



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JULY 8, 2014

DEPARTMENT: PLANNING

**ITEM DESCRIPTION: ABEYANCE - RENOTIFICATION - APPLICANT: DOTTY'S
#108 - OWNER: HUGHES FAMILY, LLC #3, ET AL**

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
SDR-53752	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SDR-53752 CONDITIONS

Planning

1. Conformance to the approved plot plan Rezoning (Z-0090-63).
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, floor plan and building elevations and landscaping plan date stamped 05/15/14, except as amended by conditions herein.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

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6. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. Remove and replace all substandard public improvements (sidewalk), if any, adjacent to this site on Decatur Boulevard and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development on shall be restored at its original location and to its original width concurrent with development of this site. The existing "pan" style driveway may remain.
10. Remove the two parking stalls along the north property line adjacent to the entrance.
11. Landscape and maintain all unimproved right-of-way, if any, on Decatur Boulevard adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review to amend the approved plot plan Rezoning (Z-0090-63), which established the existing site design. The subject site is unique in the fact that it contains an existing non-conforming building with a non-conforming Liquor Establishment (Tavern) land use. The applicant has proposed a 982 square-foot expansion of the existing 3,890 square-foot legal non-conforming building. The proposed building addition will be located in the rear yard setback area and will be finished to match the existing exterior finish of the existing building. Additional site changes include re-stripping of the parking lot to incorporate ADA compliant parking spaces and relocation of the existing trash enclosure on the northern perimeter of the building to the rear of the building. This project meets all of the minimum development standards for commercial development and is compatible with surrounding development; therefore, staff approves the project with conditions.

ISSUES

- Per Title 19.14.030 a non-conforming use may expand as long as the increase is not more than 50%.
- Per Title 19.16.100(H) any increase in floor area greater than 10% to an approved Site Development Plan Review requires a Major Site Development Plan Review.
- This request is limited to the proposed building addition, elevation changes and parking lot restriping. No landscaping will be affected by this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/27/63	The Board of Commissioners approved a request for Rezoning (Z-0090-63) for reclassification of property from R-E (Residence Estates) to R-3 (Medium Density Residential) on parcel #1 and R-E (Residence Estates) to C-1 (Limited Commercial) on parcel #2 generally located on the northeast corner of Decatur Boulevard and Vegas Drive,
11/30/78	The Board of Zoning Adjustment approved a Special Use Permit (U-0074-78) to operate a minor automotive repair facility (on property located on the eastside of Decatur Boulevard 400 feet north of Vegas Drive.
11/18/86	The Board of Zoning Adjustment approved a Special Use Permit (U-0096-86) to allow construction of an automotive center (tune up service and minor repairs) on property located on the eastside of Decatur Boulevard.

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03/23/89	The Board of Zoning Adjustment denied a Variance (V-0005-89) to allow 71 parking spaces where 102 parking spaces are required for a proposed cocktail lounge located on the east side of Decatur boulevard approximately 358 feet north of Vegas Drive.
04/13/89	The Planning Commission approved a Rezoning (Z-0090-63) for a Plot Plan Review regarding a proposed bar on property located on the east side of Decatur Boulevard, north of Vegas Drive. The Planning Commission recommended approval of the request.

Most Recent Change of Ownership

03/26/98	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

04/01/92	A business license (L16-00166) was issued for Tavern (Alibi Casino) at 1690 North Decatur Boulevard. The license was marked out of business on 03/24/14.
05/05/92	A business license (C08-01430) was issued for Coin Amusement Machines (Alibi Casino) at 1690 North Decatur Boulevard. The license was marked inactive on 01/02/14.
	A business license (C05-01578) was issued for Tobacco Dealer (Alibi Casino) at 1690 North Decatur Boulevard. The license was marked inactive on 01/02/14.
11/04/93	A business license (G07-00025) was issued for Gaming Non-restricted Limited (Alibi Casino) at 1690 North Decatur Boulevard. The license was marked inactive on 01/02/14.
01/26/94	A business license (R09-00519) was issued for a Restaurant (Alibi Casino) at 1690 North Decatur Boulevard. The license was marked inactive on 01/02/14.
06/18/09	A building permit (#141773) was issued for a sign (Alibi Casino) at 1690 North Decatur Boulevard. The permit has not been finalized.
04/15/13	A building permit (#232836) was issued for a sign (Alibi Casino) at 1690 North Decatur Boulevard. The permit has not been finalized.
04/07/14	A building permit (#257743) was processed for a tenant improvement (Dotty's #108) at 1690 North Decatur Boulevard. The permit has not been issued.
	A building permit (#257744) was processed for a Casino/Tavern addition (Dotty's #108) at 1690 North Decatur Boulevard. The permit has not been issued.
	A building permit (#257745) was processed for on-sites/trash enclosure (Dotty's #108) at 1690 North Decatur Boulevard. The permit has not been issued.

