



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 4, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-31358 - APPLICANT: SPORTS, LLC - OWNER: PCB PENSIVY, LLC**

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

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Commercial Recreation/Amusement (Indoor) use, including parking requirements.
2. Conformance to the conditions for Site Development Plan Review (SDR-18660), Variance (VAR-18908) and Variance (VAR-21733), if approved.
3. The use shall be open to the public between 6:00 AM and 9:00 PM.
4. 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.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Commercial Recreation/Amusement (Indoor) use with a Waiver to allow the business to open at 6:00 AM where 8:00 AM is allowed at 9070 West Cheyenne Avenue. The applicant is proposing a 10,000 square-foot physical therapy business with a gym use within an existing 60,160 square-foot commercial development. The Special Use Permit requirement is to allow the gym use to function at the subject property, which is located within the O (Office) zoning district. The gym use will be utilized by physical therapists for prescription exercise and by approximately 20 members with personal trainers. Staff can support the Waiver request for the hours of operation as the traffic that will be generated by this use will be minimal and will create little disturbance to the neighboring single-family homes to the north. The proposed use will work harmoniously within the existing office development and surrounding commercial properties to the east; therefore, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
08/21/02	The City Council approved a General Plan Amendment (GPA-0011-02) to amend a portion of the Centennial Hills Sector Plan from ML (Medium Low Density Residential) to O (Office) on 10 acres adjacent to the northwest and northeast corner of Campbell Road and Cheyenne Avenue and a Rezoning (Z-0063-02) from U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] to O (Office) on approximately 5.0 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road. The Planning Commission recommended approval of both requests, staff recommended approval of the Rezoning and gave no recommendation on the General Plan Amendment request.
12/02/04	The Planning Commission approved a Tentative Map (TMP-5356) for a one-lot commercial subdivision on 5.36 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road. Staff recommended approval of this request.
09/15/04	The City Council approved a Petition to Vacate (VAC-4700) U.S. Government Patent Easements generally located west of Campbell Road, north of Cheyenne Avenue. The Planning Commission and staff recommended approval of this request.

## December 4, 2008 - Planning Commission Meeting

03/01/06	The City Council approved a General Plan Amendment (GPA-10763) to amend a portion of the Centennial Hills Sector of the Master Plan from SC (Service Commercial) and O (Office) to ML (Medium Low Density Residential), a Rezoning (ZON-10766) from U (Undeveloped) [O (Office) General Plan designation] under Resolution of Intent to O (Office) and U (Undeveloped) [SC (Service Commercial) General Plan designation] under Resolution of Intent to N-S (Neighborhood Service) to R-PD7 (Residential Planned Development 7 Units per Acre), a Site Development Plan Review (SDR-10769) for a 56-lot single-family residential development, a Variance (VAR-10765) to allow 21,864 square feet of open space where 40,364 square feet is the minimum amount of open space required for a proposed single-family development on 7.80 acres at 9167, 9092, and 9040 West Cheyenne Avenue. The Planning Commission and staff recommended denial of these requests.
03/23/06	The Planning Commission approved a Tentative Map (TMP-11664) for a 55-lot single-family residential subdivision on 7.80 acres at 9167, 9092, and 9040 West Cheyenne Avenue. Staff recommended approval of this request.
06/15/06	The City Council approved a General Plan Amendment (GPA-14417) Request to amend a portion of the Centennial Hills Sector Plan of the Master Plan from ML (Medium Low Density Residential) to O (Office) on 5.0 acres at 9040 and 9092 West Cheyenne Avenue. The Planning Commission and staff recommended approval of this request.
09/06/06	The City Council approved a Rezoning (ZON-14420) from U (Undeveloped) [ML (Medium Low Density Residential) General Plan designation] under Resolution of Intent to R-PD7 (Residential Planned Development 7 Units per Acre) to O (Office) and a Site Development Plan Review (SDR-14423) for a proposed 58,400 square-foot Office Development on 5.0 acres at 9040 and 9092 West Cheyenne Avenue. The Planning Commission and staff recommended approval of these requests.
10/05/06	The Planning Commission approved a Tentative Map (TMP-16175) for a one-lot commercial subdivision on 5.0 acres at 9040 and 9092 West Cheyenne Avenue. Staff recommended approval of this request.
02/21/07	The City Council approved a Site Development Plan Review (SDR-18660) For a proposed 60,160 square-foot Office Development and a Variance (VAR-18908) to allow a 33 percent lot coverage where 30 percent is the maximum lot coverage allowed on 5.0 acres at the northeast corner of Campbell Road and Cheyenne Avenue
06/14/07	The Planning Commission approved a Variance (VAR-21733) to allow a five-foot corner side yard setback from the south property line where 15 feet is the minimum corner side yard setback required for a proposed 10,720 square-foot Office Building on 5.0 acres at the northwest corner of Campbell Road and Cheyenne Avenue

