



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE:       OCTOBER 1, 2008**  
**DEPARTMENT:     PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-29379 - REQUIRED REVIEW - PUBLIC HEARING -**  
**APPLICANT: PRINCESS MASSAGE - OWNER: CHETAK DEVELOPMENT**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 17, 2008 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

### **\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:     DENIAL.** If approved, subject to:

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Massage Establishment use.
2. Conformance to all other Conditions of Approval of Special Use Permit (SUP-11419) if approved.
3. This Special Use Permit (SUP-11419) shall be subject to a one year review.

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

**PROJECT DESCRIPTION**

This application is for a required one year review to allow the continuation of an approved Special Use Permit (SUP-11419) which allows a 1,200 square-foot expansion of an existing 1,200 square-foot Massage Establishment with a Waiver of the minimum 1000-foot separation requirement from three existing Massage Establishments and a Waiver to allow the business to be open 24-hours a day at 2212 Paradise Road.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/18/77	The City Council approved a Rezoning (Z-0020-77) from R-4 (High Density Residential) to C-1 (Limited Commercial) on the subject site. The Planning Commission and staff recommended approval.
09/03/86	The City Council approved a Plot Plan Review [Z-0020-77(1)] of a proposed retail center with restaurant on the subject site. The Planning Commission and staff recommended approval.
06/25/87	The Board of Zoning Adjustment approved a Variance (V-0065-87) to allow 155 parking spaces where 188 spaces were required on the subject site. Staff recommended denial.
08/19/87	The City Council approved an appeal on the action by the Board of Zoning Adjustment to allow 155 parking spaces where 188 spaces were required on the subject site, thereby approving the Variance. The City Council deleted the previous condition requiring off-site employee parking. The variance was subject to review in one year. Staff recommended denial.
08/17/88	The City Council approved a Required Six Month Review on the approved Variance (V-0065-87) to allow 155 parking spaces where 188 were required, subject to a one year review. Staff recommended approval.
08/02/89	The City Council approved a Required One Year Review on the approved Variance (V-0065-87) to allow 155 parking spaces where 188 were required, subject to a one year review. Staff recommended approval.
08/15/90	The City Council approved a Required One Year Review on the approved Variance (V-0065-87) to allow 155 parking spaces where 188 were required, subject to a one year review. Staff recommended approval.
01/16/91	The City Council approved a Variance (V-0147-90) to allow 155 parking spaces where 205 spaces were required on the subject site, subject to a one year review. Variance approval V-0065-87 was expunged upon final approval of V-0147-90. The Board of Zoning Adjustment recommended approval. Staff

	recommended denial.
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01/22/92	The City Council approved a required one rear review [ on the approved Variance (V-0147-90) to allow 155 parking spaces where 205 were required, with no further review required. Staff recommended approval.
01/12/98	The City Council denied a Variance (V-0099-97) to allow 123 parking spaces where 217 spaces is the minimum required and to allow a proposed fast food restaurant (McDonalds) to be 13.1 feet from the front property line where 20 feet is the minimum setback required. This action was an appeal of the denial of the Board of Zoning Adjustment. Staff also recommended denial.
04/13/98	The City Council approved a Site Development Plan Review [Z-0020-77(1)] for a proposed 3,087 square foot fast food restaurant (McDonalds) on the subject site. As a condition of approval, the City Council permitted the continuance of parking Variance V-0147-90, which allowed 155 spaces where 205 spaces are the minimum required on the site. The Planning Commission recommended approval. Staff recommended denial based on changes to the site since the 1991 parking variance approval and heavy traffic volume at the intersection of Sahara Avenue and Paradise Road.
10/03/01	The City Council denied a Rezoning (Z-0060-01) from C-1 (Limited Commercial) to C-2 (General Commercial) on the subject site. The Planning Commission and staff recommended denial.
12/04/02	The City Council approved the Vacation (VAC-0070-02) of a public alley directly adjacent to the subject site. The Planning Commission and staff recommended approval.
04/06/05	The City Council approved a Special Use Permit (SUP-5912) for a Restaurant Service Bar on the subject site. Planning Commission and Staff recommended approval.
12/07/05	The City Council approved a Special Use Permit (SUP-9272) for a Restaurant Service Bar on the subject site. Planning Commission and Staff recommended approval.
04/05/06	The City Council approved a Special Use Permit (SUP-11419) to allow a 1,200 square-foot expansion of an existing Massage Establishment with a Waiver of the minimum 1000-foot separation requirement from three existing Massage Establishments and a Waiver to allow the business to be open 24-hours a day at 2212 Paradise Road. Planning Commission recommended approval with staff recommending denial.
<b><i>Related Building Permits</i></b>	
11/09/06	A Certificate of Occupancy was issued against plan check #L-3583-06 for a 2,249 square-foot tenant improvement which combined 2212 and 2214 Paradise Road into one location.
<b><i>Related Business Licenses</i></b>	
02/08/08	Business license #M03-00129 issued for Massage Establishment. Original license issued 04/28/03 prior to approval for 1,000 square-foot expansion under SUP-11419.
09/16/04	Business license #M12-01099 issued for Independent Massage Therapist.
09/16/04	Business license #M12-01367 issued for Independent Massage Therapist.

