

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: MAY 7, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: FREMONT PROPERTIES, LLC

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-53405	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

EOT-53405 CONDITIONS

Planning

1. This request for an Extension of Time for a non-conforming Tavern at 1930 Fremont Street shall expire on April 29, 2015 unless another extension of time is approved by the City Council.

Staff Report Page One
May 7, 2014 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the fourth request for an Extension of Time of a non-conforming use for a former Tavern at 1930 Fremont Street. On April 29, 2010, business license L16-00032 for the tavern was classified as out of business with no subsequent licenses applied for at the subject site. There is an elementary school and five other taverns located within 1,500 feet of the subject site. 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.

As the use is nonconforming, the building has not been maintained and the applicant has not been able to reestablish the use in four years, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/30/08	A code enforcement case (71110) was processed for trash and debris scattered through-out 1930 Fremont Street. The case was resolved on 11/24/08.
07/07/09	A code enforcement case (79660) was processed for an iron fence installed around the front of the property at 1930 Fremont Street without permits. The case was finalized on 08/19/09.
05/18/11	The City Council approved a request for an Extension of Time (EOT-41219) for a nonconforming Tavern located at 1930 Fremont Street. Staff recommended denial.
06/06/12	The City Council approved a request for an Extension of Time (EOT-45152) for a nonconforming Tavern located at 1930 Fremont Street. Staff recommended approval.
05/01/13	The City Council approved a request for an Extension of Time (EOT-45152) for a nonconforming Tavern located at 1930 Fremont Street. Staff recommended denial.
12/23/13	A code enforcement case (136389) was processed for trash and debris scattered through-out 1930 Fremont Street, Suite #A. The case was resolved on 01/08/14.

<i>Most Recent Change of Ownership</i>	
10/12/07	A deed was recorded for a change in ownership.

Staff Report Page Two
May 7, 2014 - City Council Meeting

<i>Related Building Permits/Business Licenses</i>	
c.1964	The building at 1930 Fremont Street was constructed.
04/25/91	A business license (C08-01391) was issued for Amusement Machines at 1930 Fremont Street, Suite #B. The license is still active.
	A business license (H02-01224) was issued for Handbills at 1930 Fremont Street, Suite #B. The license is still active.
	A business license (R10-00671) was issued for Restaurant at 1930 Fremont Street, Suite #B. The license is still active.
01/19/07	A business license enforcement case (238375) was processed for a bartender failure to obtain a work card and allowing an employee to work without a valid work card at 1930 Fremont Street. The case was resolved on 01/23/07.
02/09/07	A business license annual inspection (244056) was conducted at 1930 Fremont Street. The business was found to be in compliance.
08/01/07	A business license (L16-00032) was issued for a Tavern at 1930 Fremont Street. The license was classified as out of business on 04/29/10.
02/22/08	A business license enforcement case (327264) was processed for a bartender failure to obtain a work card, server with no work card, no health card and no alcohol awareness certification. Two security guards working without alcohol awareness certification and no employee listing at 1930 Fremont Street. The case was resolved on 04/17/08.
08/14/09	A business license annual inspection (526833) was conducted at 1930 Fremont Street. The business was found to be in compliance.
08/19/09	A building permit (145873) was issued for an iron fence installed around the front of the property located at 1930 Fremont Street. The permit was finalized on 09/22/09.
12/03/09	A business license inspection (562290) was conducted to confirm the closure and removal of alcoholic beverages at 1930 Fremont Street.

<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.

Field Check	
04/01/14	Staff conducted a field check of the subject site and noted graffiti on the perimeter wall, damaged signage on the building, weeds and rusty wrought iron fencing enclosing the front of the building.

Staff Report Page Three
May 7, 2014 - City Council Meeting

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.66

<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	Liquor Establishment (Tavern)/Restaurant	MXU (Mixed-Use)	C-2 (General Commercial)
North	General Retail Store, Other than Listed	MXU (Mixed-Use)	C-2 (General Commercial)
South	Multi-Family Residential	MXU (Mixed-Use)	R-4 (High Density Residential) and C-2 (General Commercial)
East	Single Family, Attached	MXU (Mixed-Use)	C-2 (General Commercial)
West	Vacant Motel	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

The former tavern was in operation prior to Title 19 requirements for a Special Use Permit. On April 29, 2010, business license L16-00032 for the tavern was classified as out of business with no subsequent licenses applied for at the location. There is an elementary school (built in 2003) located to the northwest and five other taverns all within 1,500 feet of the subject site.

Staff Report Page Four
May 7, 2014 - City Council Meeting

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, a public hearing is required so as to notify neighboring homeowners and registered associations the opportunity for comment.

FINDINGS

This is the fourth request for an Extension of Time; the applicant has been unable to find a tavern operator for the space. Bill 2010, 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 use is nonconforming, the building has not been maintained and the applicant has not been able to reestablish the use in four years, staff is recommending denial of this request.

NOTICES MAILED 603 (By Planning)

APPROVALS 0

PROTESTS 0