

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **16**

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):

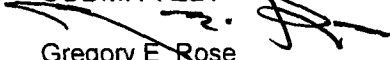
Planned and Quality Growth

PREPARED BY:



Frank Fiori, AICP
Acting Planning & Zoning Director

**RESPECTFULLY
SUBMITTED:**



Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

April 2, 2008

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

to a suite located within the in-line retail building located at the back of the site (Retail Pad #1). The amended application was approved by the Planning Commission on December 22, 2004, subject to fifteen (15) conditions.

On March 16, 2005, City Council approved Ordinance No. 2110, which extended the time frame to start construction for saloons and tavern/restaurants from six (6) months to one (1) year. The amendment was proposed to reduce the need for multiple extensions of time. In accordance with Ordinance 2110, a one (1) year extension of time was approved by the City Council on September 7, 2005.

Although the applicant submitted for a second extension of time on June 22, 2006, research indicated that building permit A/P 51776 for the shell building had been issued on March 23, 2006 and a site inspection verified that construction was underway. Due to these circumstances, the applicant was informed that an extension of time was not required.

The applicant has completed the shell building but tenant improvements are necessary for the proposed use. A request (A/P 80857) is on file for tenant improvements, however, the applicant has not obtained the building permit. Moreover, the tenant improvement request originally expired on September 8, 2007 and the Building Safety Department extended the time on the permit to October 11, 2007. At this time, the applicant still has not obtained the building permit. Consequently, in the City's efforts to accommodate the applicant, the Building Safety Division extended the expiration date to March 8, 2008. As it is unlikely that the tenant improvement permit will be obtained by this date, an extension of time for UN-101-04 is necessary.

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:

The Planning & Zoning Department recommends that the extension of time for UN-101-04 be approved with the following conditions:

(NOTE: The conditions listed below are the original conditions with the exception of condition #15, which has been amended to reflect the new expiration date.)

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

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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

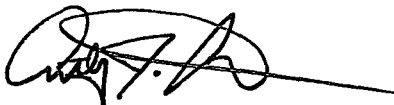
To Whom It May Concern:

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

WJH ARCHITECTURE
 6432 S VALLEY VIEW BLVD 2ND
 LAS VEGAS NEVADA 89119
 TEL: 702 891 8301
 FAX: 702 891 8302

CARL MARCELLO

**WISEGUYS @
 MARCELLO
 MARKETPLACE**

NORTH LAS VEGAS, NV

PROJECT NO. 07027
 FILE 07027-WJH CORNER EXCHANGE
 DRAWN BY JRM
 DATE FEB. 24, 2007
 CHECKED BY JRM

STATE OF NEVADA
 COUNTY OF CLATSOP

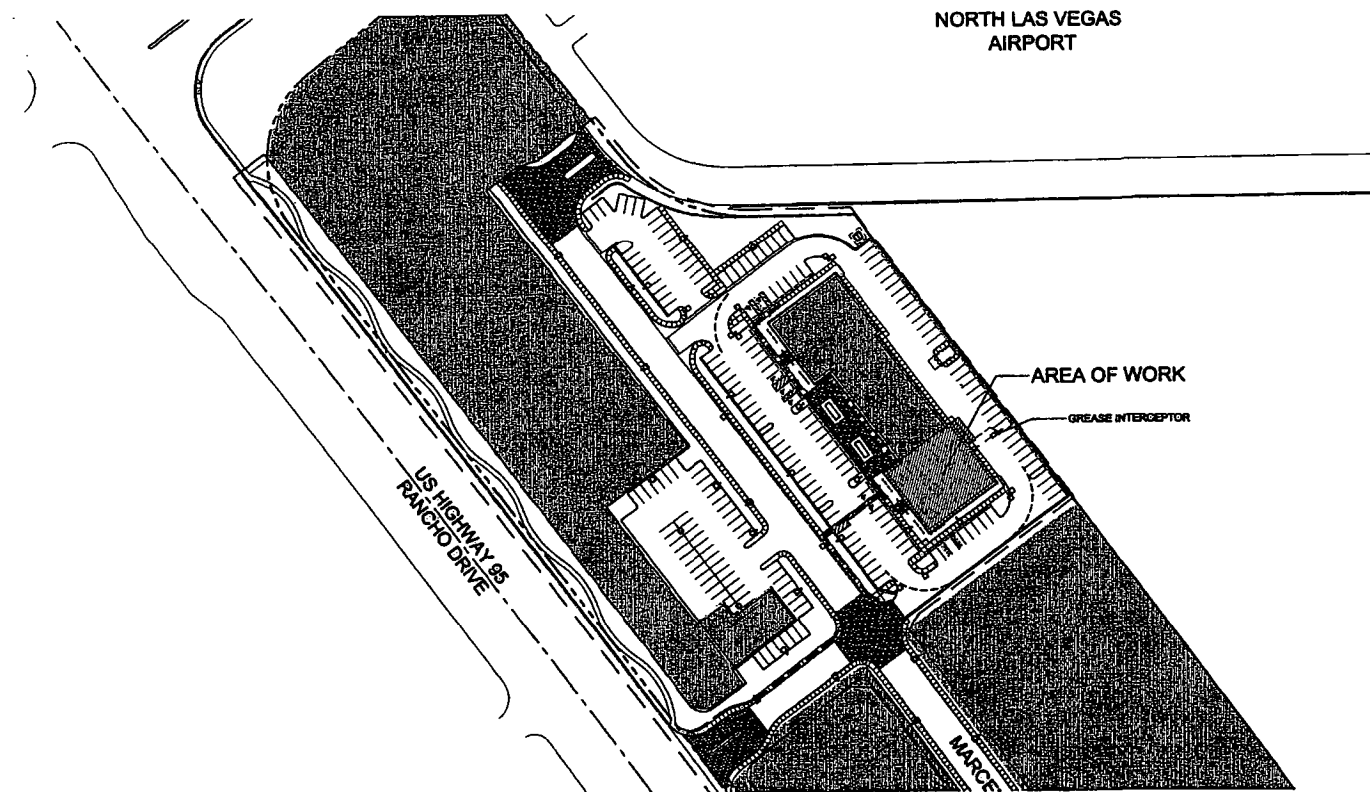


SHEET NO.

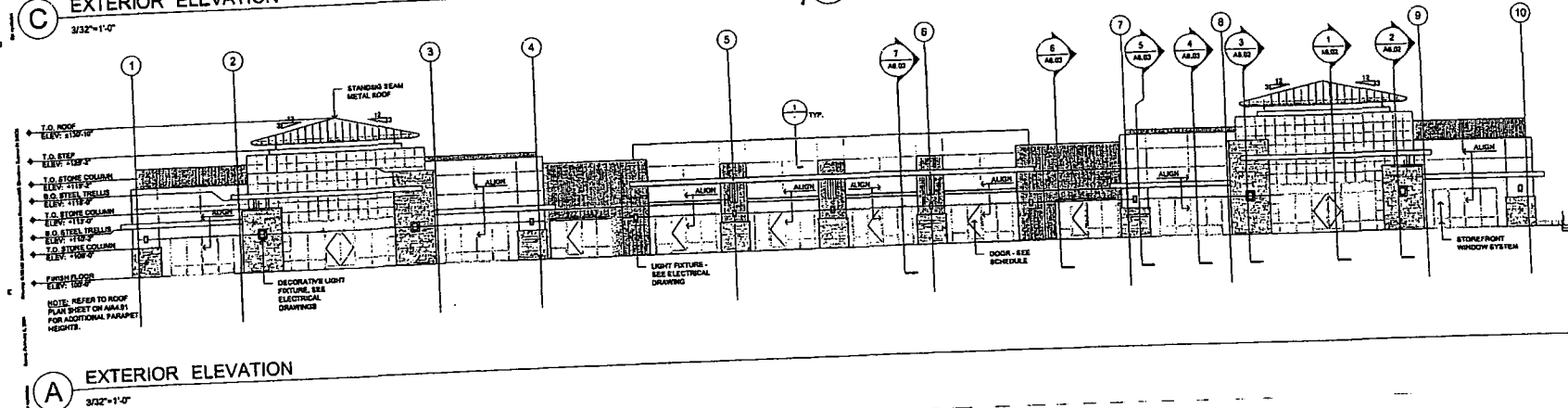
SITE PLAN

SHEET NO.

