

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **2**

SUBJECT:

UN-101-04, (Marcello's Tavern), an application submitted by Carl D. Marcello on behalf of the Clark County Department of Aviation & Marcello Airport CTR., L.L.C., property owners, for an extension of time for a use permit in a C-2, General Commercial district to allow the "on-sale" of alcoholic beverages in conjunction with a restaurant / tavern. The property is located at 2580 N. Rancho Drive.

REQUESTED BY:

Carl D. Marcello on behalf of the Clark County Department of Aviation & Marcello Airport CTR., L.L.C., property owners.

RECOMMENDATION OR RECOMMENDED MOTION:

It is recommended that on April 2, 2008, Council set a public hearing date for UN-101-04 for May 7, 2008. Following the public hearing, it is recommended that Council approve a one-year extension of time for UN-101-04.

FISCAL IMPACT:

Amount: \$
Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

The City Council is now required to make a final determination as to the merits of any particular application for the "on-sale" of alcoholic beverages in conjunction with a tavern, following a public hearing. Details are outlined in the attached memorandum and the proposed restaurant / tavern would be in compliance with all applicable codes and ordinances.

The use permit is for a restaurant / tavern located in a commercial center at the northeast corner of Rancho Drive and Carey Avenue and was first approved by the Planning Commission on July 28, 2004. The applicant then submitted an application to revise the location of the restaurant / tavern within the proposed commercial center. The amended use permit was then approved by the Planning Commission on December 22, 2004. Subsequently, a one (1) year extension of time was approved by the City Council on September 7, 2005. This is the second one (1) year request for an extension of time.

The Planning and Zoning Department is supporting the request for an extension of time. The applicant was issued a building permit (A/P 51776) to construct Retail Pad #1 at the site on March 23, 2006. Shortly thereafter, the applicant inquired if another extension of time was necessary. As construction had already begun, an extension was not required. Since that time, the shell building has been completed but the applicant has not obtained building permits for the tenant improvement. An extension of time is necessary for this project to continue.

Attachments:

Staff Report, dated April 2, 2008
Minutes of September 5, 2005, City Council Meeting
Location & Zoning Map
"On Sale" Map

LIST CITY COUNCIL GOAL(S):

Planned and Quality Growth

PREPARED BY:


Frank Fiori, AICP
Acting Planning & Zoning Director

RESPECTFULLY

SUBMITTED:


Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

April 2, 2008
MAY 7, 2008

CITY OF NORTH LAS VEGAS

MEMORANDUM

TO: CITY COUNCIL

FROM: PLANNING & ZONING DEPARTMENT

SUBJECT: UN-101-04 - MARCELLO'S TAVERN "On-Sale" Restaurant / Tavern
Special Use Permit - Extension of Time # 2(Public Hearing)

DATE: April 2, 2008

GENERAL INFORMATION:

Applicant:	Carl Marcello
Property Owner:	Clark County Aviation Department and Marcello Airport Center, LLC
Location:	Northeast Corner of Rancho Drive and Carey Avenue
Assessor's Parcel Number:	139-18-411-002
Lot Area:	15.9± acres
Comprehensive Plan:	Resort Commercial
Existing land use and zoning:	Commercial Center, C-2, General Commercial
Surrounding land use and zoning:	North: North Las Vegas Airport; M-2, General Industrial East: Undeveloped; C-2, General Commercial South: Hotel/Casino; C-3, General Service West: Undeveloped; Proposed condominiums - City of Las Vegas

BACKGROUND INFORMATION:

This use permit for the "on sale" of alcoholic beverages in conjunction with a tavern to be located in a commercial center at the northeast corner of Rancho Drive and Carey Avenue was originally approved by the Planning Commission on July 28, 2004. The applicant subsequently submitted an amendment to that application to change the location of the restaurant / tavern within the commercial center from a pad located along Rancho Drive

4

1. That, unless expressly authorized through a variance, waiver or another approved method, the development shall comply with all applicable codes and ordinances.
2. That the restrooms be located such that patrons are not required to go through the bar area to access those facilities.
3. That the floor area of the bar shall not exceed 50% of the total public restaurant floor area.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. City of Las Vegas concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Rancho Drive and Carey Avenue.
10. The number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code 17.24.130. Conformance may require modifications to the site.
11. Roundabout design shall conform to the Federal Highway Administration's *Roundabouts: An Informational Guide* design criteria and is subject to approval of the City Traffic Engineer.
12. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
13. The property owner is required to grant a roadway easement for commercial driveway(s).

14. The property owner is required to sign a restrictive covenant for utilities.
15. The expiration date for the Special Use Permit shall be May 7, 2009.

ATTACHMENTS:

Letter of Intent dated February 12, 2008
Staff Report (EOT) dated August 3, 2005
City Council Minutes, dated September 7, 2005
Site Plan
Elevations
Location & Zoning Map

Prepared by Toni W. Ellis

**KUMMER
KAEMPFER**

**KUMMER KAEMPFER BONNER
RENSHAW & FERRARIO**

ATTORNEYS AT LAW

LAS VEGAS OFFICE

ANTHONY J. CELESTE

aceleste@kkbrf.com
702.693.4215

LAS VEGAS OFFICE
3800 Howard Hughes Parkway
Seventh Floor
Las Vegas, NV 89169
Tel: 702.792.7000
Fax: 702.796.7181

RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.852.3982

SUMMERLIN OFFICE
3425 Cliff Shadows Parkway
Suite 150
Las Vegas, NV 89129
Tel: 702.893.4260
Fax: 702.939.8457

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

February 12, 2008

VIA HAND DELIVERY

CITY OF NORTH LAS VEGAS
2266 Civic Center Drive
North Las Vegas, NV 89030

Re: Justification Letter – Extension of Time for UN-101-04

To Whom It May Concern:

Please be advised that our office represents Carl Marcello (the "Applicant") with regards to the above reference application for an extension of time at APN: 139-18-411-002 generally located at the northeast corner of Rancho Drive and Carey Avenue (the "Site"). The Applicant is requesting this second extension of time because the principal building which will house the lounge is still under construction.

