



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: PHOENIX PHYSICAL THERAPY AND
LONGEVITY CENTER - OWNER: SHINHAN E AND C AMERICA, INC.

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-39104	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-39104 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Massage Establishment use.
2. Conformance to the approved conditions for Rezoning (Z-0034-81), Variance (VAR-11970) and Site Development Plan Review (SDR-1049).
3. 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.
4. All signage shall conform to Title 19 standards. Sign permits shall be obtained for all unpermitted signage within 30 days of final approval, or removed.
5. 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 Massage Establishment use in conjunction with an existing 3,504 square-foot Medical Office located at 950 South Durango Drive, Suite # 120. The Massage Establishment use is required for licensing of therapists providing care for patients; therefore, the use can be conducted in a manner that is harmonious and compatible with surrounding uses, and staff recommends approval with conditions. If this application is denied, the proposed Massage Establishment use cannot be located within the existing Medical Office, nor can a business license be obtained for the use at this location.

ISSUES

- A Massage Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- The applicant is requesting a waiver of Title 19.04.010 to allow a 100-foot distance separation from a residential use where 400 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/20/81	The City Council approved a Rezoning (Z-0034-81) from N-U (Non-Urban) to C-1 (Limited Commercial) at 950 South Durango Drive, which was part of a larger rezoning request. The Planning Commission recommended approval.
11/17/02	The Planning Commission approved a Site Development Plan Review (SDR-1049) and a reduction of the perimeter landscape requirements for a 13,558 square foot retail/commercial building on 1.59 acres located adjacent to the east side of Durango Drive, approximately 450 feet north of Charleston Boulevard. The Planning Commission and staff recommended approval.
04/13/06	The Planning Commission approved a Review of Condition (ROC-11971) #5 of an approved Site Development Plan Review (SDR-1049) which required the sign area on the bell/sign tower to be limited to the area indicated on the submitted building elevations at 950 South Durango Drive. Staff recommended denial.
04/13/06	The Planning Commission approved a Variance (VAR-11970) to allow a one foot setback where five feet is the minimum required for an existing sign at 950 South Durango Drive. Staff recommended denial.

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<i>Most Recent Change of Ownership</i>	
04/03/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/18/03	A building permit (03024486) was issued for rough grading at 950 South Durango Drive. The permit was never finalized.
12/18/03	A building permit (03026778) was issued for on-sites at 950 South Durango Drive. The permit was never finalized.
12/18/03	A building permit (03026777) was issued for a Bell Tower at 950 South Durango Drive. The permit was never finalized.
12/18/03	A building permit (03026776) was issued for the Shell Building Certificate of Completion at 950 South Durango Drive. The permit was finalized on 06/22/06.
03/21/06	A building permit (06002188) was issued for a Tenant Improvement for Certificate of Occupancy at 950 South Durango Drive, Suite # 120. The permit was finalized on 07/01/06.
10/10/07	A business license (P05-00402) for Pet Boarding/Sales was issued at 950 South Durango Drive, Suite # 120. The license was marked out of business 09/15/09.
06/04/10	A building permit (162218) was issued for a Tenant Improvement for Certificate of Occupancy at 950 South Durango Drive, Suite # 120. The permit was finalized on 07/19/10.
08/02/10	A business license (Q07-01828) for a Medical Firm was issued at 950 South Durango Drive, Suite # 120. The license is still active.

<i>Pre-Application Meeting</i>	
07/28/10	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed.

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

<i>Field Check</i>	
08/19/10	Staff conducted a field check and noted a well maintained Retail and Medical Office complex, with one unpermitted banner on the Medical Office.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.59

<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	Medical Office / Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mini-Storage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	Mini-Storage	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residence / Condominium	L (Low Density Residential) / M (Medium Density Residential)	R-1 (Single Family Residential) / R-3 (Medium Density Residential)

<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		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

<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Durango Drive-Primary Arterial</i>	Master Plan of Streets and Highways	100 feet	Y

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Pursuant to Title 19.04 and 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	
Office,	2,000 SF	1/200 SF	10				
Medical	1,504 SF	1/175 SF	9				
Office, Dental	1,750 SF	1/200 SF	9				
General Retail	8,510 SF	1/175 SF	49				
TOTAL SPACES REQUIRED			77		75		N
Regular and Handicap Spaces Required			73	4	71	4	N

Waivers		
Requirement	Request	Staff Recommendation
400-foot distance separation from any parcel zoned for residential use.	To allow a 100-foot distance separation from any parcel zoned for residential use.	Approval

ANALYSIS

A Massage Establishment use is defined by Title 19.20.020 as “a facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. The term does not include the use accessory massage as defined in this Title.” The applicant is requesting a Waiver to allow a 100-foot distance separation from a residential use where 400 feet is required. As the proposed use will be conducted in conjunction with a medical office providing physical therapy, staff can support the Waiver request. An existing bike route runs along the west property line on Durango Drive as designated by the Master Plan Transportation Trails Element, which does not impact the subject site.

The proposed massage establishment use will be operated in conjunction with an existing medical office providing physical therapy in existing treatment rooms. The Massage Establishment use is required for licensing of employees who provide care as a result of changes to NRS in 2009. As there are no rooms that are devoted exclusively to the provision of massage services, parking for the location remains unchanged and calculated for an Office, Medical use. The subject site is currently parking impaired by two spaces for the current uses within the commercial center. Future tenanting of the center will be limited by available parking, and a Variance shall be required for any proposed use that results in an increased parking requirement.

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FINDINGS (SUP-39104)

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 proposed Massage Establishment use can be conducted in a manner that is harmonious and compatible with the existing surrounding commercial uses. The proposed use will be operated in conjunction with the existing Medical Office.

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

The subject site has sufficient on-site for parking as the proposed use requires no additional parking. It is physically suitable for the proposed Massage Establishment use.

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 subject is provided by Durango Drive. This street is capable of accommodating the traffic flow created by the site and the 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.

If approved, the proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing and environmental health, and it will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

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

The proposed Massage Establishment use meets all applicable conditions of Title 19.04, with the exception of the requested Waiver to allow a 100-foot distance separation from a residential use where 400 feet is required. Staff supports the requested Waiver as the use will be operated in conjunction with a medical office.

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