



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: SUMMERLIN MASSAGE NV, LLC - OWNER:
JMK/BOCA PAD, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
RQR-38143	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

RQR-38143 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Special Use Permit (SUP-32148) and all other site related actions as required by the Planning and Development Department and the Department of Public Works.
2. No further reviews shall be required for the Massage Establishment use on this site.
3. 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

The subject site at 8950 West Charleston contains an existing retail building located within a large shopping center. The existing 3,193 square-foot Massage Establishment occupying Suite #7 was approved in March 2009 and is subject to a one year review by the Planning Commission. The approved floor plan indicates 13 massage therapy or multi-purpose rooms within the establishment. Staff recommends approval, as the establishment meets all conditions of the use as required by Title 19.04, and the operation of the use at this location has been shown to be harmonious and compatible with the surrounding land uses, including another existing massage establishment on the same lot within the existing shopping center.

ISSUES

- The City Council previously approved a waiver at this location to allow for a zero-foot distance separation from another Massage Establishment where 1,000 feet the minimum required.
- There is currently one other Massage Establishment located on the same lot as the subject use; the other Massage Establishments located within 1,000 feet of the subject lot at the time of original approval no longer offer those services. One business still offers limited massage services as an accessory use.
- There have not been any Code Enforcement violations or inquiries at this location since the time of original approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/02/92	The City Council approved a request for a Reclassification of property (Z-0030-92) located on the east side of Rampart Boulevard between Charleston Boulevard and Alta Drive from N-U (Non-Urban) under Resolution of Intent to R-1 (Single Family Residential), C-1 (Limited Commercial), and C-2 (General Commercial) to R-1 (Single Family Residential) and C-1 (Limited Commercial). The Planning Commission recommended approval.
04/27/98	The City Council approved a request for a Site Development Plan Review [Z-0030-92(5)] on 48.7 acres located on the northeast corner of Rampart Boulevard and Charleston Boulevard for a proposed 433,240 square-foot retail shopping center including 21 retail pad sites, and approved the related Peccole Town Center Master Development Plan and Development Standards. The Planning Commission recommended approval.

09/19/01	The Planning and Development Department administratively approved a Site Development Plan Review [Z-0030-92(21)] for a proposed 5,138 square foot retail store on Pad 'F' (0.48 acres) of the Peccole Ranch Town Center shopping center plan, adjacent to the northeast corner of Charleston Boulevard and Rampart Boulevard.
02/06/02	The Planning and Development Department administratively approved a request for a Site Development Plan Review ([Z-0030-92(23)] for a 14,390 square-foot retail building on Pad 'G' (1.14 acres) of the Peccole Ranch Town Center shopping center plan, adjacent to the northeast corner of Charleston Boulevard and Rampart Boulevard.
06/04/03	The City Council approved Ordinance #5606, thereby requiring a Special Use Permit for the Massage Establishment use within the C-1 (Limited Commercial), C-2 (General Commercial), C-PB (Planned Business Park) or C-M (Commercial/Industrial) zoning districts and making the use conditional in the M (Industrial) zoning district.
03/18/09	The City Council approved a Special Use Permit (SUP-32148) for a proposed 3,193 square-foot Massage Establishment with a waiver to allow for a zero-foot distance separation from another massage establishment where 1,000 feet is the minimum distance required. The Planning Commission recommended approval; staff recommended denial.

Most Recent Change of Ownership

08/29/05	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

02/26/02	A building permit (#02003336) was issued for on-site hardscapes at 8950 West Charleston Boulevard. The permit expired on 03/01/03.
02/26/02	A building permit (#02003337) was issued for a shell building on Pad 'G' for a certificate of completion at 8950 West Charleston Boulevard. A final inspection was completed on 10/18/02.
02/28/02	A building permit (#02003479) was issued for electrical work on Pad 'G' at 8950 West Charleston Boulevard. A final inspection was completed on 08/16/02.
02/28/02	A building permit (#02003522) was issued for plumbing work on Pad 'G' at 8950 West Charleston Boulevard. A final inspection was completed on 08/26/02.
03/04/02	A building permit (#02003760) was issued for mechanical work on Pad 'G' at 8950 West Charleston Boulevard. A final inspection was completed on 08/26/02.
04/09/02	A building permit (#02006256) was issued for a trash enclosure and retaining wall at 8950 West Charleston Boulevard. A final inspection was completed on 04/17/02.

