



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JANUARY 10, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: YVETTE CHAPPEL - OWNER: 5831 W CRAIG, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-67830	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 155

APPROVALS 0

PROTESTS 0

**** CONDITIONS ****

SUP-67830 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 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 1,337 square-foot Massage Establishment to be located within an existing shopping center at 5803 West Craig Road, Suite #101.

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 residential use where 400 feet is the minimum distance required. Staff recommends denial of the request.

ANALYSIS

The subject tenant space is located within an existing 79,150 square-foot shopping center. 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 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 Craig Road, a 120-foot Primary Arterial and Jones Boulevard, a 100-foot wide Primary Arterial as indicated on the Master Plan of Streets and Highways.

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.

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The proposed use does not meet this requirement, as there is a residentially zoned property within 400 feet of the subject site to the east. 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 residential use where 400 feet is the minimum distance required.

4. 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.

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 meets this requirement, as the applicant indicated in the Pre-application meeting that the hours of operation would adhere to Title 19 requirements.

The proposed use would be located within an existing shopping center with other uses such as retail, restaurants, general office uses and an indoor children's amusement facility. Other than the minimum use requirements in Title 19.12, there are no special development requirements pertaining to this site. While there are other Massage Accessory uses within the commercial development, the subject location is not suitable for a full-scale Massage Establishment due to the presence of a children's indoor amusement facility located within the shopping center and the proximity of the residentially zoned property to the east; therefore, staff recommends denial of the request.

FINDINGS (SUP-67830)

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 applicant has proposed to establish a Massage Establishment use within an existing shopping center. The proximity to an indoor children's amusement facility and the adjacent residentially zoned properties prevent the proposed use from being able to

operate in a compatible and harmonious manner.

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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 79,150 square-foot shopping center 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.

Site access is provided from Craig Road, a 120-foot Primary Arterial, and Jones Boulevard, a 100-foot Primary Arterial. 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.

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 residentially zoned property. As a result, the use cannot operate harmoniously with the residential land uses adjacent to the subject site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/07/12	Code Enforcement issued Case #115333 for an expired business license. The case was closed on 06/21/12.

<i>Most Recent Change of Ownership</i>	
09/16/11	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses

There are no relevant building permits or licenses on file.

Pre-Application Meeting

10/24/16

Staff conducted a Pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

12/05/16

Staff conducted a routine site visit and found an active and well maintained shopping center. The subject tenant space was previously occupied by a florist business.

Details of Application Request
Site Area

Net Acres 5.72

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family, Detached	DR (Desert Rural Density Residential-up to 2.49 du/ac)	R-PD2 (Residential Planned Development-2 unit per gross acre)
East	Single Family, Detached	DR (Desert Rural Density Residential-up to 2.49 du/ac)	R-E (Residence Estates)
West	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

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Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District	Y
Rural Preservation Overlay District	Y
Other Plans or Special Requirements	Compliance
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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Craig Road	Primary Arterial	Planned Streets and Highways Map	120 FT	Y
Jones Boulevard	Primary Arterial	Planned Streets and Highways Map	100 FT	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	
Shopping Center	79,150 SF	1:250 SF	317				
TOTAL SPACES REQUIRED			317		425		Y
Regular and Handicap Spaces Required			308	9	413	12	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 residential use where 400 feet is the minimum distance required	Denial