

**AGENDA MEMO - PLANNING****CITY COUNCIL MEETING DATE: JUNE 7, 2017****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: FREMONT PROPERTIES, LLC**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
EOT-70188	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

EOT-70188 CONDITIONS

Planning

- 1.This request for an Extension of Time shall expire on 04/29/18 unless another Extension of Time is approved by the City Council.
- 2.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the seventh request for an Extension of Time of a nonconforming use for an abandoned Liquor Establishment (Tavern) at 1930 Fremont Street. The nonconforming tavern does not meet the 1,500-foot distance separation distance required from the property line of a Church/House of Worship, Public School, Primary and other Liquor Establishments (Tavern).

ISSUES

- Ordinance 6114 authorizes extensions of time for certain nonconforming uses that have been abandoned due to economic hardship. Such extensions must be heard at a public hearing at City Council.

ANALYSIS

This is the seventh request for an Extension of Time of the nonconforming Liquor Establishment (Tavern) use at this location. On 04/29/10, the business license (L16-00032) for this tavern was classified as "out of business" with no subsequent licenses applied for at the subject site within a year of closure. Ordinance 6114 allows the owner of property deemed abandoned for a period of time greater than the applicable abandonment period (in this case one year) to request that the abandonment period be extended through an Extension of Time application.

The applicant claims to be actively working toward completing renovations and moving toward submitting an application for a tavern license. They state they have signed a lease with a tenant. However, staff was unable to find issued permits for any improvements or repairs. The associated restaurant license has remained active throughout the abandonment period of the tavern. Since conditions in the area have not changed since the previous extension that would render the tavern use incompatible with surrounding parcels and the request falls within the intent of Ordinance 6114 regarding expiration of nonconforming uses, staff recommends approval with a one-year time limit.

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 throughout the property at 1930 Fremont Street. The case was resolved on 11/24/08.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/07/09	A code enforcement case (79660) was processed for an iron fence installed without permits around the front of the property at 1930 Fremont Street. The case was finalized on 08/19/09.
10/06/10	The City Council adopted Bill 2010-40 as Ordinance 6114, which authorized under certain circumstances an extension of time regarding the expiration of certain nonconforming uses due to economic hardship.
05/18/11	The City Council approved a request for an Extension of Time (EOT-41219) for a nonconforming Liquor Establishment (Tavern) located at 1930 Fremont Street. Department of Planning staff recommended denial, as conditions had changed and there was a school within 1,500 feet of the Liquor Establishment (Tavern).
06/06/12	The City Council approved a request for an Extension of Time (EOT-45152) for a nonconforming Liquor Establishment (Tavern) located at 1930 Fremont Street. Department of Planning staff recommended approval, as the use would not negatively impact the protected uses within 1,500 feet of the site.
05/01/13	The City Council approved a request for an Extension of Time (EOT-48842) for a nonconforming Liquor Establishment (Tavern) located at 1930 Fremont Street. Department of Planning staff recommended denial, as the building has not been maintained, and the applicant has not been able to reestablish the use in three years.
09/11/13	A code enforcement case (133174) was processed for trash, debris and tall weeds at 1930 Fremont Street. The case was resolved on 09/16/13.
12/23/13	A code enforcement case (136389) was processed for trash and debris scattered throughout the property at 1930 Fremont Street, Suite #A. The case was resolved on 01/08/14.
05/21/14	The City Council approved a request for an Extension of Time (EOT-53405) for a nonconforming Liquor Establishment (Tavern) located at 1930 Fremont Street. Department of Planning staff recommended denial, as the building had not been maintained, and the applicant has not been able to reestablish the use in four years.
07/07/14	A code enforcement case (143239) was processed for no lights in the parking area, potholes in the parking area, dilapidated parking barriers and no fencing next to a vacant motel at 1930 Fremont Street, Suite #A. The case was resolved on 09/25/14.
06/03/15	The City Council approved a request for an Extension of Time (EOT-58882) for a nonconforming Liquor Establishment (Tavern) at 1930 Fremont Street. Staff recommended approval.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/01/16	The City Council approved a request for an Extension of Time (EOT-64310) for a nonconforming Liquor Establishment (Tavern) at 1930 Fremont Street. Staff recommended approval.
11/16/16	A code enforcement case (172422) was processed for remodeling and construction work without permits at 1930 Fremont Street. The case was resolved on 11/21/16.

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

<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 (Odyssey Pizza) at 1930 Fremont Street, Suite B. The license is still active.
	A business license (H02-01224) was issued for Handbills (Odyssey Pizza) at 1930 Fremont Street, Suite B. The license is still active.
	A business license (R10-00671) was issued for a Take-Out Restaurant (Odyssey Pizza) at 1930 Fremont Street, Suite B. The license is still active.
06/24/96	A building permit (#96012678) was issued for a 5 square-foot wall sign at 1930 Fremont Street, Suite B. A final inspection was completed 07/11/96.
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 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 ornamental 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.

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Related Building Permits/Business Licenses	
11/25/13	A building permit (248357) was issued for a kitchen hood fire suppression system at 1930 Fremont Street, Suite B. The permit was finalized on 06/17/14.
02/24/14	A business license (L62-00023) was issued for a tavern at 1930 Fremont Street, Suite A. The business never opened, but the license was placed in nonoperational status. The license was originally issued as L16-93954.

Pre-Application Meeting
A pre-application meeting is not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
05/10/17	The site contains a single building with two tenant spaces. The east side contains an operational restaurant, while the west side appeared to be out of business. The building has recently been repainted. There is graffiti on the freestanding sign.

Details of Application Request	
Site Area	
Net Acres	0.66

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant Liquor Establishment (Tavern)/Restaurant	MXU (Mixed Use)	C-2 (General Commercial)
North	Undeveloped/Vacant 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)
			C-2 (General Commercial)

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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>
East	Single Family, Attached (Townhomes)	MXU (Mixed Use)	C-2 (General Commercial)
West	Vacant Motel	MXU (Mixed Use)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Compliance</i>
Downtown Centennial Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Downtown Centennial Plan Overlay District (East Village District)	Y
Live/Work Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A