Out of an abundance of caution, the Applicant seeks this extension of time to finalize his plans while the building interior is being completed. Thank you for your kind consideration of this matter. Please contact our office should you have questions or concerns.

Very truly yours,

KUMMER KAEMPFER BONNER RENSCHAW & FERRARIO



Anthony J. Celeste

AJC/dmf



CITY OF NORTH LAS VEGAS

MEMORANDUM

TO: CITY COUNCIL

FROM: PLANNING & DEVELOPMENT DEPARTMENT

SUBJECT: UN-101-04 - MARCELLO'S TAVERN "On-Sale" Restaurant / Tavern
Special Use Permit - Extension of Time (Public Hearing)

DATE: August 3, 2005

An application for a special use permit to be located in a proposed commercial center at the northeast corner of Rancho Drive and Carey Avenue was first approved by the Planning Commission on July 28, 2004. The applicant subsequently submitted an amendment to that application to change the location of the restaurant / tavern within the commercial center from a pad located along Rancho Drive to a suite located within the in-line retail building located at the back of the site.

The amended application was originally approved by the Planning Commission on December 22, 2004, subject to fifteen (15) conditions. This is the first (1st) request for an extension of time. No new conditions have been added to this report other than the expiration date for this extension of time has been changed on Condition #15.

A survey was submitted in conjunction with the original application for the use permit which indicates there are no existing taverns, schools, child care facilities, churches or city-owned parks within 1,500 feet of the proposed restaurant / tavern location.

The Planning & Development Department has no objections to the approval of this request at this time.

DEPARTMENT COMMENTS:

Public Works: The Department of Public Works has no comment on this application.

Fire Department: There appears to be no outstanding Fire Department issues concerning this application.

RECOMMENDATION:

NOTE: All of the following conditions are those previously approved with the exception that a change was made to Condition #15 to reflect the new expiration date , if this item is approved.

The Planning & Development Department recommends that UN-101-04 be approved subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, the development shall comply with all applicable codes and ordinances.
2. That the restrooms be located such that patrons are not required to go through the bar area to access those facilities.
3. That the floor area of the bar shall not exceed 50% of the total public restaurant floor area.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
6. City of Las Vegas concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
8. Approval of a traffic study is required prior to submittal of the civil improvement plans.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Rancho Drive and Carey Avenue.
10. The number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code 17.24.130. Conformance may require modifications to the site.

11. Roundabout design shall conform to the Federal Highway Administration's *Roundabouts: An Informational Guide* design criteria and is subject to approval of the City Traffic Engineer.
12. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
13. The property owner is required to grant a roadway easement for commercial driveway(s).
14. The property owner is required to sign a restrictive covenant for utilities.
15. The expiration date for the Special Use Permit shall be June 22, 2006.

ATTACHMENTS:

Letter of Intent, dated June 13, 2005
Location & Zoning Map

Prepared by: Vicki Adams

BONNER & RENSHAW, REPRESENTING THE APPLICANT, OF THE PLANNING COMMISSION'S DECISION TO DENY T-1183 (NORTH RANCH); AN APPLICATION SUBMITTED BY D. R. HORTON, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-E RANCH ESTATES DISTRICT (PROPOSED PUD PLANNED UNIT DEVELOPMENT DISTRICT) CONSISTING OF 434 UNITS (122 DUPLEXES AND 312 TRIPLEXES) ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ELKHORN ROAD AND GOLDFIELD STREET. (ASSOCIATED ITEM NO. 5, APPEAL, ZN-43-05)

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO SEPTEMBER 21, 2005

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

7. **UN-101-04 (MARCELLO'S TAVERN); AN APPLICATION SUBMITTED BY CARL D. MARCELLO ON BEHALF OF THE CLARK COUNTY DEPARTMENT OF AVIATION, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT/TAVERN ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF RANCHO DRIVE AND CAREY AVENUE.**

Mayor Montandon opened the Public Hearing.

Planning and Development Director Jory Stewart advised this was the applicant's first request for an extension of time.

Michael McDonald, 4908 Carmen Boulevard, Las Vegas, represented the applicant and thanked Staff for their assistance. He requested an extension of time to complete the project.

Carl Marcello, 4795 South Durango Drive, Las Vegas, the applicant, explained the tavern was a small part of a \$20 million-dollar project that included 150,000 square feet of retail. He stated the tavern would be the first building constructed on the site with the groundbreaking scheduled for September 14, 2005.

Mayor Montandon closed the Public Hearing.

ACTION: ONE YEAR EXTENSION OF TIME APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith, Buck and Eliason

NAYS: None

ABSTAIN: None

8. **UN-154-04 (CENTENNIAL & LOSEE); AN APPLICATION SUBMITTED BY LAND TECH PROPERTIES, ON BEHALF OF AV NEVADA 2, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TAVERN ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND LOSEE ROAD.**

Mayor Montandon opened the Public Hearing.

Planning and Development Director Jory Stewart advised this was the applicant's first request for an extension of time.

Bob Gronauer, 3800 Howard Hughes Parkway, Las Vegas, spoke on behalf of the applicant. He stated the proposed tavern was part of a commercial center and asked for a one-year extension of time.