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08/27/09	A building permit (#145489) was issued for a tenant improvement for certificate of occupancy for a massage establishment at 8950 West Charleston Boulevard, Suite #7. A final inspection was completed on 12/24/09.
09/29/09	A building permit (#146705) was issued for a sprinkler system in conjunction with a permit for certificate of occupancy for a massage establishment at 8950 West Charleston Boulevard, Suite #7. A final inspection was completed on 10/29/09.
10/09/09	A building permit (#149365) was issued for an illuminated wall sign at 8950 West Charleston Boulevard, Suite #7. A final inspection was completed 11/09/09.
11/23/09	A business license (B05-03160) was issued for a cosmetology establishment at 8950 West Charleston Boulevard, Suite #7. The license is still active.
11/23/09	A business license (B08-01392) was issued for beauty supply sales at 8950 West Charleston Boulevard, Suite #7. The license is still active.
11/23/09	A business license (M03-00184) was issued for a massage establishment at 8950 West Charleston Boulevard, Suite #7. The license is still active.
11/23/09	A business license (R03-00027) was issued for a reflexology establishment at 8950 West Charleston Boulevard, Suite #7. The license is still active.
12/02/09	A business license (M14-00144) was issued for a membership club at 8950 West Charleston Boulevard, Suite #7. The license is still active.
12/02/09	A business license (Q24-00012) was issued for massage administration at 8950 West Charleston Boulevard, Suite #7. The license is still active.

Pre-Application Meeting

A pre-application conference is not required for this application, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

05/20/10	During a field check of the site, staff noted the following: • The site consists of a well maintained suite within a multi-tenant building located within a large shopping center. • The front and rear elevations contain temporary banner signs for which there are no permits, and an unpermitted A-frame sign is located on the walk in front of the entrance. • Trash dumpsters were located outside of the existing trash enclosure at the rear of the building.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.14 acres (a portion of a 95.92-acre lot)

<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	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	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 (Pedestrian Path)	X		Y
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	622,187 SF	1/250 SF GFA	2,489		2,639		Y
TOTAL SPACES REQUIRED			2,489		2,639		Y
TOTAL (With Handicapped)			2,454	35	2,603	36	Y

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Existing Massage Establishments within 1,000 feet of subject Massage Establishment (Active at the time of approval of SUP-32148)			
Name (License #)	Address	Separation Distance	License Status
Euphoria Salons & Day Spas (#M03-00086)	8850 West Charleston Boulevard	Zero feet (Located within the same commercial subdivision as subject use – approximately 250 feet east).	Active
The Loft (#M03-00145)	8689 West Charleston Boulevard, Suite #111	Approximately 155 feet (Lot-to-Lot)	Marked out 10/19/09 (now has Accessory Massage license only – #M11-00017)
Fabulous Freddy's Car Wash (#M03-00056)	1101 South Fort Apache Road	Approximately 265 feet (Lot-to-Lot)	Marked out 06/22/09
A Body in Balance (#M03-00153)	1215 South Fort Apache Road	Approximately 565 feet (Lot-to-Lot)	Marked out 02/20/09

ANALYSIS

There have not been any Code Enforcement violations or inquiries at this location since the time of approval of the Special Use Permit. The establishment continues to meet the hours of operation required by Title 19.

One of the issues leading to staff's original denial recommendation was the potential for oversaturation of the massage establishment use in the immediate area. However, only three of the five establishments identified in the report still offer massages. One is a massage school; the other two offer massage as an ancillary use. At the time of approval of the Special Use Permit (SUP-32148), there were four other existing massage establishment licenses located within 1,000 feet of the subject property, which includes the 96-acre lot containing the Boca Park Shopping Center development. The business licenses for each of these establishments, with the exception of the license at 8850 West Charleston Boulevard, are no longer active. None of these previous massage establishments required a Special Use Permit, either because they preceded the requirement for a Special Use Permit or the use was deemed to be accessory to another primary use. A separate business license is now available for Accessory Massage.

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FINDINGS

As the subject massage establishment has demonstrated that it is harmonious and compatible with the surrounding land uses, staff recommends approval. No further reviews will be required for this use on this site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 977

APPROVALS 1

PROTESTS 2