



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 9, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-33536 - APPLICANT: JING YAO LI - OWNER: GVIDAS
NORTHRIDGE PLAZA 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 Massage Establishment use, including parking requirements.
2. 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.
3. A Waiver from Title 19.04.010 is hereby approved, to allow a distance separation of less than 400 feet from residentially zoned property.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 1,382 square-foot Massage Establishment at 3900 North Rancho Drive, Suite #107 within the Northridge Plaza. The applicant is also requesting a Waiver to allow for a 360-foot distance separation from residentially zoned property where 400 feet is the minimum required.

Staff is recommending denial of this application, because the proposed use is too intense, and will not be compatible with the neighboring residential property, as evidenced by the request for a Waiver of the required distance separation.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/95	The City Council approved a request for a Special Use Permit (U-0235-94) to allow a Tavern with a Waiver of the 1,500-foot distance separation requirement from another Tavern. The Board of Zoning Adjustment recommended approval.
04/27/98	The City Council approved a request for a Special Use Permit (U-0021-98) for an Automobile Rental Business at 3900 North Rancho Drive. The Planning Commission recommended approval.
06/16/04	The City Council approved a request for a Special Use Permit (SUP-4140) for a proposed Massage Establishment with a Waiver of the minimum distance separation requirement from a residentially zoned property at 3900 North Rancho Drive, Suite #107. The Planning Commission recommended approval. The Special Use Permit expired on 08/24/07, after the use had ceased for one year.
12/08/06	Code Enforcement processed a complaint (Case #48501) for a temporary reader board on-site (massage) at 3900 North Rancho Drive. The case was resolved on 01/02/07.
09/03/08	Code Enforcement processed a complaint (Case #69345) for possible hazardous wiring and other violations at 3900 North Rancho Drive. The case was resolved on 09/17/08.
<i>Related Building Permits/Business Licenses</i>	
04/25/97	A building permit (#97008520) was issued for on-site improvements at 3900 North Rancho Drive. The permit expired on 01/30/99.
04/25/97	A building permit (#97008519) was issued for a shell building at 3900 North Rancho Drive. The permit was finalized on 06/26/98.
12/05/97	A building permit (#97024325) was issued for a trash enclosure at 3900 North Rancho Drive. The permit expired on 01/30/99.
NE	

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03/16/98	A building permit (#98005275) was issue for a 150-foot by 2-foot wall at 3900 North Rancho Drive. The permit expired on 01/30/99.
09/10/01	A building permit (#01016226) was issued for a tenant improvement certificate of completion at 3900 North Rancho Drive, Suite #107. The permit was finaled on 12/14/01.
12/17/01	A building permit (#01021854) was issued for a non-work certificate of occupancy at 3900 North Rancho Drive, Suite #107. The permit was finaled on 12/20/01.
06/25/04	A building permit (#04016177) was issued for a sign (tag #07691) at 3900 North Rancho Drive, Suite #107. The permit was finaled on 10/13/04.
09/01/04	A building permit (#04019485) was issued for a tenant improvement at 3900 North Rancho Drive, Suite #107. The permit was finaled on 10/15/04.
08/25/05	A building permit (#05006057) was issued for a sign (tag #08527) at 3900 North Rancho Drive. The permit expired on 03/25/06.
03/01/06	A business license (#M03-91452) was issued for a massage establishment at 3900 North Rancho Drive, Suite #107. The business license was marked out on 08/24/06.
08/24/06	A business license (#M03-95172) was issued for a massage establishment at 3900 North Rancho Drive, Suite #107. The business license was marked out on 02/07/07.
<i>Pre-Application Meeting</i>	
02/09/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Massage Establishment were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
03/05/09	During a routine field check staff noted a majority of the required landscaping was missing, non-permitted temporary signs with graffiti on them were posted on-site, and the trash enclosure was missing the gates and was not being utilized for the trash receptacle. The violations were forwarded to code enforcement for further action.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.45

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Center	SC (Service Commercial)	C-2 (General Commercial)
North	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
South	Motorcycle Sales	SC (Service Commercial)	C-2 (General Commercial)
East	Undeveloped	O (Office)	O (Office)
West	Roller Skating Rink	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District 105 Feet*	X		Y
Trails Pedestrian Path**	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance***	X		Y