Harvey Ferber, 1504 Lazy Hill Ranch Way, North Las Vegas, stated he was opposed to the approval of the extension of time. He felt there were too many taverns in the area.

Mayor Pro Tempore questioned whether it would be legal to deny one extension of time after several other extensions had been granted. City Attorney Sean McGowan responded it was at the discretion of Council to approve or deny each application on an individual basis.

Councilman Buck commented that even though extensions of one year had been granted to many use permits, all the taverns would not be built in that time. When they returned to request another extension, their request might not be granted.

Mayor Montandon closed the Public Hearing.

ACTION: ONE YEAR EXTENSION OF TIME APPROVED

MOTION: Councilman Buck

WIPPI ARCHITECTURE
 4333 S VALLEY VIEW BLVD 3RD
 LAS VEGAS NEVADA 89103
 TEL 702 891 2301
 FAX 702 891 2320

CARL MARCELLO

**WISEGUYS @
 MARCELLO
 MARKETPLACE**

NORTH LAS VEGAS, NV

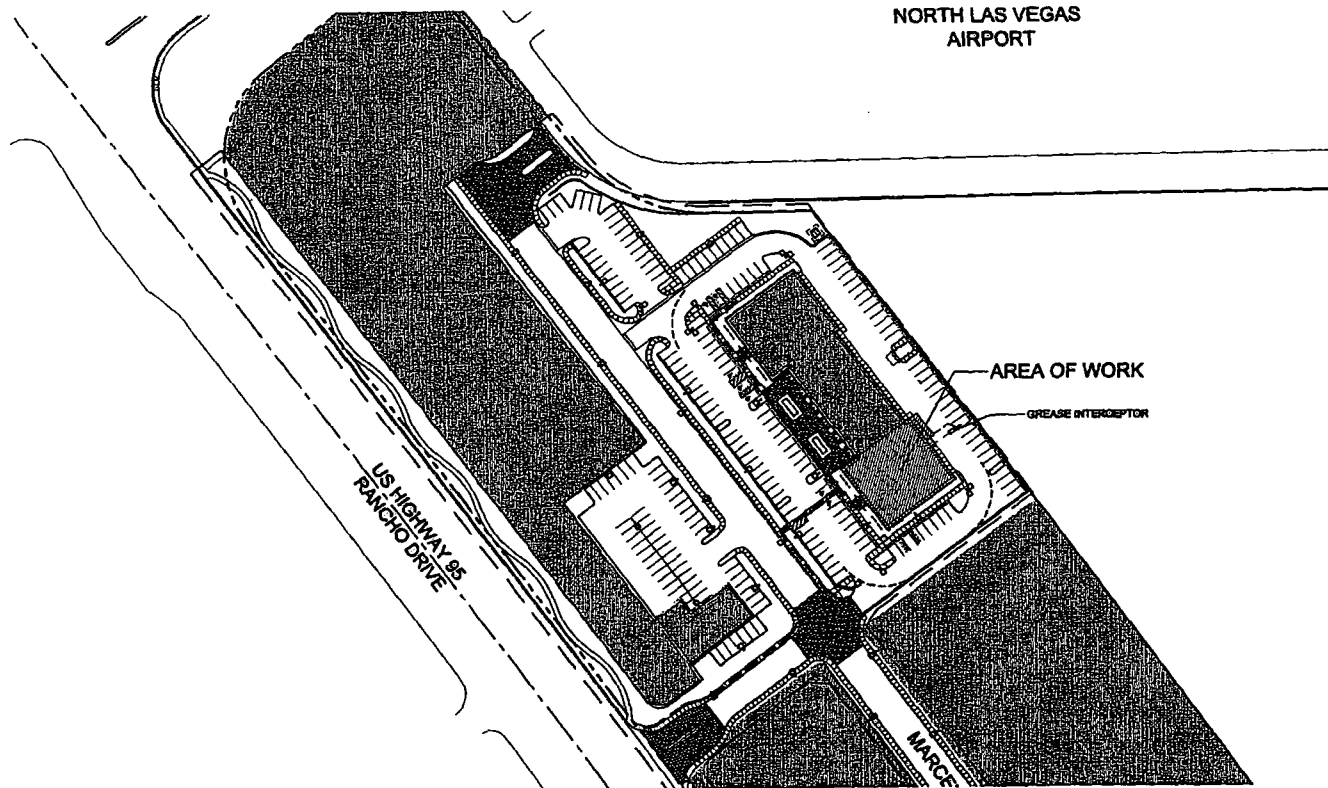
PROJECT NO. 0207
 FILE NORTH-SOUTH EXISTING EXISTENCE
 DATE FEB. 10, 2007
 DRAWN BY

ALL RIGHTS RESERVED



DATE FILED
SITE PLAN

DATE PL.
A101



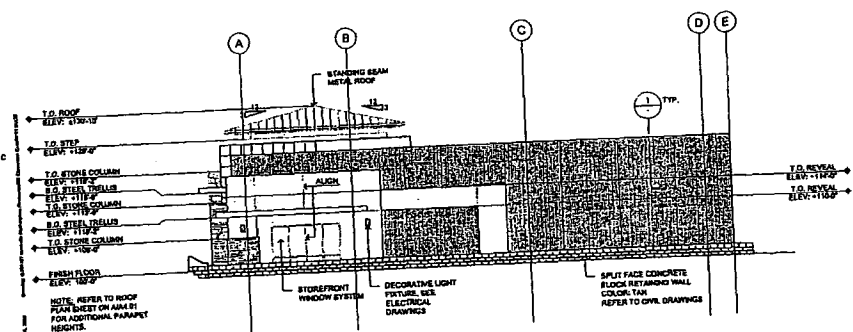
F1 SITE PLAN
 1" = 50'-0"