A101



F1 SITE PLAN
 1" = 60'-0"



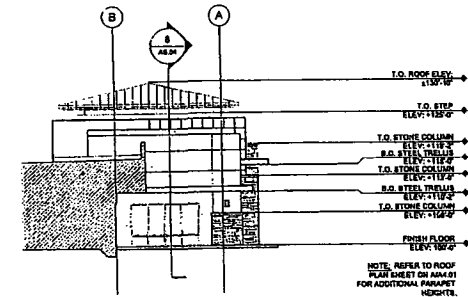
WJZ ARCHITECTURE
 4428 S VALLEY VIEW BLVD 300
 LAS VEGAS NEVADA 89103
 TEL 702 891 4301
 FAX 702 891 4312

CARL MARCELLO

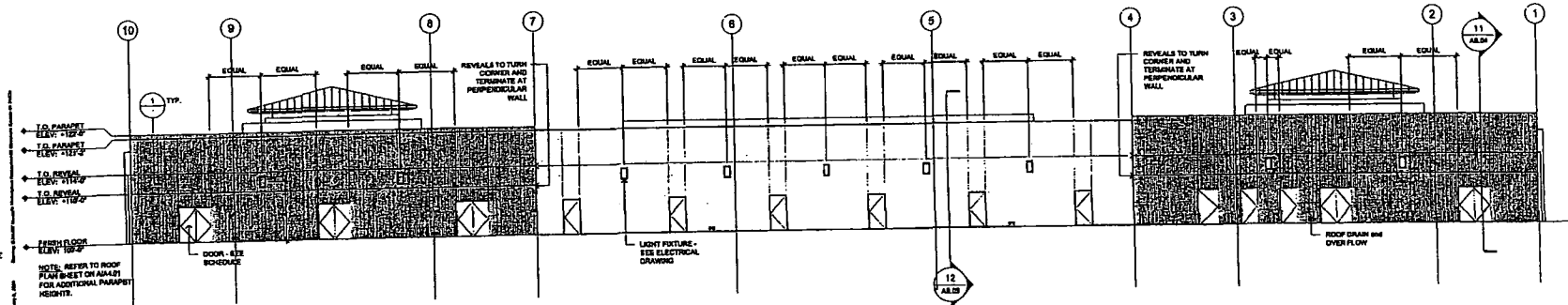
**WISEGUYS @
 MARCELLO
 MARKETPLACE**

NORTH LAS VEGAS, NV

SHEET NO. 08107
