

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: SEPTEMBER 6, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-14757 - PUBLIC HEARING - APPLICANT: MASSAGE ENVY - OWNER: WITCH KYLE, LLC - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER FROM THE 400 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING SCHOOL, A WAIVER FROM THE 1,000 FOOT DISTANCE SEPARATION FROM AN EXISTING MASSAGE ESTABLISHMENT AND A WAIVER FROM THE HOURS OF OPERATION RESTRICTION at 7175 West Lake Mead Boulevard (APN 138-22-701-007), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 4 (Brown). NOTE: As of August 6, 2006 this item is located in Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

Planning Commission Mtg.

0

City Council Meeting

0

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Submitted at meeting Opposition letter by Westlake Realty Group and packet by Stephen Cook

Motion made by LOIS TARKANIAN to Hold in Abeyance to 10/4/2006

Passed For: 0; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
None; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

CITY COUNCIL MEETING OF: September 06, 2006

STEVE COOK appeared on behalf of the applicant, submitted packets for the Council and explained the request for the waivers are not egregious. The distance requirement from a school is 500 feet where there is only 400 feet; the distance requirement from an existing establishment is 1,000 feet where 900 feet are provided. The franchise requires that the last massage client be taken at 9 p.m. to be able to close at 10 p.m. where Code requires the business to close by 9 p.m. MR. COOK stated that while there are some non-conforming issues, the establishment would always remain a wholesome facility and he referenced the material provided to verify the business' stature.

MAYOR GOODMAN acknowledged the submittal and complimented the project's appearance. COUNCILWOMAN TARKANIAN stated that the use is not compatible with the area as it requires numerous waivers and she suggested another location. MR. COOK responded that his efforts in finding a more appropriate location have been unsuccessful. He reiterated the business' upscale operation and expressed that this project should not be held to the same restrictions of other massage parlors.

COUNCILWOMAN TARKANIAN stated that as a representative, she has a duty to uphold requirements and would not support a project otherwise. MR. COOK agreed to comply to the hours of operation.

In response to COUNCILMAN BROWN's inquiry, MARGO WHEELER, Director of Planning and Development Department, confirmed that the application would not conflict with any residentially zoning area even though that zone may not be exercised. COUNCILMAN BROWN disagreed with that fact and stated that if these items were still in Ward 4, he would ask that the matter be held in abeyance to allow time to review the business and area. MR. COOK invited all Councilmembers to visit either of the four other locations in the Valley.

COUNCILMAN ROSS stated that he also does not favor distance waivers but pointed out that the separation distance is only lacking 95 feet of the nearest like establishment and 50 feet of the nearest school. He questioned if the lease was signed and MR. COOK confirmed it was.

COUNCILMAN WOLFSON stated he is a patron of the aforementioned nearby salon that conflicts with this proposal, confirmed there is a tiny area designated for massages and suggested COUNCILWOMAN TARKANIAN visit the massage establishment and subject property.

COUNCILWOMAN TARKANIAN stated there are many challenges in Ward 1 but following COUNCILMAN BROWN'S suggestion, she agreed to hold the matter in abeyance to research the business and subject area.

MAYOR GOODMAN declared the Public Hearing closed.