



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-22256 - APPLICANT: MPOWER/KRISTIN L. WILLIAMS -
OWNER: IRVINGTON PROPERTIES, LLC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-12631), and all other site related actions.
2. The Special Use Permit shall be reviewed in one year.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required One Year Review of an approved Special Use Permit (SUP-12631) which allowed a massage establishment and a waiver of the 200 foot distance separation requirement from a residential use at 1215 South Las Vegas Boulevard.

This is the first review of the subject Massage Establishment. The continuation of the subject use is not considered appropriate. The site is not in conformance to the conditions of approval from the Special Use Permit. Denial of this request is recommended. A one year review shall be required, if approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/12/06	The City Council approved an appeal of a denial of a Special Use Permit (SUP-12631) which allowed a massage establishment and a waiver of the 200 foot distance separation requirement from a residential use at 1215 South Las Vegas Boulevard. The Planning Commission and staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
03/14/07	A business license (M03-00162) was issued for the subject Massage Establishment.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Hotel and Casino	C (Commercial)	C-1 (Limited Commercial)
			C-2 General Commercial)

North	Hotel and Casino	C (Commercial)	C-1 (Limited Commercial) C-2 General Commercial)
South	Shops	C (Commercial)	C-2 General Commercial)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Shops Sexually Oriented Business	C (Commercial)	C-2 General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (Las Vegas Boulevard)			Y or N
John S. Park Historic Neighborhood			Y or N
Redevelopment Plan Area			Y or N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Las Vegas Boulevard Scenic Byway Overlay District			Y or N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first review of the subject Massage Establishment. A site inspection was conducted on 06/18/07 to verify conformance to the conditions of approval from Special Use Permit (SUP-12631). The following deficiencies were noted:

The business is currently occupying three rooms rather than the two that were proposed by the applicant in a letter dated 07/07/06 and depicted on the original floor plan.

No in-room massages are being conducted. This was confirmed by the hotel desk. Pool side packages are offered, which was not part of previous discussion and was not addressed in the conditions of approval.

Trash enclosures had been repaired; however, the trash bins were strewn about the parking lot at the time of inspection. It was also noted that in the southwest corner of the site there was a large quantity of old landscape material that appeared to have been there for some time. This indicates that this portion of the property is being used as a storage area.

A final inspection was approved on the subject property on 03/06/07. At that time the site was in conformance to the conditions of approval, had addressed all enforcement issues, and a business license was subsequently issued on 03/14/07. The follow-up inspection for the purpose of this application was conducted on 06/18/07 and the above issues were discovered.

Due to the failure to conform to the conditions of approval from the original Special Use Permit denial of this request is recommended. An additional review shall be required in one year, if approved.

FINDINGS

The continuation of the subject use is not considered appropriate. The site is not in conformance to the conditions of approval from the Special Use Permit. Denial of this request is recommended. A one year review shall be required, if approved.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	250
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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