses | |
|---|---|
| 08/21/00 | A building permit (#15632) was issued for a plumbing change out at 1331 South Maryland Parkway. The permit was finalized on 08/25/00. |
| 07/12/01 | A building permit (#1012311) was issued for a water heater at 1331 South Maryland Parkway. The permit was finalized on 08/08/01. |
| 11/21/22 | A business license (#G70-07831) for an Art Gallery - Retail use was marked as inactive. The license has not been issued. |

| Pre-Application Meeting | |
|--------------------------------|---|
| 04/11/23 | Staff conducted a pre-application meeting with the applicant's representative where the submittal requirements for a Rezoning and a Special Use Permit for the Museum, Art Display, or Art Sales (Private) land use entitlement were discussed. |

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

| Field Check | |
|--------------------|---|
| 04/27/23 | During a routine site inspection staff observed a vacant commercial building with high weeds in the front, side and rear yards areas. A chain link fence is located across the drive aisle that leads to the rear yard parking lot and the north perimeter of the rear yard to prevent vehicles from accessing the parking lot area. Also, there is an existing bus-stop located directly in front of the site adjacent to Maryland Parkway |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Gross Acres | 0.14 |

Staff Report Page Seven
 July 19, 2023 - City Council Meeting

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.12</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i> |
|------------------------------------|---|---|--|
| Subject Property | Vacant | TOC-1 (Transit Oriented Corridor - High) | R-1 (Single Family Residential) |
| North | Office, Other than Listed | TOC-1 (Transit Oriented Corridor - High) | P-R (Professional Office and Parking) |
| South | Office, Other than Listed | TOC-1 (Transit Oriented Corridor - High) | P-R (Professional Office and Parking) |
| East | Single-Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single-Family, Detached | O (Office) | R-1 (Single Family Residential) |

| <i>Master and Neighborhood Plan Areas</i> | <i>Compliance</i> |
|--|--------------------------|
| Las Vegas 2050 Master Plan Area: Downtown South | Y |
| <i>Special Area and Overlay Districts</i> | <i>Compliance</i> |
| No Applicable Special Area or Overlay Districts | N/A |

| <i>Other Plans or Special Requirements</i> | <i>Compliance</i> |
|--|--------------------------|
| Trails | N/A |
| Las Vegas Redevelopment Plan Area – Expansion | 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 19.08.050, the following standards apply:

| Standard | Required/Allowed | Provided | Compliance |
|----------------------|-------------------------|-----------------|-------------------|
| Min. Lot Width | 60 Feet | 60 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 20 Feet | Y |
| • Side (north) | 5 Feet | 5 Feet | Y |
| • Side (south) | 5 Feet | 8 Feet | Y |
| • Rear | 15 Feet | 44 Feet | Y |
| Max. Lot Coverage | 50 % | 24 % | Y |
| Max. Building Height | 2 Stories or 35 Feet | One Story | Y |

| Existing Zoning | Permitted Density | Units Allowed |
|--|--------------------------|----------------------|
| R-1 (Single Family Residential) | 1du | 1du |
| Proposed Zoning | Permitted Density | Units Allowed |
| P-O (Professional Office) | N/A | N/A |
| Existing General Plan | Permitted Density | Units Allowed |
| TOC-1 (Transit Oriented Corridor - High) | >40du/acre | 5du |

Pursuant to approved Special Use Permit and Plot Plan Review (U-0182-91), the following standards 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 / 0 Linear Feet | 0 Trees | 0 Trees | Y |
| • South | 1 Tree / 0 Linear Feet | 0 Trees | 0 Trees | Y |
| • East | 1 Tree / 0 Linear Feet | 0 Trees | 0 Trees | Y |
| • West | 1 Tree / 0 Linear Feet | 0 Trees | 0 Trees | Y |
| TOTAL PERIMETER TREES | | 0 Trees | 0 Trees | Y |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 0 Trees | 0 Trees | Y |
| LANDSCAPE BUFFER WIDTHS | | | | |
| Min. Zone Width | | | | |
| • North | 0 Feet | | 0 Feet | Y |
| • South | 0 Feet | | 0 Feet | Y |
| • East | 0 Feet | | 0 Feet | Y |
| • West | 20 Feet | | 20 Feet | Y |
| Wall Height | 6 to 8 Feet Adjacent to Residential | | Not Indicated | Y |

| <i>Street Name</i> | <i>Functional Classification of Street(s)</i> | <i>Governing Document</i> | <i>Actual Street Width (Feet)</i> | <i>Compliance with Street Section</i> |
|---------------------------|--|---|--|--|
| Maryland Parkway | Primary Arterial | Master Plan of Streets and Highways Map | 100 | Y |

Staff Report Page Ten
 July 19, 2023 - City Council Meeting

Pursuant to Title 19.08 and 19.12, 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, Art Display, or Art Sales (Private) | 1,459 SF | 1:300 | 5 | | | | |
| TOTAL SPACES REQUIRED | | | 5 | | 6 | | Y |
| Regular and Handicap Spaces Required | | | 5 | - | 6 | - | Y |