



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-21649 - APPLICANT/OWNER: SHARON KEA

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variance (VAR-3704) and Site Development Plan Review (SDR-3703), if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. A properly striped and located parking space in compliance with Title 19.10.010(K) shall be provided to accommodate one additional handicapped accessible parking space.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
5. This Special Use Permit shall be brought back for administrative review in two years from issuance of business license.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed massage use in conjunction with a previously approved 31,000 square foot health spa at 1070 East Sahara Avenue. The applicant does not qualify for an accessory massage use, as the proposal exceeds the maximum 150 square-foot area dedicated to massage. Because the application must be processed as a Massage Establishment, the applicant has requested the following waivers from the conditional requirements:

1. Waivers 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.
2. Waivers to allow a distance separation of approximately 59 feet and 70 feet from two existing massage establishments where 1,000 feet is required.
3. A waiver to allow a 24-hour spa where the required hours of operation are from 8:00 a.m. to 9:00 p.m.

As the applicant has requested multiple waivers to the minimum requirements and as it is possible to proceed as an accessory use to an approved health club by reducing the scope of the proposal, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
4/07/04	The City Council approved Request for a Site Development Plan Review for a 23,657 square-foot, two story health spa, restaurant, and karaoke bar with waivers to the perimeter landscaping requirements at 1070 East Sahara Avenue.
2/26/04	A request for a Variance (VAR-3704) to allow 107 parking spaces where 175 are required at 1070 East Sahara Avenue was withdrawn without prejudice from the Planning Commission at the applicants request.
1/21/05	A request for Merger and Resubdivision (PMP-4929) was recorded on properties located on East Sahara Avenue, (APNs 162-03-801-033; 034; 055; 069; 132)
5/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area.

12/07/06	The Planning Commission approved a Text Amendment (TXT-17827) to Title 19.04, "Permissible Uses," and Title 19.20, "Definitions," to establish standards for Massage, Accessory uses.
03/07/07	The City Council approved Ordinance No. 5893 to allow the use Accessory Massage as an accessory use in certain zoning districts, and to provide for other related matters.
06/14/07	The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #62/mh).
Related Building Permits/Business Licenses	
3/23/06	Permit #600237 issued under Plan Check #C-0181-04 for a tenant improvement for Certificate of Occupancy. This permit is still open and has not received a final inspection.
Pre-Application Meeting	
4/20/07	A pre-application meeting was held with staff to discuss the conditions regarding an accessory massage use and the application requirements for a standard massage establishment use.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	
Field Check	
5/24/07	Site is currently under construction with an existing building receiving major renovations. Site access is through a series of cross-access agreements and does not front any public right of ways.

Details of Application Request	
Site Area	
Gross Acres	2.08 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)
North	School/ Public Park	PR-OS (Parks/Recreation/Open Space) & PF (Public Facilities)	C-V (Civic) Zone
South	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)
East	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)
West	Commercial and Office uses	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175)	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Redevelopment Plan Area

The subject site is located within the Redevelopment Plan Area, so designated in 1986. Within the Redevelopment Plan Area, the subject property has a Commercial designation. This general designation does not place any additional development standards on the site above those listed per Title 19, but it allows the site to be eligible for a variety of funding opportunities for activities that promote the modern, orderly development of the area.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Health Club or Studio	29,540 SF.	1 space /200 GFA	148	6	149	5	
Massage Establishment	8 massage rooms (560 SF)	2 spaces per room	18				
TOTAL			164 spaces	6	149	5*	N**

*Condition of Approval #3 has been placed requiring the restriping of one additional handicapped accessible parking space.

**Although the on-site parking is deficient 15 standard parking spaces, a shared-parking agreement is in place with the properties located at 1100, 1120, and 1140 Almond Tree Lane.

