



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: MOD-14272 - APPLICANT: MESSAGE ENVY - OWNER: MONTECITO MARKETPLACE, LLC

**** CONDITIONS ****

The Planning Commission (3-2/sd/lc vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Section 2.3 of the Montecito Town Center Land Use and Design Standards Appendix shall be amended to include Therapeutic Massage Establishment in the Permissible Use schedule. The requirement of a Special Use Permit for this use shall clearly be indicated in the schedule. In addition, the following conditions of approval shall be placed upon this use and clearly indicated within Section 2.3 of the Standards:
 - a. The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6.
 - b. The use shall be located on a secondary thoroughfare or larger.
 - c. The use shall contain a minimum of 2,500 square feet and a minimum of 10 therapeutic massage treatment rooms.
 - d. The therapeutic massage treatment rooms shall each maintain a white light equivalent to a minimum of forty (40) watts.
 - e. The hours of operation shall be limited to the period between 8:00 a.m. and 10:00 p.m. Monday through Friday, and 8:00 a.m. and 6:00 p.m. Saturday and Sunday, unless further limited by the City Council on a case-by-case basis.
 - f. The use shall comply with parking standards of Las Vegas Municipal Code Title 19.10 for a Massage Establishment use.
2. Revised copies of the Montecito Town Center Land Use and Design Standards Appendix shall be submitted to the Planning and Development Department within 30 days of approval by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Major Modification of the Montecito Town Center Land Use and Design Standards to allow a Therapeutic Massage Establishment as a permitted use in the Montecito Town Center Mixed-Use Commercial special land use designation with approval of a Special Use Permit. A related request for a Special Use Permit accompanies this request.

EXECUTIVE SUMMARY

The applicant and owner propose to establish a new use called Therapeutic Massage Establishment within the Montecito Town Center area. Any proposed use of this kind would be subject to a Special Use Permit and public hearing according to City of Las Vegas procedures. A new definition and conditions for approval will be established within the Montecito Town Center Land Use and Design Standards Appendix to the Montecito Development Agreement. These conditions place minimum requirements on the size, location and hours of operation of such establishments. As these types of establishments are subject to review by the Master Developer and will be limited to commercial areas along major streets, the recommendation is for approval.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 05/20/64 | The City Council approved an annexation (A-0003-64) of land generally located north of Cheyenne Avenue and west of Decatur Boulevard, containing approximately 10,136 acres, including the 40-acre east portion of the subject site. The effective date was 05/29/64. |
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of the Northwest, including the east 40-acre portion of the overall subject site. The Planning Commission and staff recommended approval. |
| 01/17/01 | The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the west five acres of the subject site. The effective date was 01/26/01. The Planning Commission and staff recommended approval. |
| 03/06/02 | The City Council approved a Development Agreement (DA-0002-01) between the City of Las Vegas and Montecito Town Center, LLC to establish standards for the 172-acre area within the Centennial Hills Town Center known as Montecito Town Center. The Planning Commission and staff recommended approval. |

- 12/19/02 The Planning Commission approved a request for a Tentative Map (TMP-1244) for a three-lot commercial subdivision on 80 acres on the east side of the El Capitan alignment (Durango Drive) between Elkhorn Road and Deer Springs Way. Staff recommended approval.
- 12/04/03 The Planning Commission approved a request for a Site Development Plan Review (SDR-3267) for a proposed hospital on 40 acres adjacent to the northeast corner of Durango Drive and Deer Springs Way. Staff recommended approval.
- 04/07/04 The City Council approved a Site Development Plan Review (SDR-3764) related to a Major Modification of the Montecito Town Center Development Agreement (MOD-3763) and Rezoning (ZON-3840) for a proposed 587,750 square-foot mixed-use commercial development on 45.6 acres in Montecito Town Center, adjacent to the southeast corner of Elkhorn Road and Durango Drive. Additionally, the following Special Use Permits were also approved: (SUP-3765) for liquor sales on Pad A, (SUP-3767) for gaming (incidental) on Pad A, (SUP-3769) for a drive-through facility on Pad A, (SUP-3770) for a drive-through facility on Pad O, (SDR-3771) for a tavern on Pad P, (SUP-3773) for gaming (incidental) on Pad P, (SDR-3764) for gasoline sales on Pad Q, (SUP-3776) for a car wash on Pad Q, (SUP-3777) for gaming (incidental) on Pad Q, (SUP-3778) for liquor sales on Pad Q, (SUP-3779) for a tavern on Pad Z, (SUP-3780) for gaming (incidental) on Pad Z, (SUP-3781) for a drive-through on Pad F, (SUP-3783) for liquor sales on Pad HH, (SUP-3785) for gaming (incidental) on Pad HH, (SUP-3786) for a drive-through facility on Pad HH, (SUP-3788) for a drive-through facility on DD, and (SUP-3789) for a drive-through facility on EE. The Planning Commission and staff recommended approval.
- 02/16/05 The City Council approved a Site Development Plan Review (SDR-5731) for a Major Amendment to the approved Site Development Plan Review for a 380,000 square foot development that included the subject site. The Planning Commission and staff recommended approval.
- 07/25/05 Planning and Development Department staff administratively approved a Minor Amendment to the approved Site Development Plan Review (SDR-5731) that changed the parking layout of Building F and added five parking spaces.
- 04/19/06 The City Council approved a Variance (VAR-11710) to allow 1,032 parking spaces where 1,209 spaces is the minimum required and a Site Development Plan Review (SDR-11702) for changes to Phases I and II of the Montecito Marketplace commercial development. The Planning Commission recommended approval. Staff recommended denial.
- 07/27/06 The Planning Commission recommended approval of companion item SUP-14276 concurrently with this application.
- 07/27/06 The Planning Commission voted 3-2/sd/ld to recommend APPROVAL (PC Agenda Item #24/ss).

