

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: OCTOBER 19, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MARY BARTSAS 22, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-43119	Staff recommends DENIAL, if approved subject to conditions:	None

**** CONDITIONS ****

EOT-43119 CONDITIONS

Planning

1. This request for an Extension of Time for a non-conforming Tavern at 2100 Fremont Street shall expire on November 8, 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 at 2100 Fremont Street. On 11/08/10, business license L16-98316 for a Tavern was classified as inactive. There are six (6) religious facilities and a school less than 1,500 feet from the Tavern. Additionally, there have been numerous calls for service for the Metropolitan Police Department with the last year; however, none can be directly related to the business as it has been closed all but one day in the last year.

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 to preserve the liquor license while developing a proposed retail center on the site and the adjoining properties. Though the applicant's license has been inactive for most of the previous year, the property appears to attract a significant amount of police activity, and a tavern has the potential to increase the number of calls for service. Additionally, as the tavern is located in close proximity to several protected uses; staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/05/01	The City Council approved a request for s Special Use Permit (U-0133-01) for a proposed Supper Club at 2100 Fremont Street. The Planning Commission recommended approval.
03/02/05	The City Council approved a request for a Special Use Permit (SUP-5802) for a proposed Supper Club at 2100 Fremont Street. The Planning Commission and staff recommended approval.
05/19/10	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan (GPA-37467) from MXU (Mixed-Use) to C (Commercial) on 2.68 acres at 2100 Fremont Street. The Planning Commission and staff recommended approval.
	The City Council approved a related request for Rezoning (ZON-37469) from R-4 (High Density Residential) to C-2 (General Commercial) on 3.75 acres on the west side of eastern Avenue, approximately 160 feet south of Sunrise Avenue.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/19/10	The City Council approved a related request for a Site Development Plan Review (SDR-37470) for a proposed 90,595 square-foot shopping center with waivers of the Downtown Centennial Plan setback standards and Title 19 building placement standards on 9.61 acres at the southwest and northwest corners of Fremont Street and Eastern Avenue.

<i>Most Recent Change of Ownership</i>	
10/31/05	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/22/08	A business license (C05-02623) was issued for Tobacco Sales at 2100 Fremont Street. The license was classified as out of business on 11/04/09.
07/22/08	A business license (C08-01806) was issued for Amusement Machines at 2100 Fremont Street. The license was classified as out of business on 11/04/09.
07/22/08	A business license (M06-03015) was issued for Miscellaneous Sales at 2100 Fremont Street. The license was classified as out of business on 11/04/09.
01/09/09	A business license (L16-00302) was issued for a Tavern at 2100 Fremont Street. The license was classified as inactive on 08/08/11.
10/06/10	A building permit was issued for a Non-Work Certificate of Occupancy at 2100 Fremont Street, Ste 110. The permit was finalized on 04/14/11.
10/15/10	A business license (L16-98316) was issued for a Tavern at 2100 Fremont Street. The license was classified as inactive on 11/08/10.

<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	2.68

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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>
Subject Property	Retail Establishments and Motel	C (Commercial)	C-2 (General Commercial)
North	Auto Repair Garage, Minor, and Auto Parts Sales	MXU (Mixed-Use)	C-2 (General Commercial)
South	Retail Establishments, Office	C (Commercial)	C-1 (Limited Commercial)
East	Motels, Restaurants	C (Commercial)	C-2 (General Commercial)
West	Truck Rental, Retail Establishments, Mini-Storage Facility	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			
Downtown Centennial Plan Overlay District	X		Y
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

This is a request for an Extension of Time of a non-conforming use for a former Tavern at 2100 Fremont Street. On 11/08/10, business license L16-98316 for a Tavern was classified as inactive. There are six (6) religious facilities and a school less than 1,500 feet from the Tavern. Additionally, there have 17 calls for service for the Metropolitan Police Department with the last year; however, none can be directly related to the business as it has been closed all but one day in the last twelve months.

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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 to preserve the liquor license while developing a proposed retail center on the site and the adjoining properties. Though the applicant's license has been inactive for most of the previous year, the property appears to attract a significant amount of police activity, and a tavern has the potential to increase the number of calls for service. Additionally, as the tavern is located in close proximity to several protected uses; staff is recommending denial of this request.

NOTICES MAILED 563 (By Planning)

APPROVALS 0

PROTESTS 0