Waivers		
Request	Requirement	Staff Recommendation
No separation from an existing park	400 feet	Denial
No separation from an existing school	400 feet	Denial
A 340-foot separation from an existing child care facility and church	400 feet	Denial
A 59-foot distance separation from an existing Massage Establishment	1000 feet	Denial
24-hours of operation.	Hours of operation limited to 8:00 am to 9:00 pm.	Denial

ANALYSIS

- **Use**

The applicant proposes the additional use of eight massage rooms to an approved 30,100 square-foot, two-story Health Club on 2.08 acres located at 1070 East Sahara. The applicants proposal does not qualify as an accessory use in that the proposed 560 square-feet (gross) of massage area exceeds the minimum 150 square-foot allowance as provided by the recently adopted Ordinance #5893.

Staff recommends denial due to the fact that the applicant could operate a Massage use as an accessory use to the health club by reducing the scope of this request.

- **Parking**

Per the previously approved Site Development Plan Review (SDR-3703) for a 30,100 square-foot, two story health club, no variance to the parking standards was required. The applicant has a shared parking agreement recorded between three adjoining properties located to the east at 1100, 1120, and 1140 Almond Tree Lane that sufficiently augments the 149 on-site spaces provided with an additional 15 spaces. The addition of eight massage rooms (listed as acupressure on the provided plans) increases the overall parking requirement from 151 parking spaces to 164 spaces. A condition of approval has been added requiring the applicant to provide an additional ADA-compliant parking space through adequate restriping in compliance with standards as listed in Title 19.10.010 (K).

- **Conditions**

Title 19.04 lists the following as the Minimum Special Use Permit Requirements for a Massage Establishment:

- (1) The use shall comply with all applicable requirements of LVMC Title 6.
- (2) The use must be located on a secondary thoroughfare or larger.
- (3) The use may not be located within four hundred feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use.
- (4) The use may not be located within one thousand feet of any other massage establishment.
- (5) The hours of operation shall be limited to the period between eight a.m. and nine p.m.

- **Waivers**

The applicant has requested waivers from the Conditional Requirements as listed in Title 19.04 for a Massage Establishment. The first waiver is to allow the subject property to provide no separation between Baker Community Park and John C. Fremont Middle school along the northern edge where 400 feet is required. The second waiver request is to allow a 340-foot separation distance from a child care facility and a church where 400 feet the required minimum distance. The third waiver request is to allow two existing massage establishments to be 59 feet and 70 feet from this proposal where conditions require 1,000 feet. The fourth waiver request is to allow 24 hours of operation where conditions restrict this activity to 8 a.m. to 9 p.m.

This request is not supported on the grounds that it violates the distance separation required from protected properties, two existing massage establishments, and does not comply with the limited hours of operation. Therefore, staff recommends denial.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed use is incompatible with surrounding land uses and is located in an area that is overly saturated with massage establishments.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site does not provide adequate separation from both the existing park and school to the north or the existing two massage uses established in the surrounding area.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Although the site is addressed off of Sahara Avenue, access is generally served via multiple cross-access agreements as the site is land-locked. Main access to the site is provided from the south via with additional access provided by another cross-access agreement between two separate properties to Almond Tree Lane, a 60-foot wide local street.

4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

The proposal does not meet the overall objectives of the General Plan in that it is contributing to the saturation of massage establishments within a confined area and does not provided an adequate separation to the adjacent park or school. An additional negative impact to public health, safety and welfare remains in that there is no restriction in the hours of operation, creating an additional impact on the protected neighboring properties.

5. The use meets all of the applicable conditions per Title 19.04.

The proposal does not meet the conditions as listed by Title 19.04 for a Massage Establishment. Staff is recommending denial, as three of the minimum requirements would need to be waived in order to approve this request.

PLANNING COMMISSION ACTION

There was one neighbor speaking in favor at the Planning Commission Meeting. Condition #5 was added by the Planning Commission. The City Council may wish to add a condition specifying the maximum area for massage is limited to 560 square feet.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 185 by City Clerk

APPROVALS 0

PROTESTS 3