December 4, 2008 - Planning Commission Meeting

04/28/08	A Code Enforcement case (#65030) was processed regarding a complaint from a neighboring property stating the parking lot area had been built too high. After review, the case was resolved on 05/06/08.
<b><i>Related Building Permits/Business Licenses</i></b>	
10/08/07	A building permit (#07002861) was issued for onsites/hardscapes at 9006 West Cheyenne Avenue. The permit is still open pending final inspections.
10/08/07	A building permit (#07002856) was issued for an office building at 9070 West Cheyenne Avenue. The permit received final approval on 07/18/08.
08/01/08	A building permit (#111534) was issued for a tenant improvement at 9070 West Cheyenne Avenue. The permit is still open pending final inspections.
10/10/08	A building permit (#125842) was issued for an illuminated wall sign at 9070 West Cheyenne Avenue. The permit is still open pending final inspections.
<b><i>Pre-Application Meeting</i></b>	
10/17/08	A pre-application meeting was held where elements of submitting a Special Use Permit for a Commercial Recreation/Amusement (Gym) use were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not held, nor was one required.	
<b><i>Field Check</i></b>	
10/29/08	A field check was performed by staff at the subject property. The site was observed to be an unoccupied building situated in an multi-building office development which has recently been completed.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.47

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office/Medical Office	O (Office)	O (Office)
North	Single-Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Single-Family Residential	ML (Medium Low Density Residential)	P-C (Planned Community)
East	Office/Medical Office/Undeveloped	O (Office)	C-1 (Limited Commercial)
West	Undeveloped	ML (Medium Low Density Residential)	U (Undeveloped) [ML (Medium-Low Density Residential) General Plan designation]

December 4, 2008 - Planning Commission Meeting

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**DEVELOPMENT STANDARDS**

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

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Medical Office	28,000 SF	1 space for each 200 SF of gross floor area up to 2,000 SF, plus 1 space for each addl 175 SF	159		160		
Office	32,160 SF	1 / 300 SF	107		107		
<b>SubTotal</b>			259	7	260	7	
<b>TOTAL</b>			266		267		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
To allow the business to open to the public at 6:00 AM	Hours of operation limited to 8:00 AM to 9:00 PM	Approval

**December 4, 2008 - Planning Commission Meeting****ANALYSIS**

This is a request for a Commercial Recreation/Amusement (Indoor) use for a proposed gym with a Waiver to allow the business to open at 6:00 AM where 8:00 AM is allowed at 9070 West Cheyenne Avenue. The applicant is proposing a 10,000 square-foot physical therapy office within a recently completed 60,160 square-foot commercial development which will include a gym use at the subject property. The gym will be utilized by both physical therapists for prescription exercise and by approximately 20 members with personal trainers. The applicant states that the physical therapy use will open at 6:00 AM Monday through Friday, with the gym use opening at 7:00 AM Monday through Saturday. As the applicant has indicated that the physical therapy uses will commence at 6:00 AM, and no restrictions are in place to separate the physical therapy use from the gym uses, staff has identified the earlier start time for the Waiver request. The floor plans submitted indicate the building will consist of a 1,038 square-foot pilates studio, a 2,642 square-foot gym, a 3,198 square-foot physical therapy area, treatment rooms, restroom and locker room facilities, break room, laundry room, a reception area and private offices.

