



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: CITY OF LAS VEGAS - OWNER: RIO VISTA PLAZA, LLC, ET AL

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-42265	Staff recommends APPROVAL, subject to conditions:	MOD-42261

**** CONDITIONS ****

SUP-42265 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use.
2. Approval of Major Modification (MOD-42261) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. A Waiver to allow for a 50 foot distance separation from a residentially zoned property where a minimum of 400 feet distance separation is required is approved.
5. 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 Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.
7. 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

The applicant is requesting a Special Use Permit for a Massage Establishment within a proposed Day Spa with a Waiver of the distance separation requirement from a residentially zoned property. The Special Use Permit for a Massage Establishment is required as the floor area is greater than the maximum allowed 150 square feet for a Massage Accessory Use. The proposed massage space is 260 square feet. The proposed use is in a commercial shopping center, will only employ two massage therapists, and is not directly accessible to the residential neighborhood to the east. For these reasons, staff supports the request. If the applications are denied, the Massage Establishment Use would not be permitted at this location.

ISSUES

- The Rio Vista Plaza Master Development Plan must be amended (MOD-42261) to allow General Personal Services; Massage, Accessory; and Massage Establishment as permitted uses prior to approval of a Special Use Permit for a Massage Establishment Use. Staff supports this request, since all are permitted uses in similar zoning districts throughout the city.
- A Massage Establishment greater than 150 square feet is a permitted use with an approved Special Use Permit, per Major Modification (MOD-42261).
- A Waiver is required to allow a Massage Establishment use to be located 50 feet from a residentially zoned property where the minimum distance separation allowed is 400 feet. Staff supports this request, as the establishment is located in a shopping center across the street from the residential neighborhood and there is no direct access between the two districts. Additionally, the Massage Establishment will be operated in conjunction with a day spa.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</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.
08/09/11	The Planning Commission will hear a request for possible action on a request for a Major Modification (MOD-42261) to amend the Rio Vista Plaza Master Development Plan to add General Personal Service and Massage, Accessory uses as permitted uses and the Massage Establishment use as a permitted use with an approved Special Use Permit on 18.6 acres at 7007-7171 West Ann Road. Staff recommends approval.

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<i>Most Recent Change of Ownership</i>	
08/02/99	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
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.

<i>Pre-Application Meeting</i>	
05/23/11	Staff reviewed for submittal of a Special Use Permit for a Massage Establishment.

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

<i>Field Check</i>	
07/05/11	Staff conducted a field check of the site and found a well maintained commercial shopping center.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	18.6

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<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
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

DEVELOPMENT STANDARDS

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Ann Road	Primary Arterial	Master Plan of Streets and Highways	100	Y
Rio Vista Street	N/A	N/A	50	N/A
Drexel Road	N/A	N/A	50	N/A

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Pursuant to Title 19.08 and 19.12, 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	
Shopping Center	169,084 SF	1 space per 250 SF	677				
TOTAL SPACES REQUIRED			677		806		Y
Regular and Handicap Spaces Required			663	14	782	24	Y
Loading Spaces	169,084	3 for first 50,000 SF then 1 for each 100,00 SF	5		3		N

Waivers		
Requirement	Request	Staff Recommendation
Massage Establishment use may not be located within 400 feet of any parcel zoned for residential use.	To allow a Massage Establishment use to be located 50 feet from a residentially zoned parcel.	Approval

ANALYSIS

The site was developed as a commercial shopping center under the PD (Planned Development) district. Parcels were sold individually and developed separately. Each use was parked individually as well and up until 2008 required a parking variance if the use did not meet Title 19 minimum parking standards. When the Shopping Center category was adopted at one space per 250 square feet of building area, the site became current with the required number of parking spaces as a shopping center. However, the site is considered loading space impaired as the center has two fewer loading spaces then the current code requires.

The applicant is seeking a Special Use Permit for a Massage Establishment use. A Waiver of the 400-foot distance separation requirement from a residentially zoned parcel is required. The applicant is proposing to use two massage therapists in two rooms totaling 260 square feet located within a day spa. The use will be in the rear of the day spa within a larger shopping center. Staff supports the requested Waiver, since the use will be operated in conjunction with a day spa, and the shopping center does not have direct access to the adjacent residential community to the east. Therefore, there will be no impact from the proposed use on the surrounding community. All other minimum requirements are being met. Staff supports this request, as it can be conducted in a safe, clean manner without harm to the community.

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FINDINGS (SUP-42265)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 General Plan Service Commercial Land Use category allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The proposed use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding land use.

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

The site is physically suitable for this type of use and the intensity is appropriate in this area of the City. Ample site access is provided and adequate parking is being provided for this shopping center.

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 subject site is accessed by Ann Road, Drexel Road and Rio Vista Street. All streets are sufficient to accommodate the number of vehicular trips associated with the proposed 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 the Special Use Permit is consistent with the General Plan Land Use designation of SC (Service Commercial) and will not compromise the public health, safety, or welfare.

5.The use meets all of the applicable conditions per Title 19.12.

Pursuant to Title 19.12, the Minimum Special Use Permit Requirements for a Massage Establishment use mandates that the use not be located within 400 feet of a residentially zoned parcel. Staff supports the requested Waiver, as the use will be operated in conjunction with a day spa and will not have direct access to the adjacent residential neighborhood.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 687

APPROVALS 0

PROTESTS 1