CARL MARCELLO

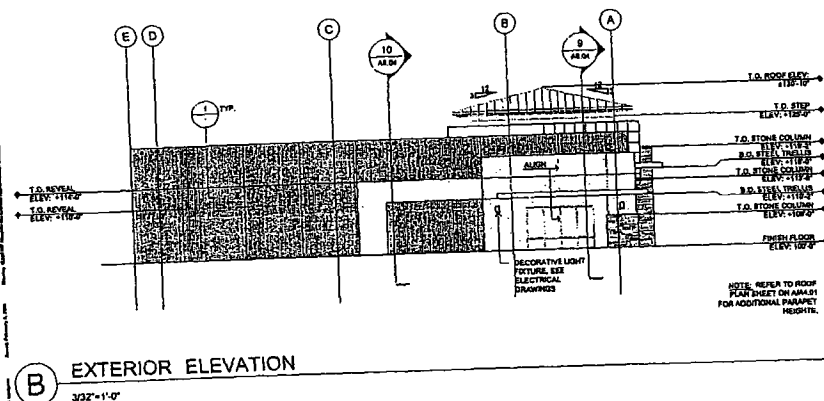
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MARCELLO
MARKETPLACE

NORTH LAS VEGAS, NV

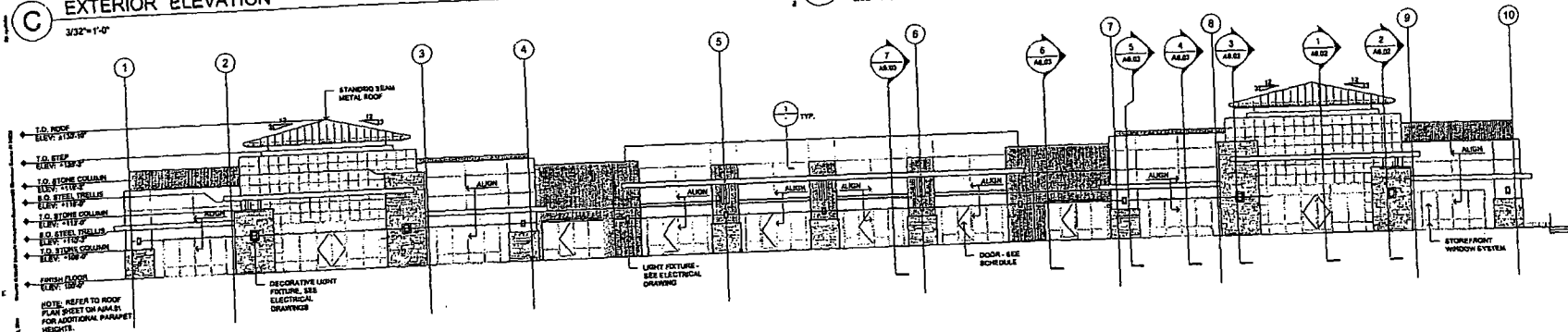
PROJECT NO. 08107
FILED 08107-0001 EXTERIOR ELEVATIONS
DATE FEB. 28, 2007
BY JCM
REVISION ACCEPTED



C EXTERIOR ELEVATION
3/32" = 1'-0"



B EXTERIOR ELEVATION
3/32" = 1'-0"



A EXTERIOR ELEVATION
3/32" = 1'-0"

SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NO.
A401

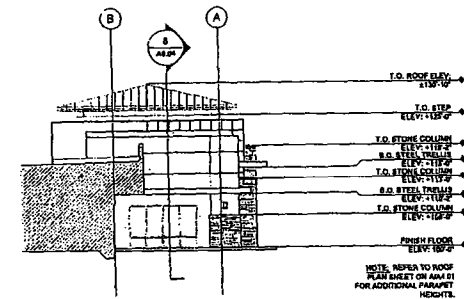
WJZ ARCHITECTURE
 6838 S VALLEY VIEW BLVD 3RD
 LAS VEGAS NEVADA 89128
 TEL: 702 891 4261
 FAX: 702 891 4212

CARL MARCELLO

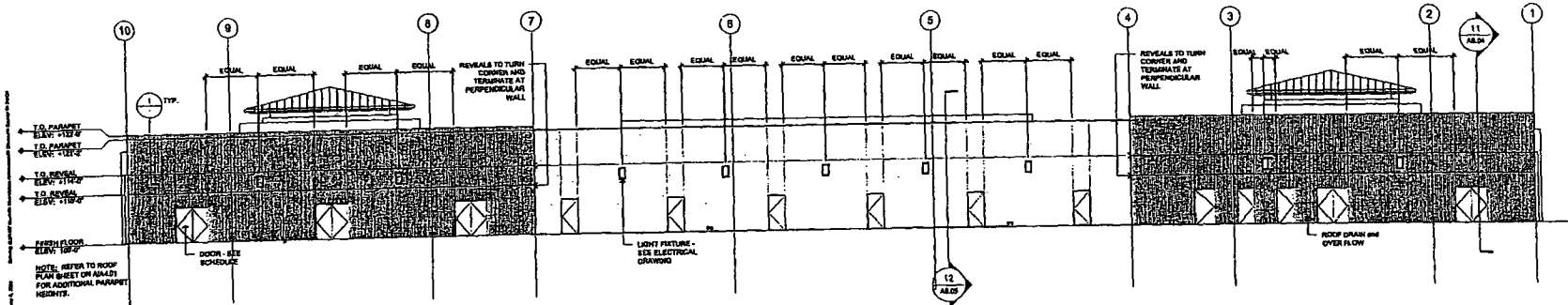
**WISEGUYS @
 MARCELLO
 MARKETPLACE**

NORTH LAS VEGAS, NV

SHEET NO. 06107
 PROJECT 06107-4401 EXTERIOR ELEVATIONS
 DRAWN BY RWK
 DATE FEB. 26, 2007
 REVISION ACCEPTED



(E) EXTERIOR ELEVATION
 3/32"=1'-0"

