



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: AUGUST 6, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ROC-28824 - REVIEW OF CONDITION - PUBLIC HEARING -**  
**APPLICANT/OWNER: SHARON KEA**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL.** Subject to:

**Planning and Development**

1. Condition B is hereby removed.
2. A waiver is hereby approved to allow a 24-hour Massage Establishment where the allowed hours of operation are from 8:00 am to 9:00 pm.
3. Conformance to the Conditions of Approval for Special Use Permit (SUP-21649) and all other related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is requesting a Review of Condition B of an approved Special Use Permit (SUP-21649) that limits the hours of operation from 8:00 am to 9:00 pm for an approved Massage Establishment located in a Health Club at 1070 East Sahara Avenue. The removal of this condition will constitute a waiver to the limitation of the hours of operation required of the Massage Establishment as this use does not meet the minimum requirements for a Massage, Accessory Use.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
04/07/04	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.
02/26/04	A request for a Variance (VAR-3704) to allow 107 parking spaces where 175 are required at 1070 East Sahara Avenue was withdrawn without prejudice from the Planning Commission at the applicants request.
01/21/05	A request for Merger and Resubdivision (PMP-4929) was recorded on properties located on East Sahara Avenue, (APNs162-03-801-033; 034; 055; 069; 132)
05/17/06	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.

07/03/07	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.
07/11/07	The City Council approved a Special Use Permit (SUP-21649) for a proposed Massage Establishment in conjunction with an approved 31,000 square-foot Health Club with a 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, to allow a distance separation of approximately 59 feet and 70 feet from two existing Massage Establishments where 1,000 feet is required, and 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. The Planning Commission recommended approval on 06/14/07 with staff recommending denial.
<b><i>Related Building Permits/Business Licenses</i></b>	
03/21/08	A Certificate of Occupancy was issued by the Building and Safety Department for a 31,115 square-foot Health Spa under plan check #C-0181-04.
04/10/08	Business License #M03-97337 temporarily issued for a Massage Establishment with an expiration date of 10/15/08 at 1070 East Sahara Avenue.
04/10/08	Business License #H08-00070 issued for a Health and Fitness Club at 1070 East Sahara Avenue.
04/10/08	Business License #B05-03093 issued for a Cosmetological Establishment at 1070 East Sahara Avenue.
04/10/08	Business License #T33-00051 issued for a Tanning Salon at 1070 East Sahara Avenue.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.08 acres

<b><i>Field Check</i></b>	
07/02/08	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• The existing building has under gone significant improvements both to the interior and exterior of the building.</li> <li>• Onsite improvements were completed with a new parking area with no signs of graffiti.</li> <li>• The facility was open and appeared to be operating at the time of the field check.</li> </ul>

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
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)

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

## ANALYSIS

This is the request for a Review of Condition to remove Condition B of an approved Special Use Permit (SUP-21649) that limits the hours of operation from 8:00 am to 9:00 pm of an approved Massage Establishment at 1070 East Sahara Avenue. Although the applicant is providing for massage services as a secondary use within a Health Club, the proposal does not qualify as a Massage, Accessory use. The 560 square-feet of net area divided amongst eight individual massage rooms exceed the conditional requirement of a 150 square-foot maximum massage area for the Massage, Accessory use per Title 19.04. If approved, the review of condition will allow the additional hours of operation for the entire Health Club and will allow the business to provide all the other non-massage spa services for a longer duration.

## **FINDINGS**

Approval of this request Review of Condition will not adversely affect the neighboring properties. There are no reports from Code Enforcement or Business Services regarding the past six months of massage operations in conjunction with the existing Health Club and the applicant has abided by all of the conditions of approval for the Special Use Permit (SUP-21649). It is worthy to note that the Massage, Accessory use does not have a restriction on the hours of operation but is limited to a maximum of 150 square-feet of area dedicated to massage. Although the entitlement has been granted for a Massage Establishment, the 560 square-feet of net massage area constitute less than two per cent of the gross floor area of the 31,115 square-foot Health Club.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      N/A

**ASSEMBLY DISTRICT**                      N/A

**SENATE DISTRICT**                      N/A

**NOTICES MAILED**                      188 by Planning Department

**APPROVALS**                      0

**PROTESTS**                      0