

**AGENDA MEMO****CITY COUNCIL MEETING DATE: APRIL 21, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: MISS DOLLY'S TAVERN - OWNER: MCW-RC NV-CENTENNIAL CROSSROADS PHASE 1, LLC**

**** CONDITIONS ****

The Planning Commission (6-1 vote/gt) and Staff recommend DENIAL, if approved subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under the Town Center Development Standards for a Liquor Establishment, Tavern use.
2. Approval of Major Modification (MOD-37375) shall be required.
3. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. 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

The applicant is requesting a Special Use Permit for a proposed Liquor Establishment (Tavern) use within an existing shopping center at 6430 Sky Pointe Drive, Suite #130. The request includes a waiver to allow a 147-foot distance separation from an existing City Park where 400 feet is required. An associated request has been submitted for a Major Modification (MOD-37375) to change the special land use designation of the subject property from SX-TC (Suburban Mixed Use – Town Center) to GC-TC (General Commercial – Town Center), as a Liquor Establishment (Tavern) use is not permitted in the current land use designation. Staff recommends denial, as the request is inconsistent with the Town Center Development Standards in that the proposed location for the Liquor Establishment (Tavern) use will not provide the minimum 400 foot distance separation requirement from an existing City Park and is not compatible with surrounding land uses. Also, modifying the Town Center designation to its most intense commercial use is not appropriate for this area, as there are existing single family residences adjacent to the east side of the subject site.

ISSUES

- Approval of a companion Major Modification (MOD-37375) to change the special land use designation of the subject property from SX-TC (Suburban Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) is necessary for this request to be approved.
- A Waiver of the minimum 400-foot distance separation requirement from a City Park is requested to allow a 147-foot distance separation.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
01/12/97	The City Council approved a request for an Extension of Time [Z-0101-94(3)] for a previously approved 705,000 square foot retail shopping center located at the northwest corner of Centennial Parkway and Buffalo Drive. Planning Commission and staff recommended approval.
12/07/98	The City Council approved a Rezoning (Z-0076-98) for the reclassification of property from U (Undeveloped), R-E (Residential Estate), R-PD7 (Residential Planned Development – 7 Units Per Acre), R-PD11 (Residential Planned Development – 11 Units Per Acre), R-PD13 (Residential Planned Development – 13 Units Per Acre), R-PD18 (Residential Planned Development – 18 Units Per Acre), R-CL (Single Family Compact Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic), and PD (Planned Development) Zones to TC (Town Center) on 1,468 acres. Planning Commission and staff recommended approval.

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01/19/00	The City Council approved a request for a Site Development Plan Review [Z-0076-98(10)] for a proposed commercial center located on the southwest corner of Buffalo Drive and Rome Boulevard. Planning Commission and staff recommended approval.
03/23/00	The Planning Commission approved a request for a Final Map (FMP-0017-00) for one lot at the northwest corner of Sky Pointe Drive and Buffalo Drive. Staff recommended approval.
01/03/01	The City Council approved a request for a Special Use Permit (U-0181-00) for a Packaged Liquor Sales use in conjunction with a proposed grocery store located at the southwest corner of the intersection of Buffalo Drive and Rome Boulevard. Planning Commission and staff recommended approval.
07/12/01	The Planning Commission approved a request for a modification [Z-0076-98(21)] of an approved site plan [Z-0076-98(10)] to change the building footprints and pad site locations on the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Staff recommended approval.
08/01/01	The City Council denied a request for a Variance (V-0035-01) to allow an eighty-foot high freestanding sign where an eight foot high freestanding sign is the maximum height allowed located on the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Planning Commission and staff recommended denial.
09/19/01	The City Council approved a request for a Master Sign Plan (MSP-0002-01) for an approved 265,000 square foot commercial center located at Sky Pointe Drive and John Herbert Drive. Planning Commission and staff recommended approval.
04/25/02	The Planning Commission approved a request for a Site Development Plan Review [Z-0076-98(29)] to modify one pad site and the parking layout of a previously approved site plan [Z-0076-98(10)] located on the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Staff recommended approval.
05/07/02	The Centennial Hills Architectural Review Committee approved a request for a supplement (CHR-0001-02) to the Master Sign Plan (MSP-0002-01) to allow monument signs to be located within 300-feet of other monument signs located at Sky Point Drive and John Herbert Drive.
06/05/02	The City Council approved a request for a Special Use Permit (U-0038-02) to allow a convenience store with gasoline sales within 300 feet of existing single family dwelling units located adjacent on the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Planning Commission and staff recommended approval.
06/05/02	The City Council approved a request for a Special Use Permit (U-0039-02) to allow the sale of beer and wine in conjunction with a convenience store located on the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Planning Commission and staff recommended approval.