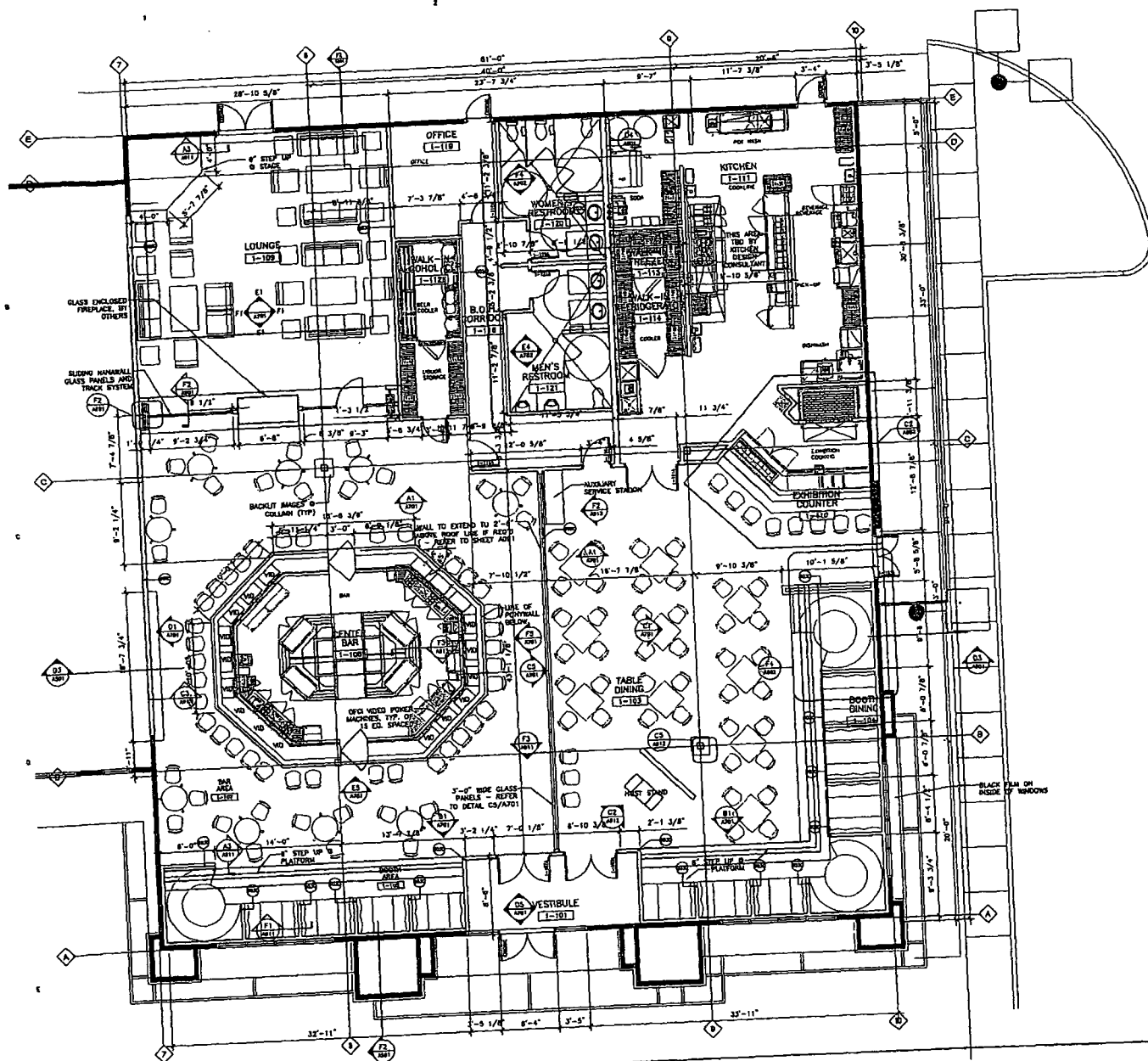


(D) EXTERIOR ELEVATION
 3/32"=1'-0"

THIS SET OF DRAWINGS IS THE PROPERTY OF WJZ ARCHITECTURE. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WJZ ARCHITECTURE.

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO.
A402



F1 FLOOR PLAN
3/16" = 1'-0"

GENERAL FLOOR PLAN NOTES

1. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.
2. DIMENSIONS ARE TO FACE OF FRAMING AND MASONRY OR TO CENTERLINE OF COLLARS AND OPENINGS U.A.D.
3. REFER TO SHEET A801 FOR DOOR SCHEDULE.
4. PROVIDE BACKING FOR ALL WALL MOUNTED ACCESSORIES, FURNISHINGS AND EQUIP., INCLUDING LCD SCREENS AND ALL OTHER OPEN ITEMS. VERIFY WEIGHTS AND LOCATIONS.
5. PROVIDE SOUND ATTENUATION INSULATION AT TOILET ROOM WALLS.
6. REFER TO SHEET A801 FOR FINISH SCHEDULE.
7. REFER TO SHEET A802 FOR EXHIBITION COUNTER LAYOUT.
8. REFER TO SHEET A802 FOR TYPICAL BOOTH LAYOUT.

