



City of Las Vegas

Agenda Item No.: 167.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 11, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
SPECIAL USE PERMIT

SUP-21649 - PUBLIC HEARING - APPLICANT/OWNER: SHARON KEA - Request for a Special Use Permit for A PROPOSED MASSAGE ESTABLISHMENT IN CONJUNCTION WITH AN APPROXIMATE 31,000 SQUARE FOOT HEALTH SPA WITH A WAIVER TO ALLOW NO DISTANCE SEPARATION FROM A PUBLIC PARK AND SCHOOL AND 340 FEET FROM A CHILD CARE FACILITY AND A CHURCH AND WHERE 400 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED, A WAIVER TO ALLOW A DISTANCE SEPARATION OF APPROXIMATELY 59 FEET AND 70 FEET FROM TWO EXISTING MASSAGE ESTABLISHMENTS WHERE 1,000 FEET IS REQUIRED, AND A WAIVER TO ALLOW A 24 HOUR SPA WHERE THE REQUIRED HOURS OF OPERATION ARE FROM 8:00 AM TO 9:00 PM at 1070 East Sahara Avenue (APN 162-02-801-136), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	3	Planning Commission Mtg.	1
City Council Meeting	27	City Council Meeting	5

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 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 after final agenda Returned postcard support
6. Submitted at meeting Opposition petition with 22 signatures by Gregory Brown
7. Submitted after meeting Returned postcard protests
8. Backup referenced from the 06-14-07 Planning Commission Meeting Item 62

Motion made by GARY REESE to Approve subject to conditions and adding the following conditions as read for the record:

- A. There shall be a public hearing at City Council and review in six months after issuance of a business license.

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- B. The entire facility shall be limited to hours of 8:00 a.m. to 9:00 p.m.
- C. The massage use shall be limited to 565 square feet and two therapists.
- D. No exterior signage regarding massage use.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS, (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

RAYMOND CORDOVA, 1207 South Beach Boulevard, Los Habra, California, emphasized that Imperial Health Spas family-oriented and described the amenity which would be offered at the spa. He informed COUNCILMAN REESE that trucker would not be offered at this facility. He promised to work with COUNCILMAN REESE'S office regarding massage hours.

COUNCILMAN REESE stated he could support permitting massage 24-hours a day, but would allow 8:00 a.m. to 9:00 p.m. with a public review.

TOM McGOWAN, Las Vegas resident, pointed out Imperial Spa LLC is not listed in the meeting agenda and asked for denial.

RON SHOCK, 920 Bonita Avenue, expressed concern with the numerous waivers and the 24-hour operation. He pointed out that the massage use would remain on the property if this business fails. He expressed his opposition.

MICHAEL ANDREATTI, President of South Ridge Neighborhood Association, listed three adjacent businesses which stated their support.

GREGORY BROWN, 606 Bonita Avenue, indicated MR. CORDOVA is willing to address the concerns being raised. He pointed out other similar business, their signage and the perception created by 24-hour massage facilities. Appropriate conditions can be imposed to prevent this. The building itself has been significantly improved. He requested two additional mitigating conditions and a prohibition against a 24-hour facility. He also submitted a protest petition.

TED RUSSELL, Las Vegas resident, stated that although this is not his neighborhood he has seen what happened in Garden Grove, California. He supported the project.

PAM KOWALSKI, 1050 Bonita Avenue, concurred that the facility is beautiful and supported the business, with the exception of the 24-hour waiver. The setting of a precedent makes a

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situation difficult to contain.

RHONDA SHOCK, 920 Bonita Avenue, indicated she is thrilled with the new facility, but was concerned with waivers, especially if the business were to fail. To reassure MS. SHOCK, COUNCILMAN REESE clarified that any future business at this location would have to come before the City Council for approval before they could operate for 24 hours. However, he is not in favor of a 24-hour operation.

MR. BROWN requested that the review be a public hearing. MR. CORDOVA asked COUNCILMAN REESE to consider the hours of operation until midnight. COUNCILMAN REESE discussed with MR. CORDOVA the proposed number of therapists, acupuncture and the related spa use previously represented to him. The number of rooms are not important. COUNCILMAN REESE suggested a two therapist restriction with a six month review.

MAYOR GOODMAN verified there would not be outside signage advertising massages.

COUNCILMAN WOLFSON commented on the size of the building and the two-therapist restriction. MR. CORDOVA responded that the facility includes many other services; hot and cold water salt saunas, both for women and men, beauty and tanning salons, and many other services. As to the proposed end of consultations, MR. CORDOVA explained that it would mean the last appointment, although the service might not conclude until after that.

MAYOR GOODMAN declared the Public Hearing closed.

