

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: OCTOBER 19, 2022

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: JENNIFER DURHAM - OWNER: WEST CHARLESTON, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0370-SUP1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 356 (by City Clerk)

PROTESTS 2

APPROVALS 14

**** CONDITIONS ****

22-0370-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use.
2. Conformance to the approved conditions for Rezoning (Z-0144-89), except as amended herein.
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 a zero-foot distance separation from another Massage Establishment use where 1,000 feet is required.
5. 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.
6. A Waiver from Title 19.12 is hereby approved, to allow a 150-foot distance separation from a school where 400 feet is required.
7. 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.
8. 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.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit to allow a 1,100 square-foot Massage Establishment use located at 6600 West Charleston Boulevard, Suite #101.

ISSUES

- A Waiver is requested to allow zero-foot distance separation from another Massage Establishment where 1,000 feet is required. Staff supports this request.
- 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 this request.
- A Waiver is requested to allow a 150-foot distance separation from a school where 400 feet is required. Staff supports this request.

ANALYSIS

The subject site is in the C-1 (Limited Commercial) zoning district. The subject building includes several suites which offer services of meditation, behavioral health therapy, an individual care center, insurance, a beauty salon, spa, and a massage establishment. In conjunction with the Special Use Permit, the applicant is requesting a Waiver to allow a zero-foot distance separation from another Massage Establishment, a Waiver to allow a zero-foot distance separation from a parcel zoned for residential use, and a Waiver to allow a 150-foot distance separation from a school. The subject site is located within a 3.20 acre office building that has no direct access to the adjacent residential use and school that is 150 feet away.

Massage Establishment Special Use Permits Requirements:

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.

The proposed use meets this requirement, as Charleston Boulevard is a 100-foot Arterial.

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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 the subject site is adjacent to a residential neighborhood with a zero-foot distance separation. Staff is able to support this Waiver request, as there is no direct access to the residential neighborhood and there is an eight-foot tall block wall that separates the residentially zoned property and the office building.

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

The proposed use does not meet this requirement, as there is an existing Massage Establishment located within the same building. Staff is able to support this Waiver request, as the subject building includes several suites which offer services of behavioral health therapy, meditation, an individual care center, insurance, a beauty salon, spa, and a massage establishment. Approval of this request will not create an oversaturation of massage establishments, as the building offers an array of services.

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 dated stamped 07/07/22 that the proposed hours of operation are 7:00 a.m. to 7:00 p.m.

FINDINGS (22-0370-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 can be conducted in a manner that is harmonious and compatible with the existing land uses and suites located in the subject building site. The subject office building includes several office suites which offer services of meditation, behavioral health consulting, legal services, real estate services, dental services, an individual care center, insurance, beauty salon, spa, and a massage establishment.

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

The subject site is a 3.20 acre office building designed to accommodate a variety of services and is physically suitable for the type and intensity of land use proposed.

- 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 is a 100-foot Primary Arterial that is adequate in size to meet the requirements 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.**

The proposed use is subject to regular inspections and business licensing compliance to ensure the public health, safety, and welfare or the overall objectives of the General Plan are not compromised.

