



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 20, 2023
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: MICHELLE ZAMORA - OWNER: JOSEPHS FAMILY LIMITED PARTNERSHIP

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0494-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 122

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0494-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use, except as amended herein.
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 140-foot distance separation from a parcel zoned for residential use where 400 feet is 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 Building and Safety Division.
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.

Staff Report Page One
December 20, 2023 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Special Use Permit request for a proposed 819 square-foot Massage Establishment use at 1815 West Charleston Boulevard, Suite #4.

ISSUES

- A Massage Establishment use is permitted in the T4-C (T4 Corridor) zoning district with the approval of a Special Use Permit. Staff supports this request.
- A Waiver of Minimum Special Use Permit Requirement 3 is requested to allow a 140-foot distance separation from a residential parcel zoned T3-N (T3 Neighborhood) where 400 feet is required. Staff recommends approval of the Waiver.

ANALYSIS

The subject site is zoned T4-C (T4 Corridor) and located within Area 3 of the Downtown Las Vegas Overlay (Las Vegas Medical District). It is developed with existing commercial buildings with restaurant, retail, medical office, and barber shop uses. The surrounding area uses include medical offices, a hospital, a restaurant, and retail. The applicant requests Special Use Permit (23-0494-SUP1) to allow an 819 square-foot Massage Establishment use within Suite #4. In conjunction with the Special Use Permit, the applicant is requesting a Waiver to allow a 140-foot distance separation from a parcel zoned for residential use.

Per Title 19, a 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 this definition as the applicant intends to offer massage therapy services onsite within Suite #4.

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.

Staff Report Page Two
December 20, 2023 - City Council Meeting

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

The proposed use meets requirement, as Charleston Boulevard is 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.

The proposed use does not meet this requirement, as the subject site is located 140-feet from a parcel zoned T3-N (T3 Neighborhood) to the west. A Waiver is therefore required, which staff supports.

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

The proposed use meets this requirement, as there are no other licensed Massage Establishment uses within 1000 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.

The proposed use meets this requirement, as the applicant states in their justification letter, date stamped 08/31/23, that the proposed hours of operation are 9:00 a.m. to 6:00 p.m.

The subject tenant space consists of 819 square-feet of gross floor area within an existing commercial building. The nearest property zoned for residential use is located to the west of the subject property, approximately 140-feet from the subject site. Neighboring properties zoned with a T4-C (T4 Corridor) transect are not considered to be zoned for residential use, as it allows a variety of land uses such as retail and office in addition to residential uses such as multi-family, condominiums and single-family dwelling units. The subject site has no direct access to the nearby properties zoned with a T3-N (T3 Neighborhood) transect which is considered residential use since it does not allow commercial land uses such as restaurants and retail stores within the transect zone. Therefore, staff recommends approval of the Waiver of the 400-foot distance separation requirement in Minimum Special Use Requirement 3.

**Staff Report Page Three
December 20, 2023 - City Council Meeting**

The proposed Massage Establishment use would occur within an established commercial setting where massage establishments are typically found. The adjacent tenants to the subject site include retail, medical office, beauty salon, and barbershop services. The subject site is zoned T4-C (T4 Corridor) which is intended to accommodate a range of commercial, retail, office, and service uses. For these reasons, staff finds that the 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. If denied, a business license for the proposed Massage Establishment use could not be issued.

FINDINGS (23-0494-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. The adjacent suites on the subject site include retail, beauty salon, barbershop, restaurant, and medical office uses.

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

The subject site contains existing commercial buildings with medical office, beauty salon, and retail uses that are compatible with the proposed Massage Establishment use. The site can accommodate sufficient parking to meet the needs of the proposed 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.**

Charleston Boulevard, a 100-foot Primary Arterial, provides primary access to the property. This roadway is sufficient 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.**

Staff Report Page Four
December 20, 2023 - City Council Meeting

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.

The proposed use does not meet the minimum 400-foot distance separation requirement from a parcel zoned for residential use. A Waiver is required for the distance separation requirement that the proposed use does not meet. With the approval of the requested Waiver, the use will meet all the applicable conditions per Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
08/05/98	A Parcel Map (PM-0017-98) was administratively approved for property located at the southwest corner of Charleston Boulevard and Shadow Lane (APNs 162-04-112-001, 002, and 003).
08/09/15	A Code Enforcement case (CE-158258) was processed for graffiti at 1811 West Charleston Boulevard. The case was resolved on 08/15/15.
02/16/17	A Code Enforcement case (CE-174837) was processed for graffiti at 1811 West Charleston Boulevard. The case was resolved on 02/21/17.