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06/05/02	The City Council approved a request for a Special Use Permit (U-0040-02) to allow restricted gaming in conjunction with a proposed convenience store located adjacent to the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Planning Commission and staff recommended approval.
06/05/02	The City Council approved a request for a Site Development Plan Review [Z-0076-98(30)] for a proposed convenience store with a waiver of the Town Center Development Standards to allow gasoline pumps adjacent to a public right-of-way located adjacent to the west side of John Herbert Boulevard between Buffalo Drive and Sky Pointe Drive. Planning Commission and staff recommended approval.
08/06/02	The Centennial Hills Architectural Review Committee approved a request for a Master Sign Plan (CHR-0006-02) for a 266,000 square foot commercial center located at Sky Point Drive and John Herbert Drive.
03/25/10	The Planning Commission recommended DENIAL of companion item MOD-37375 concurrently with this application. The Planning Commission (6-1 vote/gt) recommended DENIAL (PC Agenda Item #16/gk)
<i>Related Building Permits/Business Licenses</i>	
11/08/02	A business license (L15-00125) was issued for packaged liquor sales at 6450 Sky Pointe Drive. The license is still active.
11/21/02	A business license (G01-02100) was issued for restricted gaming at 6450 Sky Pointe Drive. The license is still active.
03/17/03	A building permit (537293) for a retail shell certificate of completion was issued at 6430 Sky Pointe Drive. The building permit was finalized on 08/18/03.
10/02/03	A business license (C14-00402) was issued for a clinic at 6430 Sky Pointe Drive, Suite 150. The license is still active.
10/29/03	A business license (C05-02289) was issued for a novelty shop at 6430 Sky Pointe Drive, Suite 120. The license is still active.
11/03/03	A building permit (570700) for a tenant improvement was issued at 6430 Sky Pointe Drive, Suites 130 and 140. The building permit was never finalized and expired on 08/07/04.
03/03/04	A business license (R07-00636) was issued for a restaurant at 6430 Sky Pointe Drive, Suite 110. The license is still active.
03/25/04	A business license (F86-00016) was issued for a bank at 6430 Sky Pointe Drive, Suite 130. The license is marked out of business.

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<i>Pre-Application Meeting</i>	
01/08/10	A pre-application meeting was held with the following topics addressed: • A Major Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for a Liquor Establishment, Tavern.
<i>Neighborhood Meeting</i>	
03/09/10	Pursuant to the Town Center Development Standards Manual Subsection A.4.c, a neighborhood meeting is required when a waiver of the distance separation requirements is requested. A neighborhood meeting was held from 6:00 to 6:40 pm at the Centennial Hills Community Center located at 6601 N. Buffalo Drive, Las Vegas, Nevada, 89131. There were four attendees for the general public, six attendees representing the applicant and one staff member (Planning and Development). Concerns raised included: • Could another Tavern open in this shopping center with the change in zoning? Response: “Yes, as there are no distance separation requirements between tavern uses in Town Center.” • A concern about the waiver of the park distance was also noted.
<i>Field Check</i>	
02/18/10	Staff conducted a field check on the indicated date. The following items were noted: • A well maintained shopping center was noted. • Suite #130 is currently a vacant suite.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	8.63

