

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007

DEPARTMENT: **PLANNING AND DEVELOPMENT**

ITEM DESCRIPTION: ROC-22596 - APPLICANT: BRIAD RESTAURANT GROUP, LLC - OWNER: GEORGE SHERMAN

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Condition number five of Special Use Permit (U-0027-96) shall be removed.
2. Conformance to all other conditions of approval for Special Use Permit (U-0027-96) shall be required.
3. Approval of this Review of Condition does not constitute approval of a gaming use or business license for gaming.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition to remove Condition Number 5 of an approved Special Use Permit (U-0027-96) which stated that no gaming shall be allowed for an approved Tavern at 4570 West Sahara Avenue.

In the time since the approval of the original Special Use Permit the area has not changed significantly. Denial of this request is recommended.

BACKGROUND INFORMATION

| | |
|---|--|
| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
| 06/05/96 | The City Council approved a request for a Special Use Permit (U-0027-96) for a tavern and a waiver of the 1,500-foot distance separation requirement from another tavern on the subject property. The Board of Zoning Adjustment and staff recommended approval. |
| <i>Related Building Permits/Business Licenses</i> | |
| 04/10/97 | Business Licensees were issued for a restaurant (R09-00779) and for liquor sales (L16-00250) on the subject property. These licenses are currently active. |
| 04/22/98 | A Business License was issued for cigarette sales (C05-01882) on the subject property. This license is currently active. |
| <i>Pre-Application Meeting</i> | |
| 03/12/07 | A pre-application meeting was held. Submittal requirements were discussed, as well as an overview of the Review of Condition process. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |
| <i>Details of Application Request</i> | |
| <i>Site Area</i> | |
| Net Acres | 0.33 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|--------------------------------|----------------------------------|
| Subject Property | Restaurant | SC (Service Commercial) | C-1 (Limited Commercial) |
| North | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| South | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| East | Driveway | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| West | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | X | N/A |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

ANALYSIS

The applicant is seeking to remove condition number five of Special Use Permit (U-0027-96). The condition stated: No gaming shall be allowed. At the City Council meeting held on 06/05/96 the applicant agreed on the record to no gaming. It was also noted that the establishments primary focus was food service and that the serving of alcohol was incidental to the business. The addition of gaming to the bar portion of the establishment could potentially shift that balance to alcohol sales becoming a primary use.

In the time since the approval of the original Special Use Permit the area has not changed significantly. The addition of the gaming use is not deemed appropriate at this location. Denial of this request is recommended.

FINDINGS

The removal of condition number five of an approved Special Use Permit (U0027-96) that stated: No gaming shall be allowed is not deemed appropriate. Denial of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 102

APPROVALS 0

PROTESTS 0