

06/21/23 BCC AGENDA SHEET

MASSAGE ESTABLISHMENT
(TITLE 30)

EASTERN AVE/ROCHELLE AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
AR-23-400063 (UC-0925-06)-KING DAVID, LLC:

USE PERMIT SIXTH APPLICATION FOR REVIEW for a massage establishment in conjunction with an existing shopping center on 3.3 acres in a C-1 (Local Business) Zone and a C-2 (General Commercial) Zone.

Generally located on the west side of Eastern Avenue, 150 feet north of Rochelle Avenue within Paradise. TS/rr/syp (For possible action)

RELATED INFORMATION:

APN:

162-23-504-007 through 162-23-504-009

LAND USE PLAN:

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: 4225 S. Eastern Avenue, Suite 3
- Site Acreage: 3.3
- Project Type: Massage establishment
- Number of Stories: 1
- Building Height (feet): 28
- Square Feet: 1,200

Site Plan & History

This request is the sixth application for review of a massage establishment in conjunction with an existing shopping center. The massage business is in the middle of the shopping center on the west side of Eastern Avenue within the portion of the property that is zoned C-2.

Landscaping

There were no changes proposed to the landscaping with the original request.

Elevations

There were no changes proposed to the exterior of the existing building with this application.

Floor Plans

The original plans show a suite occupied by the massage establishment that is approximately 1,200 square feet and consists of 5 massage rooms, restroom, guest waiting room, and kitchen.

Previous Conditions of Approval

Listed below are the approved conditions for (AR-18-400050) UC-0925-06:

Current Planning

- Until August 1, 2022 to review.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time or application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for UC-0925-06 (AR-0107-17):

Current Planning

- 6 months for review as a public hearing.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time or application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for UC-0925-06 (ET-0088-14):

Current Planning

- Until August 1, 2017 to review.
- Applicant is advised that a substantial change in circumstances or regulations may be justification for the denial of an extension of time.

Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

Listed below are the approved conditions for UC-0925-06 (ET-0180-09):

Current Planning

- Until August 1, 2014 to review;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Listed below are the approved conditions for UC-0925-06 (ET-0237-07):

Current Planning

- Until August 1, 2009 to review;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for denial of an extension of time.

Listed below are the approved conditions for UC-0925-06:

Current Planning

- 1 year for review;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

Applicant's Justification

The applicant describes their business as having licensed massage therapists providing relaxing massage, therapeutic massage, and reflexology. The request for review will allow the existing massage establishment to continue operation at the current location.

Prior Land Use Requests

Application Number	Request	Action	Date
(AR-18-400050) UC-0925-06	Fifth extension of time to review an existing massage establishment	Approved by BCC	April 2018
UC-0925-06 (AR-0107-17)	Fourth extension of time to review an existing massage establishment	Approved by BCC	October 2017
UC-0925-06 (ET-0088-14)	Third extension of time to review an existing massage establishment	Approved by BCC	September 2014
UC-0925-06 (ET-0180-09)	Second extension of time to review an existing massage establishment	Approved by PC	August 2009
UC-0925-06 (ET-0237-07)	First extension of time to review an existing massage establishment	Approved by PC	September 2007
UC-0925-06	Original application for a massage establishment in conjunction with an existing shopping center	Approved by PC	August 2006
WS-0623-01	Increased wall height and waived landscaping in conjunction with an existing shopping center	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	C-2	Shopping center
South	Corridor Mixed-Use	C-1	Undeveloped

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
East	Public Use	R-1	Place of worship & school
West	Public Use	R-1	School District property

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Comprehensive Planning**

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred since the original approval.

Massage establishments not operating on the premises of a resort hotel, as defined in Section 30.08, are limited to the hours of operation from 8:00 a.m. to 9:00 p.m. However, the original use permit was approved in 2006 prior to an amendment, effective on June 18, 2008, which restricted the hours of operation. The massage establishment has been operating on a 24 hour basis since 2006 and would; therefore, be considered a legal nonconforming use. Since the last application for review, there have been no complaints received or zoning violations issued by the Clark County Public Response Office (CCPRO). The applicant has requested in their justification letter for either a 5 year extension of time or to make the use permit permanent. Staff can support this application with no additional review requirements.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Comprehensive Planning**

- Remove the time limit.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: RONGLIN FU

CONTACT: NILES CALDWELL, 9375 LINDELL ROAD, LAS VEGAS, NV 89139