



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER:
CENTENNIAL GATEWAY, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements of the Town Center Development Standards Manual for a Massage Establishment use.
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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36931 - Staff Report Page One
January 28, 2010 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 1,900 square-foot Massage Establishment within an existing commercial development located at 5643 Centennial Center Boulevard, Suite #135. The subject location of the proposed use is currently vacant. The applicant requests for Waivers of the Town Center Development Standards Manual to allow a zero-foot distance separation from any parcel zoned for residential use where 400 feet is required and to extend the hours of operation from 8:00 a.m. to 10:00 p.m. where the hours of operation are limited to 8:00 a.m. to 9:00 p.m.

The subject location is not compatible for the intensity of the proposed use, due to the proximity of the subject site to residential property combined with the request to extend the hours of operation; therefore, staff recommends denial. If denied, the use would not be permitted at the subject location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
02/23/95	The Planning Commission approved a request for Annexation (A-0003-95).
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2204) a roadway easement on Buffalo Drive, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2205) portions of Centennial Center Boulevard, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2206) a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.

SUP-36931 - Staff Report Page Two
January 28, 2010 - Planning Commission Meeting

08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development and waivers of the Town Center Development Standards are requested to eliminate the landscaping within the Ann Road median, to allow the hardscapes areas within the amenity zone every 600 feet along Centennial Center Boulevard where 105 feet is the maximum permitted, to allow parking adjacent to the right-of-way to allow 50 percent screening of the mechanical installations along Centennial Center Boulevard where 100 percent is required, to allow less than 60 percent of the building to be built-to-line, and to allow doorways to be more than every 50 feet along a building façade that fronts a street or plaza area on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the west side of Centennial Center Boulevard, approximately 500 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2212) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 300 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2214) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2215) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2217) for a Supper Club adjacent to the northeast corner of Ann Road and Centennial Center Road. The Planning Commission recommended approval on 06/12/03.
03/16/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6053) for Centennial Gateway (A Commercial Subdivision). The map was recorded on 05/10/05 CLV Drawing #107v4179.

SUP-36931 - Staff Report Page Three
January 28, 2010 - Planning Commission Meeting

09/07/05	The City Council approved a request to Petition to Vacate (VAC-7235) a drainage easement adjacent to the northeast corner of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 07/28/05.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8267) of a previously approved Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a proposed commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8269) of a previously approved Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 700 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8271) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8272) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8273) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
09/07/05	The City Council approved a request for a Minor Amendment (SDR-8695) to a previously approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/05/06	The Town Center Architectural Review Committee approved a request for an amendment (ARC-16122) to an approved Master Sign Plan (CHARC-0009-03) for a proposed 397,244 square-foot expansion of a commercial center on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23584) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road. The City Council approved a request for an Extension of Time (EOT-23587) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.

SUP-36931 - Staff Report Page Four
January 28, 2010 - Planning Commission Meeting

09/19/07	The City Council approved a request for an Extension of Time (EOT-23589) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
06/18/08	The City Council approved a request for a Special Use Permit (SUP-27693) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a previously approved 13,969 square-foot General Retail Establishment "Grocery Store" at the northeast corner of Ann Road and Buffalo Drive. The Planning Commission recommended approval on 05/22/08.
02/04/09	The City Council approved a request for a Special Use Permit (SUP-32016) for Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 5643 Centennial Center Boulevard, Suite 130. The Planning Commission recommended approval on 01/08/09.
04/13/09	A Code Enforcement case (#76697) was processed for illegal signage for a 24-hour fitness center at 5651 Centennial Center Boulevard. Code Enforcement closed the case on 04/29/09.
04/29/09	A Code Enforcement case (77616) was processed for illegal signage and banners at 5705 Centennial Center Boulevard. Code Enforcement closed the case on 05/06/09.
05/06/09	The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval on 04/09/09.
09/16/09	The City Council approved a request for an Extension of Time (EOT-35422) for a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road.
<i>Related Building Permits/Business Licenses</i>	
03/17/08	Building permits (#110791,) were issued for a fire lead in at 5603 Centennial Center Boulevard. The building permit was finalized on 01/26/09.
03/25/08	A building permit (#107476) was issued for Centennial Gateway Building B at 5705 Centennial Center Boulevard. The building permit was finalized on 10/21/08.
03/27/08	A building permit (#107108) was issued for Centennial Gateway Building D at 5643 Centennial Center Boulevard (subject site). The building permit was finalized on 10/21/08.
03/28/08	A building permit (#125676) was issued for tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 03/16/09.
04/21/08	Building permits (#107470, 107475) were issued for Centennial Gateway Building E and C and at 5635 Centennial Center Boulevard and 5655 Centennial Center Boulevard. Certificate of Completion was given on 10/21/08.

