



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-16750 - APPLICANT: DOUG HERMANSEN - OWNER:
CHARLESTON HEIGHTS DEVELOPMENT, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. 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.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Massage Establishment and a waiver of the 400-foot separation requirement from a residential use, and a waiver of the 1,000-foot separation requirement from another Massage Establishment, in an existing chiropractic office located at 6800 West Cheyenne Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/06/78	The City Council approved a request to rezone the subject site from N-U (Non-Urban) to C-1 (Limited Commercial) as part of a larger request (Z-0071-78). The Planning Commission recommended approval.
04/17/85	The City Council approved a request for a Plot Plan Review [Z-0071-78(2)] for a retail center, tavern, and convenience store on the subject property. The Planning Commission and staff recommended approval on 03/26/85.
10/23/90	The Planning Commission approved a request for a Plot Plan Review [Z-0071-78(5)] for a 38,000 square-foot addition to an existing shopping center on the subject site. Staff recommended approval.
11/20/90	The Board of Zoning Adjustment approved a Variance (V-0129-90) application to allow a 466 square-foot shopping center identification sign where 400 square feet is the maximum size allowed, on property located on the north side of Cheyenne Avenue between Oran K. Gragson Highway and Lorenzi Boulevard. Staff recommended denial.
11/12/91	The Board of Zoning Adjustment approved a Variance (V-0015-91) application to allow 140 parking spaces where the proposed uses require 212 parking spaces on property located on the northwest corner of Cheyenne Avenue and Rainbow Boulevard. Staff recommended denial.
03/17/93	The City Council approved a Variance (V-0004-93) application to allow the secondhand sales of womens clothing and apparel where secondhand dealerships are not permitted on property located at 6718 West Cheyenne Avenue. The Board of Zoning Adjustment recommended approval. Staff recommended denial.

07/17/96	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-0071-78(8)] for a proposed 70-foot high on-premise sign on property located at 6824 West Cheyenne Avenue. The Planning Commission recommended approval on 06/27/96.
03/10/97	The City Council approved an appeal of the Board of Zoning Adjustments denial of a Variance (V-0155-96) application to allow a proposed off-premise sign 50 feet from an R designated zone where 300 feet is the minimum required distance separation at 6704 West Cheyenne Avenue. Staff had no objection.
05/12/97	The City Council approved a request for a Special Use Permit (U-0147-96) application for a 55-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 6704 West Cheyenne Avenue. The Board of Zoning Adjustment recommended denial on 01/28/97. Staff had no objection.
01/12/98	The City Council approved a Variance (V-0087-97) application on property located at 6740 West Cheyenne Avenue to allow a proposed 2,346 square-foot freestanding six bay automotive service building on the side property line and 20 feet from the rear property line where ten feet and 60 feet are the minimum setbacks required in conjunction with an existing tire store (Goodyear Tire Center). The Board of Zoning Adjustment recommended approval. Staff recommended denial.
01/26/98	The City Council approved a Special Use Permit (U-0126-97) application on property located at 6810 West Cheyenne Avenue for a minor auto repair (glass) business. The Planning Commission and Staff both recommended approval.
01/07/04	The City Council approved the appeal filed by Cingular Wireless from the denial by the Planning Commission of a request for a Special Use Permit (SUP-3237) for a proposed 73-foot tall slim-line wireless communications facility (non-stealth). Staff recommended denial.
11/17/04	The City Council approved a Special Use Permit (SUP-5072) on property located at 6708 West Cheyenne Avenue for an Auto Title Loan business with waivers of the required 1,000-foot separation distance from similar uses, the 200-foot distance separation from residential uses and the 1,500 square-foot floor area minimum requirements. Planning Commission recommended approval and staff recommended denial.
11/02/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #47/rl).