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

The proposed Massage Establishment use does not meet the distance separation requirements, as the subject site is a 3.20-acre office building that is adjacent to a residential neighborhood, 150 feet away from a school and is located in the same office structure as another Massage Establishment use. Waivers are required for the distance separation requirements that the subject site does not meet. With the approval of the requested waivers, the use will meet all of the applicable conditions per Title 19.12.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
02/07/90	The City Council approved a request for Rezoning (Z-0144-89) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property located at the northeast corner of Charleston Boulevard and Lorenzi Street. The Planning Commission recommended approval.
04/06/11	The City Council approved a request for a Special Use Permit (SUP-40747) to allow a Massage Establishment with waivers to allow a distance separation of 100 feet from a religious facility where 400 feet is required, zero feet from a residential use where 400 feet is required and 730 feet from another massage establishment where 1,000 is required at 6600 West Charleston Boulevard, Suite #126. The Planning Commission and Staff recommended approval.
06/12/18	The Planning Commission approved a request for a Special Use Permit (SUP-73285) to allow a Massage Establishment with waivers to allow a distance separation of 100 feet from a religious facility where 400 feet is required, zero feet from a residential use where 400 feet is required at 6600 West Charleston Boulevard, Suite #126. Staff recommended denial.
09/13/22	The Planning Commission (7-0 vote) recommends APPROVAL on a Land Use Entitlement project request TO ALLOW A 1,000 SQUARE-FOOT MASSAGE ESTABLISHMENT USE WITH WAIVERS TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A PARCEL ZONED FOR RESIDENTIAL USE WHERE 400 FEET IS REQUIRED, A 150-FOOT DISTANCE SEPARATION TO A SCHOOL WHERE 400 FEET IS REQUIRED, AND A ZERO-FOOT DISTANCE SEPARATION TO ANOTHER MASSAGE ESTABLISHMENT USE WHERE 1,000 FEET IS REQUIRED at 6600 West Charleston Boulevard, Suite #101 (APN 138-35-401-003), C-1 (Limited Commercial) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
09/09/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/09/15	A business license (#G63-01047) was issued for a private educational institution at 6600 West Charleston Boulevard, Suite 134. The license is set to renew on 02/01/23.
04/08/15	A business license (#G63-02377) was issued for tax services at 6600 West Charleston Boulevard, Suite 117. The license is set to renew on 04/01/23.

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Related Building Permits/Business Licenses	
09/20/18	A business license (#G66-06778) was issued for a dental office at 6600 West Charleston Boulevard, Suite 103. The license is set to renew on 10/01/22.
08/19/19	A business license (#G67-05782) was issued for maintenance services at 6600 West Charleston Boulevard, Suite 117. The license is set to renew on 08/01/23.

Related Building Permits/Business Licenses	
11/24/20	A business license (#G68-08281) was issued for real estate services at 6600 West Charleston Boulevard, Suite 120. The license is set to renew on 06/01/23.
07/21/20	A business license (#P68-00091) was issued for a Massage Establishment use at 6600 West Charleston Boulevard, Suite 125. The license is set to renew on 07/01/23.
08/04/21	A business license (#G69-05414) was issued for a beauty salon at 6600 West Charleston Boulevard, Suite 126. The license is set to renew on 08/01/23.
08/05/21	A business license (#G69-05457) was issued for behavioral health consulting at 6600 West Charleston Boulevard, Suite 130. The license is set to renew on 08/01/23.
09/27/21	A business license (#G69-05445) was issued for behavioral health consulting at 6600 West Charleston Boulevard, Suite 140. The license is set to renew on 09/01/23.

Pre-Application Meeting	
07/05/22	A pre-application meeting was held with the applicant to review the Special Use Permit submittal process.

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

Field Check	
08/10/22	Staff conducted a routine field check and did not note anything of concern. The subject site was vacant and the building was well maintained.

Details of Application Request	
Site Area	
Net Acres	3.20

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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>
Subject Property	Massage Establishment	TOD-1 (Transit Oriented Development - High)	C-1 (Limited Commercial)
	Office, Other than Listed		
	Office, Medical or Dental		
	General Personal Services		
North	Single Family, Attached		R-3 (Medium Density Residential)
South	Office, Medical or Dental		P-R (Professional Office)
East	Single Family, Attached		R-3 (Medium Density Residential)
West	General Retail Store, Other Than Listed		C-1 (Limited Commercial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Master Plan 2050 Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

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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
Lorenzi Street	Local Street	Title 13	60	Y

Pursuant to Title 19.08 and 19.12, 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	
Massage Establishment	1,100 SF	2 spaces/ massage room, massage table or massage chair with a minimum of 6 spaces	6				
Office, Other than Listed	40,576 SF	1 space/ 300 SF of GFA	135				
TOTAL SPACES REQUIRED			141		173		Y
Regular and Handicap Spaces Required			136	5	167	6	Y