



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-29217 APPLICANT: JEAN CVR SERRATORE -OWNER: VINCE LLC**

---

**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Massage Establishment use.
2. Conformance to the conditions for Site Development Plan Review (SDR-29216) and Site Development Plan Review [Z-0100-64(162)], if approved.
3. A Waiver to allow a zero-foot distance separation from a residential use where 400 feet is required, is hereby approved.
4. A Waiver to allow to allow the use to be located on a local street where a Secondary Thoroughfare is required, is hereby approved
5. 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.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**SUP-29217 - Staff Report Page One  
September 11, 2008 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Massage Establishment use with Waivers to allow a zero-foot distance separation from a residential use where 400 feet is required, and to allow the use to be located on a local street where a secondary thoroughfare is required. The use is proposed to occupy an approximately 1,397 square-foot building at 710 S. 3<sup>rd</sup> Street. A related Site Development Plan Review (SDR-29216) will be heard concurrently with the subject Special Use Permit, for the 204 square-foot addition to the proposed Massage Establishment.

The proposed project fails to meet two Minimum Special Use Permit Requirements for a Massage Establishment use. Specifically, the use is located too close to a parcel zoned for a residential use. Additionally, the proposed use is not located on a secondary thoroughfare or larger. For these reasons, staff is recommending denial of the subject Special Use Permit.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/16/94	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission recommended approval on 12/10/94.
09/26/96	The Board of Zoning Adjustment approved a Plot Plan and Elevation Review [Z-0100-64(162)] for an accountants office at 710 S. 3 <sup>rd</sup> Street.
09/11/08	The Planning Commission will consider a related Site Development Plan Review (SDR-29216) for a proposed 204 square-foot addition to an existing commercial development with Waivers of the Downtown Centennial Plan Build-To-Line Requirements, Streetscape and Landscape Standards at 708 and 710 South 3rd Street.
<b><i>Related Building Permits/Business Licenses</i></b>	
01/23/97	A Building Permit (L-3378-96) was finalized for a tenant improvement remodel at 710 S. 3rd Street.
04/15/97	A Business License (#A23-01503) was issued for a bookkeeper at 710 S. 3 <sup>rd</sup> Street.
03/13/03	A Business License (#A47-00017) was issued for an artist or art studio at 708 S. 3 <sup>rd</sup> Street.
11/08/07	A Business License (#H02-01544) was issued for handbill at 708 S. 3 <sup>rd</sup> Street.

**SUP-29217 - Staff Report Page Two  
September 11, 2008 - Planning Commission Meeting**

11/08/07	A Business License (#M06-02935) was issued for miscellaneous sales at 708 S. 3 <sup>rd</sup> Street.
11/08/07	A Business License (#P06-00931) was issued for photography at 708 S. 3 <sup>rd</sup> Street.
11/08/07	A Business License (#W01-00111) was issued for a wedding chapel at 708 S. 3 <sup>rd</sup> Street.
<b><i>Pre-Application Meeting</i></b>	
07/24/08	A pre-application meeting was held on the indicated date. The applicant indicated the proposed remodel and use change. The applicant was also advised on the requirements for the subject Special Use Permit and the associated Site Development Plan Review (SDR-29216).
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
08/06/08	The field check indicated the existing office and wedding chapel; the location for the proposed addition and proposed Massage Establishment; residential property immediately south of the subject site and the lack of on-site parking. The overall site was in fair condition and free of debris and graffiti.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.16

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office and Wedding Chapel	C (Commercial)	C-2 (General Commercial)
North	Office	C (Commercial)	C-2 (General Commercial)
South	Single-Family Residential	C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
East	Multi-Family Residential	C (Commercial)	R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)

**SUP-29217 - Staff Report Page Three  
September 11, 2008 - Planning Commission Meeting**

West	Parking	C (Commercial)	C-2 (General Commercial)		
<i>Special Districts/Zones</i>			<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>					
Downtown Centennial Plan (Downtown South District)			X		N*
<i>Special Districts/Zones</i>			<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>					
A-O Airport Overlay District (200-foot)			X		Y**
Live/Work Overlay District			X		Y***
<b>Trails</b>				X	N/A
<b>Rural Preservation Overlay District</b>				X	N/A
<b>Development Impact Notification Assessment</b>				X	N/A
<b>Project of Regional Significance</b>				X	N/A

**Redevelopment Plan Area** The subject site is located within the boundaries of the Las Vegas Redevelopment Plan District. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

**\*Downtown Centennial Plan (Downtown South District)** The subject site is within the Downtown South District of the Downtown Centennial Plan. This district is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is not consistent with the goals and objectives of the Downtown Centennial Plan. This is evidenced by the number of associated Waivers.