B) Pre-Application Meeting

05/30/06 Per the Montecito Town Center Standards, the Director can approve a non-material modification to the Montecito standards; however, in this case, the Director requested that this issue be decided in a public hearing. This is a therapeutic massage establishment using licensed and certified therapists. It is a franchised business with a location in Henderson. An updated parking analysis is required with the submittal, as the use is more intense than the existing retail within Montecito Town Center.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 18.71

B) Existing Land Use

Subject Property: Retail Commercial

North: Undeveloped

South: Undeveloped

East: Retail Commercial

West: Retail Commercial

C) Planned Land Use

Subject Property: TC (Town Center) [Montecito Mixed-Use Commercial Special Land Use Designation]

North: PF-TC (Public Facilities Town Center)

South: TC (Town Center) [Montecito Mixed-Use Commercial Special Land Use Designation]

East: TC (Town Center) [Montecito Mixed-Use Commercial Special Land Use Designation]

West: TC (Town Center) [Montecito Mixed-Use Commercial Special Land Use Designation] and UC-TC (Urban Center Mixed Use Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)

North: T-C (Town Center)

South: T-C (Town Center)

East: T-C (Town Center)

West: T-C (Town Center)

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Interlocal Land Use Plan of the Centennial Hills Sector Plan. This category is intended to be the principal employment center for the Northwest and is a mixed-use development category. The mix of uses can include mall facilities, high-density residential uses, planned business, office and industrial parks and recreational uses, as compatibility allows. The existing T-C (Town Center) Zoning District conforms to the TC (Town Center) Master Plan land use designation. A Development Agreement (DA-0002-01) established standards for the area known as Montecito Town Center. In the Montecito Development Agreement, the site is identified as Montecito Town Center Mixed Use Commercial in Figure 3 of that document.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Town Center		
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is located within the Town Center Plan area, but is subject to the standards contained within the Montecito Town Center Development Agreement and Land Use and Design Standards. Where these documents are silent, the Town Center Development Standards Manual applies. Where each of these documents are silent, Title 19 of the Las Vegas Municipal Code applies. The request would add the Therapeutic Massage Establishment use to the Montecito Town Center Land Use and Design Standards.

ANALYSIS

General Analysis and Discussion

Currently no massage establishment use is permitted within Montecito Town Center or the Centennial Hills Town Center area. According to the Montecito Development Agreement rules (Section 4.6), the Master Developer reserves the right to administrative approval of modifications to the Montecito Town Center Land Use and Design Standards Appendix by the Director of the Planning Department. Subsection (b) of Section 4.6 allows for the addition of uses that are comparable in intensity to those permitted under the Montecito Town Center Land Use and Design Standards Appendix or a change in the mix of uses permitted under Section 3.1 (i.e., converting office to residential or residential to office) but only if the addition or changes will not have a significant impact on other uses in the area. Prior to submittal of this item, the Director determined that the proposed massage establishment use would have a significant impact on other uses in the area and thus a public hearing would be required.

To this end, the Master Developer is establishing the Therapeutic Massage Establishment use within Montecito Town Center. This use would be subject to approval of a Special Use Permit, city staff review and a public hearing. Special Use Permit procedures shall conform to those contained in LVMC Title 19.18.060. The Master Developer has placed certain minimum conditions on the approval of any Therapeutic Massage Establishment, which include compliance with city licensing requirements and specific requirements for location, size, and hours of operation. The conditions do not contain a distance separation requirement similar to the one required for a Massage Establishment use in Title 19. Approval of this use is limited to the boundaries of Montecito Town Center and does not extend to the Centennial Hills Town Center area.

The applicant proposes to define a Therapeutic Massage Establishment as an establishment having a fixed place of business where any person, firm, association or corporation practices or otherwise permits massage for compensation. The term therapeutic massage establishment shall include establishments which offer services such as health treatments, relaxation, towel wraps, or tanning, or any service where the essential nature of the interaction between the employee and the customer involves a massage. This definition is compatible with the definitions of massage and massage therapy contained within Title 6.52.

FINDINGS

The proposed use is similar to the Massage Establishment use in Title 19. The applicant and Master Developer have tried to convey that the activity is strictly therapeutic and will comply with all city licensing requirements. Montecito Town Center is developing primarily as a commercial area with some pockets of mixed uses. Residential areas lie on the periphery of the plan area and would likely be screened from more intense uses such as the one proposed. Furthermore, the Master Developer must review and approve each development under its control within the Montecito Town Center area. The conditions placed on this use are specific enough to limit the number of establishments in the area, making distance separation requirements unnecessary. The recommendation is therefore, for approval, subject to the conditions proposed by the Master Developer, with the added condition that the use shall be subject to the parking requirements for a Massage Establishment use in Title 19.10. The Montecito Town Center Land Use and Design Standards Appendix shall be amended to include the use and its conditions for approval. It is recommended that the Master Developer maintain control over this use through deed restrictions, in case the property containing the use is sold to another owner.

PLANNING COMMISSION ACTION

The Planning Commission considered a motion to allow hours of 8:00 a.m. to 6:00 p.m. seven days per week, which failed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 306 by Planning Department

APPROVALS 0

PROTESTS 0