



Agenda Item No.: 23.

AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JUNE 24, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARCO WHEELER

☐ Consent ☒ Discussion

SUBJECT: VAR-38195 - VARIANCE - PUBLIC HEARING - APPLICANT: STEVEN KOZMARY, M.D. -
OWNER: LA JOLLA PLAZA III, LLC - Request for a Variance TO ALLOW 26 PARKING
SPACES WHERE 45 PARKING SPACES ARE REQUIRED at 2851 El Camino Avenue (APN
162-05-801-0000, Limited Commercial Zone, Ward 1 (Tarkanian). Staff recommends
DENIAL.

C.C.: 07/21/2010

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps VAR-38195 and SUP-38194
2. Conditions and Staff Report VAR-38195 and SUP-38194
3. Supporting Documentation
4. Photos VAR-38195 and SUP-381294
5. Justification Letter VAR-38195 and SUP-38194
6. Protest Postcards VAR-38195 and SUP-38194
7. Submitted after Final Agenda Protest Postcards/Letter and Support Postcards for VAR-38195 and SUP-38194

Motion made by VICKI QUINN to Approve subject to conditions and adding the following condition as read for the record:

A. Striping shall be painted within six months and maintained thereafter.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, RICHARD TRUESDELL,
KEEN ELLSWORTH, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TRUESDELL declared the Public Hearing open for Items 23 and 24.

PLANNING COMMISSION MEETING OF: JUNE 24, 2010

STEVE GEBEKE, Planning and Development, explained that the applicant desires to utilize three massage rooms totaling 473 square feet within an existing business. However, the square footage would exceed the maximum floor area allowed for the accessory massage use, hence the need for the special use permit. The subject location is not suitable for the intensity of the proposed use, due to the proximity of the subject site to residential property to the north as well as the requested parking variance. Staff recommended denial.

DR. STEVEN KOZMARY, 285 El Camino Avenue, explained that his business is not a typical massage parlor. The use of massage therapy is limited to his existing patients. Exterior advertising will not be displayed with the exception of the business name.

Upon COMMISSIONER EVANS queries, DR. KOZMARY responded that he is a board certified anesthesiologist, and his practice is limited to pain management. The business has been in existence since 2000; thereafter, the Code was amended making it a requirement to have an ancillary license. He has such a license with one massage room but desires to have an additional three rooms to accommodate his patients.

COMMISSIONER QUINN supported massage therapy and asked questions relating to the business hours and parking for handicap individuals. DR. KOZMARY informed her that the hours are Tuesday through Friday from 7:30 a.m. to 5:00 p.m. with up to 14 employees. Over the course of a typical day, he will see up to 50 patients. Regarding parking, some of his employees do not own a vehicle and there is plenty of parking on the north side of the building. In addition, there are two handicap parking spaces on site and one is down accessible for vans. COMMISSIONER QUINN visited the site and is aware of DR. KOZMARY's reputation. She asked that the parking lot be striped and the signage for handicap parking is visible to the public. DR. KOZMARY agreed and also informed COMMISSIONER GOYNE that a massage session is approximately 50 minutes.

COMMISSIONER EVANS supported the request as he believed parking was not an issue, and the desired expansion is within an existing medical practice. Despite problems that have occurred with some establishments on Spring Mountain Road, he believed some notices for applications, such as this, can be misleading to the public; however, this is a legitimate business that is beneficial to the healing process.

CHAIR TRUESDELL declared the Public Hearing closed for Item 23 and 24.