



AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 17, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-36892 – REVIEW OF CONDITION – 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 of the Special Use Permit (SUP-11419) and all other site related actions as require by the Planning and Development Department and Department of Public Works.
2. Condition #5 shall be amended to read, "A waiver shall be granted to allow business operations to be 24-hours."

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition #5 of a previously approved Special Use Permit (SUP-11419) to allow 24-hour operations when the previous Required Review (RQR-29379) restricted the hours from 9:00 a.m. to 11:00 p.m. Since November 2006, the Metropolitan Police Department has made three arrests (on different dates) for solicitation of prostitution at the subject site with one resulting in a guilty verdict on 08/14/07. The business license (M03-00129) for the Massage Establishment has been placed in a 'pending' status by the Finance Department due to an ongoing investigation. Due to the previous police incidents at the subject site, staff does not support the requested change in operating hours and is therefore recommending denial.

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.
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.

<i>Related Building Permits/Business Licenses</i>	
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

The applicant is requesting a Review of Condition #5 of a previously approved Special Use Permit (SUP-11419) to allow 24-hour operations when the previous Required Review (RQR-29379) restricted the hours from 9:00 a.m. to 11:00 p.m. Building permit #06006137 was issued on 09/28/06 for a tenant improvement remodel with a certificate of occupancy issued on 11/09/06. 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 the building advertising 24-hour operations.

As of November 2006, the Metropolitan Police Department has made three arrests (on different dates) for solicitation of prostitution at the subject site with one resulting in a guilty verdict on 08/14/07. The business license (M03-00129) for the Massage Establishment has been placed in a 'pending' status by the Finance Department due to an ongoing investigation.

FINDINGS

The previous Required Review (RQR-29379) restricted the hours of operation of the business. The applicant is requesting to return to 24-hour operations as the number of clients serviced per day has dropped significantly, thereby affecting the businesses financial state. Due to past problems with violations of LVMC Title 6, staff does not support the proposed change and is therefore recommending denial.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	684
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<u>APPROVALS</u>	1
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<u>PROTESTS</u>	9
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