

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: DECEMBER 21, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: SPOAKS, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-43770	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-43770 CONDITIONS

Planning

1. This request for an Extension of Time of a Non-Conforming Tavern located at 3540 West Sahara Avenue shall expire on 11/10/12 unless another extension of time request 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 use for a former Tavern located at 3540 West Sahara Avenue, Suite E1. On November 10, 2010, business license L16-00046 for a tavern was classified as out of business with no subsequent licenses applied for at the subject site. Since the issuance of the license in 1991, a child care facility and three (3) other taverns have all been established within 1,500 feet of the subject site. As the requirements of Title 19.12.070 of the Unified Development Code have changed, the minimum distance between a protected use (child care facility) and the tavern is 1,500 feet non-waiverable, making the subject site a non-conforming use.

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 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 locate a potential tenant or buyer for the former tavern. Staff is recommending approval of this request with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
There is no relevant City action for the Tavern.	

<i>Most Recent Change of Ownership</i>	
12/14/00	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no recent building permits for the subject site.	
11/10/10	A business license (L16-00046) for a Tavern was classified as out of business at 3540 West Sahara Avenue. The license is currently inactive.

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Pre-Application Meeting

A pre-application meeting was not required, nor was one held.

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Details of Application Request

Site Area

Gross Acres	1.01
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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, Former Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Financial Institution-Specified	SC (Service Commercial)	C-1 (Limited Commercial)
East	Offices, Financial Institutions-Specified	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Rancho/Charleston Land Use Study	X		Y
<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 (200 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

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ANALYSIS

A tavern has been in operation at the subject site for the past 15 years. On November 10, 2010, business license L16-00046 for the tavern was classified as out of business with no subsequent licenses issued. There is a child care facility and three (3) other taverns all located within 1,500 feet of the subject site. As the requirements of Title 19.12.070 of the Unified Development Code have changed, the minimum distance between a protected use (child care facility) and the tavern is 1,500 feet non-waiverable, making the subject site a non-conforming use.

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 for a non-conforming use (tavern) to locate a potential tenant or buyer, which is taking longer than expected due to the poor economic conditions in Las Vegas. There are no open Code Enforcement cases for the property. A child care facility, located approximately 1,450 feet west of the subject site falls within the protected use buffer. As there is a significant distance separating the non-conforming and protected uses, staff finds the continued operation of a tavern will not negatively impact the child care facility. Additionally, the non-conforming use (tavern) is separated from the other taverns by Sahara Avenue, a 120-foot wide street. Title 19.12.050 (c) allows the distance separation between the existing use and those of similar uses to be waived if separated by a street or highway with a right-of-way width of a minimum of 100 feet.

As this request for an Extension of Time meets the requirements outlined in Bill 2010-40, Ordinance 6114, staff is recommending approval with a one-year time limit.

NOTICES MAILED 553 (By Planning)

APPROVALS 0

PROTESTS 0