**\*\*Airport Overlay** The subject site is within the North Las Vegas Airport Overlay (200 feet). There are two building on-site. The taller of the two buildings is 13 feet, two-inches. Therefore, the building height is within the limitation of the A-O (Airport Overlay District).

**\*\*\*Live/Work Overlay** This site is within the Live/Work Overlay district. The proposed development will not offer any housing options and therefore the project is not impacted by the Live/Work standards as outlined in Title 19.06.030.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.10, the following parking standards apply:*

<b>Parking Requirement - Downtown</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>	<i>Provided</i>		<i>Compliance</i>		
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Wedding Chapel	590.2 SF (360 SF of assembly space)	1 space for each 150 square feet in the principal assembly space	3	1	1	2	N*
Massage Establishment	1,396.4 SF	2 spaces for each massage room (6 massage room)	12	1	1	2	N*
<b>TOTAL</b>	1,986.6 SF		16		3		N*

\*Title 19.060.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan. Staff finds that the applicant does not adequately address parking, since only three parking spaces are provided where 16 spaces are required for the indicated uses. It should also be noted that there is no vehicular access, between the two existing buildings.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow a zero-foot distance separation from a residential use.	The use may not be located within 400 feet of any parcel zoned for residential use.	Denial
To allow the use to be located on a local street.	The use may be located on a secondary thoroughfare or larger.	Denial

**SUP-29217 - Staff Report Page Five**  
**September 11, 2008 - Planning Commission Meeting**

## **ANALYSIS**

The applicant is proposing to remodel and add approximately 204 square feet to a proposed Massage Establishment at 710 S. 3<sup>rd</sup> Street. An associated Site Development Plan Review (SDR-29216) will be heard concurrently with the subject Special Use Permit to consider the proposed addition. The floor plan for the proposed Massage Establishment; indicates six (6) massage rooms, including two couple rooms. There is also an administrative office, restroom and utility room.

Pursuant to Title 19.04 the Minimum Special Use Permit Requirements of Approval for a Massage Establishment use in a C-2 (General Commercial) district are as follows:

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 400 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 1,000 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.

The applicant is requesting Waivers of the minimum 400 hundred foot distance separation distance requirement from any parcel zoned for residential use. Also, the use is not being located on a secondary thoroughfare or larger. The proposed Massage Establishment is too intense for the subject site. This use cannot be conducted in a manner that is harmonious and compatible with the surrounding development. Therefore, staff is recommending denial of the subject Special Use Permit.

## **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.**

The proposed use is not harmonious with the particular area as Title 19.04 sets forth distance requirements to protect uses from this type of business. The proposed Massage Establishment fails to meet the required distance separation standards.

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

The proposed land use is too intense for the subject site, which deems the location as physically unsuitable. Adequate parking has not been provided, which is evidenced on the site plan. One parking space is provided for the Massage Establishment and two for the Wedding Chapel.

**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 proposed Massage Establishment is accessed from 3rd Street, which is defined as an 80-foot Local Street. Title 19.04 requires Massage Establishments to be located on a secondary thoroughfare or larger. 3<sup>rd</sup> Street is not adequate by definition, for 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.**

Approval of this use will not support the public health, safety, and general welfare as it would violate the protections adopted by Title 19.04 for a Massage Establishment use.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use does not meet all applicable conditions of Title 19.04 for a Massage Establishment use. The location of this use requires a Waiver of the distance separation to a residential use. Additionally, a Waiver has been requested to be located on a local street where a secondary thoroughfare is required.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20**

**ASSEMBLY DISTRICT 6**

**SENATE DISTRICT 3**

**NOTICES MAILED 352**

**SUP-29217 - Staff Report Page Seven**  
**September 11, 2008 - Planning Commission Meeting**

**APPROVALS**                      2

**PROTESTS**                        4