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Shopping Center	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
North	Library	PF-TC (Public Facilities)	C-V (Civic)
	Community Recreation Facility	PF-TC (Public Facilities)	C-V (Civic)

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South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Single Family Residential	Clark County	Clark County
	Undeveloped	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
	Undeveloped	R (Rural Density Residential)	U (Undeveloped)
West	Shopping Center	SX-TC (Suburban Mixed-Use)	T-C (Town Center)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	250,030 SF	1:250	981	21			
TOTAL			1001		1,093		Y

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Waivers		
Requirement	Request	Staff Recommendation
Title 19.04.010 - No Liquor Establishment (Tavern) shall be located closer than 400-feet from a church, synagogue, child care facility licensed for 12 or more children, or City Park	A Waiver to allow a 147-foot distance separation from a City Park	Denial

ANALYSIS

The applicant is proposing a Liquor Establishment (Tavern) use within an existing shopping center at 6430 Sky Pointe Drive, Suite #130. The subject site is currently zoned T-C (Town Center) with a SX -TC (Suburban Mixed Use – Town Center) Special Land Use designation. The applicant has submitted an associated Major Modification (MOD-37375) of the Town Center Land Use Plan to GC-TC (General Commercial – Town Center) to allow the proposed Liquor Establishment (Tavern) to be within the range of uses permitted with a Special Use Permit.

The Town Center Development Standards require a Tavern to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children or City Park, as measured from property line to property line. In this case, the proposed use is only 147 feet from an existing City Park (Centennial Hills Park) where 400 feet is the minimum distance required. The applicant is requesting a Waiver to address this issue.

The subject site is not an appropriate location for the proposed use, as is evidenced by the request for a Waiver of the distance separation requirement from a city park, and also by the need to modify the Town Center land use designation to the more intense GC-TC (General Commercial – Town Center) Special Land Use designation in order to allow the proposed Liquor Establishment (Tavern) use with the approval of this Special Use Permit. The associated request for a Major Modification (MOD-37375) is not compatible with the existing surrounding land use designations and would allow other uses that are too intense for the surrounding adjacent properties; therefore, staff cannot support the associated request for a Major Modification and recommends denial of this Special Use Permit request.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

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The Liquor Establishment (Tavern) use cannot be conducted in a manner that is compatible with the existing surrounding land uses and with future surrounding land uses as projected by the General Plan, as parcels adjacent to the east property line are zoned for low density residential. These single family residences require a significant transition from intense uses that cannot be provided with this request.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The subject site is not physically suitable for the proposed Liquor Establishment, Tavern use. The proposed use is only 147 feet from an existing City Park where 400 feet is the minimum distance required.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The site is accessed by Centennial Parkway, designated as a 90-Foot Town Center Loop and John Herbert Boulevard, designated as a 100-Foot Primary Arterial by the Town Center Development Standards. Both streets will provide adequate access to the site. Site access and circulation will not negatively impact adjacent roadways and neighborhood traffic.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

A Liquor Establishment (Tavern) use will be subject to regular City and County inspections for licensing; therefore, public health, safety, and welfare will not be compromised. Approval of this Special Use Permit requires approval of an associated Major Modification (MOD-37375), which is not consistent with the objectives of the Town Center Development Standards Manual.

5. The use meets all of the applicable conditions per Title 19.04.

The proposal does not meet Condition (a) of the minimum requirements for a Liquor Establishment (Tavern) use contained in the Town Center Development Standards Manual, which requires that “no tavern shall be located within 400 feet of any church, synagogue, school, child care facility, or city park.” Approval of a waiver is required to allow the use within 400 feet of a city park.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 97 (By City Clerk)

APPROVALS 0

PROTESTS 9