



**AGENDA MEMO - PLANNING**

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2016**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: - APPLICANT: FU ZU BA SCHOOL OF MASSAGE AND REFLEXOLOGY - OWNER: G G P MEADOWS MALL, LLC**

---

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SUP-65419	Staff recommends APPROVAL, subject to conditions:	

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      31

NOTICES MAILED    371

APPROVALS    0

PROTESTS    0

**\*\* CONDITIONS \*\***

---

**SUP-65419 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 zero-foot distance separation from a Church/House of Worship where 400 feet is required.
4. A Waiver from Title 19.12 is hereby approved, to allow a 100-foot distance separation from a School where 400 feet is required.
5. 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 building permit, as well as submitted as part of any business license application.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Staff Report Page One**  
**August 9, 2016 - Planning Commission Meeting**

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for a Massage Establishment use to be located within a Regional Mall located at 4300 Meadows Lane.

**ISSUES**

- A Special Use Permit is required to operate a Massage Establishment use within the C-1 (Limited Commercial) zoning district.
- A Waiver is requested to allow a distance separation of zero feet from a Church/House of Worship, where 400 feet is required.
- A Waiver is requested to allow a distance separation of 100 feet from a School where 400 feet is required.

**ANALYSIS**

The proposed Massage Establishment use will occupy approximately 162 square feet of common “kiosk” area on the second floor of the JC Penney wing of the regional mall. The applicant has proposed four ergonomic massage chairs, and a small stand for a cash register. Services will be provided in the common “kiosk” area by licensed massage professionals during mall hours only. There are no walls or privacy screens surrounding the proposed use.

The Massage Establishment use requires a Special Use Permit in the C-1 (Limited Commercial) zoning district. Due to the subject site encompassing approximately 80 acres, the proposed location was unable to meet the distance separation requirements set forth by Title 19.12 for a Massage Establishment use. Because the services offered by the Massage Establishment will be performed in an open, common “kiosk” area of the mall on ergonomic massage chairs, staff supports the requested Waivers.

The Massage Establishment use is defined by Title 19.12 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 “accessory massage,” as defined in this Title.”

The Minimum Special Use Permit Requirements for this use include:

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

**Staff Report Page Two**  
**August 9, 2016 - Planning Commission Meeting**

The proposed use is subject to all applicable code requirements including Title 6, if not in compliance the business license will be revoked.

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

The proposed use meets this requirement as the subject site is adjacent to Valley View Boulevard, an 80-foot Major Collector as defined by the Master Plan of Streets and Highways. /

3. Requirement 3: 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 meets does not meet this requirement as the applicant has requested a Waiver to allow a zero-foot distance separation from a Church/House of Worship, and a 100-foot distance separation from a school where 400 feet is required for both. The subject site for the proposed Massage Establishment is the common area of a regional mall, with the Massage Establishment use to be set-up as a kiosk type facility. With the Massage Establishment being a kiosk in the common area of a regional mall, staff is supporting both Waiver requests.

4. Requirement 4: The use may not be located within 1,000 feet of any other massage establishment.

There is no other Massage Establishment within 1,000 feet of the subject site and the proposed use meets this requirement.

5. Requirement 5: 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 will be subject to mall operating hours which are 10: a.m. to 9:00 p.m. Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sundays, thus meeting this requirement.

Staff recommends approval of this request with conditions, as the proposed kiosk will be located within the Regional Mall and can be operated in a manner that is compatible and harmonious with nearby uses. If the requested Special Use Permit is denied, the applicant will not be able to operate his business from this location.

**Staff Report Page Three**  
**August 9, 2016 - Planning Commission Meeting**

**FINDINGS (SUP-65419)**

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 proposed Massage Establishment use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan. As the Massage Establishment use is operated from a commercial kiosk and located inside the Regional Mall, this use will have no adverse impact on the surrounding 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 land use proposed. The site has been in operation as a Regional Mall since 1978 without major incident or impact to the adjacent properties.

**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 from Valley View Boulevard and Meadows Lane, both of which adequately support the existing regional mall.

**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 approval of this Special Use Permit 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 is consistent with the operation of a Regional Mall use and the overall objectives of the General Plan.

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

The proposed Massage Establishment use does not meet requirement number three as the proposed use when measured parcel line to parcel line does not meet the distance separation requirements for two protected uses. The Massage Establishment is being proposed as a kiosk in the common area of the regional mall, and staff supports the Waivers requested.

**Staff Report Page Four**  
**August 9, 2016 - Planning Commission Meeting**

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
There are no relevant City actions related to this application.	

<b><i>Most Recent Change of Ownership</i></b>	
08/01/03	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
There are no related building permits or business licenses relevant to this application.	

<b><i>Pre-Application Meeting</i></b>	
05/31/16	Staff conducted a pre-application meeting where the submittal requirements for a Special Use Permit were discussed.

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

<b><i>Field Check</i></b>	
06/30/16	Staff performed a routine field of the regional mall where the exterior and the interior of the subject site was well-maintained and free of trash and debris.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	80

<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Regional Mall	SC (Service Commercial)	C-1 (Limited Commercial)
North	Right-of-Way	Right-of-Way	Right-of-Way
South	Elementary School	PF (Public Facilities)	C-V (Civic)
	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

Staff Report Page Five  
 August 9, 2016 - Planning Commission Meeting

<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>
East	Museum and Outdoor Gardens	PF (Public Facilities)	C-V (Civic)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<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 -140 Feet	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails – Pioneer Trail	Y
Meadows Walkable Community Plan	Y
Las Vegas Redevelopment Plan Area – Redevelopment Area 2	Y
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>
Meadows Lane	Local	Title 13	70	Y
Valley View Boulevard	Major Collector	Master Plan of Streets and Highways	80	Y

*Pursuant to Title 19.08 and 19.12, the following parking standards apply:*

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Regional Mall	1,153,159 SF	1:250	4,613				
<b>TOTAL SPACES REQUIRED</b>			4,613		5,188		Y
<b>Regular and Handicap Spaces Required</b>			4,556	57	5,156	32	Y

**Staff Report Page Six**  
**August 9, 2016 - Planning Commission Meeting**

<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
A 400-foot minimum distance separation is required from a Church/House of Worship.	To allow a zero-foot distance separation from a Church/House of Worship.	Approval
A 400-foot minimum distance separation is required from a School.	To allow a 100-foot distance separation from a School.	Approval