<i>Most Recent Change of Ownership</i>	
09/29/99	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/30/99	A building permit (90-080973) was issued for a retail shopping center at 1815 West Charleston Boulevard.
11/02/01	A business license (G50-02854) was issued for a flower shop at 1815 West Charleston Boulevard, Suite #6. The license is currently active and is set to renew on 04/01/24.
12/10/19	A business license (G67-08689) was issued for a barber shop at 1815 West Charleston Boulevard, Suite #2. The license is currently active and is set to renew on 12/01/23.
12/28/21	A business license (G69-08365) was issued for a beauty salon and retail sales of beauty products at 1815 West Charleston Boulevard, Suite #3. The license is currently active and is set to renew on 12/01/23.

Staff Report Page Five
December 20, 2023 - City Council Meeting

Related Building Permits/Business Licenses	
08/29/22	A business license (G70-03716) was issued for a medical clinic at 1815 West Charleston Boulevard, Suite #1. The license is currently active and is set to renew on 08/01/24.
08/10/22	A business license (G70-04814) was issued for a donut shop at 1811 West Charleston Boulevard, Suite #1. The license is currently active and is set to renew on 02/01/24.
06/06/22	A business license (G70-01153) was issued for a medical clinic at 1815 West Charleston Boulevard, Suite #1. The license is currently active and is set to renew on 12/01/23.
09/01/23	A business license application (G71-05639) was filed for general personal service at the subject site, 1815 West Charleston Boulevard, Suite #4. A license has not been issued.
09/18/23	A business license (G71-05254) was issued for a colon hydrotherapy clinic at 1815 West Charleston Boulevard, Suite #5. The license is currently active and is set to renew on 03/01/24.
11/14/23	The Planning Commission votes (7-0) to RECOMMEND APPROVAL FOR A PROPOSED 819 SQUARE-FOOT MASSAGE ESTABLISHMENT USE WITH A WAIVER TO ALLOW A 140-FOOT DISTANCE SEPARATION FROM A PARCEL ZONED FOR RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 1815 West Charleston Boulevard, Suite #4 (APN 162-04-112-022), T4-C (T4 Corridor) Zone, Ward 1 (Knudsen)

Pre-Application Meeting	
09/14/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Special Use Permit.

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

Field Check	
10/04/23	Staff conducted a field visit of the subject property. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	0.86

Staff Report Page Six
December 20, 2023 - City Council Meeting

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	General Retail Store, Other Than Listed	FBC (Form-Based Code)	T4-C (T4 Corridor)
	General Personal Service		
	Restaurant		
North	Hospital	FBC (Form-Based Code)	T6-UGL (T6 Urban General Limited)
South	Office, Medical or Dental	FBC (Form-Based Code)	T4-C (T4 Corridor)
East	Restaurant	FBC (Form-Based Code)	T4-C (T4 Corridor)
	General Retail Store, Other Than Listed		
West	Undeveloped	FBC (Form-Based Code)	T4-C (T4 Corridor)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Vision 2045 Downtown Las Vegas Master Plan: Las Vegas Medical District	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 200 Feet	Y
DTLV-O (Downtown Las Vegas Overlay) District – Area 3	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 2	Y
Interlocal Agreement	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
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	100	Y

Staff Report Page Seven
 December 20, 2023 - City Council Meeting

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	
Massage Establishment (proposed)	1 massage room	2 spaces per massage room, table or chair (min. 6 spaces)	6				
Office, Medical	2,715 SF	1:200 SF of GFA	13				
Restaurant	525 SF (public seating)	1:50 SF of public seating, plus 1:200 SF remaining GFA	12				
	351 SF (BOH)						
General Retail Store, Other Than Listed	1,839	1:175 SF of GFA	10				
General Personal Service	6 chairs	2 spaces for each barber chair	12				
TOTAL SPACES REQUIRED (unweighted)			53				
TOTAL SPACES REQUIRED (weighted requirement, see below)			21-37		54		Y
Regular and Handicap Spaces Required			20-35	1-2	51	3	Y
Downtown Form Based Code Parking Standards - Title 19.09.100.G							
Parking Standards High Load – Zone 3			Between 40% and 70%		101%		Y

Projects located within the Downtown Las Vegas Overlay 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, but is not determinative of code conformance.

Staff Report Page Eight
 December 20, 2023 - City Council Meeting

Waivers		
Requirement	Request	Staff Recommendation
400-foot distance separation between a Massage Establishment use and a parcel zoned for residential use	To allow a 140-foot distance separation from a parcel zoned for residential use	Approval