 PROJ. 08107-4401 EXTERIOR ELEVATIONS
 DESIGNED BY RMC
 DATE FEB. 28, 2007
 REVISIONS: AS SHOWN



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

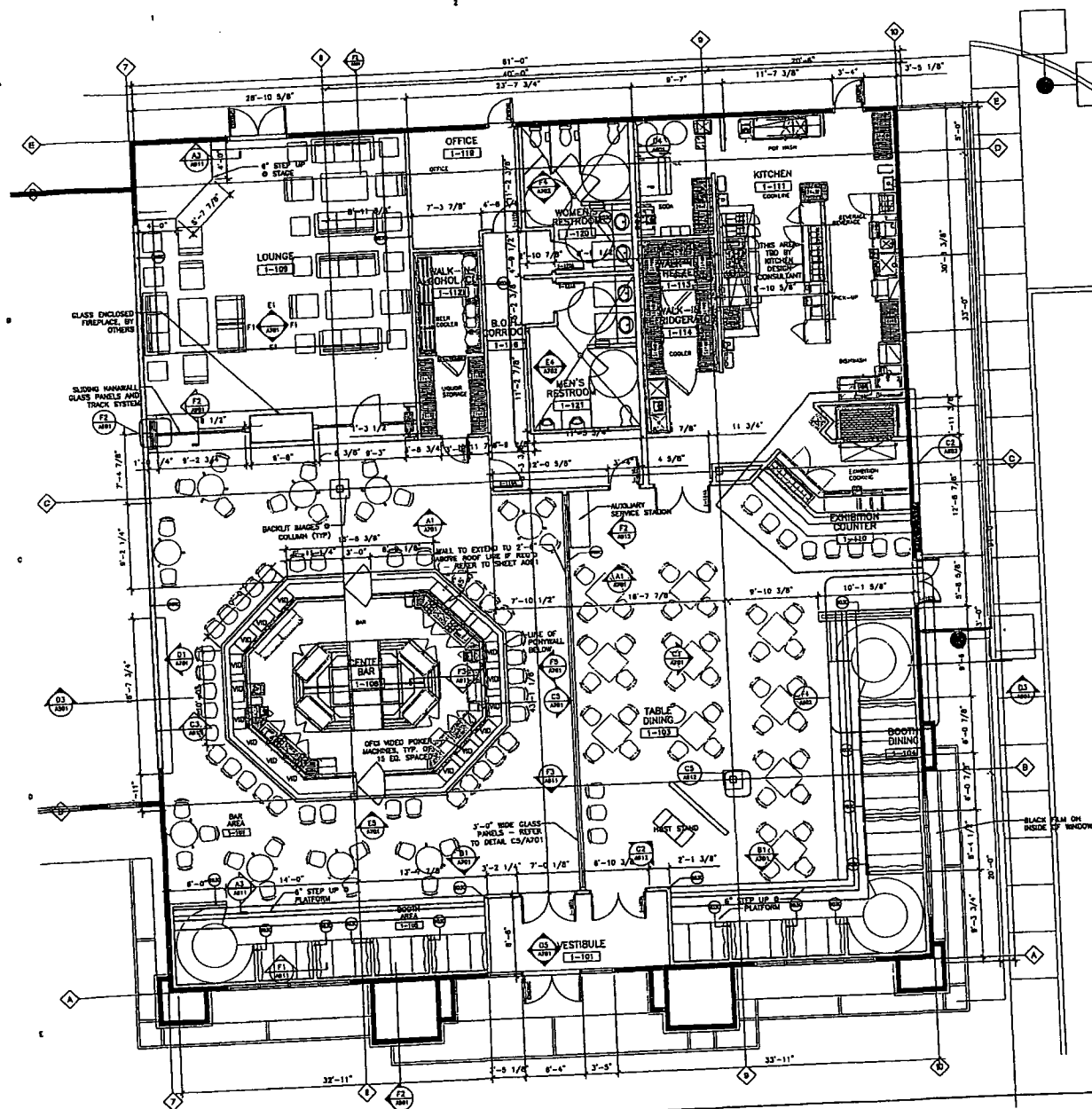


(D) EXTERIOR ELEVATION
 3/32"=1'-0"

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SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO.
A402



