



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 8, 2011

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: APPLICANT: GRACEFUL FACIALS AND BODYWORK, INC. -
OWNER: 6600 W. CHARLESTON, LLC**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40747	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-40747 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-0144-89).
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. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. 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 application is a request for a Special Use Permit for a Massage Establishment use in conjunction with an existing 1,730 square-foot Cosmetological Establishment at 6600 West Charleston Boulevard, Suite #126. The proposed use is located in a 41,676 square-foot shopping center. The application includes requests for Waivers to allow no distance separation from a residential use where 200 feet is required, a 100-foot distance separation from a religious facility where 400 feet is required and 730 feet from another massage establishment where 1,000 feet is required. This project is located on a 3.20 acre parcel. 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 Cosmetological Establishment, 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.
- Waivers are required to allow no distance separation from a residential use where 400 feet is required, a 100-foot distance separation from a religious facility where 400 feet is required and 730 feet from another massage establishment where 1,000 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/07/90	The City Council approved a request for Rezoning (Z-0144-89) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property located at the northeast corner of Charleston Boulevard and Lorenzi Street. The Planning Commission recommended approval.

<i>Most Recent Change of Ownership</i>	
07/25/05	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
07/19/90	A building permit (#900075553) was issued for a Certificate of Occupancy at 6600 West Charleston Boulevard. The permit was finalized on 01/30/91.
03/16/05	A business license (M15-02501) was issued for Computer Sales and Service at 6600 West Charleston Boulevard, Suite #126. The license was marked out of business on 02/08/10.
03/09/10	A business license (M18-04810) was issued for Management / Consulting Services at 6600 West Charleston Boulevard, Suite #126. The license has not been marked out of business, but is no longer at this location.
02/07/11	A business license (B05-03171) was issued for a Cosmetological Establishment at 6600 West Charleston Boulevard, Suite #126.

<i>Pre-Application Meeting</i>	
01/12/11	A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit for a Massage Establishment were discussed.

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

<i>Field Check</i>	
01/26/11	Staff conducted a site visit and noted a well maintained shopping center, clean and free of trash and debris.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.20

<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	M (Medium Density Residential)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Office	O (Office)	P-R (Professional Office and Parking)

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East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Financial Institution, General		

<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

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
<i>Charleston Boulevard</i>	Primary Arterial	Master Plan of Streets and Highways	100	Y
<i>Lorenzi Street</i>	N/A	N/A	60	N/A

Pursuant to Title 19.04 and 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	41,676 SF	1/250 SF	167				
TOTAL SPACES REQUIRED			167		166		Y*
Regular and Handicap Spaces Required			162	5	161	5	Y*

**The subject site meets the Title 19.10.010(C) requirements for a Parking Impaired Development.*

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 200-Foot minimum distance separation from a residentially zoned property.	To allow no distance separation.	Approval
A 400-Foot minimum distance separation from a Religious Facility.	To allow a 100-foot distance separation.	Approval
A 1,000-Foot minimum distance separation from another Massage Establishment.	To allow a 730-foot distance separation.	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 no distance separation from a residential use where 200 feet is required, a 100-foot distance separation from a religious facility where 400 feet is required and 730 feet from another massage establishment where 1,000 feet is required. As the proposed use will be conducted in conjunction with an existing 1,750 square-foot Cosmetological Establishment to provide esthetic and massage therapy services, staff can support the requested Waivers.

The existing shopping center was constructed in 1991 and is a parking impaired development pursuant to Title 19.10.010. The Massage Establishment use, as proposed, does not meet all of the minimum Title 19 requirements as indicated by the requested Waivers. The use can be conducted in a manner that is harmonious and compatible with surrounding uses, as the site was originally approved as an office, but over time the subject site has transitioned into a shopping center. With the changes in uses staff recommends approval with conditions. If denied, the applicant may not operate the Massage Establishment use from this location.

FINDINGS (SUP-40747)

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.**

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The proposed Massage Establishment use will be located in a suite of an existing shopping center.

The proposed use can be conducted in a manner that is harmonious and compatible with the various uses at the existing site and with the commercial uses on adjacent properties.

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 shopping center is a parking impaired development pursuant to Title 19.10.010.

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.

The site is accessed by Charleston Boulevard and Lorenzi Street. These streets are of sufficient size to accommodate the needs of the proposed Massage Establishment 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 a Special Use Permit for this use at this location will not compromise the public health, safety, or welfare, as the use is subject to licensing and inspections by the City of Las Vegas.

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

Pursuant to Title 19.04, the Minimum Special Use Permit Requirements for a Massage Establishment use mandate that the use not be located within 200 feet of residential property, within 400 feet of a Religious Facility and 1,000 feet from a Financial Institution, Specified. Staff supports the requested Waivers as the use will be operated in conjunction with a Cosmetological Establishment.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

NOTICES MAILED

330

APPROVALS

1

PROTESTS

1