



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 3, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ROC-29347 - REVIEW OF CONDITION - PUBLIC HEARING -**  
**APPLICANT/OWNER: SHARON KEA**

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

**STAFF RECOMMENDATION: APPROVAL**, subject to:

1. Condition C of Special Use Permit (SUP-21649) shall be deleted.
2. Conformance to all other Conditions of Approval of Special Use Permit (SUP-21649) and Review of Condition (ROC-28824) if approved.

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

**PROJECT DESCRIPTION**

This is a request for a Review of Condition of an approved Special Use Permit (SUP-21649) to delete Condition C which allows for no more than two massage therapists at 1070 East Sahara Avenue. The removal of this condition does not constitute a waiver as there are no limitations on how many massage therapists may be located within a Massage Establishment.

**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.
06/26/04	A request for a Variance (VAR-3704) to allow 107 parking spaces where 175 are required at 1070 East Sahara Avenue was withdrawn without prejudice from the Planning Commission at the applicants request.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, (APNs 162-03-801-033; 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.
08/06/08	The City Council approved a Required Six-Month Review (RQR-28507) of the approved Special Use Permit (SUP-21649) and Review of Condition (ROC-28824) that deleted Condition B, allowing for 24-hour operation of the Massage Establishment. No further review was required by the City Council.
<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>Field Check</i></b>	
08/08/08	A field check was carried out by staff with the following observations: The existing building has undergone significant improvements both to the interior and exterior of the building. Onsite improvements were completed with a new parking area with no signs of graffiti. The facility was open and appeared to be operating at the time of the field check.

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

<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)
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>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District 175 feet	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 a request for a Review of Condition to remove Condition C of an approved Special Use Permit (SUP-21649) that limited the amount of massage therapists within an existing Massage Establishment to only two practicing therapists. 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 due to the 565 square feet of dedicated massage area exceeding the maximum 150 square-foot massage area allowed for a Massage, Accessory use per Title 19.04. There have been no reports from Code Enforcement, Business Services, or the Metropolitan Police Department since the start of massage operations at the existing Health Club and the applicant has abided by all

of the conditions of approval for the Special Use Permit (SUP-21649).

**Conditions of Approval for Special Use Permit (SUP-21649) listed below:**

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

**Conditions of Approval for Review of Condition (ROC-28824) listed below:**

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.

If approved, elimination of Condition C will allow additional massage therapists to practice beyond the originally entitled 565 square feet of massage area. Staff does not object to this increase as the eight individual massage rooms create a practical limitation to 565 square feet. The proposed increase in available massage therapists has been requested to allow for the full utilization of available massage rooms, which constitute less than two per cent of the gross floor area of the 31,115 square-foot Health Club. If the massage therapists are to operate within the Health Spa, but outside of the individual massage rooms, there are practical limitations as the remaining rooms are larger public rooms with limited privacy. The recently approved Review of Conditions (ROC-28824) allows for 24-hour operation of the Massage Establishment but it is important to note that this facility operates primarily as a Health Club with the massage use as ancillary.

## **FINDINGS**

Staff finds that approval of this 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 within the existing Health Club and the applicant has abided by all of the conditions of approval for the Special Use Permit (SUP-21649). The allowance for additional massage therapists will enable the applicant to fully utilize the eight massage rooms approved under the Special Use Permit (SUP-21649) with negligible impact to the surrounding community.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      N/A

**ASSEMBLY DISTRICT**                      N/A

**SENATE DISTRICT**                      N/A

**NOTICES MAILED**                      188

**APPROVALS**                      0

**PROTESTS**                      0