

**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

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

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>      | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|----------------------------|----------------------------------|
| <b>MOD-42261</b>       | Staff recommends APPROVAL. |                                  |

**Staff Report Page One**  
**August 9, 2011 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is requesting that the Rio Vista Plaza Master Development Plan be amended to allow the following uses: General Personal Services; Massage, Accessory; and Massage Establishment. The General Personal Service and Massage, Accessory uses will be permitted by right, whereas the Massage Establishment use shall be permitted only with the approval of a Special Use Permit in accordance with Title 19.16.110. Staff supports the amendment, as the proposed uses are permitted in the C-1 (Limited Commercial) district and are consistent with other uses allowed within the existing Planned Development. If the application is denied, General Personal Services and Massage Establishment Uses would continue to be prohibited at this location.

**ISSUES**

- The Massage Establishment Use will require approval of a Special Use Permit.

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b></i> |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/08/97                                                                 | The City Council approved Rezoning (Z-0074-97) from: U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] to: PD (Planned Development) on the southwest corner of Ann Road and Rio Vista Street. Staff recommended approval and the Planning Commission recommended denial.                                                                                                         |
| 01/25/99                                                                 | The City Council approved a request for a Site Development Plan Review [Z-0074-97(3)] for a proposed 15,056 square foot Drug Store and Review of Condition of Approval Number 4, to allow the use of an outside microphone for the pharmacy drive-through where such use is prohibited on property located on the southwest corner of Ann Road and Rio Vista Street. The Planning Commission recommended approval. |
| 01/25/99                                                                 | The City Council approved a Modification [Z-0074-97(4)] to the Rio Vista Plaza Master Plan to allow modifications to the approved locations and sizes of the proposed buildings and signage. The Planning Commission recommended approval.                                                                                                                                                                         |
| 07/05/01                                                                 | The City Council approved a Site Development Plan Review [Z-0074-97(10)] for a proposed 5,099 square foot Full Service Car Wash and a 1,468 square foot Minor Auto Repair Garage on 1.50 acres at the southeast corner of the intersection of Ann Road and Drexel Road. The Planning Commission recommended approval.                                                                                              |

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| 07/05/01 | The City Council approved a Major Modification [Z-0074-97(11)] to the Rio Vista Plaza Development Plan to add Carwash and Mini-Lube Facilities to the permitted uses table. The Planning Commission recommended approval.                                                                                                                                                                      |
| 08/09/11 | The Planning Commission will hear a request for possible action on a request for a Special Use Permit (SUP-42265) for a proposed 260 square-foot Massage Establishment in conjunction with a 1,500 square-foot day spa with a waiver to allow a distance separation of 50 feet from a residential use where 400 feet is required at 7045 West Ann Road, Suite #130. Staff recommends approval. |

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| <b><i>Most Recent Change of Ownership</i></b> |  |
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| 08/02/99 | A deed was recorded for a change in ownership. |
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| <b><i>Related Building Permits/Business Licenses</i></b> |  |
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| 01/03/01 | Business licenses (B05-02789-6-122017, B08-00706-6-122017 and M03-00152-2-122017) were issued for a Day Spa at 7045 West Ann Road, Suite 130. These licenses were closed as Out-of-Business on 01/25/10.                       |
| 05/06/03 | A Building Permit (#4781) for a Certificate of Occupancy was issued for a Day Spa at 7045 West Ann Road, Suite 130.                                                                                                            |
| 01/30/07 | Code Enforcement issued a citation (#49879) for illegal banners at 7045 West Ann Road, Suite 130. The case was closed on 03/13/07.                                                                                             |
| 12/04/07 | The Building Department conducted a requested inspection (#103268) for a hazardous situation at 7045 West Ann Road, Suite 130. There was no hazard found at the site and no action was taken. The case was closed on 12/10/07. |

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| <b><i>Pre-Application Meeting</i></b> |  |
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| 05/23/11 | Staff reviewed requirements to modify an existing Master Development Plan to add General Personal Services and Massage as permitted uses in the Rio Vista Shopping Plaza. |
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| <b><i>Neighborhood Meeting</i></b> |  |
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| A neighborhood meeting was not required, nor was one held. |  |
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| <b><i>Field Check</i></b> |  |
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| 07/05/11 | Staff conducted a field check of the site and found a well maintained commercial shopping center. |
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| <i>Details of Application Request</i> |      |
|---------------------------------------|------|
| <i>Site Area</i>                      |      |
| Net Acres                             | 18.6 |

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.12</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i>  |
|-----------------------------|------------------------------------------|------------------------------------------------|----------------------------------|
| Subject Property            | Shopping Center                          | SC (Service Commercial)                        | PD (Planned Development)         |
| North                       | Single Family Detached                   | ML (Medium/Low Density Residential)            | R-CL (Single Family Compact-Lot) |
|                             |                                          | L (Low Density Residential)                    | R-1 (Single Family Residential)  |
| South                       | Motor Vehicle Sales (New)                | GC (General Commercial)                        | C-2 (General Commercial)         |
| East                        | Single Family Detached                   | ML (Medium/Low Density Residential)            | R-CL (Single Family Compact-Lot) |
| West                        | Motor Vehicle Sales (New)                | GC (General Commercial)                        | C-2 (General Commercial)         |

| <i>Special Purpose and Overlay Districts</i>      | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---------------------------------------------------|------------|-----------|-------------------|
| PD (Planned Development) District                 | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Las Vegas Redevelopment Plan Area</b>          |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## ANALYSIS

Per Title 19, the PD (Planned Development) district may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The uses permitted at the subject site are similar to those permitted in the C-1 (Limited Commercial) district. The Title 19 use requirements apply as stated in the Rio Vista Plaza Master Development Plan; therefore, the proposed uses to be added to the Rio Vista Master Plan are described below:

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General Personal Service: A facility for the sale of personal services. Typical personal services include barber/beauty shop, tanning salon, nail salon, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, house cleaning service, weight reduction center, day spa, florist (excluding greenhouses), and permanent makeup establishment.

Massage, Accessory: The performing of massage therapy or therapeutic massage that:

1. Is accessory to a principal permitted use that is one of the following:
  - a. A medical office or physical rehabilitation clinic;
  - b. A fitness and health center;
  - c. A country club or golf course clubhouse;
  - d. A hotel with more than one hundred rooms; or
  - e. A facility similar in nature to any of the facilities listed above;
2. Does not occupy more than 150 square feet of space; and
3. Is not advertised on any exterior signage.

Massage Establishment: A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. This use does not include the “accessory massage,” as defined by Title 19.12.

**Minimum Special Use Permit Requirements:**

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The use must be located on a secondary thoroughfare or larger.
3. The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use.
4. The use may not be located within 1000 feet of any other massage establishment.
5. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis.

The addition of the General Personal Service and Massage, Accessory uses as permitted uses, and the Massage Establishment use as a permitted use with the approval of a Special Use Permit, will be consistent with uses allowed in the C-1 (Limited Commercial) zoning district, and will not negatively impact the existing uses at the site or in the surrounding area. The proposed uses will not affect parking requirements, since the required spaces are calculated as a Shopping Center at one space per 250 square feet, based upon the gross floor area. Therefore, staff supports the request to modify the Rio Vista Master Development Plan to allow the proposed uses.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**NOTICES MAILED** 687

**APPROVALS** 0

**PROTESTS** 0