

08/18/21 BCC AGENDA SHEET

MASSAGE  
(TITLE 30)

SPRING MOUNTAIN RD/ARVILLE ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-21-400099 (UC-0729-06)-R & G HOLDINGS, LLC:**

**WAIVER OF CONDITIONS** of a use permit requiring massage business hours limited to 8:00 a.m. to 9:00 p.m. on 0.6 acres in a C-2 (General Commercial) Zone in the Asian Design Overlay District.

Generally located 275 feet north of Spring Mountain Road, 215 feet east of Arville Street within Paradise. JJ/bb/jo (For possible action)

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RELATED INFORMATION:

**APN:**

162-18-510-002

**WAIVER OF CONDITIONS:**

The applicant is requesting to extend hours of operation from 8:00 a.m. to 9:00 p.m. to 8:00 a.m. to 2:00 a.m. (an increase of 5 hours).

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4350 Spring Mountain Road
- Site Acreage: 0.6
- Project Type: Massage establishment
- Square Feet: 2,193 (lease space)

**Site Plan & History**

The original plans depict a 2,193 square foot massage therapy establishment located within a lease space in the northwest corner of an existing shopping center (Arville Square). In-line retail buildings are located along the east and north sides of the shopping center, and a larger 22,150 square foot retail building is located on the west side of the shopping center. Several smaller buildings are located on pad sites with cross access. Vehicular access to the shopping center is provided by driveways on both Spring Mountain Road and Arville Street.

The original use permit for the massage establishment was in accordance with the regulations contained within Title 30 which allowed massage establishments to operate 24 hours. In June 2008, Title 30 was amended to add hours of operation for massage establishments of 8:00 a.m. to 9:00 p.m. During the extension of time of the massage establishment in October 2010, the Las Vegas Metropolitan Police Department (LVMPD) confirmed criminal activity at the location and as a result, the Planning Commission (PC) imposed restricted hours of 8:00 a.m. to 9:00 p.m. consistent with Title 30. Following the second extension of time, a waiver of conditions to allow the business to operate from 11:00 a.m. to 12:00 a.m. was denied at the April 19, 2011 (PC) meeting. The applicant applied for a third extension of time with a request to change the previously imposed hours of operation from 8:00 a.m. to 9:00 p.m. to a later opening and closing time of 10:00 a.m. to 11:00 p.m. which was ultimately approved by the (PC) on August 16, 2011. A fourth extension of time was denied by the (PC) but approved on appeal by the Board of County Commissioners (BCC) in September 2012 with no change to the hours of operation. In January 2014, the (BCC) approved a sixth extension of time and a companion item UC-0729-06 (WC-0120-13) to allow hours of operation from 10:00 a.m. to 1:30 a.m. In February 2015, the (BCC) approved the seventh extension of time for the massage establishment and a companion item UC-0729-06 (WC-0156-14) to allow hours of operation from 10:00 a.m. to 3:00 a.m. The ninth application for review was approved by the (BCC) in March 2019 with a review date of September 6, 2019 and a condition to limit the hours of operation from 8:00 a.m. to 9:00 p.m. due to 2 employees being arrested for soliciting prostitution. The tenth application for review was submitted to staff in August 2019 and ultimately withdrawn by the applicant as the license for this business was revoked. Since the withdrawal of the previous application, the business has come under new ownership and a new business license was issued in June 2020 and the new business owner sought to keep the use permit active with the eleventh extension of time, which was approved in April 2020 with 8:00 a.m. to 9:00 p.m. hours of operation. The owner is currently under a limited business license as of May 2021 and is now requesting to extend the hours of operation to 2:00 a.m.

### Floor Plans

The lobby area is located next to the main entrance to the suite, with an office area adjacent to the lobby. A circular hallway provides access to 7 separate massage rooms, breakroom, kitchen, shower room, and restroom.

