



## AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: LING'S MASSAGE - OWNER: WEINGARTEN  
NOSTAT, INC.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-69983	Staff recommends APPROVAL, subject to conditions:	N/A

### \*\* NOTIFICATION \*\*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      28

NOTICES MAILED    569

PROTESTS    20

APPROVALS    0

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

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**SUP-69983 CONDITIONS**

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**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 parcel zoned for residential use where 400 feet is required.
4. A Waiver from Title 19.12 is hereby approved, to allow a 70-foot distance separation from a church/house of worship use where 400 feet is required.
5. A Waiver from Title 19.12 is hereby approved, to allow a 358-foot distance separation from a school use and an individual care center where 400 feet is required.
6. 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.
7. 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.
8. 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 proposing to operate a 2,934 square-foot Massage Establishment use within an existing Shopping Center located at 1291 South Decatur Boulevard, Suite #190.

**ISSUES**

- A Special Use Permit is required for a Massage Establishment in the C-1 (Limited Commercial) zoning district. Staff recommends approval.
- Waivers are required to allow a zero-foot distance separation between the proposed Massage Establishment and a parcel zoned for residential use, a 70-foot distance separation from a church/house of worship use; and a 358-foot distance separation from a school and an individual care center where 400 feet is the minimum distance required. Staff recommends approval.

**ANALYSIS**

This Special Use Permit request is to allow a Massage Establishment use. The subject site is a large Shopping Center located at the southeast corner of Charleston Boulevard and Decatur Boulevard specifically designed to provide area residents with goods and services. The subject site is zoned C-1 (Limited Commercial) and is within the Airport Overlay District. The Airport Overlay District will not be affected by the proposed Massage Establishment use.

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The proposed use is located on a parcel that is part of a Shopping Center and is adjacent to a parcel residentially zoned, is within 70 feet of a church/house of worship and is within 358 feet from a school and an individual care center. Staff supports these requests as there are no direct access between the residentially zoned property, church/house of worship, school and individual care center; and the subject site. The only access available for the subject site is from Decatur Boulevard at the southwest

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corner of the shopping center. The adjacent residents to the south will have to travel west on Oakey Boulevard, then proceed north on Decatur Boulevard for short distance being able to access to the subject site. The church/house of worship is located southeast of the shopping center on Arville Street, then proceed and enter the Shopping Center through the parking lot heading west towards Decatur Boulevard side of the development. There is no direct access from the church/house of worship, as the subject parcel is located on the west end of the Shopping Center. The school and individual care center is located on Vista Street, which will travel through either Charleston Boulevard to the north or Del Rey Avenue to the south, then Arville Street into the Shopping Center.

A Massage Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. Additionally, the following analysis is required:

The Massage Establishment use is defined 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 proposed use meets the definition, as the proposed Massage Establishment use will occupy 2,934 square feet of the commercial space within the Shopping Center. The establishment will contain 11 massage rooms with a total of 13 massage tables.

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 will be required to comply with all applicable requirements of LVMC Title 6 as a condition of their business license once issued. The proposed use will be subject to regular inspections by the Department of Planning, Licensing Division to ensure compliance.*

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

*The subject site is located on Decatur and Charleston Boulevards; both are 100-foot Primary Arterials as defined by the Master Plan of Streets and Highways, meeting this 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.

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*The applicant has requested a waiver to allow the proposed Massage Establishment adjacent to a residentially zoned parcel, within 70 feet of a church/house of worship, and 385 feet of a school and individual care center. Staff supports the waiver as the site is a well-established commercial shopping center and the protected uses do not have direct access to/from the shopping center.*

4. The use may not be located within 1000 feet of any other massage establishment.

*There is no other massage establishment within 1,000 feet of this proposed location.*

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 hours of operation will be between 10:00 a.m. and 10:00 p.m. as stated in the applicant's justification letter.*

The subject site is a well-established shopping center with no direct access available between the residentially zoned property, church/house of worship, school and individual care center; and the subject site. Staff finds the proposed use can operate in a manner that is harmonious and compatible with the existing surrounding commercial and residential uses and is recommending approval of this request with conditions.