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<i>Pre-Application Meeting</i>	
04/10/14	Staff met with the applicant to review the requirements submittal procedures for a Site Development Plan Review for a proposed expansion of an existing Liquor Establishment (Tavern).

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held

Field Check	
05/20/14	Staff conducted a field inspection and found well maintained commercial structure. However, there were over grown weeds and debris throughout the parking lot area primarily behind the building.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.67

<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)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Auto Repair Garage (Major)	SC (Service Commercial)	C-1 (Limited Commercial)
East	Multi-Family Residential	M (Medium Density Residential)	C-1 (Limited Commercial)
West	Auto Repair Garage (Minor)	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (70 Feet)	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	90 Feet	Y*
Min. Setbacks			
• Front	10 Feet	125 Feet	Y
• Side (north)	10 Feet	45 Feet	Y
• Side (south)	0 Feet	0 Feet	Y*
• Rear	20 Feet	93 Feet	Y
Max. Building Height	N/A	19.5 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis		Y
Mech. Equipment	Screened		Y

**The subject building was approved at its current location per the approved plot plan Rezoning (Z-0090-63); the subject site has been deemed non-conforming to current Title 19.08 development standards.*

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
North Decatur Boulevard	Primary Arterial	Planned Streets and Highways Map	123 Feet	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Liquor Establishment (Tavern)	4,872 SF [2,111SF public seating area and 2,761 gross floor area]	1 space for each 50 SF of public seating and waiting area (including areas for seating and waiting), plus 1 space for each 200 SF of the total remaining gross floor area	56				
TOTAL SPACES REQUIRED			56		57		Y
Regular and Handicap Spaces Required			53	3	54	3	Y

ANALYSIS

This is a request for a Site Development Plan Review to amend to the approved plot plan Rezoning (Z-0090-63), which established the existing site design. The subject site is unique in the fact that it contains an existing non-conforming building that does not meet current Title 19.08 minimum side yard setback of ten feet. In addition, the existing building also does not conform to the minimum residential adjacency distance separation requirement which requires a 48-foot distance separation from a residential land use; the existing building is only 45 feet away from a residential use to the north. Also, the existing Liquor Establishment (Tavern) land use has been deemed non-conforming because it does not meet the required 1,500-foot distance separation requirement that Title 19.12 requires from a City park located to the south (Ed Fountain Park).

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The applicant has proposed a 982 square-foot expansion of the existing 3,890 square-foot Legal non-conforming building and use. Per Title 19.14.030 a non-conforming use may expand as long as the increase is not more than 50%; this increase constitutes a 25% increase in floor area. Also, the addition will not encroach beyond the existing building setbacks more than 50%. The proposed building addition will be located in the side and rear yard setback area and will be finished to match the exterior finish of the existing building. The submitted elevations show that the building will be covered with brown stucco and have stone veneer accents on the corners of the structure. The overall height of the building will remain at 16 feet; however a 3.5-foot tall parapet wall has been added to the western perimeter of the building which will be utilized to screen mechanical equipment on the roof. Additional site changes include re-stripping of the parking lot to incorporate three ADA compliant parking spaces and relocation of the existing trash enclosure on the northern perimeter of the building to the rear of the building. This project meets all of the minimum development standards for commercial development and is compatible with surrounding development; therefore, staff approves the project with conditions.

FINDINGS (SDR-53752)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The subject site has an existing tavern, which has existed harmoniously in the area for the past 25 years. The proposed building addition, elevation changes and parking-lot re-stripping are compatible with the surrounding area and the adjacent commercial and residential uses. The proposed expansion should not change the character or nature of the subject site in a way that would change its impact to surrounding properties.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The existing legal non-conforming liquor establishment (tavern) continues to meet all minimum City standards and remains a permissible use in the SC (Service Commercial) land use designation. The proposed building additions, elevation changes and parking lot re-stripping will not change the existing use on site.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

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The site is accessed from Decatur Boulevard. The internal site access and parking areas have been designed and constructed earlier to meet the requirements of the liquor establishment (tavern) use.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed building additions will be finished to match the existing exterior finish of the existing building. The project design and style are appropriate for the subject location and will retain the existing perimeter landscaping.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The design characteristics of the proposed building elevations are not unsightly and are compatible with development in the area. The applicant is seeking to renovate and update the existing 3,890 square-foot building that was built in 1972. The proposed materials provide a suitable and contemporary update for the surrounding commercial uses.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed building additions, elevation changes, parking lot restriping to the existing Legal Non-Conforming Liquor Establishment (Tavern) will be subject to inspections in order to protect the public health, safety and general welfare by City staff.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED

310

APPROVALS

3

PROTESTS

1