

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: OCTOBER 19, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: BANK OF AMERICA

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-43097	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-43097 CONDITIONS

Planning

1. This request for an Extension of Time for a non-conforming Tavern at 4061 North Rancho Drive shall expire on April 12, 2012 unless another extension of time is approved by City Council.

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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 and Restaurant at 4061 North Rancho Drive. On April 12, 2011, business license L16-00035 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.

The applicant is requesting an extension of time as the property is currently in foreclosure and in order to market the property for its former use, the applicant requires time to find a potential buyer for the property. This request meets the intent of Bill 2010-40, Ordinance 6114; therefore, staff is recommending approval with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/17/96	The City Council approved a request for a Special Use Permit (U-0053-96) for a Tavern in conjunction with a proposed 5,000 square-foot restaurant and a request for a waiver of the 1,500 foot distance separation requirement from similar establishments on property located at 4100 Rancho Drive. The Board of Zoning Adjustments recommended approval.
03/23/98	The City Council approved a request for a Reinstatement and Extension of Time [U-0053-96(1)] for an approved Special Use Permit (U-0053-96) for a Tavern in conjunction with a proposed 5,000 square-foot restaurant at 4401 North Rancho Drive. The Planning Commission recommended approval.
04/23/98	The Planning Commission approved a request for a Site Development Plan Review (SD-0010-98) for a proposed 200,510 square-foot, one-story commercial retail center on property located on the northwest corner of Alexander Road and Rancho Drive. Staff recommended approval.
03/30/99	The Planning and Development Department administratively approved a request for a Site Development Plan Review [SD-0010-98(1)] for a proposed 37,560 square-foot commercial center on property located at the northwest corner of Alexander Road and Rancho Drive.

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<i>Most Recent Change of Ownership</i>	
07/29/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/01/98	A business license (C20-01868) was issued for Convention Hall Tax at 4061 North Rancho Drive. The license was classified as out of business on 04/12/11.
12/01/98	A business license (G01-01869) was issued for Restricted Gaming at 4061 North Rancho Drive. The license was classified as out of business on 04/12/11.
12/01/98	A business license (L16-00035) was issued for a Tavern at 4061 North Rancho Drive. The license was classified as inactive on 04/12/11.
06/30/03	A business license (C05-02258) was issued for Tobacco Sales at 4061 North Rancho Drive. The license was classified as out of business on 04/12/11.
06/30/03	A business license (C08-01531) was issued for Amusement Machines at 4061 North Rancho Drive. The license was classified as out of business on 03/09/11.
09/19/08	A business license (R09-00901) was issued for a Restaurant at 4061 North Rancho Road. The license was classified as out of business on 04/12/11.
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	0.65

<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	Vacant building	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped Land	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>
South	Undeveloped Land	SC (Service Commercial)	C-1 (Limited Commercial)
East	Undeveloped Land	SC (Service Commercial)	C-2 (General Commercial)
West	Undeveloped Land and Offices	SC (Service Commercial) and GC (General Commercial)	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 (140 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

On 07/17/96, the City Council approved a request for a Special Use Permit (U-0053-96) for a Tavern in conjunction with a 5,000 square-foot restaurant and waivers of the 1,500-foot distance separation requirement from similar type of establishments. Since the approval of the Special Use Permit (U-0053-96), three (3) religious facilities have located within the required 1,500-foot distance separation requirement, which now makes the subject site a non-conforming use. On April 12, 2011, business license L16-00035 for a Tavern was classified as out of business with no subsequent licenses applied for at the subject site. The Metropolitan Police Department received five (5) calls for service for the subject site within the last year, but none were directly related to the business.

On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed the owner of property abandoned for a period of time greater than the applicable abandonment period to request an Extension of Time 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 as the property is currently in foreclosure and in order to market the property for its former use, the applicant requires time to find a potential buyer for the property. This request meets the intent of Bill 2010-40, Ordinance 6114; therefore, staff is recommending approval with a one-year time limit.

NOTICES MAILED 652 (By Planning)

APPROVALS 0

PROTESTS 0