

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: OCTOBER 1, 2014
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: SDL, INC.

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-55679	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

EOT-55679 CONDITIONS

Planning

1. This request for an Extension of Time for a nonconforming Liquor Establishment (Tavern) at 1243 East Sahara Avenue shall expire on August 21, 2015 unless another extension of time is approved by the City Council.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the first request for an Extension of Time of a nonconforming use for a former Liquor Establishment (Tavern) at 1243 East Sahara Avenue. On August 21, 2013, business license L16-00286 for the Liquor Establishment (Tavern) was classified as inactive, with no subsequent licenses applied for at the subject site. On October 6, 2010, the City Council adopted 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 use and to secure a new tenant at the subject site. The nonconforming Liquor Establishment (Tavern) does not meet the 1,500-foot separation distance measured from the property line of a churches/house of worship, schools, City Park and additional Liquor Establishment (Taverns). As the request does not jeopardize public health, safety and welfare and falls within the intent of Ordinance 6114, staff is recommending approval with a one-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/17/06	The City Council approved General Plan Amendment (GPA-9219) to establish the Las Vegas Redevelopment Plan Area and change the future land use designation of various parcels within the Redevelopment Plan Area to C (Commercial) which includes the subject site.
07/29/10	The Planning Commission recommended adoption of a Text Amendment (TXT-38702) to amend Title 19.16 and Title 19.18 to revise procedures for the expirations of nonconforming uses.
10/06/10	The City Council adopted Bill 2010-40 as Ordinance 6114 to amend Title 19.16 and Title 19.18 to revise procedures for the expirations of nonconforming uses.

<i>Most Recent Change of Ownership</i>	
09/30/91	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
c.1961	The shopping center at 1205 East Sahara Avenue was constructed.
09/03/91	A building permit (91118369) was issued for an interior remodel for a Certificate of Occupancy at 1243 East Sahara Avenue. The permit was finalized on 10/08/91.
05/30/96	A building permit (96010694) was issued for a Non-Work Certificate of Occupancy at 1243 East Sahara Avenue. The permit was finalized on 06/04/96.
05/24/01	A building permit (01009282) was issued for a 3,880 square-foot Certificate of Occupancy at 1243 East Sahara Avenue. The permit was finalized on 06/20/01.
12/20/01	A building permit (01022087) was issued for a Tenant Improvement for a Certificate of Occupancy at 1243 East Sahara Avenue. The permit was finalized on 04/03/02.
04/05/02	A business license (L16-00239) was issued for a Liquor Establishment (Tavern) at 1243 East Sahara Avenue. The license was marked out of business on 12/01/06.
	A business license (R09-01133) was issued for a Restaurant-Deli at 1243 East Sahara Avenue. The license was marked out of business on 12/01/06.
	A business license (C05-02176) was issued for Tobacco Sales at 1243 East Sahara Avenue. The license was marked out of business on 12/01/06.
	A business license (G01-02076) was issued for a Gaming Establishment, Restricted at 1243 East Sahara Avenue. The license was marked out of business on 12/01/06.
02/07/07	A building permit (81349) was issued for an interior demolition at 1243 East Sahara Avenue. The permit was never finalized.
09/11/07	A building permit (97682) was issued for a one day non-work Certificate of Occupancy at 1243 East Sahara Avenue. The permit was finalized on 11/21/07.
09/14/07	A business license (L16-00286) was issued for a Liquor Establishment (Tavern) at 1243 East Sahara Avenue. The license was marked inactive on 08/21/13.
	A business license (G50-05590) was issued for Miscellaneous Sales at 1243 East Sahara Avenue. The license was marked out of business on 02/14/11.
11/26/07	A business license (C05-02582) was issued for Tobacco Sales at 1243 East Sahara Avenue. The license was marked out of business on 08/21/13.
11/27/07	A business license (G01-02325) was issued for a Gaming Establishment, Restricted at 1243 East Sahara Avenue. The license was marked out of business on 08/21/13.
03/20/08	A business license (R10-00900) was issued for an Outside BBQ at 1243 East Sahara Avenue. The license was marked out of business on 08/21/13.

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<i>Related Building Permits/Business Licenses</i>	
03/21/08	A business license (C08-01791) was issued for Amusement Machines at 1243 East Sahara Avenue. The license was marked out of business on 10/02/13.
05/29/08	A business license (C20-02327) was issued for Convention Hall Tax at 1243 East Sahara Avenue. The license was marked out of business on 08/21/13.
05/17/12	A business license enforcement case (114554) was processed for an expired business license at 1243 East Sahara Avenue. The case was resolved on 06/06/12.
08/20/13	A business license inspection (132313) was conducted to confirm the closure and removal of alcoholic beverages at 1243 East Sahara Avenue.
10/02/13	A business license inspection (132313) was conducted to confirm the closure and removal of coin operated machines at 1243 East Sahara Avenue.

<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>Field Check</i>	
08/28/14	Staff conducted a field check of the subject site and found the area surrounding the business neat and clean in appearance.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.68

<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	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
North	Restaurant with Beer/Wine/Cooler On-Sale	SC (Service Commercial)	C-1 (Limited Commercial)
	Two-Family Dwelling	ML (Medium-Low Density Residential)	R-2 (Medium-Low Density Residential)

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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>
South	Shopping Center	CG (Commercial General) – Clark County	C-2 (General Commercial) – Clark County
East	Two-Family Dwelling	ML (Medium-Low Density Residential)	R-2 (Medium-Low Density Residential)
	Secondhand Dealer/General Personal Service	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	C (Commercial)	C-1 (Limited Commercial)

<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			
A-O (Airport Overlay) District (175 Feet)	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

On August 21, 2013 business license (L16-00286) for a Liquor Establishment (Tavern) was classified as inactive with no subsequent licenses applied for at the subject site. The Liquor Establishment (Tavern) use is considered a nonconforming use within a C-1 (Limited Commercial) zoning district as the use pre-dates the requirement for a Special Use Permit. The nonconforming Liquor Establishment (Tavern) does not meet the 1,500-foot separation distance measured from the property line of a churches/house of worship, schools, City Park and additional Liquor Establishment (Taverns).

On October 6, 2010, the City Council adopted 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.

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FINDINGS

The applicant is requesting an Extension of Time to preserve the use and to secure a new tenant for the subject site. 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 the ordinance, staff is recommending approval with a one-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 422 (By Planning)

APPROVALS 0

PROTESTS 0