

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 18, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: FREMONT PROPERTIES, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 4, 2011 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-41219	Staff recommends DENIAL.	None

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of a non-conforming use for a former Tavern at 1930 Fremont Street. On April 29, 2010, business license L16-00032 for the Tavern was classified as out of business with no subsequent licenses applied for at the subject site. On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allows the owner of property deemed abandoned for a period of time greater than the applicable abandonment period to request the abandonment period extended through an Extension of Time application.

Though the applicant meets the requirements outlined in Bill 2010-40, Ordinance 6114 to request a one-year extension of time, staff is recommending denial of this request as conditions have changed and there is now a school in close proximity to the tavern.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
There is no prior case history for the subject site.	

<i>Most Recent Change of Ownership</i>	
10/12/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/01/51	A business license (L16-00032) was issued for a tavern at 1930 Fremont Street. The license is classified as out of business as of 04/29/10.
c.1964	Building on site constructed.
04/25/91	Business licenses (C08-01391, H02-01224, and R07-00174) were issued for amusement machines, handbills, and a pizza take-out establishment at 1930 Fremont Street, Ste B. All licenses are still active.
08/19/09	A building permit (145873) was issued for an ornamental iron fence at 1930 Fremont Street. The permit was finalized on 09/22/09.

<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	

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<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.63

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Tavern/Restaurant	MXU (Mixed-Use)	C-2 (General Commercial)
North	Retail Establishment	MXU (Mixed-Use)	C-2 (General Commercial)
South	Multi-Family Units	MXU (Mixed-Use)	R-4 (High Density Residential) and C-2 (General Commercial)
East	Single Family Residences	MXU (Mixed-Use)	C-2 (General Commercial)
West	Motel	MXU (Mixed-Use)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan (East Village)	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

A tavern had been in operation at the subject site since 1951, prior to the requirement for a Special Use Permit. In 2003, an elementary school was built approximately 515 feet to the northwest of the subject site. On April 29, 2010, business license L16-00032 for the Tavern was classified as out of business with no subsequent Tavern licenses applied for at the location. There is an elementary school (built in 2003) that is located approximately 515 feet to the northwest, along with two churches (one to the southwest, the other to the southeast) with the closest only 680 feet, and four (4) other taverns with the closest approximately 580 feet from the subject site.

On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed the owner of property deemed abandoned for a period of time greater than the applicable abandonment period to request the abandonment period extended through an Extension of Time application. In accordance with Bill 2010-40, Ordinance 6114, a public hearing is required so as to notify neighboring homeowners and registered associations the opportunity for comment.

FINDINGS

The applicant is requesting an extension of time for the non-conforming use due to current economic conditions and time to secure a potential client to lease the property. Bill 2010-40, Ordinance 6114 allows for an Extension of Time when the request is due to an economic hardship based on market conditions or other circumstances beyond the applicant’s control. Though the request meets the requirements outlined in Bill 2010-40, the tavern is located in too close proximity to the elementary school; therefore, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 592 (By Planning)

APPROVALS 2

PROTESTS 6