



# Planning Commission Agenda Item

Date: March 09, 2022

Item No: 13.

**TO:** Planning Commission

**FROM:** Marc Jordan, Director Land Development & Community Services  
Prepared By: Robert Eastman

**SUBJECT: ZOA-01-2022 HEALTH AND FITNESS CENTER (Public Hearing).**  
Applicant: Forward Tee LLC. Request: An amendment to Title 17 (Zoning Ordinance) amending the Permitted Use Table 17.20.010-1 to allow Health and Fitness Centers as a conditional use in the M-2 (General Industrial District) and providing for other matters properly related thereto. (For possible action)

## **RECOMMENDATION:**

The Land Development and Community Services Department recommends that ZOA-01-2022 (Ordinance 3115) be denied. However, if approval is warranted, staff recommends the modified ordinance be forwarded to the City Council for final consideration.

## **BACKGROUND INFORMATION:**

The applicant is proposing amendments to the permitted use table for Health and Fitness Centers. The applicant currently has a health and fitness studio located in the City of North Las Vegas, within the M-2, General Industrial District. The business is not able to obtain a business license and the applicant is proposing the allow health and fitness center within the district.

Specifically, the applicant is requesting that the use be allowed as a conditional use within the M-2, General Industrial District. Additionally, the applicant is proposing the following three conditions for Health and Fitness Centers within the M-2 District:

1. The facility must front a 120-foot arterial.
2. The facility must be located within 500 feet of a residential development.
3. The facility must be less than 8,000 square feet in size.

## **DEPARTMENT COMMENTS:**

Public Works:	No comment.
Police:	No comment.
Fire:	No comment.

## **ANALYSIS**

The proposed modification will allow a small change to allow Health and Fitness Centers within the M-2, General Industrial District. A Health and Fitness Center is defined as:

*A Facility where members or non-members use equipment or space within a building for the purpose of physical fitness, improved circulation or flexibility, and / or weight control. In other words, a gym.*

Conversely, the purpose of the M-2, General Industrial District:

*Is to provide for the development of uses that, because of the nature of their operation, appearance, traffic generation, or emission, would not be compatible with land uses in most other zone districts, but which, nevertheless are necessary and desirable activities in the City. The provision for non-industrial uses (e.g. retail, religious institutions, and banks) is limited in this district.*

The M-2 District is specifically for the City's most intense uses, ones that are not compatible with other land uses. The applicant has a gym within the M-2 District. The most appropriate location for this is either the C-1, Neighborhood Commercial District or the C-2, General Commercial District.

The proposed use is non-industrial, and it is an assembly type of use. The use is relatively small compared to most industrial users and does not have any buffer from the neighboring industrial uses. An assembly use allows a relatively high number of people to gather in one area. The gathering of people in an industrial area creates a safety risk for the assembled people. The primary concern is that people in the non-industrial use do not realize the danger around them and will not react quickly enough to ensure their safety. Employees within the industry should be more aware and prepared and thus safer in the event of an industrial accident.

Assembly type uses were removed from the M-2 District with the Zoning Ordinance Revision in 2011. The uses removed include religious institutions (churches), secondary schools, bus terminals and indoor health clubs. Two assembly uses were allowed to remain as special uses: skating rink and recreation center. These two uses remained because of their size. Both require a large area. A recreation center is a large indoor sporting use, which may contain spectator seating. The idea behind their inclusion is the larger size should help buffer and protect their patrons from any potential industrial accident. Additionally, the requirement for a special use, allows the Planning Commission to judge the merits of the use and its location, instead of allowing the use anywhere within the M-2 District.

The primary reason for the removal of assembly type uses was to promote safety for our citizens and help keep them from potential harm in within our heaviest industrial areas. Secondary reasons included protecting our industrial areas for industrial activities and keeping the commercial traffic in the commercial areas of our City.

Normally, rents are higher in commercial developments than in industrial buildings. This causes some economically minded commercial businesses to seek them out to pay lower rent. This in turn reduces available industrial space for our industrial base.

Staff does not support the proposed inclusion of health and fitness centers back into the M-2, General Industrial District. However, if the Planning Commission determines that it is an appropriate use, we think some additional safety measures should be considered. The conditions proposed by the applicant are acceptable, the first two uses control the location and reduces the allowable areas to portions of Craig Road, North 5<sup>th</sup> Street, and Lamb Boulevard. However, in addition to the proposed conditions, staff thinks it is more appropriate to require a special use permit rather than a conditional use permit. This will allow the Planning Commission to evaluate the location, use and any potentially dangerous neighbors.

## **ATTACHMENT**

Letter of Intent  
Proposed Ordinance No. 3115