### **FINDINGS (SUP-69983)**

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 use is compatible with the existing surrounding uses as it will be located within an existing shopping center specifically designed to provide goods and services for the surrounding area.

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

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The subject site is physically suitable for the type and intensity of the proposed Massage Establishment use, as it is an existing shopping center specifically designed to provide services for the surrounding area.

**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.**

Access to the site is provided by Decatur and Charleston Boulevards; 100-foot Primary Arterials as defined by the Master Plan of Streets and Highways, and more than adequate for the vehicular needs of the subject site.

**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 will be subject to regular inspections by the Business Licensing Division of the Planning Department ensuring the public’s health, safety, and welfare.

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

The proposed Massage Establishment use was not able to meet Special Use Permit Requirement #3 which states, “*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.*” Adjacent to the site along the southern edge of the Shopping Center is the residentially zoned property creating a zero-foot distance separation, a 78-foot distance separation from a church/house of worship, a 358-foot distance separation from a school and an individual care center from the proposed use. The applicant has requested Waivers, which staff supports since there is no direct access between the protected uses and the subject site.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/01/64	The Board of City Commissioners approved a request for the reclassification of property (Z-0075-62) from: R-E (Residence Estates) to: C-1 (Limited Commercial) generally located south of West Charleston Boulevard and west of Arville Street. The Planning Commission recommended approval.

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<b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b>	
10/05/00	The City Council approved a request for a Site Development Plan Review [Z-0075-62(17)] for a proposed 571,410 square-foot Shopping Center on the south side of Charleston Boulevard, east of Decatur Boulevard. The Planning Commission and staff recommended approval.

<b>Most Recent Change of Ownership</b>	
12/29/00	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
08/03/01	A building permit (#01014065) was issued for a new building at 1291 South Decatur Boulevard. The permit was finalized on 02/25/02.
01/23/04	A business license (G50-06046) was issued for general retail sales at 1291 South Decatur Boulevard.
03/01/05	A building permit (#05001189) was issued for a tenant improvement remodel at 1291 South Decatur Boulevard, Suite #190. The permit was finalized on 04/13/05.
08/04/06	A building permit (#06005098) was issued for a tenant improvement remodel at 1291 South Decatur Boulevard, Suite #190. The permit was finalized on 08/21/16.

<b>Pre-Application Meeting</b>	
03/22/17	Staff conducted a pre-application meeting and discussed the submittal requirements for a Special Use Permit with waivers of the distance separations.

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

<b>Field Check</b>	
05/04/17	A field check was conducted by staff. Staff observed the subject suite within a neat and well maintained the Shopping Center.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	6.02

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Shopping Center	MXU (Mixed Use)	C-1 (Limited Commercial)
North	Shopping Center	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Restaurant	C (Commercial)	C-1 (Limited Commercial)
	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential) R-PD12 (Residential Planned Development – 12 Units per Acre)
East	Office, Other than Listed	SC (Service Commercial)	P-R (Professional Office and Parking)
			C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
West	Shopping Center	MXU (Mixed Use)	C-1 (Limited Commercial)

<b>Master Plan Areas</b>	<b>Compliance</b>
No Applicable Master Plan Area	N/A
<b>Special Purpose and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
Trails	N/A
Las Vegas Redevelopment Plan Area	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>
Decatur Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y
Charleston Boulevard	Primary Arterial	Planned Streets and Highways Map	100	Y

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

<b>Parking Requirement</b>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	598,563 SF	1/250 SF	2,395				
<b>TOTAL SPACES REQUIRED</b>			2,395		2,880		Y
<b>Regular and Handicap Spaces Required</b>			2,351	44	2,811	69	Y

<b>Waivers</b>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
The use may not be located within 400 feet of a parcel zoned for residential use.	To allow a zero-foot distance separation from a parcel zoned for residential use.	Approval
The use may not be located within 400 feet of a church/house of worship.	To allow a 70-foot distance separation from a church/house of worship.	Approval
The use may not be located within 400 feet of a school and individual care center.	To allow a 358-foot distance separation from a school and an individual care center.	Approval