FLOOR PLAN LEGEND

- EXISTING EXTERIOR WALL CONSTRUCTION
- CYPRESS BOARD/METAL STUD WALL CONSTRUCTION - FULL HEIGHT
- CYPRESS BOARD/METAL STUD WALL CONSTRUCTION - PARTIAL HEIGHT

WIS architecture
4625 S VALLEY VIEW BLVD 3RD
LAS VEGAS NEVADA 89103
TEL: 702.891.6201
FAX: 702.891.6202

CARL MARCELLO

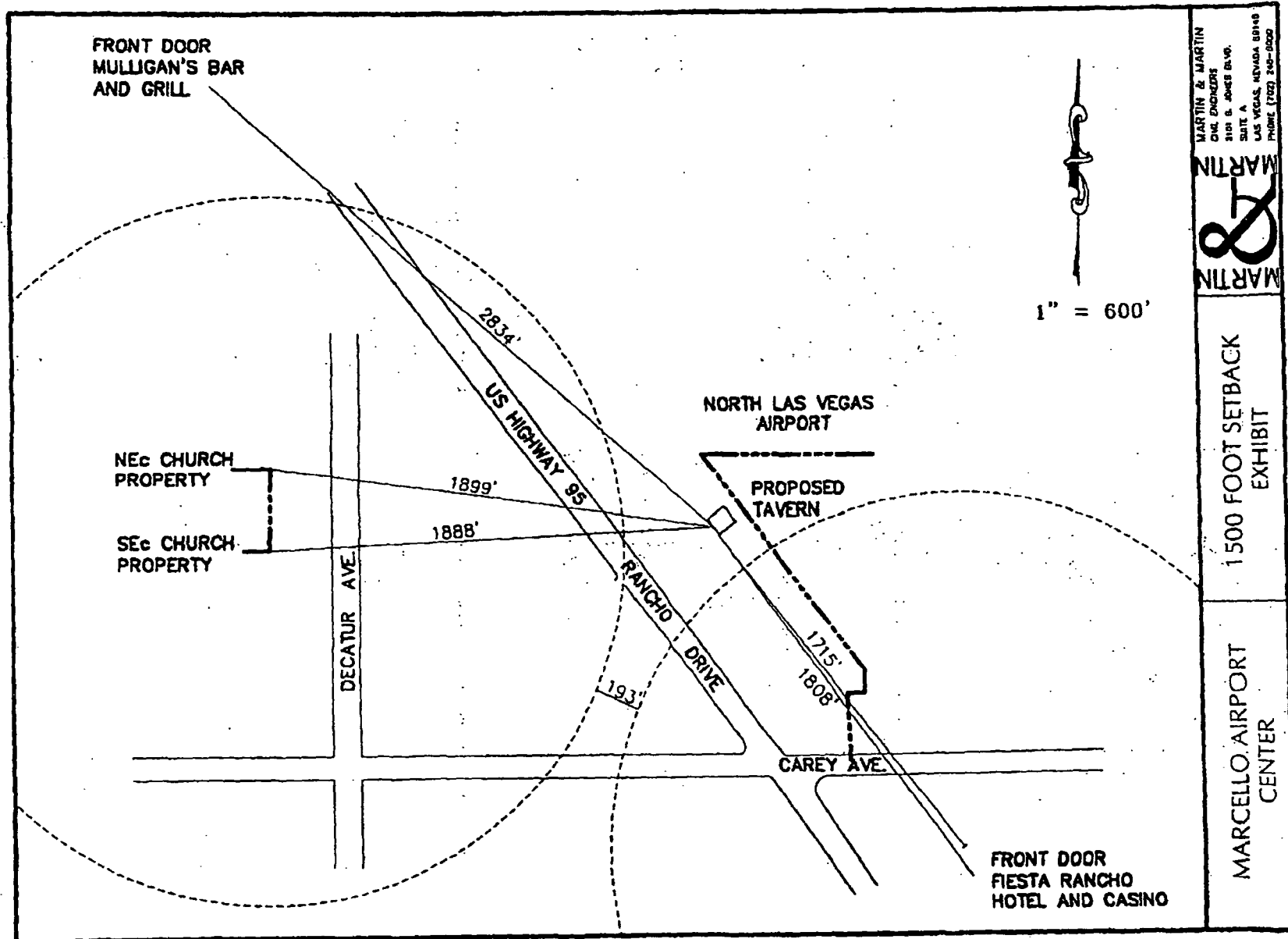
**WISEGUYS @
MARCELLO
MARKETPLACE**

NORTH LAS VEGAS, NV

PROJECT NO. 08102
P.L. 09107-001 DESIGN DEVELOPMENT
DATE: FEB. 28, 2007
BY: [signature]
CHECKED: [signature]

