



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: SEPTEMBER 18, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: KELLY THOMPSON - OWNER: QUAIL PINE, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0281-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 341 (by City Clerk)

PROTESTS 1

APPROVALS N/A

**** CONDITIONS ****

24-0281-SUP1 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 105-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 zero-foot distance separation from another massage establishment where 1,000 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed 1,560 square-foot Massage Establishment use within a medical office complex at 501 South Rancho Drive, Suite D24.

ISSUES

- The proposed Massage Establishment use is permitted in the T5-MS (T5 Main Street) zoning district with the approval of a Special Use Permit. Staff supports the request.
- A Waiver is requested to allow a 105-foot distance separation from a parcel zoned for residential use where 400 feet is required. Staff supports the request.
- A Waiver is requested to allow a zero-foot distance separation from another massage establishment where 1,000 feet is required. Staff supports the request.

ANALYSIS

The subject site is zoned T-5 (T5 Main Street), located within the Las Vegas Medical District, and is subject to Appendix F: Interim Downtown Las Vegas Development Standards for Area 3. The proposed tenant space is located in an established office park complex that has shared access and parking. There are offices, medical offices, and massage establishment uses within suites in the subject office park complex. The applicant is requesting a Special Use Permit for a proposed Massage Establishment use with Waivers of distance separation requirements from parcels zoned for residential use and other existing Massage Establishment.

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 applicant intends to offer massage therapy services within the tenant space.

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 the business license, if issued, is dependent on this requirement.

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

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The proposed use meets this requirement, as primary site access is provided from Rancho Drive, a 150-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.

The proposed use does not meet this requirement, as the subject site is located 105 feet from a parcel zoned R-1 (Single Family Residential) to the north. A Waiver is therefore requested which staff supports.

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

The proposed use does not meet this requirement, as another massage establishment is located within the medical office complex. Therefore a Waiver is requested to allow a zero-foot distance separation from another massage establishment, which staff supports.

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 submitted justification letter states that the hours of operation will be from 9:00 a.m. to 8:00 p.m.

The subject tenant space consists of 1,560 square feet of gross floor area within an existing commercial building. The nearest property zoned for residential use is located to the north of the subject property, approximately 105 feet from the subject site. There is no direct access between the nearest residential properties zoned R-1 (Single Family Residential) and the subject site. There is a licensed Massage Establishment located at 501 South Rancho, Suite H51 which is located within the subject office park complex.

This site is considered parking impaired pursuant to Title 19.09.100.G.5 for project located in the Form-Based Zoning District. Only the additional spaces required by the Massage Establishment use are considered and must fall in the range of parking spaces prescribed per the Load Zone category for this site in Title 19.09.100.G. Based on the weighted requirement in the Medium Load Zone category, 114-211 parking spaces are required. Adequate parking is provided at the subject site, as there are 310 parking spaces provided.

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The proposed Massage Establishment use would operate within an established office setting where massage establishments typically are found. The use would be located within the established office complex that has no direct access to residential zoned parcels to the north. Therefore, staff supports the requested Waivers of distance separation to another Massage Establishment and residentially zoned parcels. Staff finds that the proposed Massage Establishment use can be conducted in a harmonious and compatible manner with the existing land uses and therefore recommends approval of the Special Use Permit, with conditions.

FINDINGS (24-0281-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 would be located within an established office park with medical office, clinic and similar uses and can be conducted in a manner that is compatible and harmonious with surrounding land uses.

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 Massage Establishment use and can accommodate sufficient parking to meet the needs of the use.

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 subject site is provided from Rancho Drive, a 150-foot Primary Arterial, and Tonopah Drive, a 60-foot wide Collector as designated by the Master Plan of Streets and Highways. Both streets are adequate in size to support all existing uses and the proposed Massage Establishment use on this 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 use will be subject to licensing review and inspection to ensure the public health, safety and welfare of the public.