<i>Related Building Permits/Business Licenses</i>	
08/11/93	Business License Q07-6115 -55903 for a Medical Firm was issued to Hermansen Chiropractic, Out of Business effective 04/25/06.
08/11/93	Business License M06-18054-55903 for a Miscellaneous Sales was issued to Hermansen Chiropractic, Out of Business effective 07/10/06.
04/11/96	Business License C04-227J-68942 for a Chiropractor was issued to Terry Akers, Inactive effective 04/01/06.
10/30/03	Business License Q07-6335-113751 for a Medical Firm was issued to Darcuiel Chiropractic, Out of Business effective 06/07/06.
11/03/04	Business License Q07-615-68942 for a Medical Firm was issued to Akers Chiropractic (formally Hermansen Chiropractic), Remains active.
11/18/04	Business License Q07-615-68942 for a Medical Firm was issued to Desert Pines Family Health Center (formally Hermansen Chiropractic), Remains active.
07/24/06	Business License C14-967411129143 for a Clinic/Lab/X-ray/Imaging was denied to Desert Pines Family Health Center dba Valhalla Medical Spa.
<i>Pre-Application Meeting</i>	
08/16/06	At a pre-application meeting, the applicant was told the special use requirements for a massage establishment, and informed that the justification letter should include waivers for the distance separation requirements. Due to the location of the subject site within 500 feet of Unincorporated Clark County, the requirements for a Project of Regional Significance were explained to the applicant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross	
Acres	4.44
Net Acres	4.34

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Service Commercial General Commercial Office	L (Low Density Residential) H (High Density Residential)	R-1 (Single Family Residential) R-4 (High Density Residential)
South	Service Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
East	Group Quarters Facility, Single Family Residential	SC (Service Commercial)	C-1 (Limited Commercial) O (Office)
West	U.S. 95	Right of Way	Right of Way
<i>Special Districts/Zones</i>			<i>Yes No Compliance</i>
Special Area Plan			X Y
<i>Special Districts/Zones</i>			<i>Yes No Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (140 Foot Buffer)			X Y
Trails			X Y
Rural Preservation Overlay District			X Y
Development Impact Notification Assessment			X Y
Project of Regional Significance			X Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, 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	
Shopping Center	53,885	1 space per 250 Square Feet	209	7	517	26	Y
TOTAL			216		543		Y

Waivers		
Request	Requirement	Staff Recommendation
No separation from residential use	400-foot Separation from Residential Use	Approval
No separation from another massage establishment	1000-foot Separation from Massage Establishment	Approval

ANALYSIS

•Zoning

The site is located in the Centennial Hills Sector of the General Plan and has a designation of SC (Service Commercial). As the subject site is zoned C-1 (Limited Commercial), the General Plan and the zoning are in compliance with each other. The proposed use for Massage Establishment is permitted in the C-1 zoning district with a special use permit.

The subject site is located in the North Las Vegas Airport Overlay District which restricts the height of buildings to 175 feet. The subject proposal will be well under this maximum height allowed.

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance for the following reasons:

- 1) Any Special Use Permit within 500 feet of Unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and entities for the mandated 15-day period and no significant issues were identified. No responses have been received indicating any concerns regarding the impact of the proposed special use.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to making a decision on the proposal

•Use

The application proposes a Massage Establishment use within an existing chiropractic practice. The proposal, however, does not meet minimum distance separation requirements from a residential use, nor from another massage establishment as set forth in Title 19.02 and Title 19.04. Waivers of these requirements have been requested as part of this application. Due to the ancillary nature of this use within a chiropractic facility, it is determined that granting a Special Use Permit will not have a negative impact upon the surrounding environment.

●Conditions

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The use must be located on a secondary thoroughfare or larger.
3. The use may not be located within four hundred feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use.
4. The use may not be located within one thousand feet of any other massage establishment.
5. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis.

Waivers have been requested to allow the special use less than 400 feet from a residential use and less than 1,000 feet from an existing massage establishment. Because this Special Use Permit is requested to offer massage as an ancillary use in an existing chiropractic office, there is no negative impact on the neighborhood.

FINDINGS

The following findings must be made for a Special Use Permit:

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.
2. The subject site is physically suitable for the type and intensity of land use proposed.
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.
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.
5. The use meets all of the applicable conditions per Title 19.04.

In regard to 1:

The proposed Massage Establishment is an ancillary use within an existing chiropractic office in an existing shopping center at the northwest corner of Cheyenne Avenue and Rainbow Boulevard. As it is an ancillary use with no foreseeable impacts, it 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.

In regard to 2:

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

In regard to 3:

The site receives access from Cheyenne Avenue and Rainbow Boulevard, both of which are 100-foot Primary Arterials adequate in size to serve the requirements of the proposed Massage Establishment.

In regard to 4:

The proposed use on this 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.

In regard to 5:

Although the proposed use requires distance separation waivers from the required conditions of Title 19.04, the ancillary nature of the proposed Massage Establishment within the existing chiropractic office will have no negative impact on the community.

PLANNING COMMISSION ACTION

The Planning Commission considered a condition to limit the hours to 9:00 a.m. to 7:00 p.m..

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 199 by City Clerk

APPROVALS 0

PROTESTS 0