



AGENDA MEMO

CITY COUNCIL MEETING OF: NOVEMBER 4, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-35739 - APPLICANT: CHEREE SANDNESS, D.C. -

OWNER: T I H PEAK LLC, ETAL

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. The proposed use shall not exceed the 202 square feet of space depicted in the floor plan date stamped on 10/08/09.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Massage Establishment use.
3. 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.
4. 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 2,800 square-foot Massage Establishment within an existing medical office in the Las Vegas Technology Center at 7250 Peak Drive, Suite #106. The existing medical office has a current business license for Accessory Massage, but is proposing to utilize two massage rooms with a total area of 202 square feet, which exceeds the maximum floor area of 150 square feet that is allowed for the Accessory Massage use; therefore, a Special Use Permit is required for a Massage Establishment use. Staff is recommending approval of this request as the proposed use can be conducted in a manner that is compatible with the surrounding uses.

Issues

- Waivers have been requested as part of this review to allow a 400-foot distance separation from another Massage Establishment where 1,000 feet is required and a zero-foot distance separation from a city park where 400 feet is required. Staff can support the Waiver requests as the proposed use will be conducted in conjunction with the medical office, and will be limited by condition of approval to 202 square feet of floor area, as designated on the floor plans.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
07/12/84	The City Planning Commission approved an annexation (A-0015-84) located west of Lorenzi Boulevard and south of Cheyenne Avenue.
10/16/96	The City Council approved request for a Plot Plan [Z-68-85(29)] and building elevation review on property located on north side of Peak Drive approximate 280 feet west of Tenaya Way for a proposed two story, 31,032 square-foot office building (Non-Urban) zone under Resolution of Intent to C-PB (Planned Business Park). The Planning Commission recommended approval.
06/02/08	A deed was recorded for a change of ownership.
<i>Related Building Permits/Business Licenses</i>	
05/23/01	A business license (M18-03150) was issued for a health food/vitamin store at 7250 Peak Drive, Suite #106. This license was marked out of business on 04/07/09.
01/31/02	A business license (H10-00141) was issued for a health food/vitamin store at 7250 Peak Drive, Suite #106. This license is still active.
01/31/02	A business license (Q07-00134) was issued for a medical firm at 7250 Peak Drive, Suite #106. This license is still active.
12/07/07	A business license (Q07-01441) was issued for a medical firm at 7250 Peak Drive, Suite #106. This license is still active.

06/18/09	A business license (M11-00012) was issued for a massage establishment (accessory) store at 7250 Peak Drive, Suite #106. This license is still active.
06/24/09	A business license (M12-01776) was issued for a management or consulting service at 7250 Peak Drive, Suite #106. This license is still active.
09/03/09	A business license (Q24-00010) was issued for a massage administration at 7250 Peak Drive, Suite #106. This license is still active.
10/08/09	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #23/ao).

<i>Pre-Application Meeting</i>	
08/10/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Massage Establishment were discussed. Topics included waivers for distance separation from protected uses.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
09/10/09	Staff conducted a site visit and found the subject location to be a well maintained two-story office building within an existing commercial office center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.11

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
North	Office	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
South	Office	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
East	Office	LI/R (Light Industrial / Research)	C-PB (Planned Business Park)
West	Public	PF (Public Facility)	C-V (Civic)

<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		Y
A-O Airport Overlay District	X		Y
Trails	X		Y
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:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Massage Establishment	2,800 SF	2 spaces for each massage room (2 massage room)	4	5	121	4	Y
Office Other than Listed	32,760 SF	1/300	110				
SubTotal			119		125		
TOTAL (including handicap)	35,560 SF		119		125		

Waivers		
Requirement	Request	Staff Recommendation
A 1000-foot distance separation from another Massage Establishment.	400 Feet	Approved
A 400 zero-foot distance separation from a City park.	Zero Feet	Approved

ANALYSIS

The subject site contains an existing 2,800 square-foot medical (chiropractor) office with an active business license for Accessory Massage, which allows up to 150 square feet of floor area to be dedicated to the use. The applicant is proposing to utilize two rooms with a total floor area of 202 square feet for the massage use, which requires the approval of this Special Use Permit. The proposed use will be conducted in conjunction with the medical office, with hours of operation from 8:00 am to 9:00 pm.

As part of this request, Waivers are required to allow a 400-foot distance separation from another Massage Establishment where 1,000 feet is required and a zero-foot distance separation from a city park where 400 feet is required. As the proposed use will be conducted in conjunction with the activities of the medical office, will be limited by condition of approval to 202 square feet of floor area as designated on the floor plans, and can be conducted in a manner that is compatible with the surrounding uses, staff can support the Waiver requests and is recommending approval of this 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 will be performed in conjunction with the existing medical office, and can be conducted in a manner that is compatible with the surrounding land uses.

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

The subject site is physically suitable for the Massage Establishment use, and the proposed location is suitable for the intensity of the use as 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.”**

Access to the site is via driveways from north Tenaya Way and Peak Drive, both of which are 80-foot wide Secondary Collector Streets, according to the Master Plan of Streets and Highways, and are adequate to facilitate all traffic generated by 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 Special Use Permit will not compromise public health, safety, or welfare as the proposed Massage Establishment use will be subject to regular inspections.

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

The proposed use fails to meet Minimum Special Use Requirements number 3 and 4 as listed in Title 19.04 for a Massage Establishment use. The applicant has requested waivers of these requirements as part of the review.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 44 by City Clerk

APPROVALS 0

PROTESTS 0