



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-14276 - APPLICANT: MASSAGE ENVY - OWNER: MONTECITO MARKETPLACE, LLC

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements of the Montecito Town Center Land Use and Design Standards Appendix for the Therapeutic Massage Establishment use.
2. Approval of a Major Modification (MOD-14272) to allow a Therapeutic Massage Establishment as a permitted land use in the Montecito Mixed-Use Commercial Special Land Use Designation shall be required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed Therapeutic Massage Establishment at 7140 North Durango Drive, Suite #110.

EXECUTIVE SUMMARY

The establishment meets the minimum requirements for the use proposed by Major Modification (MOD-14272), including minimum parking requirements. The proposed Therapeutic Massage Establishment is compatible with existing land uses within the Montecito Marketplace Shopping Center and with existing adjacent land uses, which include retail and a proposed park. Employees are licensed and certified therapists.

BACKGROUND INFORMATION

A) Related Actions

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| 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.
- 08/10/05 A building permit (#05005556) was issued by the Building and Safety Department for Retail Shell Building B at Montecito Marketplace Shopping Center. A final inspection has not yet been approved, nor has any Certificate of Occupancy for any suite been issued.
- 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 MOD-14272 concurrently with this application.
- 07/27/06 The Planning Commission voted 3-2/sd/ld to recommend APPROVAL (PC Agenda Item #25/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	X	
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

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Massage Establishment	3,611 SF	2 spaces per massage room (15)	30	N/A		
Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Retail	144,442	1/250 SF GFA	578			
Beauty Salon	7,225 SF	1/200 SF GFA	37			
Office, Medical	8,725 SF	1/200 SF GFA up to 2,000 SF; 1/175 SF GFA thereafter	49			
Office	729 SF	1/300 SF GFA	3			
Restaurant (without drive-thru)	29,047 SF (17,235 SF seating/waiting)	1/50 SF GFA seating/waiting area; 1/200 SF remaining GFA	405			
Restaurant (with drive-thru)	4,675 SF	1/100 SF GFA	47			
Financial Institution	8,945 SF	1/200 SF GFA	45			
Subtotal	207,399 SF		1,172	22	974	44
TOTAL			1,194		1,018	

Parking requirements for the Therapeutic Massage Establishment use are based on the Title 19 requirement for a Massage Establishment use. The applicant submitted a new parking analysis with this application that indicates that parking on Phases I and II of the Montecito Marketplace development will comply with the action of 04/19/06 (VAR-11710), which allowed a variance of 177 spaces from the required number of parking spaces. The overall floor area of the buildings in this development decreased by 4,773 square feet, which allows for the replacement of retail space with a more intense therapeutic massage establishment. A total of 1,194 spaces are now required where the previous analysis required 1,216. A total of 1,018 spaces are now provided where 1,032 were previously provided. The difference is 176 spaces, which is covered by the VAR-11710 action.

A2) Minimum Distance Separation Requirements

Minimum distance separation requirements apply to Massage Establishments in Title 19; however, the Montecito rules supersede Title 19 requirements. No distance separation for the Therapeutic Massage Establishment use is proposed, as the Master Developer would prefer to determine the compatibility of this use within in the Montecito Town Center area on a case-by-case basis.

B) General Analysis and Discussion

•Zoning

The subject site is currently zoned T-C (Town Center) with a UC-TC (Urban Center Mixed Use - Town Center) General Plan designation. While this designation has been applied through the Centennial Hills Sector Plan of the city's Master Plan and is reflected in the Town Center Development Standards Manual, the UC-TC land use designation is superseded by the Montecito Town Center Master Development Plan, which designates that area as a portion of the Montecito Town Center Mixed Use Commercial Area. Where the Montecito Town Center Land Use and Design Standards are silent, the Town Center Development Standards Manual applies.

•Use

The proposed establishment complies with the conditions set forth by Major Modification (MOD-14272). It will be located within an existing retail building (Building B) in the Montecito Marketplace development. The suite contains 3,611 square feet and 15 therapy rooms. Employees are trained, licensed professionals for a franchised company with nationwide locations, including a location in the city of Henderson. The employees are not independent massage therapists as that term is defined in Title 6.52.

●Conditions

The applicant proposes the following minimum requirements be placed upon approval of a Special Use Permit for the Therapeutic Massage Establishment use within Montecito Town Center:

- The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6.
- The use shall be located on a secondary thoroughfare or larger.
- The use shall contain a minimum of 2,500 square feet and a minimum of 10 therapeutic massage treatment rooms.
- The therapeutic massage treatment rooms shall each maintain a white light equivalent of a minimum of forty (40) watts.
- 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.

The applicant indicates that all city licensing requirements will be met. The use will be located on Durango Drive, classified as a 120-foot Town Center Parkway Arterial. The use contains 3,611 square feet and 15 massage rooms, meeting minimum requirements. Hours of operation will be 8:00 a.m. to 10:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sunday, which conform to the requirement.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 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 proposed Therapeutic Massage Establishment is compatible with existing land uses within the Montecito Marketplace Shopping Center and with existing adjacent land uses, which include retail and a proposed park. Employees are licensed and certified therapists. The establishment meets the minimum requirements for the use proposed by Major Modification (MOD-14272).

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

The proposed site is ideal for the proposed use, as it is located within an established retail center along a major arterial.

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.

The site receives access from Durango Drive, Elkhorn Road, and Grand Montecito Parkway, which are all 90-foot or greater rights-of-way. They are adequate in size to serve the requirements of the proposed Therapeutic Massage Establishment.

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 subject site will be subject to regular inspection and will, therefore, not compromise the public health, safety, and general welfare, or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 377 by City Clerk

APPROVALS 0

PROTESTS 0