

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: DECEMBER 21, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: STARTA VEGAS, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-42429	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-42429 CONDITIONS

Planning

1. This request for an Extension of Time for a non-conforming Beer/Wine/Cooler On-Sale Establishment located at 2411 East Bonanza Road shall expire on June 13, 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 of a non-conforming Beer/Wine/Cooler On-Sale Establishment with Restricted Gaming at 2411 East Bonanza Road. On June 13, 2011, business license L09-00298 for a Beer/Wine/Cooler On-Sale Establishment 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 due to the economic climate in Las Vegas, making it difficult to secure a new tenant for the subject site. There have not been any significant changes in land use or new development in the surrounding areas, nor are there any protected uses within the required 400-foot distance separation as required by Title 19.12.070. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-40, staff is recommending approval with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/17/03	The City Council approved a request for a Special Use Permit (SUP-2595) for a proposed Restaurant Service Bar at 2371 East Bonanza Road. The Planning Commission and staff recommended approval.
04/26/07	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-20445) for a canopy remodel for an existing commercial center on 4.46 acres at 2303-2427 East Bonanza Road.
05/24/07	The Planning Commission approved a request for a Variance (VAR-21185) to allow a 10-foot corner side setback where 15 feet is required for a proposed 6,300 square-foot pad in an existing commercial development on 4.46 acres approximately 170 feet west of the northwest corner of Bonanza Road and Eastern Avenue. Staff recommended denial.
	The Planning Commission approved a related request for a Site Development Plan Review (SDR-21148) for a proposed 6,300 square-foot pad in an existing commercial development with a waiver of perimeter landscape buffer requirements.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/10/11	The Planning Commission approved a request for a Special Use Permit (SUP-41225) for a beer/wine/cooler on-sale establishment within an existing 2,615 square-foot restaurant at 2333 East Bonanza Road. Staff recommended approval.
05/10/11	The Planning Commission approved a related request for a Special Use Permit (SUP-41273) for a beer/wine/cooler off-sale use within an existing 15,400 square-foot retail establishment at 2421 East Bonanza Road. Staff recommended approval.
09/21/11	The City Council voted to hold this item in abeyance to the December 21, 2011 City Council meeting.

<i>Most Recent Change of Ownership</i>	
11/05/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/12/10	A building permit (167126) was issued for a non-work Certificate of Occupancy at 2411 East Bonanza Road. The permit was finalized 07/12/10.
07/13/10	A business license (R07-00915) was issued for a Snack Bar at 2411 East Bonanza Road. The license was classified as 'out of business' on 07/14/10.
07/13/10	A business license (L09-00298) was issued for Beer/Wine/Cooler On-Sale at 2411 East Bonanza Road. The license was classified as 'out of business' on 06/13/11.
07/13/10	A business license (P09-00022) was issued for a Billiard/Pool Hall at 2411 East Bonanza Road. The license was classified as 'out of business' on 07/14/10.
07/17/07	A business license (R07-00327) was issued for a Restaurant at 2411 East Bonanza Road. The license was classified as 'out of business' on 07/16/09.

<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	4.46

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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 Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
	NV Energy Electric Substation	PF (Public Facilities)	C-V (Civic)
	Auto Repair Garage, Minor	SC (Service Commercial)	C-2 (General Commercial)
West	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

<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		X	N/A
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 June 13, 2011, business license L09-00298 for a Beer/Wine/Cooler On-Sale Establishment was classified as out of business with no subsequent licenses applied for at the subject site. The Beer/Wine/Cooler On-Sale Establishment is considered a non-conforming use within a C-1 (Limited Commercial) zoning district as the use pre-dates the requirement for a Special Use Permit. There have not been any significant changes in land use or new development in the surrounding areas, nor are there any protected uses within the 400-foot distance separation required by Title 19.12.070.

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In accordance with Bill 2010-40, Ordinance 6114, the owner of property deemed abandoned for a period of time greater than the applicable abandonment period may request the abandonment period extended through an Extension of Time application. 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 due to the economic climate in Las Vegas, making it difficult to secure a new tenant for the subject site. 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. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-40, staff is recommending approval with a one-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

43

NOTICES MAILED

620 (By Planning)

APPROVALS

0

PROTESTS

4