The proposed use requires a Special Use Permit within the O (Office) zoning district. The applicant meets all of the Minimum Special Use Permit Requirements, with the exception of the request for a Waiver to allow the use to be open to the public at 6:00 AM where 8:00 AM is allowed. Staff can support the request for the Waiver as the traffic generated by this use will be minimal in nature and all activity will take place indoors, creating little disturbance to the neighboring single-family homes to the north. Additionally, this use will be compatible with the surrounding business park and the C-1 (Limited Commercial) zoned property to the east; therefore, staff recommends approval of this request.

- **Zoning**

This property is located within the O (Office) zoning district. The Office district is designed to provide for the development of office uses, supporting service uses and low intensity commercial uses performing administrative, professional and personal services. These may be small office buildings developed cluster with an internal traffic circulation system or one larger office building. This district may be used as a buffer between residential and more intense retail/commercial uses. The O (Office) district is consistent with the O (Office) category of the General Plan. The subject property carries a General Plan land use designation of O (Office).

- **Use**

A Commercial Recreation/Amusement (Indoor) use is defined by Title 19.04 as an enclosed facility or area for sport, entertainment, games of skill, or recreation that is open to the use by the general public for a fee. This use includes without limitation bowling alleys, indoor miniature golf courses, roller and ice skating rinks, game courts, swimming pools, walk-in movie theaters, physical fitness centers, gyms and video arcades.

- **Minimum Special Use Permit Requirements**

1. The use shall not be open to the public between the hours of 9:00 PM and 8:00 AM.
2. The use must be consistent with and authorized by an approved Site Development Plan for an office project, and may not occupy more than 35 percent of the floor area of the project.
3. No structure that houses the use may exceed 35 feet in height.
4. Each structure that houses the use shall be designed to provide reasonable sound barriers for adjoining properties.

The proposed Commercial Recreation/Amusement (Indoor) use does not meet all of the Minimum Special Use Permit requirements. Specifically, condition number one will not be met as the applicant has requested a Waiver to allow the use to be open to the public at 6:00 AM. Staff can support this Waiver request as the traffic that will be generated by this use will be minimal and will create little disturbance to the neighboring single-family homes to the north. The proposed use, which will occupy approximately 16% of the commercial development, will work harmoniously within the existing office development and surrounding commercial properties to the east; therefore, staff recommends approval of this request.

## **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 will be compatible with the surrounding office and medical office land uses, as well as the future land uses projected by the General Plan.

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

The subject site is physically suitable for the type and intensity of land use proposed as it provides adequate parking, adequate access and conforms to Title 19 standards.

**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 gains access from Dapple Grey Road and Campbell Road, both 60-foot Local Roads, according to the Master Plan of Streets and Highways. These two Local Roads in turn access Cheyenne Avenue, a 100-foot Primary Arterial according to the Master Plan of Streets and Highways, which will provide adequate access to the site.

**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 Special Use Permit 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.**

The use meets all of the applicable conditions per Title 19.04, with the exception of the Waiver request to allow the use to be open to the public at 6:00 AM, where 8:00 AM is allowed. Staff can support the request as it finds that the use can be conducted in a harmonious manner with the surrounding properties.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8**

**ASSEMBLY DISTRICT 4**

**SENATE DISTRICT 6**

**NOTICES MAILED 408**

**SUP-31358 - Staff Report Page Eight  
December 4, 2008 - Planning Commission Meeting**

**APPROVALS 1**

DC

PROTESTS

1