FLOOR PLAN

A201

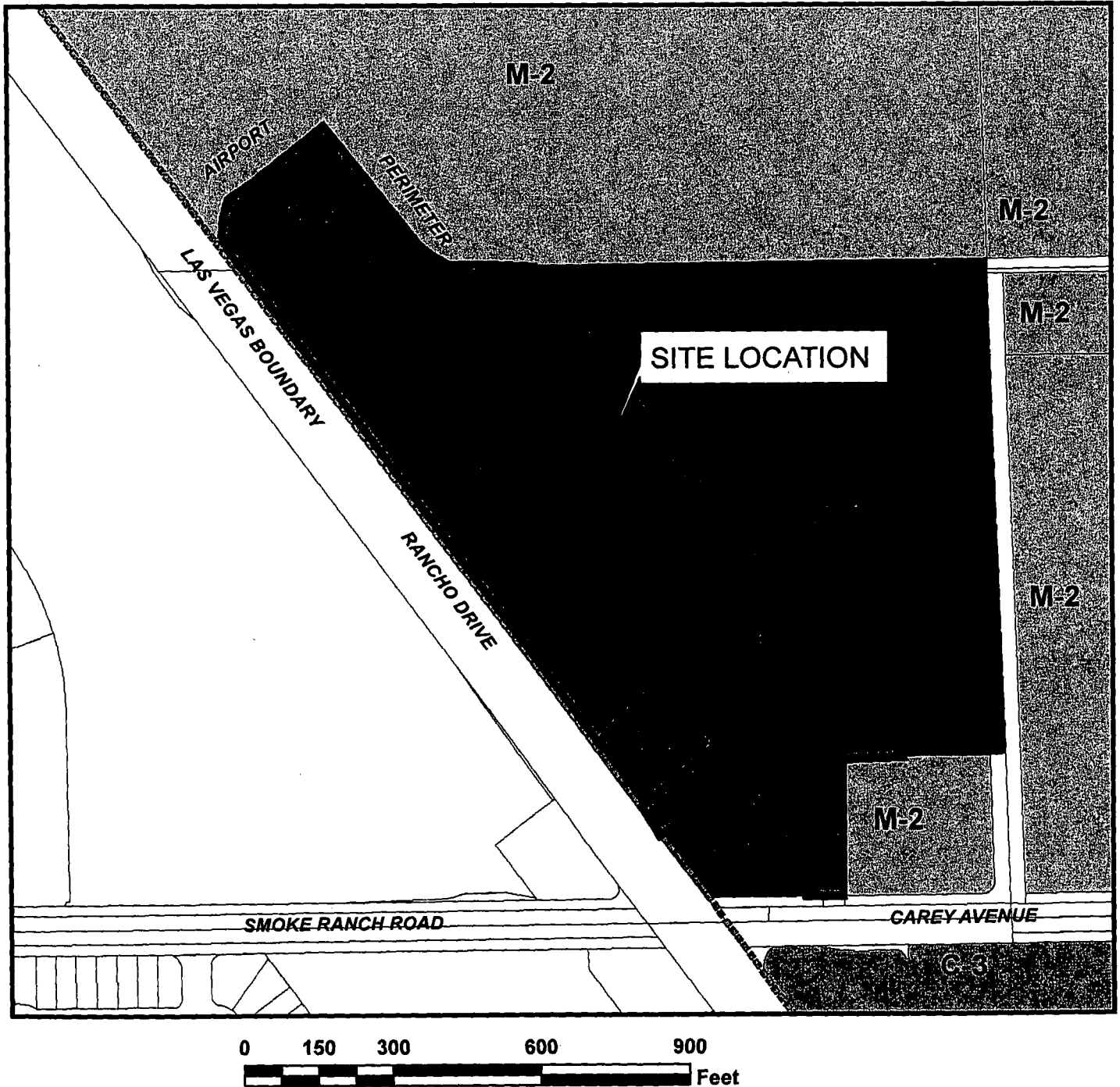


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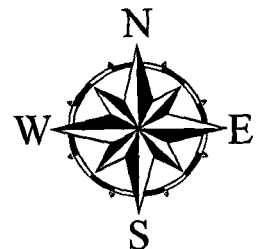


THE CITY OF NORTH LAS VEGAS

Location & Zoning Map



Applicant: Carl Marcello
Application Type: Special Use Permit
Request: Extension of Time for "On-sale" of alcoholic beverages
in conjunctio with a tavern
Project Info: C-2, General Commercial District
Case Number: UN-101-04



CITY OF NORTH LAS VEGAS - PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of North Las Vegas will conduct a Public Hearing concerning:

UN-101-04 (34415) MARCELLO'S TAVERN

AN APPLICATION SUBMITTED BY CARL D. MARCELLO, ON BEHALF OF THE CLARK COUNTY DEPARTMENT OF AVIATION & MARCELLO AIRPORT CENTER, LLC, PROPERTY OWNERS, FOR AN EXTENSION OF TIME FOR A USE PERMIT IN A C-2 GENERAL COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT/TAVERN ON PROPERTY LOCATED AT 2580 NORTH RANCH DRIVE.

TIME: At or about 6:15 P.M.
DATE: May 7, 2008
PLACE: Council Chambers
City Hall
2200 Civic Center Drive
North Las Vegas, Nevada

The public is invited and encouraged to attend and submit written or oral comments.

The North Las Vegas City Council Chamber is accessible to all persons. Members of the public who require special assistance or accommodations at the meetings are requested to notify the City ADA Coordinator at (702) 633-1510 or TDD (800) 326-6868 at least seventy-two (72) hours in advance of the meeting.

PUBLISH: Las Vegas Review-Journal
DATE: Saturday, April 26, 2008

CIUDAD DE NORTH LAS VEGAS - AVISO DE AUDIENCIA PÚBLICA

EL AVISO AQUÍ PRESENTE por el cual el Concejo Municipal de la Ciudad de North Las Vegas llevará a cabo una Audiencia Pública con respecto a:


UN-101-04 (34415) MARCELLO'S TAVERN

UNA SOLICITUD PRESENTADA POR CARL D. MARCELLO EN NOMBRE DEL DEPARTAMENTO DE AVIACIÓN DEL CONDADO DE CLARK Y MARCELLO AIRPORT CENTER, LLC, DUEÑOS DE PROPIEDAD, PARA UNA EXTENSIÓN DE TIEMPO PARA UN USO DE PERMISO EN UN DISTRITO DE COMERCIO GENERAL C-2 PARA PERMITIR LA VENTA DE BEBIDAS ALCOHÓLICAS "DE CONSUMO" JUNTO CON UN RESTAURANTE/TABERNA EN UNA PROPIEDAD LOCALIZADA EN 2580 NORTH RANCHO DRIVE.

