

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: JUNE 15, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 4127 CHARLESTON, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-41551	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 4127 West Charleston Boulevard. On December 27, 2007, business license L16-00133 was issued for a Tavern. In June 2008, the business closed for internal and external renovations. In June 2009, the business opened for one day for the purpose of preserving their liquor license. The Department of Business Licensing and City Attorney's office determined that for one day in June 2010, the business opened with spirit based products available on-site, thereby preserving their liquor license for an additional year.

In 2010, a child care facility/pre-school was constructed approximately 185 feet to the northwest of the subject site. In addition, there is a religious facility, another child care facility, City Park, school, and four other taverns all within 1500 feet of 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 application 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 due to the tavern being in close proximity to several protected uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/17/90	The City Council approved a request for Rezoning (Z-0099-90) from R-E (Residence Estates) and C-2 (General Commercial) to C-1 (Limited Commercial) for the expansion of a restaurant and lounge (Skinny Dugan's Pub) at 4127 West Charleston Boulevard. The Planning Commission recommended approval.
05/10/07	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-20815) for the proposed 6,600 square-foot renovation of an existing Tavern and waivers of the perimeter landscape buffer requirements to allow a four-foot buffer along the west property line where 15 feet is required, a zero-foot wide buffer along the south and east property lines where an eight-foot buffer is required and a zero-foot wide buffer along the north property line where 15 feet is required at 4127 West Charleston Boulevard.

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06/06/07	The Planning and Development Department approved a request for a one-lot Parcel Map (merger and re-subdivision) (PMP-20135) on 0.53 acres south of Charleston Boulevard, 150 feet east of Vista Drive.
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<i>Most Recent Change of Ownership</i>	
07/01/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/27/07	A business license (L16-00133) was issued for a Tavern at 4127 West Charleston Boulevard (original license date 1/1/51). The license was designated out of business on 05/22/09.
06/03/09	A business license (L16-00311) was issued for a Tavern at 4127 West Charleston Boulevard. The license was designated inactive 08/17/09.
10/13/10	A business license (L16-98529) was filed for, but not issued for a Tavern at 4127 West Charleston Boulevard.
No recent building permits have been issued for the subject site within the last year.	

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

<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	1.34

<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 and Parking Lot	SC (Service Commercial)	C-1 (Limited Commercial)
North	Private Club	SC (Service Commercial)	C-1 (Limited Commercial)
South	Undeveloped Land	R (Rural Density Residential)	R-E (Residence Estates)

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East	Banquet Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishments and an Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial) and C-2 (General Commercial)

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

ANALYSIS

A tavern has been in operation at the subject site since 1951, prior to the requirement for a Special Use Permit. On December 27, 2007, business license L16-00133 was issued for a Tavern. In June 2008, the business closed for internal and external renovations. In June 2009, the business opened for one day for the purpose of preserving their liquor license. The Department of Business Licensing and City Attorney's office determined that for one day in June 2010, the business opened with spirit based products available on-site, thereby preserving their liquor license for an additional year. In 2010, a child care facility/pre-school was constructed approximately 185 feet to the northwest of the subject site. In addition, there is a religious facility, another child care facility, City Park, school, and four other taverns all within 1500 feet of 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 application 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.

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FINDINGS

The applicant is requesting an extension of time for a non-conforming use due to current economic conditions. 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 applicant meets the requirements outlined in Bill 2010-40, the tavern is located in too close proximity to several protected uses; therefore, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 353 (By Planning)

APPROVALS 0

PROTESTS 0