



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 15, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: AGELESS ASCENSION DAY SPA - OWNER: RUGGED OAKS INVESTMENTS, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-63746	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

SUP-63746 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use.
2. 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.
3. A Waiver from Title 19.12 is hereby approved, to allow a distance separation of zero feet from a church/house of worship and from a residential use where 400 feet is the minimum distance required.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
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 is a request for a Special Use Permit for a proposed 2,153 square-foot Massage Establishment at 6006 Smoke Ranch Road. The applicant currently operates a day spa business within the proposed tenant space and would like to expand the business to include massage. The proposed Massage Establishment would locate within an existing 14,539 square-foot commercial development. The massage establishment use is consistent with Title 19 with the exception of minimum distance separation requirements. Specifically, a distance separation of zero feet from a church/house of worship and from a residential use where 400 feet is the minimum distance required. The applicant is requesting a Waiver to address the issue. The subject location is not compatible for the intensity of the proposed use, due to the proximity of the subject site to an existing church/house of worship and residential property; therefore, staff recommends denial. If denied, the use would not be permitted at the subject location.

ISSUES

- Per Title 19.12, a Massage Establishment use is permissible in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.
- A Waiver is required to allow a distance separation of zero feet from a church/house of worship and from a residential use where 400 feet is the minimum distance required.
- The subject site currently has a business license (#M11-99628) issued for an Accessory Massage Establishment (Ageless Ascension Day Spa) located at 6006 Smoke Ranch Road. The license is still active.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/02/87	The City Council approved a request for a reclassification of property (Z-0068-87) and Plot Plan Review from R-1 (Single Family Residential) to C-1 (Limited Commercial) for a proposed shopping center development on property located on the northeast corner of Jones Boulevard and Smoke Ranch Road. The Planning Commission recommended approval of the request.
11/28/05	The Planning Department administratively approved a request for a Site Development Plan review (SDR-19827) to allow a proposed 53 foot Wireless Communication Facility, Flagpole/Monopole at 6000 Smoke Ranch Road.
06/05/08	The Planning Department administratively approved a request for a Site Development Plan Review (SDR-28092) to allow the placement of three roof-mounted antennas at a height of 42 feet to an existing commercial building located at 6000 Smoke Ranch Road.
08/14/08	The Planning Department administratively denied a request for a Site Development Plan Review (SDR-28845) to allow a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopine) at 6000 Smoke Ranch Road.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/20/08	The Planning Commission denied a request for a Special Use Permit (SUP-30343) for a proposed 70-foot tall Wireless Communication Facility, Stealth Design (Monopine) at 6000 Smoke Ranch Road. Staff recommended denial of the request.
06/25/09	The Planning Department administratively denied a request for a Site Development Plan Review (SDR-34405) for a 20-foot tall cupola extension to an existing building for a Wireless Communication Facility, Stealth Design located at 6000 Smoke Ranch Road.
	The Planning Department administratively approved a request for a Site Development Plan Review (SDR-34438) for the co-location of three (3) antennas and three (3) microwave dish antennas at the 37'-5" centerline inside an existing 53-foot tall Wireless Communication Facility, Stealth Design (Flag Pole) located at 6002 Smoke Ranch Road.
01/06/10	The City Council withdrew without prejudice a request for a Special Use Permit (SUP-35744) for a proposed 62-foot tall Wireless Communication Facility, Stealth Design (Building Mounted) and the relocation of three existing antennas at 6000 Smoke Ranch Road. The Planning Commission and Staff recommended approval of the request.
	The City Council withdrew without prejudice a request for a Variance (VAR-35746) to allow a 112-foot setback where Residential Adjacency Standards require 185 feet for a proposed Wireless Communication Facility, Stealth Design (Building Feature Extension) at 6000 Smoke Ranch Road. The Planning Commission and Staff recommended approval of the request.
05/10/16	The Planning Commission unanimously voted to recommend APPROVAL on a request for a Special Use Permit (SUP-63746) for a proposed 2,153 square-foot massage establishment with a waiver to allow a distance separation of zero feet from a church/house of worship from a residential use where 400 feet is the minimum distance required at 6006 Smoke Ranch Road (APN 138-13-401-003), C-1 (Limited Commercial) Zone, Ward 5 (Barlow) [PRJ-63615].

<i>Most Recent Change of Ownership</i>	
07/03/13	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/04/14	A business license (#B05-99625) was issued for a Cosmetology Establishment (Ageless Ascension Day Spa) located at 6006 Smoke Ranch Road. The license is still active.
	A business license (#G50-99626) was issued for General Retail Sales (Ageless Ascension Day Spa) located at 6006 Smoke Ranch Road. The license is still active.

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<i>Related Building Permits/Business Licenses</i>	
06/04/14	A business license (#M11-99628) was issued for an Accessory Massage Establishment (Ageless Ascension Day Spa) located at 6006 Smoke Ranch Road. The license is still active.

