



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-34984 REQUIRED REVIEW SPECIAL USE PERMIT

APPLICANT: MARIA T. PARRA - OWNER: SAVANNAH INVESTMENTS, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Conformance to the conditions of approval for Special Use Permit (SUP-28297) and all subsequent site related actions shall be required.
2. This Special Use Permit (SUP-28297) shall be placed on an agenda closest to August 6, 2010, at which time the City Council may require the 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 the use.
3. All illegal signage on the property shall be removed within 10 days of City Council.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site currently has an existing Restaurant with a previously approved Special Use Permit (SUP-28297) for Beer/Wine/Cooler On-Sale Establishment. Staff conducted a field inspection of the site and found that although the landscaping was being maintained and the site presented a neat and clean appearance, there were four (4) wooden signs in the front of the property that are not permitted.

Since the approval of the Special Use Permit (SUP-28297), the property directly south of the subject site received entitlements for a proposed new development for a 12,422 square-foot, single-story retail establishment. Staff finds that the continued use within the existing Restaurant will not negatively affect the new development; therefore, is recommending approval of this request with a one-year review.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/19/07	A Code Enforcement case (60725) was processed for graffiti on the building at 2081 North Decatur Boulevard. Code Enforcement closed the case on 12/26/07.
01/31/08	A Code Enforcement case (61963) was processed for graffiti on the building and wall at 2081 North Decatur Boulevard. Code Enforcement closed the case on 02/06/08.
08/06/08	The City Council approved a request for a Special Use Permit (SUP-28297) for a proposed Beer/Wine/Cooler On-Sale Establishment within an existing Restaurant located at 2081 North Decatur Boulevard. The Planning Commission recommended approval on 7/11/08.
<i>Related Building Permits/Business Licenses</i>	
05/17/01	A building permit (01008840) was issued for a non-work certificate of occupancy at 2081 North Decatur Boulevard. The permit was finalized on 05/18/01.
04/24/08	A Business License (R09-01445) was issued for a Restaurant at 2081 North Decatur Boulevard. The license is still active.
09/17/08	A Business License (C08-01833) was issued for a Coin Operated Amusement Machine (Jukebox) at 2081 North Decatur Boulevard. The license is still active.

10/16/08	A Business License (L09-00265) was issued for Beer/Wine/Cooler On-Sale Establishment at 2081 North Decatur Boulevard. The license is still active.
<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>Field Check</i>	
07-10-09	Staff conducted a field check of the subject site with the following observations: • The landscaping and surrounding area was clean in appearance and being properly maintained. • There are two (2) wooden signs on both the southeast and northeast corners of the property that are not permitted. • The operating hours of the business are Monday through Friday 10 a.m. to 10 p.m.; Saturday 9 a.m. to 10 p.m.; Sunday 9 a.m. to 10 p.m.; and the drive-thru is open 24-hours.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family Residences	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development- 8 Units per Acre)
West	Single Family Residences	R-E (Rural Estates Residential)- Clark County	RN (Rural Neighborhood)- Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 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 first request for a Required Review for a previously approved Special Use Permit (SUP-28297) for Beer/Wine/Cooler On-Sale Establishment within an existing Restaurant located at 2081 North Decatur Boulevard. Since the approval of the Special Use Permit (SUP-28297), the property directly south of the subject site received entitlements for a proposed new development for a 12,422 square-foot, single-story retail establishment.

During a field inspection of the site, staff found the area surrounding the business neat in appearance with the landscaping properly maintained. The hours of are Monday through Friday 10 a.m. to 10 p.m.; Saturday 9 a.m. to 10 p.m.; Sunday 9 a.m. to 10 p.m.; and the drive-thru is open 24-hours. In addition, there were two (2) signs posted in both the northeast and southeast corners of the property that are not permitted.

FINDINGS

Staff finds that the new entitlements to the south of the subject site will not negatively affect the continued use within the existing Restaurant. The hours of operation comply with the restrictions placed by City Council. The removal of the non-permitted signage on the property has been placed as a condition of approval; therefore staff is recommending approval of this request with a one-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 883

APPROVALS 0

PROTESTS 0