

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 20, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-26631 - APPLICANT/OWNER: T-NR, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**     **APPROVAL**, subject to:

**Planning and Development**

1.     No further review shall be required.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Six Month Required Review of a permanent license for a Liquor Establishment (Tavern) that was approved at the 8/01/07 City Council Meeting. Approval of this request is recommended with no further review required.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
There are no City actions recorded against this property related to this business license.	
<b><i>Related Building Permits/Business Licenses</i></b>	
3/09/06	Hotel 199 rooms or less was classified out-of-business on 3/09/06.
6/29/07	Non-Restricted Gaming classified out-of-business after the licensee withdrew an application for renewal on 6/29/07.
8/01/07	Permanent Business License approved for a Liquor Establishment (Tavern) at 235 South Main Street with a Six Month Review to held at the 2/20/08 City Council Meeting.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
2/01/08	A field check was made by staff with the following observations: <ul style="list-style-type: none"> <li>• Seven-story hotel closed for business with all street-level windows and doors boarded-up.</li> <li>• Single-story attached casino to north of hotel closed for business with all street-front windows and doors boarded-up.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.55 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Hotel (vacant)	C (Commercial)	C-2 (General Commercial)
North	Parking lot	C (Commercial)	C-2 (General Commercial)
South	Motel	C (Commercial)	C-2 (General Commercial)
East	Parking lot	C (Commercial)	C-2 (General Commercial)
West	Parking lot	C (Commercial)	C-M (Commercial/Industrial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan Central Casino Core	X		Y
Redevelopment Plan Area Downtown Redevelopment Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Casino Overlay	X		Y
A-O Airport Overlay 200 feet	X		Y
Live Work	X		NA
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

## ANALYSIS

This six-month Required Review is in response to request by the City Council after final approval of a permanent business license for an existing Non-Conforming Liquor Establishment (Tavern) located at 235 South Main Street. The Liquor Establishment (Tavern) use is Non-Conforming in that it does not have an approved Special Use Permit as required by Title 19.04.010 for the C-2 (General Commercial) Zoning District; however, if the entitlement to operate such use were to expire (through a cease in operations of more than 180 days) in this particular case the applicant would not be barred from re-applying for a Special Use Permit.

Per Title 19.04.010, one of the minimum requirements for approval of the Special Use Permit is a minimum 1,500-foot separation distance from any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than 12 children, or City Park. Per Title 19.04.050(C), the minimum Special Use Permit Requirement #5(C), the applicant may request a Waiver of the 1,500-foot separation distance Requirement #1 as the use is located within the Downtown Casino Overlay District.

**FINDINGS**

During the six-month period since the approval of the Liquor Establishment (Tavern), there have been no additional business licenses, building permits, or commercial sign permits at this location. All entrances and exits to the seven-story Hotel building and the adjacent Casino are boarded up and inaccessible. In the event that this particular Non-Conforming Liquor Establishment (Tavern) remains closed for 180 days or more, the applicant will need to apply for a Special Use Permit and request a waiver to the minimum separation distance as it is located within the Downtown Casino Overlay District.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 10

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 3

**NOTICES MAILED** 306

**APPROVALS** 0

**PROTESTS**