



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017
 DEPARTMENT: PLANNING
 ITEM DESCRIPTION: APPLICANT: STRUCTURA BODY THERAPIES - OWNER:
 CENTENNIAL DAY, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
SUP-70205	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 611

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

SUP-70205 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 a 66-foot separation 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 to operate a proposed Massage Establishment at 7830 West Ann Road, Suite #140.

ISSUES

- Per Title 19.12, a Massage Establishment use is permissible in the C-2 (General Commercial) zoning district with approval of a Special Use Permit. Staff is recommending denial.
- A Waiver is required to allow a distance separation of zero feet from a church/house of worship and a 66-foot separation from a residential use where 400 feet is the minimum distance required. Staff does not support the Waiver request.

ANALYSIS

This is a request for a Special Use Permit for a proposed 1,360 square-foot Massage Establishment with four rooms located at 7830 West Ann Road, Suite #140. The subject tenant space is located within an existing 51,598 square-foot shopping center. 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 Leggett Road, a 60-foot Local Street and Ann Road, a 100-foot wide Primary Arterial as indicated in the Master Plan of Streets and Highways and Title 13.

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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 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 allow a distance separation of zero feet from a church/house of worship and a 66-foot separation from a residential use where 400 feet is the minimum distance required. Staff does not support the Waiver request.

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 indicates in the submitted justification letter, date stamped 04/26/17, that the hours of operation would be Monday through Sunday, 8:00 a.m. to 9:00 p.m.

The proposed use would be located within an established shopping center 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-70205)

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.**

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The subject tenant space is located within an existing shopping center 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.

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

The site contains an existing 51,598 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.

The proposed Massage Establishment can be accessed from Leggett Road, a 60-foot Local Street and Ann Road, a 100-foot Primary Arterial as indicated in the Master Plan of Streets and Highways and Title 13; providing 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/26/93	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-0224-93) to allow an automated car wash; and to allow the sale of beer and wine in a convenience store at the corner of Leggett Road and Ann Road. On 12/01/93 the City Council denied the appeal.
10/18/00	The City Council denied a request for a Variance (V-0061-00) for a zero-foot rear yard setback where 20 feet is the minimum setback required for a proposed Mini-Storage Facility on the northeast corner of Ann Road and Leggett Road. The Planning Commission recommended denial of the request.
	The City Council denied a request for a Special Use Permit (U-0141-00) for gasoline sales in conjunction with a proposed 3,200 square-foot convenience store on the northeast corner of Ann Road and Leggett Road. The Planning Commission recommended approval of the request.
	The City Council denied a request for a Special Use Permit (U-0142-00) for the sale of beer and wine for off-premise consumption in conjunction with a proposed 3,200 square-foot convenience store on the northeast corner of Ann Road and Leggett Road. The Planning Commission recommended approval of the request.
	The City Council approved a request for a Site Development Plan Review [Z-0058-76(4)] for a proposed commercial center, including a 91,025 square foot mini-storage facility, a 13,020 square foot office building, a 3,200 square foot convenience store, and 24,610 square feet of retail space on the northeast corner of Ann Road and Leggett Road. The Planning Commission recommended approval of the request.
03/07/01	The City Council denied a request for a Special Use Permit (U-0188-00) for a 60-foot high Wireless Communication Monopole at 7800 West Ann Road. The Planning Commission recommended denial of the request.
10/31/01	The Planning Department approved a request for a Final Map (FM-0060-01) for Spanish Steps Plaza Commercial Subdivision.
11/10/05	The Planning Department approved a request for a Site Development Plan Review (SDR-20088) to allow the co-location of antennas on the approved 80-foot Stealth Mono-pine at 7830 West Ann Road.
05/11/06	The Planning Commission approved a request for a Site Development Plan Review (SDR-11583) for a proposed 10,600 square-foot development to include a car wash and retail building with a Waiver of building placement requirements at 7880 West Ann Road. Staff recommended denial of the request.

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Most Recent Change of Ownership	
08/30/12	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
06/05/13	A business license (#Q01-01321) was issued for a general office (Las Vegas Real Estate Specialist) located at 7830 West Ann Road, Suite #140. The license was marked inactive on 11/28/15.

Pre-Application Meeting	
04/25/17	Submittal requirements for a Special Use Permit application were discussed with the applicant.

Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
05/04/17	Staff performed a routine field check and noted a well maintained commercial development.

Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Shopping Center	L (Low Density Residential)	C-2 (General Commercial)
North	Mini-Storage Facility	L (Low Density Residential)	C-2 (General Commercial)
South	Single-Family Residential	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)

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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>
East	Liquor Establishment (Tavern)	L (Low Density Residential)	C-2 (General Commercial)
West	Undeveloped	O (Office)	P-R (Professional Office & Parking)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	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>
Ann Road	Primary Arterial	Master Plan of Streets & Highways	100 Feet	Y
Leggett Road	Local Road	Title 13	60	Y

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Pursuant to Site Development Plan Review [Z-005876(4)] and (SDR-11583), 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	51,598 SF	1/250	207				
TOTAL SPACES REQUIRED			207		254		Y
Regular and Handicap Spaces Required			200	7	242	12	Y

Waivers		
Requirement	Request	Staff Recommendation
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 a 66-foot separation from a residential use where 400 feet is the minimum distance required	Denial