10/20/21 BCC AGENDA SHEET

UPDATE

MASSAGE
(TITLE 30)

TROPICANA AVE/SPENCER ST

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
AR-21-400113 (UC-1188-04)-TUCKER NICOLETTE LIVING TRUST & TUCKER NICOLETTE TRS:

HOLDOVER USE PERMIT FOURTH APPLICATION FOR REVIEW of an existing massage establishment located within an existing retail center on 0.7 acres in a C-2 (General Commercial) Zone.

Generally located on the north side of Tropicana Avenue, 750 feet west of Spencer Street within Paradise. JG/sd/jo (For possible action)

RELATED INFORMATION:

APN:
162-23-403-012

LAND USE PLAN:
WINCHESTER/PARADISE - COMMERCIAL GENERAL

BACKGROUND:
Project Description
General Summary

- Site Address: 1550 E. Tropicana Avenue
- Site Acreage: 0.7
- Project Type: Massage

Site Plans & History
The plans show a 720 square foot lease space within an existing in-line retail center used for massage. The massage business was first approved in January 2001, subject to 3 years for review. However, the applicant failed to apply for an extension of time; therefore, that use permit expired. UC-1188-04 re-established the massage use and was approved with a 5 year review. The subsequent extension of time, UC-1188-04 (ET-0184-09), was also approved with a 5 year review. In 2016, UC-1188-04 (AR-0098-16) was approved with a 5 year time limit for review, and this application represents a fourth application for review.

Applicant's Justification
The applicant states that Hawaii Massage was approved by the County and an application review was submitted as a required 5 year review. There have been no significant changes to the

business or location, and has maintained continuous operations. The applicant is also requesting removal of the time limit.

Previous Conditions of Approval
Listed below are the approved conditions for UC-1188-04 (AR-0098-16):

Current Planning
- Until August 4, 2021 to 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 and application to 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-1188-04 (ET-0055-14):

Current Planning
- Until August 4, 2016 to review as a public hearing.

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-1188-04 (ET-0184-09):

Current Planning
- Until August 5, 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-1188-04:

- Subject to 5 years for review; and all applicable standard conditions for this application type. Applicant is advised there is a review date and the applicant must apply for an extension of time when that date approaches to keep the use permit active; any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of the approval date or it will expire.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
UC-1188-04 (AR-0098-16)	Third application to review a massage establishment	Approved by BCC	August 2016

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1188-04 (ET-0055-14)	Second extension of time to review a massage establishment	Approved by BCC	June 2014
UC-1188-04 (ET-0184-09)	First extension of time to review a massage establishment	Approved by PC	August 2009
UC-1188-04	Massage establishment	Approved by PC	August 2004
UC-1805-00	Massage establishment - expired	Approved by PC	January 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential High (8 to 18 du/ac)	R-3	Multiple family residential
South	Commercial General	R-2 & R-E	Undeveloped & commercial uses
East	Commercial General	C-2	Commercial uses
West	Commercial General	C-1	Commercial uses

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

Analysis
Current 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.

Reviews of this massage establishment have been approved on 3 previous occasions in August 2009, June 2014, and August 2016 with the current application for the fourth review. An inquiry made to the Clark County Metropolitan Police Department shows that there have been no incidents, arrests, or complaints regarding this business since the last review. In addition, there have been no public response complaints filed against this massage business and the Clark County business license is in good standing; therefore, staff can support approval of this review and removal of the time limit.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
- Remove the time limit.

Public Works - Development Review
- No comment.

Clark County Water Reclamation District (CCWRD)
- No comment.

TAB/CAC:
APPROVALS: 1 card
PROTEST: 1 card

COUNTY COMMISSION ACTION: September 22, 2021 – HELD – To 10/06/21 – per staff for the applicant to return to the Paradise Town Board.

COUNTY COMMISSION ACTION: October 6, 2021 – HELD – To 10/20/21 – per the applicant.

APPLICANT: XIAOTONG LI
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