GENERAL FLOOR PLAN NOTES

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

FLOOR PLAN LEGEND

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

WISGUY ARCHITECTURE INC.
4425 S VALLEY VIEW BLVD 2ND
LAS VEGAS NEVADA 89108
TEL: 702.891.5281
FAX: 702.891.5282

CARL MARCELLO
WISEGUYS @ MARCELLO MARKETPLACE

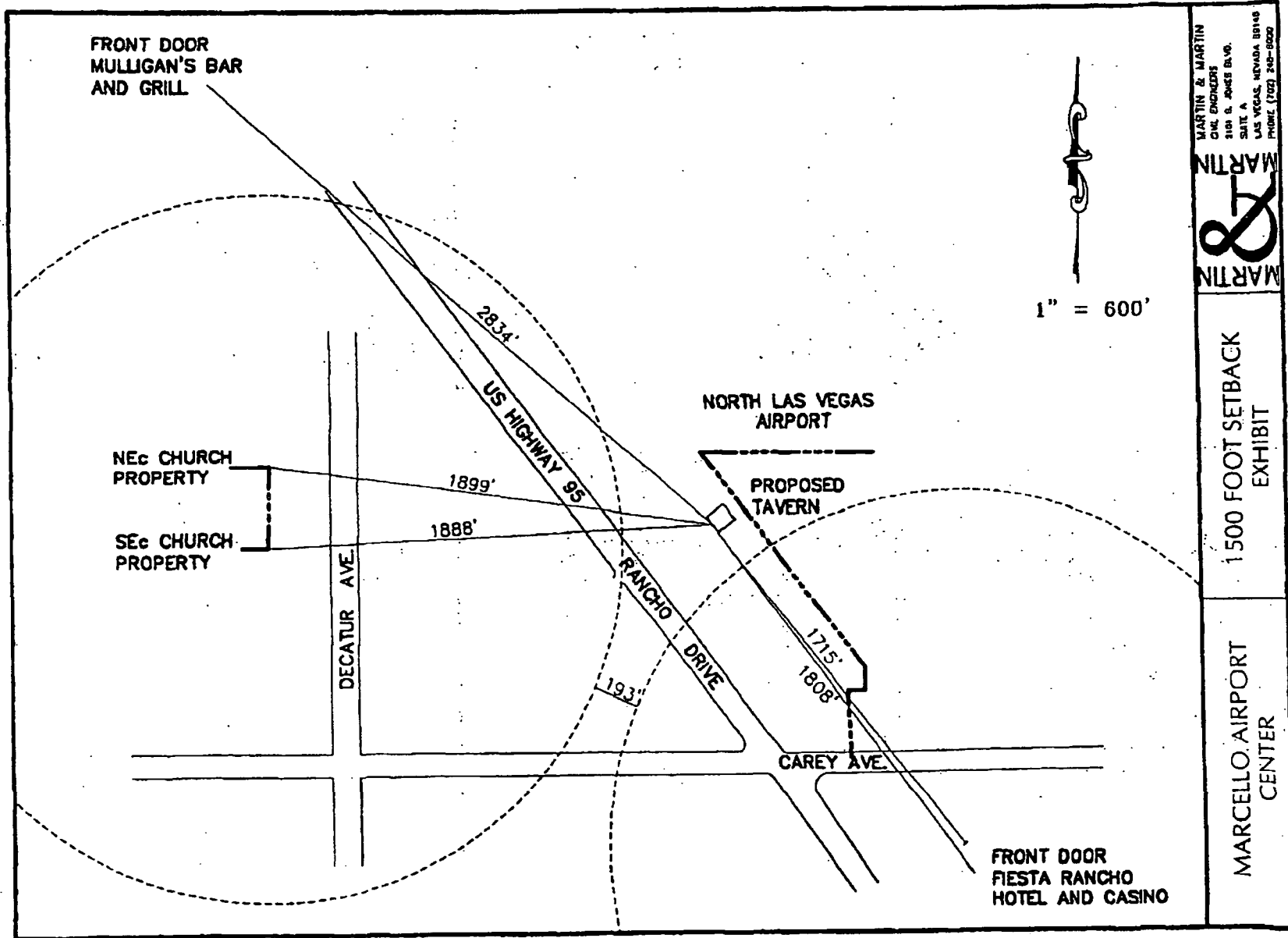
NORTH LAS VEGAS, NV

PROJECT NO.: 08107
P.L.: 06107-001 EXTERIOR ELEVATIONS
DRAWN: BDK
CHKD: FEB. 28, 2007
REVISED: DESCRIPTION

FLOOR PLAN

A201

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



