

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: SEPTEMBER 21, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: BECKER ENTERPRISES

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-42455	Staff recommends APPROVAL, if approved subject to conditions:	None

**** CONDITIONS ****

EOT-42455 CONDITIONS

Planning

1. This request for an Extension of Time of a non-conforming Tavern located at 2400 North Buffalo Drive shall expire on July 19, 2012 unless another Extension of Time is approved by the City Council.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time for a former non-conforming Tavern located at 2400 North Buffalo Drive. In May 2004, the applicant received approval for a Special Use Permit (SUP-3896) for a Liquor Establishment (Tavern) with a waiver from the 1,500 foot distance separation from an existing school, church, and city park, but due to changes to Title 19.12 of the Unified Development Code, the business is now in too close proximity to an additional daycare facility/school to the east, thereby making the Tavern a non-conforming use. On July 19, 2010, business license L16-00033 for a 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 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. If approved, the Extension of Time request is not to exceed the duration of the applicable abandonment period, which is one year.

As the applicant meets the requirements outlined in Bill 2010-40, Ordinance 6114 to request a one-year extension of time, staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/04/04	The City Council approved a request for a Rezoning (ZON-2457) from U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 3.88 acres adjacent to the northeast corner and southeast corners of Smoke Ranch Road and Buffalo Drive. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-3896) for a Liquor establishment (Tavern) and a waiver from the 1,500 foot distance separation requirement from an existing school, church, and city park.
	The City Council approved a related request for a Site Development Plan Review (SDR-2458) for two proposed commercial buildings.
02/06/08	The City Council approved a request for a Special Use Permit (SUP-25476) for a proposed Auto Title Loan with a waiver to allow a 94-foot distance separation from a residential use where 200 feet is required at 2400 North Buffalo Drive. The Planning Commission and staff recommended denial.

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<i>Most Recent Change of Ownership</i>	
06/29/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/12/06	A business license (R09-01330) was issued for a Restaurant at 2400 North Buffalo Drive. The license was classified as “Out of Business” on 07/02/10.
02/01/06	A business license (C20-02239) was issued for Convention Hall Tax at 2400 North Buffalo Drive. The license was classified as “Out of Business” on 09/30/08.
02/01/06	A business license (G01-02240) was issued for Restricted Gaming at 2400 North Buffalo Drive. The license was classified as “Out of Business” on 09/30/08.
07/06/10	A business license (L16-00033) was issued for a Tavern at 2400 North Buffalo Drive. The license was classified as “Out of Business” on 07/19/10.
There have not been any recent building permits issued for the subject site.	

<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	1.99

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Offices, Restaurant, Financial Institution, Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
South	Retail Establishments, Health Club	SC (Service Commercial)	C-1 (Limited Commercial)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
East	Undeveloped Land	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan designation)]
West	Single Family Residences	ML (Medium-Low Density Residential)	R-PD5 (Residential Planned Development-5 Units per Acre)

<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

In May 2004, the applicant received approval for a Special Use Permit (SUP-3896) for a Liquor Establishment (Tavern) with a waiver from the 1,500 foot distance separation from an existing school, church, and city park, but due to changes to Title 19.12 of the Unified Development Code, the business is now in too close proximity to an additional daycare facility/school to the east, thereby making the Tavern a non-conforming use. On July 19, 2010, business license L16-00033 for a Tavern was classified as out of business with no subsequent licenses applied for at the subject site. There have not been any changes in land use or new development in the surrounding areas, nor have there been any significant licensing issues or negative police reports for the subject site.

On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed an owner of property abandoned for a period of time greater than the applicable abandonment period to request an Extension of Time application not to exceed the duration of the applicable abandonment period. 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 the non-conforming use (tavern) due to the poor economic conditions in Las Vegas. As the applicant meets the requirements outlined in Bill 2010-40, Ordinance 6114 to request a one-year extension of time, staff is recommending approval.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 777 (By Planning)

APPROVALS 0

PROTESTS 0