



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024  
DEPARTMENT: COMMUNITY DEVELOPMENT  
ITEM DESCRIPTION: APPLICANT: DAY SPA - OWNER: O'BANNON  
DEVELOPMENT, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0425-SUP1	Staff recommends APPROVAL, subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 400

PROTESTS 0

APPROVALS 0

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

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**24-0425-SUP1 CONDITIONS**

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**Planning**

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use, except as amended herein.
2. All signage shall be permitted and meet minimum code requirements within 30 days of final approval.
3. 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.
4. A Waiver from Title 19.12 is hereby approved, to allow zero-foot distance separation from a parcel zoned for residential use 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 Building and Safety Division.
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.

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

**PROJECT DESCRIPTION**

This is a Special Use Permit request for a proposed 1,248 square-foot Massage Establishment use at 2251 South Rainbow Boulevard.

**ISSUES**

- A Massage Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver is requested to allow a zero-foot distance separation from a parcel zoned for residential use where 400 feet is required. Staff supports the request.
- The subject site was cited by Business Licensing Enforcement (Case #BLE995098) on 09/10/24 for operating a massage establishment without a license. The case has been resolved as of 10/07/24.
- A Condition of Approval has been added regarding all unpermitted signage.

**ANALYSIS**

The subject site is zoned C-1 (Limited Commercial) and developed with an existing shopping center. Development is subject to Title 19 development standards. The applicant requests a Special Use Permit to operate a Massage Establishment use within a vacant tenant space of the subject shopping center.

Pursuant to Title 19, a Massage Establishment 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. Per the submitted justification letter, the applicant meets this definition as they propose to offer massage therapy services between the hours of 9:00 a.m. and 10:00 p.m.

**Minimum Special Use Permit Requirements:**

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

*This requirement is met, as a Business License will be required to operate the proposed use with adherence to LVMC Title 6.*

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

*This requirement is met, as it is located on Rainbow Boulevard, a 100-foot Primary Arterial.*

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.

*This requirement is not met, as a Waiver is requested to allow a zero-foot distance separation from a parcel zoned for residential use where 400 feet is required. Staff finds that there is no direct access to the adjacent residential property and that the subject site is developed with an existing shopping center, which is equipped to accommodate a variety of commercial uses. Therefore, staff supports the Waiver request.*

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

*This requirement is met, as another massage establishment is not located within 1,000 feet of the subject site.*

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.

*This requirement is met, as the proposed hours of operation are between 9:00 a.m. and 10:00 p.m.*

While a distance separation Waiver is requested, the proposed Massage Establishment use will be located in a shopping center that is designed to accommodate a variety of commercial uses. Staff finds that the use can be conducted in a harmonious and compatible manner with the surrounding land uses and therefore recommends approval of the Special Use Permit request.

**Staff Report Page Three****November 12, 2024 - Planning Commission Meeting****FINDINGS (24-0425-SUP1)**

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 the existing land uses and suites located in the subject site.

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

The subject site is physically suitable for the proposed use. It is developed with an existing shopping center which is designed to accommodate a variety of commercial uses.

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 subject site is accessible from Rainbow Boulevard, a Primary Arterial, which is adequate in size to accommodate the needs of the proposed 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.**

If approved, the proposed use will be subject to licensing requirements, thereby protecting the public health, safety and welfare.

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

A Waiver is requested to allow a zero-foot distance separation from a parcel zoned for residential use where 400 feet is required. Staff finds that there is no direct access to the adjacent residential property and that the subject site is developed with an existing shopping center, which is equipped to accommodate a variety of commercial uses. Therefore, staff supports the Waiver request.

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## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
03/28/86	The City Council approved a petition to annex (A-0009-85) area generally located south of Charleston Boulevard between Torrey Pines Drive and Fort Apache Road.
08/25/88	The Board of Zoning Adjustment approved a request for a Variance (V-009788) to allow 214 parking spaces in an existing shopping center where the proposed uses require 245 spaces at 2201 South Rainbow Boulevard.
12/20/89	The City Council approved a request for a Special Use Permit (U-0167-89) to allow a coin operated gaming (slot machine) in conjunction with an existing Laundromat business on property located at 2247 South Rainbow Boulevard. The Board of Zoning Adjustment recommended approval of the request.
08/24/06	The Planning Commission struck Variance (VAR-15498) to provide 202 parking spaces where 247 spaces are required, and 214 spaces were approved by Variance (V-0097-88) at 2219 South Rainbow Boulevard.
09/20/06	The City Council approved a request for a Special Use Permit (SUP-14974) for an Automobile Rental establishment at 2219 South Rainbow Boulevard.
01/16/07	The Planning Department approved a Temporary Sign Permit (TSP-19221) for five 36" x 42" signs located along Rainbow Boulevard and two 36" x 42" signs located near the store entrance. There will also be balloons and a flag pennant near the door. Valid from 01/16/07 to 03/16/07.
12/11/08	The Planning Department approved a Temporary Sign Permit (TSP-19277) to allow one 7-foot portable sign at the northeast corner of O'Bannon Plaza. Valid from 01/26/07 to 03/26/07.
06/10/14	The Planning Commission approved a Special Use Permit (SUP-53750) for a Thrift Shop use at 2211 South Rainbow Boulevard.
09/10/24	Code Enforcement Case #BLE995098 was opened regarding an unlicensed business at 2251 South Rainbow Boulevard. The case was resolved on 10/07/24.

<b><i>Most Recent Change of Ownership</i></b>	
12/19/14	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
02/16/12	Business License #G50-05845 was issued for a general retail sales use at 2251 South Rainbow Boulevard. The license is listed as inactive as of 12/28/14.
	Business License #C05-02794 was issued for a tobacco sales use at 2251 South Rainbow Boulevard. The license is listed as inactive as of 07/17/14.
03/04/15	Business License #G63-01639 was issued for a vape shop use at 2251 South Rainbow Boulevard. The license is listed as inactive as of 02/28/16.
09/18/23	Business License #G71-05666 was issued for a six-station cosmetology use at 2251 South Rainbow Boulevard. The license is listed as inactive as of 08/05/24.
10/03/24	Business License #G72-06272 was processed for a six-station cosmetology use at 2251 South Rainbow Boulevard. The license has not been issued.

<b>Pre-Application Meeting</b>	
08/07/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Special Use Permit.

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

<b>Field Check</b>	
10/03/24	Staff conducted a routine field check and found an existing shopping center. Staff observed an existing "Day Spa" sign that does not appear to be permitted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	3.69

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<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	Shopping Center	TOD-2 (Transit Oriented Development – Low)	C-1 (Limited Commercial)
North	General Retail Store, Other than Listed	TOC-2 (Transit Oriented Corridor – Low)	C-1 (Limited Commercial)
South	Auto Sales New	TOD-2 (Transit Oriented Development – Low)	C-2 (General Commercial)
	Auto Repair Garage Major		
East	Shopping Center	TOD-2 (Transit Oriented Development – Low)	C-1 (Limited Commercial)
West	Office, Other than Listed	TOD-2 (Transit Oriented Development – Low)	R-E (Residence Estates)
	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
RP-O (Rural Preservation Overlay) District	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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

<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Rainbow Boulevard	Primary Arterial	Master Plan of Streets and Highways	100 Feet	Y
O'Bannon Drive	Local Street	Title 13	60 Feet	Y

CAS



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

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>	
		<b>Parking Ratio</b>	<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	43,537 SF	1 per 250 SF	175				
<b>TOTAL SPACES REQUIRED</b>			175		185		Y
<b>Regular and Handicap Spaces Required</b>			161	6	177	8	Y