### Previous Conditions of Approval

Listed below are the approved conditions for AR-20-400019 (UC-0729-06):

#### Current Planning

- Hours limited to 8:00 a.m. to 9:00 p.m.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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; and that this application must commence within 2 years of approval date or it will expire.

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.

Listed below are the approved conditions for UC-0729-06:

Current Planning

- 2 years for 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.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is requesting the extended hours of operation to effectively compete with other massage uses in the area. The applicant is attempting to increase the number of customers through extended hours of operation. The applicant is requesting a 2:00 a.m. closing time rather than the original approved 24 hour use, as a way to show good faith with County concerns and Codes.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
AR-20-400019 (UC-0729-06)	Eleventh application for review of a massage establishment	Approved by BCC	April 2020
AR-19-400111 (UC-0729-06)	Tenth application for review of a massage establishment	Withdrawn	October 2019
AR-19-400004 (UC-0729-06)	Ninth application for review of a massage establishment - hours limited from 8:00 a.m. to 9:00 p.m.	Approved by BCC	March 2019
UC-0729-06 (AR-0004-17)	Eighth application for review of a massage establishment	Approved by BCC	March 2017
UC-0729-06 (ET-0155-14)	Seventh extension of time to review a massage establishment	Approved by BCC	February 2015
UC-0729-06 (WC-0156-14)	Waived conditions of a use permit requiring hours of operation be limited from 10:00 a.m. to 1:30 a.m. - hours limited from 10:00 a.m. to 3:00 a.m.	Approved by BCC	February 2015
UC-0729-06 (WC-0120-13)	Waived conditions for a use permit requiring hours of operation be limited from 10:00 a.m. to 11:00 p.m. - hours limited from 10:00 a.m. to 1:30 a.m.	Approved by BCC	January 2014
UC-0729-06 (ET-0119-13)	Sixth extension of time to review a massage establishment	Approved by BCC	January 2014

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0729-06 (ET-0002-13)	Fifth extension of time to review a massage establishment	Approved by BCC	March 2013
UC-0729-06 (ET-0083-12)	Fourth extension of time to review a massage establishment	Approved on appeal by BCC	September 2012
UC-0729-06 (ET-0057-11)	Third extension of time to review a massage establishment - hours limited to 10:00 a.m. to 11:00 p.m.	Approved by PC	August 2011
UC-0729-06 (WC-0008-11)	Waived conditions for a use permit requiring hours of operation be limited to 8:00 a.m. to 9:00 a.m. for the massage establishment	Denied by PC	April 2011
UC-0729-06 (ET-0096-10)	Second extension of time to review a massage establishment - hours limited to 8:00 a.m. to 9:00 p.m.	Approved by PC	October 2010
UC-0729-06 (ET-0159-08)	First extension of time to review a massage establishment	Approved by PC	July 2008
UC-0729-06	Original application for a massage establishment in conjunction with an existing shopping center	Approved by PC	July 2006

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General	C-2	Mini-warehouse
East	Commercial General	M-1	Office & warehouse
South & West	Commercial General	C-2	Retail

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

While staff is not holding this applicant to the 1,000 foot separation requirement, due to the lengthy history of this property, there are up to 3 additional massage establishments within 700 feet of this site. A concentration of such uses during nighttime hours may not be beneficial to the surrounding area or promote harmonious development of a wide variety of uses compatible with the neighborhood. Staff recommends continued hours of operation beginning at 8:00 a.m. and ending no later than 9:00 p.m. which is compatible with Title 30 and per Code which cannot be waived.

**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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

**PRELIMINARY STAFF CONDITIONS:**

**Public Works - Development Review**

If approved:

- No comment.

**Clark County Water Reclamation District (CCWRD)**

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

**TAB/CAC:** Paradise - denial.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** REGAL SPA, LLC

**CONTACT:** KIRK KENNEDY, 815 S. CASINO CENTER BOULEVARD, LAS VEGAS, NV 89101