SUP-36931 - Staff Report Page Five
January 28, 2010 - Planning Commission Meeting

05/01/08	A building permit (#108852) was issued for Sportsman Warehouse Major B at 5647 Centennial Center Boulevard. The building permit was finalized on 02/11/09.
03/17/09	A building permit (#133983) was issued for a tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 07/14/09.
03/17/09	A building permit (#133985) was issued for a tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 07/14/09.
03/17/09	A building permit (#133982) was issued for a tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 07/06/09.
<i>Pre-Application Meeting</i>	
12/03/09	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: • The application materials, documents, and the meeting dates and deadlines. • The proposed Massage Establishment is located within T-C within the SC-TC designation. • The use shall comply with all applicable requirements of LVMC 6. • The use must be located on a Secondary thoroughfare or larger. • The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility or any other parcel zoned for residential use. • The use may not be located within 1,000 feet of any other massage establishment. • The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m
<i>Neighborhood Meeting</i>	
01/27/10	A neighborhood meeting is required and will be held at the YMCA center at 6601 North Buffalo Drive.

<i>Field Check</i>	
12/22/09	During a routine field check staff observed a well maintained vacant tenant spaces due to the newly constructed commercial center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	16.7

SUP-36931 - Staff Report Page Six
January 28, 2010 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	Commercial Development	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
South	Condominiums	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units Per Acre)
	Painted Desert Golf Course	PR-OS (Parks/Recreation/Open Space)	
East	Restaurant and retail Establishments	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
West	Single-Family Residences	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units Per Acre)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Applicable to Title 17.10, 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	
Shopping Center	211,606 SF	1/250 SF	847	17	990	24	Y
TOTAL	211,606 SF		864		1,014		

SUP-36931 - Staff Report Page Seven
January 28, 2010 - Planning Commission Meeting

Waivers		
Requirement	Request	Staff Recommendation
Per Title 19.04 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 .	To allow a zero-foot distance separation from a parcel zoned for residential use.	Denial
Per Title 19.04 the use is restricted to hours of operation between 8:00 a.m. and 9:00 p.m. unless further limited by the City Council on a case-by-case basis.	To allow the hours of operation to be from 8:00 a.m. to 10:00 p.m.	Denial

ANALYSIS

This is a request for a Special Use Permit for a proposed Massage Establishment located at 5643 Centennial Center Boulevard, Suite #135. 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 request is for a proposed 1,900 square-foot Massage Establishment with waivers to allow a zero-foot distance separation from any parcel to the south and east zoned for residential use where 400 feet is required. The subject location is within a 211,606 square-foot Shopping Center, which enjoys the benefits of shared parking.

The proposed location consists of four massage rooms, four facial rooms, two restrooms, and a break room. There are no other Massage Establishment within 1,000 feet of the use, as measure from property line to property line.

A request has also been made by the applicant for a waiver of the minimum Special Use Permit Requirements of the Town Center Development Standard regarding hours of operation limitations for the Massage Establishment use to be extended from 8:00 a.m. to 9:00 p.m. to 8:00 a.m. to 10:00 p.m. Staff recommends denial of the waiver, as convincing and substantial evidence has not been shown that the waiver 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.

SUP-36931 - Staff Report Page Eight
January 28, 2010 - Planning Commission Meeting

FINDINGS

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 Town Center Design Standards Manual minimum distance separation requirements to allow a zero-foot distance separation from any residentially zoned parcel where 400 feet is required and a waiver of the hours of operation. The use is not appropriate within the subject commercial center due to the close proximity to residential uses, combined with the request to extend hours of operation to 10:00 p.m., 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 not physically suitable for the type and intensity of the use as it will be located within a Shopping Center that directly abuts residential uses. Additionally, the applicant proposes to have hours of operation extending to 10:00 p.m.

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 ingress and egress will be from Centennial Center Boulevard, a 90-foot Frontage Road according to the Town Center Development Standards Manual, and Ann Road, a 100-foot Primary Arterial per the Master Plan of Streets and Highways. These roadways are adequate to carry any added traffic generated from this 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 or the overall objectives of the General Plan as the proposed Massage Establishment use will be subject to regular inspections.

SUP-36931 - Staff Report Page Nine
January 28, 2010 - Planning Commission Meeting

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

The proposed use fails to meet Minimum Special Use Requirements c and e as listed in Town Center Development Standards Manual for a Massage Establishment use, as evidenced by the requested Waivers.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 507

APPROVALS 0

PROTESTS 0