HORA: A las 6:15 P.M. o
alrededor de esa hora
FECHA: 7 de mayo del 2008
LUGAR: Council Chambers
(Despacho del Concejo)
City Hall (Ayuntamiento)
2200 Civic Center Drive
North Las Vegas, Nevada

Se le invita y anima al público para que asista y presente sus comentarios orales o por escrito.

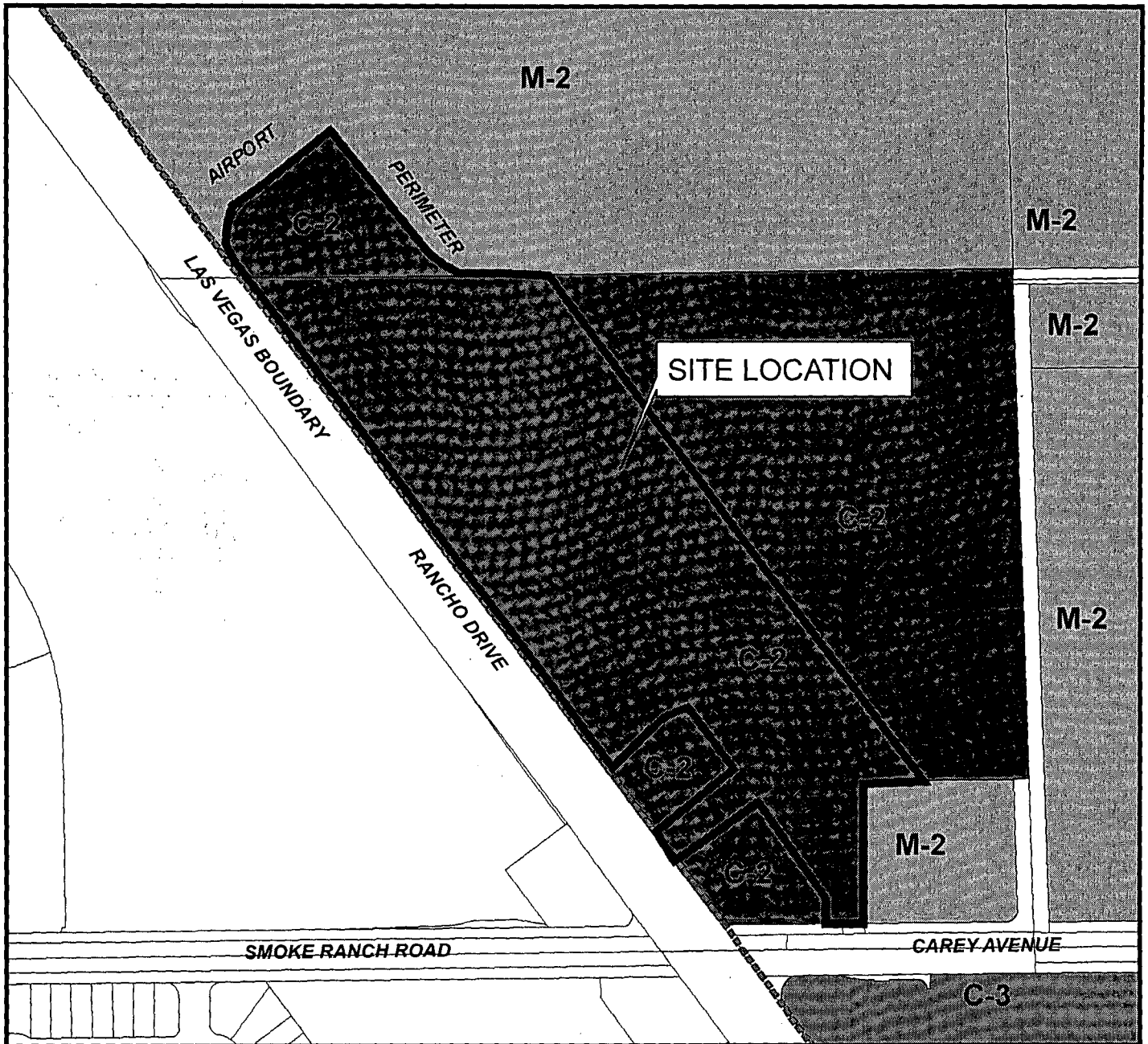
El Despacho del Concejo Municipal de North Las Vegas está accesible para todas las personas. Se les pide a los miembros del público que requieren asistencia especial o acomodaciones para las juntas que notifiquen al Coordinador para cubrir las necesidades de personas con discapacidades (ADA) y llamen al (702) 633-1510, o para los de deficiencias auditivas (TTY) llamen al (800) 326-6868 al menos setenta y dos (72) horas antes de la junta.


Karen L. Storms, CMC, City Clerk



THE CITY OF NORTH LAS VEGAS

Location & Zoning Map



0 150 300
Feet

Applicant: Carl Marcello
Application Type: Special Use Permit
Request: Extension of Time for "On-sale" of alcoholic beverages
in conjunctio with a tavern
Project Info: C-2, General Commercial District
Case Number: UN-101-04

