



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-33583 APPLICANT: MASSAGE ENVY OWNER:
SHADOW MOUNTAIN MARKETPLACE, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-23093).
2. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property without the appropriate permits.
3. This Special Use Permit shall be placed on an agenda closest to October 17, 2011 at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.
4. 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 in response to a Required Review of an approved Special Use Permit (SUP-23093) for a 3,270 square-foot Massage Establishment with a waiver of the hours of operation limitation to allow business hours from 8:00 a.m. to 10:00 p.m. where business hours are restricted to 8:00 a.m. to 9:00 p.m.; a waiver of the 400-foot minimum distance separation requirements to allow a 67-foot distance separation from a City Park; and a waiver of the 1,000-foot distance separation requirements to allow a 130-foot distance separation from another Massage Establishment at 6475 N. Decatur Boulevard, Suite #160.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/25/97	The City Council approved a request to amend a portion of the Northwest Sector Plan of the General Plan (GPA-0027-97) not within the alignment of the Beltway on property located on the northwest corner of Centennial Parkway and Decatur Boulevard from DR (Desert Rural) to SC (Service Commercial). The Planning Commission recommended approval on 07/24/97.
08/25/97	The City Council approved a request for Rezoning (Z-0062-97) from R-E (Residence Estates) to C-1 (Limited Commercial) on property located on the northwest corner of Centennial Parkway and Decatur Boulevard for a proposed 330,500 square-foot Commercial Center. The Planning Commission recommended approval on 07/24/97.
01/17/01	The City Council approved a request for Rezoning (Z-0107-00) from R-E (Residence Estates) to C-1 (Limited Commercial) on property located at the southeast corner of Thom Boulevard and Rome Boulevard for a proposed Commercial Center. The Planning Commission recommended approval on 12/07/00.
06/20/01	The City Council approved a request for Rezoning (Z-0019-01) from R-E (Residence Estates) and R-E (Residences Estates) under a Resolution of Intent to C-1 (Limited Commercial) to C-1 (Limited Commercial) on 31.70 acres on the northwest corner of the intersection of Centennial Parkway and Decatur Boulevard. The Planning Commission recommended approval on 05/10/01.
07/16/03	The City Council approved a request for a Reinstatement and Extension of Time (EOT-2267) on an approved Rezoning (Z-0019-01) from R-E (Residence Estates) and R-E (Residences Estates) under a Resolution of Intent to C-1 (Limited Commercial) to C-1 (Limited Commercial) on 31.70 acres on the northwest corner of the intersection of Centennial Parkway and Decatur Boulevard. The Planning Commission recommended approval on 06/12/03.

05/05/04	The City Council approved a request for a Rezoning (ZON-3976) from R-E (Residence Estates) to C-1 (Limited Commercial) on 3.88 acres adjacent to the southeast corner of Thom Boulevard and Rome Boulevard. The Planning Commission recommended denial on 04/08/04.
11/03/04	The City Council approved a request for a Site Development Plan Review (SDR-5050) and Waivers of building placement and foundation landscaping standards for a proposed 365,700 square-foot Shopping Center on 35.00 acres adjacent to the northwest corner of Decatur Boulevard and the Las Vegas Beltway. The Planning Commission recommended approval on 10/07/04.
11/03/04	The City Council approved a request for a Special Use Permit (SUP-5065) for a proposed Service Station with Gas Pumps adjacent to the southwest corner of Decatur Boulevard and Rome Boulevard. The Planning Commission recommended approval on 10/07/04.
11/03/04	The City Council approved a Petition to Vacate (VAC-5069) Turkey Lane between Thom Boulevard and Decatur Boulevard. The Planning Commission recommended approval on 10/07/04.
12/02/04	The Planning Commission approved a request for a Tentative Map (TMP-5474) for a one-lot commercial subdivision on 35.82 acres adjacent to the northwest corner of Decatur Boulevard and the I-215 Beltway.
02/25/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6036) for the Shadow Mountain Marketplace.
09/08/05	The Planning Commission approved a request for a Master Sign Plan (MSP-8346) for a proposed commercial development at 6555 N. Decatur Boulevard.
02/06/06	The Planning and Development Department approved a request for a Minor Site Development Plan Review (SDR-11169) for two additional drive-through lanes to an approved Financial Institution, General on a portion of 20.95 acres at 6555 N. Decatur Boulevard.
03/15/06	The City Council approved a request for a Special Use Permit (SUP-11170) for a proposed Supper Club at 6555 N. Decatur Boulevard. The Planning Commission recommended approval on 02/23/06.
10/04/06	The Planning and Development Department approved a request for a Minor Site Development Plan Review (SDR-16383) for a proposed 4,456 square-foot Fast Food Restaurant with a drive-through on an approved pad Site D on a portion of 20.95 acres at 6475 N. Decatur Boulevard.
10/17/07	The City Council approved a request for a Special Use Permit (SUP-23093) for a proposed 3,270 square-foot Massage Establishment with a waiver of the hours of operation limitation to allow business hours from 8:00 a.m. to 10:00 p.m. where business hours are restricted to 8:00 a.m. to 9:00 p.m.; a waiver of the 400-foot minimum distance separation requirements to allow a 67-foot distance separation from a City Park; and a waiver of the 1,000-foot distance separation requirements to allow a 130-foot distance separation from another Massage Establishment at 6475 N. Decatur Boulevard, Suite #160 and #165. The Planning Commission recommended approval on 09/13/07.