<i>Pre-Application Meeting</i>	
03/01/16	Submittal requirements for a Special Use Permit application were discussed with the applicant.

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

<i>Field Check</i>	
03/31/16	Staff performed a routine field check and noted a well maintained commercial development.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.83

<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	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Multi-Family Residential	M (Medium Density Residential)	R-PD20 (Residential Planned Development – 20 Units per Acre)
	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
	Las Vegas Valley Water District	PF (Public Facilities)	C-V (Civic)
East	Mini-Storage	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store and Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)

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<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (70 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	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>
Jones Boulevard	Major Collector	Master Plan of Streets and Highways	80	Y
Smoke Ranch Road	Primary Arterial	Master Plan of Streets and Highways	100	Y

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
Commercial Development	14,539 SF	1:175 SF	84				
TOTAL SPACES REQUIRED			84		140		Y
Regular and Handicap Spaces Required			80	4	135	5	Y

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
The use may not be located within 400 feet of any church/house of worship, school, City park, individual care center licensed for more than 12 children, or any parcel zoned for residential use.	To allow a distance separation of zero feet from a church/house of worship and from a residential use where 400 feet is the minimum distance required	Denial

ANALYSIS

This is a request for a Special Use Permit for a proposed 2,153 square-foot Massage Establishment located at 6006 Smoke Ranch Road. The subject tenant space is located within an existing 14,539 square-foot commercial development. The subject site currently has a business license (#M11-99628) issued for an Accessory Massage Establishment (Ageless Ascension Day Spa) located at 6006 Smoke Ranch Road, which is limited to 150 square-feet of floor area. The applicant has indicated on the submitted floor plan that they would like to expand the use so it can be done in three rooms within the tenant space which exceed 150 square feet in size. The Massage Establishment use is defined by Title 19.18 as: “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 use “accessory massage”, as defined in this Title.”

The Minimum Special Use Permit Requirements for this use include:

1. The use shall comply with all applicable requirements of LVMC Title 6.

The proposed use meets this requirement, as a condition of approval has been added requiring compliance with all applicable LVMC Title 6 requirements.

2. The use must be located on a secondary thoroughfare or larger.

The proposed use meets this requirement, as the subject site is located along Jones Boulevard, an 80-foot Major Collector and Smoke Ranch Road, a 100-foot wide Primary Arterial as indicated on the Master Plan of Streets and Highways

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1. The use may not be located within 400 feet of any church/house of worship, school, City park, individual care center licensed for more than 12 children, or any parcel zoned for residential use.

The proposed use does not meet this requirement, as there is a church/house of worship and residentially zoned properties within 400 feet of the subject site. The applicant is requesting a Waiver to address the issue. Specifically, the applicant is requesting a Waiver to allow a distance separation of zero feet from a church/house of worship and from a residential use where 400 feet is the minimum distance required.

2. The use may not be located within 1,000 feet of any other massage establishment.

The proposed use meets this requirement, as there are no other massage establishments located within 1,000 feet of the subject property.

3. The hours of operation shall be limited to the period between 6:00 a.m. and 10:00 p.m., unless further limited by the City Council on a case-by-case basis.

The proposed use meets this requirement, as the applicant indicates in the submitted justification letter, date stamped 03/08/16, that the hours of operation would be Monday through Sunday, 8:00 a.m. to 8:00 p.m.

The proposed use would be located within an established commercial development with retail and general office uses. Other than the minimum use requirements in Title 19.12, there are no special development requirements pertaining to this site. At this time there are no other similar uses within the commercial development. However, the subject location is not compatible for the intensity of the proposed use, due to the proximity of the subject site to the existing church/house of worship and residentially zoned properties; therefore, staff recommends denial of this request.

FINDINGS (SUP-63746)

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 subject tenant space consists of an established day spa business located within an existing commercial development along with other similar and compatible uses. The applicant is requesting a waiver of minimum distance separation requirements from an existing church/house of worship and residentially zoned properties. As a result, the use cannot operate harmoniously with those protected land uses located in such close proximity to the

subject site.

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

The site contains an existing 14,539 square-foot commercial development with other retail and general office uses. This site contains adequate parking for all uses, and the proposed use does not generate the need for any additional parking spaces.

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 proposed Massage Establishment can be accessed from Jones Boulevard, a 80-foot Major Collector and Smoke Ranch Road, a 100-foot Primary Arterial as indicated on the Master Plan of Streets and Highways that has adequate capacity to serve the existing development.

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.

The proposed Massage Establishment use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and general welfare or any objective of the General Plan.

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

The proposed Massage Establishment does not adhere to minimum distance separation requirements. The applicant is requesting a waiver of minimum distance separation requirements from an existing church/house of worship and residentially zoned properties. As a result, the use cannot operate harmoniously with those protected land uses located in such close proximity to the subject site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

428 (By City Clerk)

APPROVALS

0

PROTESTS

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