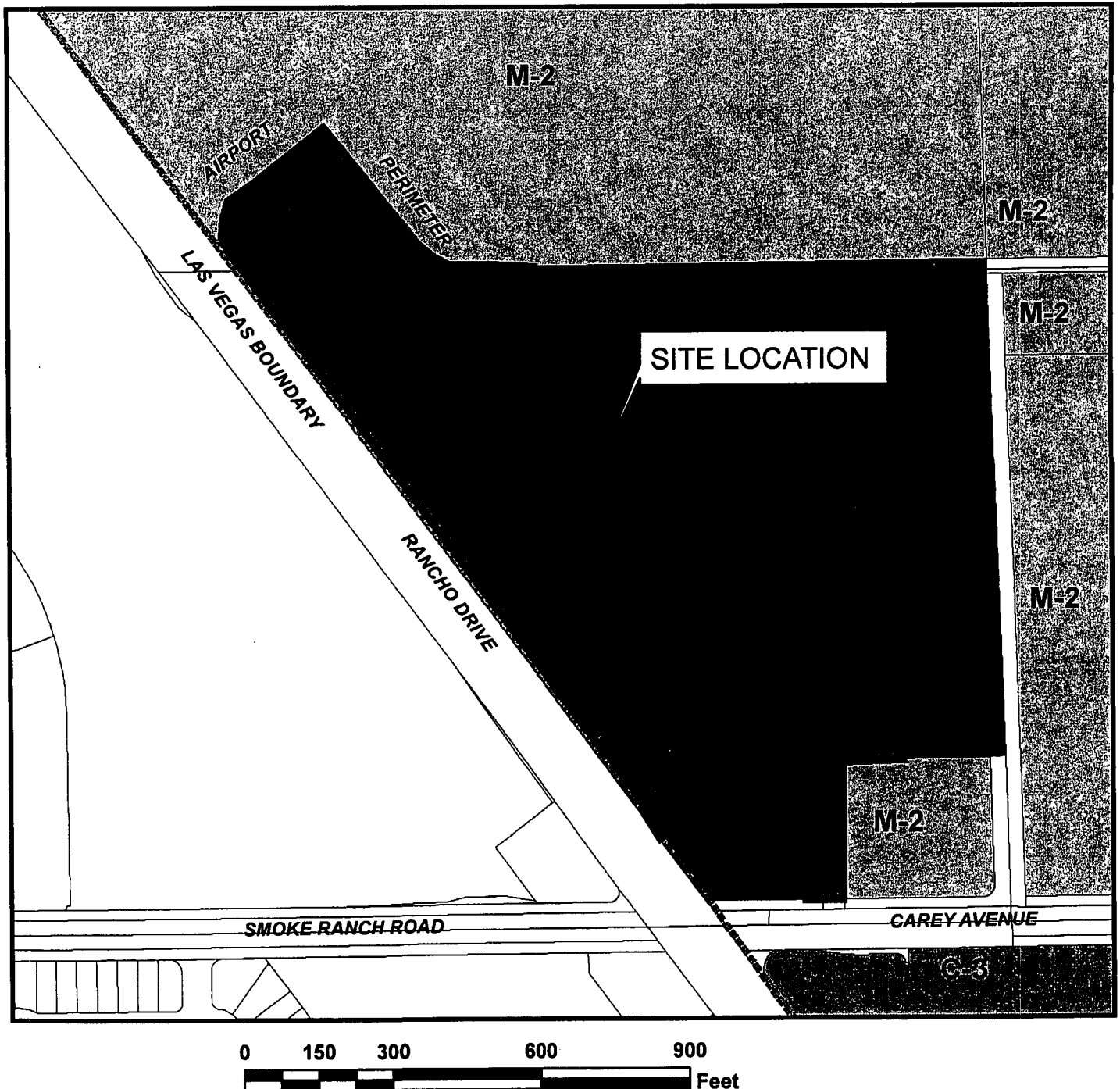
MARTIN & MARTIN CIVIL ENGINEERS 3101 S. JONES BLVD. SUITE A LAS VEGAS, NEVADA 89146 PHONE (702) 240-0000	1500 FOOT SETBACK EXHIBIT	MARCELLO AIRPORT CENTER
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H:\cad\land\2006\dwg\Exhibits\New 1500 Setback Overlay.dwg, Exhibit, 9/29/2004 9:01:22 AM, dspensard



THE CITY OF NORTH LAS VEGAS

Location & Zoning Map



Applicant: Carl Marcello
Application Type: Special Use Permit
Request: Extention 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