11/06/07	A Temporary Sign Permit (TSP-25318) was issued for Shadow Mountain Dental Group for two sign banners 3 by 15 located at 6525 N. Decatur Boulevard, Ste 130. The permit is valid from 11/06/07 through 01/04/08.
10/30/07	A Code Enforcement case (59403) was processed for work being done without a permit at 6475 N. Decatur Boulevard, Suite 160. The case was closed on 11/02/07.
03/05/08	The City Council approved a request for a Special Use Permit (SUP-25983) for a proposed 1,500 square-foot Package Liquor Off-Sale Establishment at 6485 N. Decatur Boulevard. The Planning Commission recommended approval on 01/24/08.
04/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #49/ds).
<i>Related Building Permits/Business Licenses</i>	
07/11/07	A building permit (7002222) was issued for interior work for a Certificate of Occupancy at 6475 N. Decatur Boulevard, Ste#160. The permit was finalized on 12/03/07.
12/11/07	A building permit (103367) was issued for tenant improvements for a certificate of Occupancy for Massage Envy at 6475 N. Decatur Boulevard, Ste #160. The permit was finalized on 04/16/08.
04/18/08	A business license (B08-01273) was issued for Beauty/Cosmetic Sales at 6475 N. Decatur Boulevard, Ste #160. The license is still active.
04/18/08	A business license (M03-00171) was issued for a Massage Establishment at 6475 N. Decatur Boulevard, Ste #160. The license is still active.
04/18/08	A business license (M14-00129) was issued for a Membership Service Club at 6475 N. Decatur Boulevard, Ste #160. The license is still active.
04/18/08	A business license (Q24-00005) was issued for a Massage Administration at 6475 N. Decatur Boulevard, Ste #160. The license is still active.
<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
03/05/09	Staff conducted a field check of the subject site with the following observations: • The hours of operation posted on the entry door conform to Title 19 requirements for a massage Establishment. • The area surrounding the business was clean and well kept. • There was an A frame sign on the sidewalk in front of the business that was not permitted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	21.02

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Massage Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
South	I-215 Highway	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Retail Establishment	North Las Vegas	North Las Vegas
West	Single-Family Residences	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
	Undeveloped Land	ML (Medium Low Density Residential)	R-E (Residence Estates)

<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

ANALYSIS

This is the first required review of an approved Special Use Permit (SUP-23093) for a 3,270 square-foot Massage Establishment with a waiver of the hours of operation limitation to allow business hours from 8:00 a.m. to 10:00 p.m. where business hours are restricted to 8:00 a.m. to 9:00 p.m.; a waiver of the 400-foot minimum distance separation requirements to allow a 67-foot distance separation from a City Park; and a waiver of the 1,000-foot distance separation requirements to allow a 130-foot distance separation from another Massage Establishment at 6475 N. Decatur Boulevard, Suite #160.

There have not been any complaints from surrounding businesses or residents regarding the operation of the Massage Establishment. A Code Enforcement case (59403) was processed on 10/30/07 for work being done without a permit, which was subsequently closed on 11/02/07. During a field inspection of the subject site, staff found the area surrounding the business clean and well maintained, but there was an A frame sign posted in front of the business that was not permitted.

FINDINGS

The Massage Establishment is located in a C-1 (Limited Commercial) zoning district. The area surrounding the business is in good condition and being properly maintained. There have been no complaints filed by businesses or residents regarding the establishment; therefore, staff recommends approval with a two-year review.

PLANNING COMMISSION ACTION

The Planning Commission amended the conditions as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 452 by City Clerk

APPROVALS 0

PROTESTS 7