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

The proposed use does not meet the minimum distance separation from a parcel zoned for residential use and another Massage Establishment. Therefore, a Waiver is requested to allow a 105-foot distance separation from a parcel zoned for residential use where 400 feet is required and a zero-foot distance separation from another massage establishment where 1,000 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
07/30/85	A commercial condominium map (Quail Park III) for 73 units on 6.69 acres at the southeast corner of Alta Drive and Rancho Drive was recorded.
05/27/97	The City Council approved a request for a Rezoning (Z-0020-97) from various zoning districts to PD (Planned Development) for the area bounded by the south side of Alta Drive, the north side of Charleston Boulevard, the west side of Rancho Drive and the east side of Martin L King Boulevard.
06/19/02	The City Council approved a request for a Major Modification [Z-0020-97(33)] of the Las Vegas Medical District Neighborhood Plan for the area bounded by Alta Drive to the north, Charleston Boulevard to the south, Martin L King Boulevard to the east and Rancho Drive to the west.
02/26/04	The Department of Community Development - Planning Division staff administratively approved a Site Development Plan Review (SDR-19866) for a proposed 60-foot tall Wireless Communication Facility, Stealth Design at 501 South Rancho Drive.
12/05/18	The City Council approved a request for a General Plan Amendment (GPA-73548) to amend portions of the Southeast Sector Land Use Map of the General Plan from C (Commercial), LI/R (Light Industry/Research), LVMD (Las Vegas Medical District), M (Medium Density Residential), MXU (Mixed Use) and SC (Service Commercial) to FBC (Form-Based Code) on approximately 307 acres in the Las Vegas Medical District generally located south of U.S. Highway 95, west of Interstate 15, north of Charleston Boulevard, and east of Rancho Drive. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)</i>	
12/05/18	The City Council approved a request for a Rezoning (ZON-73549) from C-1 (Limited Commercial), M (Industrial), PD (Planned Development), R-5 (Apartment) and R-PD19 (Residential Planned Development - 19 Units Per Acre) to T4-C (T4 Corridor), T5-C (T5 Corridor), T5-MS (T5 Main Street), T5-M (T5 Maker), T5-N (T5 Neighborhood), T6-UG (T6 Urban General) and T6-UG-L (T6 Urban General Limited) on approximately 307 acres in the Las Vegas Medical District generally located south of U.S. Highway 95, west of Interstate 15, north of Charleston Boulevard, and east of Rancho Drive. The Planning Commission and staff recommended approval.
06/13/23	The Planning Commission approved a request for a Special Use Permit (23-0194-SUP1) for a proposed 96 square-foot massage establishment use with a Waiver to allow a 105-foot distance separation from a parcel zoned for residential use where 400 feet is required at 501 South Rancho Drive, Suite H51. Staff recommended approval.
08/13/24	The Planning Commission voted (7-0) to recommend APPROVAL on a Land Use Entitlement project request FOR A PROPOSED 1,560 SQUARE-FOOT MASSAGE ESTABLISHMENT USE WITH A WAIVER TO ALLOW A 105-FOOT DISTANCE SEPARATION FROM A PARCEL ZONED FOR RESIDENTIAL USE WHERE 400 FEET IS REQUIRED AND TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS REQUIRED at 501 South Rancho Drive, Suite D24 (APN 139-32-710-024) T5-MS (T5 Main Street) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
09/02/98	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/14/18	A business license (G66-04987) was issued for a medical professional at 501 South Rancho Drive, Suite D24. The license has been marked out of business as of 06/10/24.
	A business license (G66-04989) was issued for a sleep clinic at 501 South Rancho Drive, Suite D24. The license has been marked out of business as of 06/10/24.

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Pre-Application Meeting	
05/22/24	A pre-application meeting was held with the applicant and the submittal requirements for a Special Use Permit were discussed.

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

Field Check	
07/03/24	Staff conducted a routine field check and observed a vacant subject suite within an existing medical office complex. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	6.69

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Office, Medical or Dental	FBC (Form-Based Code)	T5-MS (T5 Main Street)
	Massage Establishment		
	Office, Other Than Listed		

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
North	Office, Other Than Listed	FBC (Form-Based Code)	T5-N (T5 Neighborhood)
	Residential, Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Office, Medical or Dental	FBC (Form-Based Code)	T5-MS (T5 Main Street)
	Office, Other Than Listed		
East	Office, Other Than Listed	FBC (Form-Based Code)	T5-N (T5 Neighborhood)
West	Office, Other Than Listed	O (Office)	P-R (Professional Office and Parking)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Las Vegas Medical District	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - 175 Feet	Y
DTLV-O (Downtown Las Vegas Overlay) District - Area 3	Y
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Shared Use Trail - E side of Rancho Drive) - constructed	Y
Las Vegas Redevelopment Plan Area	N/A

<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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>
Rancho Drive	Primary Arterial	Master Plan of Streets and Highways Map	150	Y
Tonopah Drive	Collector	Master Plan of Streets and Highways Map	60	Y

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

Parking Requirement - Downtown (Areas 1-3)							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Medical or Dental / Office, Other Than Listed (existing)	71,296 SF	[existing impairment]	310				
Massage Establishment (existing)	1 massage room	2 spaces per massage room, table or chair (min. 6 spaces)	6				

<i>Parking Requirement - Downtown (Areas 1-3)</i>							
Massage Establishment (proposed)	4 massage rooms	2 spaces per massage room, table or chair (min. 6 spaces)	8				
TOTAL SPACES REQUIRED (unweighted)			324				
TOTAL SPACES REQUIRED (weighted requirement; see below)			114-211		310		Y

<i>Parking Requirement - Downtown (Areas 1-3)</i>					
Regular and Handicap Spaces Required		109-205	5-7	298	12
<i>Downtown Form Based Code Parking Standards - Title 19.09.100.G</i>					
Parking Standards Medium Load - Zone 2		Between 35% and 65%		97%	Y

Projects located in the Form-Based Zoning District may be evaluated based on a weighted parking requirement as detailed in Title 19.09.100. This table compares the Title 19.12 parking requirements for this project with the weighted requirement in Title 19.09.

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<i>Waivers</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
400-foot distance separation from 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 105-foot distance separation from a parcel zoned for residential use.	Approval
1,000-foot distance separation from any other massage establishment.	To allow a zero-foot distance separation from another massage establishment.	Approval