



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 12, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: BODY SPA - OWNER: MICAH 6:8 HOLDING, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-40899	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

SUP-40899 CONDITIONS

Planning

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-0071-00), Site Development Plan Review [Z-0071-00(1)] and Site Development Plan Review (SDR-1307).
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to Las Vegas Municipal Code Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Massage Establishment use in conjunction with an existing 20,189 square-foot Spa Facility at 8751 West Charleston Boulevard, Suites #150 and #160. The proposed use is located in a 51,167 square-foot shopping center 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 Spa Facility, 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 and 130 feet from another Massage Establishment where 1,000 feet is required. Staff can support the waivers requested as the use is proposed to be operated in conjunction with an existing spa facility and is located within a shopping center that can accommodate a variety of uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/18/00	The City Council approved a Rezoning (Z-0071-00) from U (Undeveloped) to C-1 (Limited Commercial) and a Site Development Plan Review [Z-0071-00(1)] for a proposed 58,683 square-foot Retail Shopping Center.
12/04/02	The City Council approved a Site Development Plan Review (SDR-1307) for a proposed 51,718 square-foot two-story retail/office building on a portion of 8.26 acres adjacent to the southeast corner of Charleston Boulevard and Odette Lane. Staff recommended approval of this application which was not considered by the Planning Commission.
10/29/03	The City Council approved a Master Sign Plan (MSP-2858) for an approved retail center on 8.26 acres adjacent to the southeast corner of Charleston Boulevard and Odette Lane. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
11/22/02	A deed was recorded for a change in ownership.

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Staff Report Page Two
April 12, 2011 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
11/17/03	A building permit (03024366) was issued for a Certificate of Completion of a shell building at 8751 West Charleston Boulevard. The permit was finalized on 11/17/04.
05/14/04	A building permit (04012552) was issued for a Certificate of Occupancy at 8751 West Charleston Boulevard. The permit was finalized on 11/18/04.
10/31/05	A building permit (05007656) was issued for a Certificate of Occupancy at 8751 West Charleston Boulevard, Suite #190. The permit was finalized on 01/10/06.
07/08/09	A business license (P03-00041) was issued for Permanent Make-up at 8751 West Charleston Boulevard, Suite #150. This license is currently active.
07/30/09	A building permit (142719) was issued for a Certificate of Occupancy at 8751 West Charleston Boulevard, Suite #170. The permit was finalized on 09/15/09.
10/08/09	A business license (B05-03000) was issued for a Nail Salon at 8751 West Charleston Boulevard, Suite #190. This license is currently active.
10/12/09	A business license (R05-00654) was issued for a Snack Bar at 8751 West Charleston Boulevard, Suite #190. This license is currently active.
12/09/09	A business license (Q07-01762) was issued for a Medical Firm at 8751 West Charleston Boulevard, Suite #170. This license is currently active.
07/08/10	A building permit (163570) was issued for a Certificate of Occupancy at 8751 West Charleston Boulevard, Suite #160. The permit was finalized on 09/23/10.
07/08/10	A building permit (163560) was issued for a Certificate of Occupancy at 8751 West Charleston Boulevard, Suite #150. The permit was finalized on 03/02/11.
10/18/10	A business license (J01-02152) was issued for Accessory Sales at 8751 West Charleston Boulevard, Suite #150. This license is currently active.
12/03/10	A business license (M11-98285) was issued for Ancillary Massage at 8751 West Charleston Boulevard, Suite #190. This license is currently active.

<i>Pre-Application Meeting</i>	
11/29/10	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 for this application, nor was one held.	

<i>Field Check</i>	
03/03/11	Staff conducted a site visit and noted a shopping center, free of trash and debris.

Staff Report Page Three
 April 12, 2011 - Planning Commission Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	8.24

<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	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
		PF (Public Facility)	
West	Shopping Center	SC (Service Commercial)	C-2 (General 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	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>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	130*	Y
<i>Merialdo Lane</i>	N/A	N/A	60	N/A

*Street width is 100 feet per the Master Plan of Streets and Highways.

Staff Report Page Four
 April 12, 2011 - Planning Commission Meeting

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

Parking Requirement							
<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	73,656 SF	1/250 SF	295				
TOTAL SPACES REQUIRED			295		477		Y
Regular and Handicap Spaces Required			288	7	462	15	Y

Waivers		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 400-foot minimum distance separation from a residentially zoned property.	To allow no distance separation.	Approval
A 1,000-foot minimum distance separation from another Massage Establishment.	To allow a 130-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.” As the proposed use will be conducted in five rooms totaling 661 square feet, or approximately three percent of the total floor area, in conjunction with an existing 20,189 square-foot Spa Facility to provide aesthetic and massage therapy services, staff can support the requested Waivers.

The existing shopping center was constructed in 2003. 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 that accommodates a variety of uses. The site is adequately screened from adjacent residential uses. Staff recommends approval with conditions. If denied, the applicant may not operate the Massage Establishment use at this location.

Staff Report Page Five
April 12, 2011 - Planning Commission Meeting

FINDINGS (SUP-40899)

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 will be located in two suites 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 exceeds the parking requirements of 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 Merialdo Lane. 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 400 feet of residential property and 1,000 feet from another Massage Establishment use. Staff supports the requested Waivers, as the use will be operated in conjunction with a Spa Facility, and is located within a shopping center that can accommodate a variety of uses.

Staff Report Page Six
April 12, 2011 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 622

APPROVALS 1

PROTESTS 0