06/21/05	Business license #M12-01160 issued for Independent Massage Therapist.
12/23/05	Business license #M12-01264 issued for Independent Massage Therapist.

11/18/05	Business license #M12-01256 issued for Independent Massage Therapist.
12/30/05	Business license #M12-01213 issued for Independent Massage Therapist.
03/10/06	Business license #M12-01288 issued for Independent Massage Therapist.
01/08/07	Business license #M12-01417 issued for Independent Massage Therapist.
<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>	
08/22/08	A field check was carried out by staff with the following observations: <ul style="list-style-type: none"> <li>• The Massage Establishment is currently operating from 2212 Paradise Road.</li> <li>• The previous address of 2214 Paradise Road has been combined with 2212 Paradise Road.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.67 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Service Commercial	C (Commercial)	C-1 (Limited Commercial)
North	Condominiums	C (Commercial)	R-4 (High Density Residential)
South	Clark County	Clark County	Clark County
East	Office/ Service Commercial	C (Commercial)	C-1 (Limited Commercial)
West	Tourist Commercial/ Service Commercial	C (Commercial)	C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b><i>Special Area Plan</i></b>			
Redevelopment Plan Downtown Redevelopment 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><i>Special Purpose and Overlay Districts</i></b>			
A-O Airport Overlay District 175 feet	X		Y

<b>Trails</b>		X	NA
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<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>	X		Y

**DINA/Project of Regional Significance**

The subject project is designated as a project of regional significance due to its proximity to Clark County. As a result, a Development Impact Notification Assessment was required of the applicant and was processed during the completion of the original entitlement (SUP-11419).

**ANALYSIS**

This is a request for a One-Year Required Review of an approved Special Use Permit (SUP-11419)

**Conditions of Approval for Special Use Permit (SUP-11419) listed below:**

1. This Special Use Permit shall be subject to a one year review.
2. Conformance to all Minimum Requirements under Title 19.04.050 for a Massage Establishment use.
3. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0060-01) and Variance (V-0147-90).
4. A Waiver from the distance separation requirement that requires the use to be located greater than 1,000 feet from similar establishments is hereby granted.
5. A Waiver from the hours of operation is hereby granted to allow the business to be open for 24 hours.
6. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
7. All City Code requirements and design standards of all City departments must be satisfied.

Due to the waivers required, staff did not find that the original proposal would be harmonious with surrounding land uses and had recommended denial of the Special Use Permit (SUP-11419). The proposed expansion of the Massage Establishment required a Waiver to allow the business to be open for 24 hours and to allow no separation from three other Massage Establishments where a 1,000-foot distance separation is required. Within the last year there have been two responses by the Metropolitan Police Department, thus raising concerns about the suitability of continuing a Massage Establishment use at this location.

## **FINDINGS**

Staff finds that the continuation of this Special Use Permit (SUP-11419) may have an adverse affect on the neighboring properties and the surrounding community. Therefore, staff recommends denial of this review.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      N/A

**ASSEMBLY DISTRICT**                      N/A

**SENATE DISTRICT**                      N/A

**NOTICES MAILED**                      598 by Planning Department

**APPROVALS**                      0

**PROTESTS**                      0