



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 6, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: LESLEE WILBURN - OWNER: LUKE-LOBATO, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-38866	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

SUP-38866 CONDITIONS

Planning and Development

1. [An administrative review shall be required one year after issuance of a business license](#)
2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Massage Establishment use.
3. Conformance to the approved conditions for Rezoning (Z-0004-85) and Site Development Plan Review [Z-0004-85(3)].
4. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.
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.
6. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

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7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

8. 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 proposed 775 square-foot Massage Establishment within an existing business park located at 9061 West Sahara Avenue, Suite #104. The subject location of the proposed use is a vacant suite within a commercial subdivision.

The subject location is not compatible with surrounding uses, as is evidenced by the need for Waivers, due to the proximity of the subject site to a school, residential property and another Massage Establishment; therefore, staff recommends denial. If denied, the use would not be permitted at the subject location.

ISSUES

- The use is permitted in the C-1 zoning district with the approval of a Special Use Permit.
- A Waiver of the Minimum Special Use Permit Requirement to allow a 100-foot distance separation from a school, where 400 feet is required is needed for approval of this Special Use Permit.
- A Waiver of the Minimum Special Use Permit Requirement to allow a zero foot distance separation from a residential use, where 400 feet is required is needed for approval of this Special Use Permit.
- A Waiver of the Minimum Special Use Permit Requirement to allow a 230-foot distance separation from another Massage Establishment, where 1,000 feet is required is needed for approval of this Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/06/85	The City Council approved a request for Rezoning (Z-0004-85) of this site from N-U (Non-Urban) [Under Resolution of Intent to P-R (Professional Office and Parking), C-1 (Limited Commercial), R-PD7 (Residential Planned Development – 7 Units Per Acre) and R-PD23 (Residential Planned Development – 23 Units Per Acre)] to C-1 (Limited Commercial) of this site as part of a larger request. The Planning Commission and staff recommended approval.
11/29/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0004-85(3)] for an Office Park within a portion of the overall site.
08/26/10	The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #29/jg).

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<i>Most Recent Change of Ownership</i>	
01/28/97	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
05/27/97	A building permit (97010900) was issued for shell building at 9061 West Sahara Avenue. The permit was finalized on 02/16/99.
08/05/97	A building permit (97016097) was issued for Interior Build out at 9061 West Sahara Avenue, Suite #101. The permit was finalized on 02/16/99.
05/03/00	A building permit (8491) was issued for a Tenant Improvement for Certificate of Occupancy at 9061 West Sahara Avenue, Suite #104. The permit was finalized on 06/08/00.
07/24/03	A building permit (8491) was issued for a Tenant Improvement for Certificate of Occupancy at 9061 West Sahara Avenue, Suite #103. The permit was finalized on 09/30/03.

<i>Pre-Application Meeting</i>	
06/28/10	A pre application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included: • A Waiver to allow a 100-foot distance separation from a school, where 400 feet is required, a Waiver to allow a zero foot distance separation from a residential use, where 400 feet is required and a Waiver to allow a 230-foot distance separation from another Massage Establishment, where 1,000 feet is required will be required for approval of the Special Use Permit request.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
07/22/10	Staff conducted a field check and noted a well maintained office park, free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.66 (A portion of 13.7 acres)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Office Park	SC (Service Commercial)	C-1 (Limited Commercial)
North	General Retail/Restaurants	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residence	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Office Park	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office Park	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		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:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	142,242 SF	1/250 SF	581		700		Y
TOTAL SPACES REQUIRED			581		700		Y
TOTAL (With Handicapped)			569	12	673	27	Y

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
400-foot distance separation from a school.	To allow 100 feet.	Denial
400-foot distance separation from a residential use.	To allow 0 feet.	Denial
1,000-foot distance separation from another Massage Establishment.	To allow 230 feet.	Denial

ANALYSIS

Title 19.04 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.” The applicant is proposing a 775 square-foot Massage Establishment with Waivers to allow a 100-foot distance separation from a school where 400 feet is required, a zero foot distance separation from a residential use where 400 feet is required, and a 230-foot distance separation from another Massage Establishment, where 1,000 feet is required. The subject location is within a 142,242 square-foot Shopping Center and Office Park, which has more provided parking than required per code. Staff recommends denial of the Waivers, as convincing and substantial evidence has not been shown that the Waivers would not be contrary to the intent of the Massage Establishment use. Staff is therefore recommending denial of this request, as the proposed use cannot be conducted in a manner that is compatible with the surrounding uses.

FINDINGS (SUP-38866)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 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 applicant has requested Waivers of the Title 19 distance separation requirements from a school, a residential use, and from another Massage Establishment. The use is not appropriate within the subject commercial center due to the close proximity to residential uses, school and another Massage Establishment and would not be compatible and harmonious with existing surrounding land uses, and with future surrounding land uses as 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 the proposed use, as the commercial center has more parking available than required per Title 19.10 parking 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.

Site access is provided from Sahara Avenue and Fort Apache Road; both are 100-foot Primary Arterials, as designated in 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.

Approval of this Special Use Permit will not compromise the public health, safety, or welfare or the overall objectives of the General Plan, 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 3 and 4 as listed in Title 19.04 Development Standards for a Massage Establishment use, as evidenced by the requested Waivers.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

925 (By City Clerk)

APPROVALS

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PROTESTS

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