



AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 17, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-36890 – REQUIRED REVIEW – SPECIAL USE PERMIT –

APPLICANT: DOUGLAS R. WINGO - OWNER: CHETAK DEVELOPMENT, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 20, 2010 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-11419), Required Review (RQR-29379), and all other site related actions as required by the Planning and Development Department and Department of Public Works.
2. This Special Use Permit (SUP-11419) shall be subject to one-year review at a public hearing, at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.
3. All City Code requirements and design standards of City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site has an existing shopping center that includes a Massage Establishment, Retail Establishments, a Restaurant, and Tavern. The Special Use Permit (SUP-11419) allowed a 1,200 foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirements from three existing Massage Establishments and a waiver to allow the business to operate 24-hours a day. The previously Required Review (RQR-29379) approved 10/1/08 restricted the hours of operation from 9:00 a.m. to 11:00 p.m.

On 09/23/09, business license #M03-00129 for the Massage Establishment at 2212 Paradise Road has been suspended, pending further investigation for possible violations of LVMC 6.52.120. As the applicant is in violation of Title 19.04.050, minimum Special Use Permit requirement, Condition Number 1, which states "The use shall comply with all applicable requirements of LVMC Title 6," staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/05/06	The City Council approved a request for a Special Use Permit (SUP-11419) for the proposed 1,200 square foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirement from three existing Massage Establishments and a waiver to allow the business to be open 24-hours a day at 2212 and 2214 Paradise Road. The Planning Commission recommended approval on 03/09/06.
05/17/06	The City Council approved a request for a Review of Condition Number 6 (ROC-12801) of a previously approved Special Use Permit (SUP-5912) to remove the condition that allows the sale of alcoholic beverages to be limited to the sale of beer and wine only within an existing restaurant at 2218 Paradise Road.
10/01/08	The City Council approved a request for a Required Review (RQR-29379) of a previously approved Special Use Permit (SUP-11419)
<i>Related Building Permits/Business Licenses</i>	
04/22/03	A building permit (03008069) was issued for a non-work certificate of occupancy at 2212 Paradise Road. The Permit was finalized on 04/23/03.
09/16/04	A business license (M12-01099) was issued for a Massage Therapists at 2212 Paradise Road. The license is still active.

<i>Related Building Permits/Business Licenses</i>	
09/28/06	A building permit (06006137) was issued for tenant improvements for a certificate of occupancy at 2212 Paradise Road. A certificate of occupancy was issued on 11/09/06.
02/08/08	A business license (M03-00129) was issued for a Massage Establishment located at 2212 Paradise Road. As of 09/23/09, the license is in a “pending” status due to an ongoing investigation of the business.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.36

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Massage Establishment, Retail Establishments, Restaurant	C (Commercial)	C-1 (Limited Commercial)
North	Tavern	C (Commercial)	C-1 (Limited Commercial)
South	Retail Establishments	C (Commercial)	C-1 (Limited Commercial)
East	Offices	C (Commercial)	C-1 (Limited Commercial)
West	Retail Establishments and Motels	C (Commercial)	C-2 (General Commercial)

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

ANALYSIS

This is the Required Review (RQR-36890) of a previously approved Special Use Permit (SUP-11419) allowing a 1,200 foot expansion of an existing Massage Establishment with a waiver of the minimum 1,000 foot separation requirements from three existing Massage Establishments and a waiver to allow the business to operate 24-hours a day. The previously Required Review (RQR-29379) approved on 10/01/08 revoked the original approval for 24-hour operations, restricting the hours of operation from 9:00 a.m. to 11:00 p.m. Staff conducted a field check of the subject site on 12/07/09 and found the area surrounding the business to be neat and clean in appearance, but did note that there is a sign on this unit advertising 24-hour operations.

On 09/23/09, business license #M03-00129 for the Massage Establishment at 2212 Paradise Road has been placed in a “pending” status by the Finance Department for possible violations of LVMC 6.52.120. There have been three incidents at the subject site (one per year) since November 2006, where Metropolitan Police has arrested an employee for solicitation of prostitution. On 08/14/07, one of incidents was heard in Court with the suspect being found guilty of the alleged offense.

FINDINGS

Since the approval of the Special Use Permit (SUP-11419), the business has been cited with three alleged violations of LVMC Title 6.52.120 pertaining to prohibited activities within a Massage Establishment with a guilty verdict for one of the events (as of 12/15/09). As the business does not comply with Title 19.04.050 Condition #1 of the Minimum Special Use Permit Requirements, staff is recommending denial of this Required Review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 684

APPROVALS 1

PROTESTS 9