**No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 105-foot contour limitation and the proposed use will not alter the building height. The existing building does not violate the height limitations.*

*** The subject site is located adjacent to a Pedestrian Path. The pedestrian path is a five-foot sidewalk constructed adjacent to Rancho Drive.*

****The subject property is located approximately 450 feet from the City Boundary with Clark County. This meets the criteria of a Project of Regional Significance which must be submitted if a Special Use Permit application is made concerning property within 500 feet of the City boundary with Clark County or North Las Vegas. A Project of Regional Significance has been filed and submitted to the appropriate agencies and no comments have been received.*

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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	
General Retail Store, Other than Listed (Less than 3,500 Square Feet) (Suite #103)	1,500 SF	1:175	9	(3)	80	3	Y
General Personal Services (Suite #104 & #105)	3,000 SF (8 Stations)	Three spaces for each beauty station; Two spaces for each nail station.	24				
Auto Parts (New & Rebuilt) (Accessory Sales & Service) (Suite #101, #102 & #106)	4,500 SF	Five spaces, plus one space for each 200 square feet of gross floor area.	28				

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Massage Establishment (Suite #107)	1,382 SF (1,500 SF) 7 Massage Rooms	Two spaces for each massage room, massage table or massage chair, with a minimum of six spaces required.	14				
Automobile Rental (Suite #108)	1,500 SF	One space for each 200 square feet of gross floor area.	8				
SubTotal	12,000 SF		83		80	3	
TOTAL (including handicap)			83		83		

Waivers		
Request	Requirement	Staff Recommendation
To allow a Massage Establishment to be approximately 360 feet from residentially zoned property where 400 feet is required.	400 Feet	Denial

ANALYSIS

This is a request for a Special Use Permit for a 1,500 square-foot Massage Establishment at 3900 North Rancho Drive, Suite #107 within the Northridge Plaza. The proposed floor plan consists of a reception and waiting area, seven massage rooms, a washroom, two shower rooms, a restroom, and storage area. The massage rooms average approximately 80 square feet each.

NE

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As part of this Special Use Permit, the applicant is also requesting a Waiver to allow an approximate 360-foot distance separation from residentially zoned property where 400 feet is the minimum required.

- **Zoning**

The subject site is designated SC (Service Commercial) in the Las Vegas 2020 Master Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. The existing C-2 (Limited Commercial) zoning district is not consistent with the SC (Service Commercial) General Plan designation, but the SC (Service Commercial) land use designation does allow for a Massage Establishment use.

The subject site is located within a C-2 (General Commercial) zoning district. The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential developments and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the GC (General Commercial) category of the General Plan.

- **Use**

Title 19 defines a Massage Establishment as a facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52.

- **Minimum Special Use Permit Requirements**

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 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 1000 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 proposed use is not in compliance with the Minimum Special Use Permit Requirements for a Massage Establishment, as it is approximately 360 feet from residentially zoned property. Therefore, staff recommends denial of this application.

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 Massage Establishment fails to meet the minimum distance separation requirement, set forth between a massage establishment and residential zoned property. While the use is permitted within a C-2 (General Commercial) zoning district, the distance separation requirement was established to provide a buffer between two land uses deemed to be incompatible.

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

The subject site can physically handle the type of use proposed, but is not suitable for the intensity of the use, as evidenced by the request for a Waiver of the required distance separation from residential property.

- 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 would be located within a commercial subdivision known as, Northridge Plaza, which is adequately served by Rancho Drive, a 90-foot Primary Arterial as defined by the Master Plan of Streets and Highways.

- 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 proposed Massage Establishment would be subject to regular inspections by regulatory agencies for business licensing and would not compromise the public health, safety and welfare.

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

The proposed Massage Establishment does not meet all of the applicable conditions per Title 19.04. A Waiver has been requested to allow for the Massage Establishment to be approximately 360 feet from residentially zoned property where 400 feet is the minimum required.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 116

APPROVALS 0

PROTESTS 3