



Agenda Item No.: 15.

AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MARCH 25, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: MOD-373 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: MISS DOLLY'S TAVERN, OWNER: MARGO WHEELER - CENTENNIAL CROSSROADS PHASE 1, LLC - Request for a Major Modification of the Town Center Land Use Plan to amend the Special Land Use Designation FROM: SX-40 (SUBURBAN MIXED USE - TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL - TOWN CENTER) on 8.6 acres generally located at the northwest corner of John Robert Boulevard and Centennial Parkway (APN 125-21-813-002), Ward 6 (Ross)

C.C.: 04/21/2010

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	8
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda - Protest Postcards for Items 15 and 16 and Protest/Support Letter by Charleston Neighborhood Preservation for Items 15-17, 20, 24 and 25 and 28-30

Motion made by KEEN ELLSWORTH to Deny

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

VICKI QUINN, BYRON GOYNES, RICHARD TRUESDELL, KEEN ELLSWORTH, STEVEN EVANS, GUS FLANGAS; (Against-GLENN TROWBRIDGE); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TRUESDELL declared the Public Hearing open for Items 15 and 16.

STEVE GEBEKE, Planning and Development, indicated that a Major Modification of the Town Center Special Land Use designation is required to allow for the requested Special Use Permit for a Tavern, as the existing land use designation does not allow the use. The requested land use

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designation of General Commercial (GC-TC) is not compatible with the surrounding Suburban Mixed Use (SX-TC), and would allow uses, including but not limited to such uses as motor vehicle sales, motels/hotels and recreational facilities, that are too intense for the surrounding residential and commercial developments. In addition, the Special Use Permit request for a tavern is not appropriate as it cannot meet the minimum distance separation of 400 feet required from a City park, and is not compatible with the adjacent residential development to the east. Therefore, staff recommended denial of both requests. If denied, the land use designation will remain as is, and a tavern will not be allowed at the location.

ATTORNEY JENNIFER ROBERTS, 300 South Fourth Street, appeared on behalf of the applicant and accompanied by RANDY MILLER. ATTORNEY ROBERTS stated that the current SX-TC or the Service Commercial (SC) land use designations do not allow a tavern use. Therefore, a GC-TC designation is being requested. The proposed use would occupy two suites within an existing shopping center that has a Target and a Vons. The modification will not affect the existing commercial uses. She opined that the park is allowed under the code because it is buffered by Buffalo Drive, which is more than a 100-foot right-of-way separated by Vons.

ATTORNEY ROBERTS explained that this would not be a tavern or a bar operation but a unique concept for adults. It is designed as a video poker cafe with video poker machines, where gourmet coffee and pastries would be served. The signage will not say tavern nor will it be promoted or advertised as a video poker cafe. Alcohol will be available to the patrons, but not as the primary use. The establishment operators are former police officers who have been in the casino business for over 25 years, managing Longhorn Casino, Foothills Lodge and other establishments.

On a map, ATTORNEY ROBERTS showed the area on the opposite side of the 215 with an existing mixed GC-TC and SX-TC designation, and across there are commercial and residential uses, similar to the proposed business structure. The difference is that the establishment would be located strictly in a commercial center. In order to allow for the 15 gaming machines, the applicant had to pursue the tavern use.

JUANITA CLARK, Charleston Neighborhood Preservation, expressed concern about the verbiage and questioned the 3,534 square-foot liquor establishment. Once approved, this could become a tavern and could set a precedent.

COMMISSIONER TROWBRIDGE found this concept intriguing, and indicated that he visited a similar tavern located on Charleston Boulevard near the old Red Rock Theater. It is a wonderful establishment, very well lit and the gaming machines were set up in a sort of a cubicle where people could sit and play without the interference of noise. He questioned the reason why such an establishment needs to be licensed as a tavern when it really is not, as alcohol sales is a minor part of the business. He was impressed with the business, and he felt this might be a great addition to any shopping center.

Even though he found the concept respectable and positive, COMMISSIONER ELLSWORTH felt the establishment is not appropriate for this family-oriented area. There is a Target, a

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YMCA and a park. Alcohol will be served in this facility, and one person coming out of this establishment intoxicated is one too many.

MR. MILLER indicated he does not plan on having limited hours, and feels this is a suitable location for this concept. The liquor sale will not be advocated. He understood COMMISSIONER ELLSWORTH'S concern, and added that even one death is not acceptable. In fact, Target and Vons also expressed COMMISSIONER ELLSWORTH'S concerns, but they now believe this is an appropriate use for this area.

MR. MILLER pointed out that in other counties gaming can grow, depending upon what people want. In Clark County, it is either a 15-machine bar or a mega resort. The residents like this type of operation because it is convenient and do not want the distractions of a bar or a casino. When the smoking ban was implemented, customers expressed the desire to smoke in this type of establishment. He is cognizant of COMMISSIONER ELLSWORTH'S concerns.

COMMISSIONER EYALIS stated that the issue is not about the type of business but its location. He asked if this would alter the Town Center Standards. More importantly, he wondered if the zoning move with them and so that if this business moves, it would be hard zoned for a zoning that might not be appropriate.

DOUG FRANKIN, Planning and Development, indicated that staff's concern was that this would be a significant change to the land use on this side of the freeway.

ATTORNEY ROBERTS reminded the Commissioners about the existing mixed GC-TC across the freeway and close to residential development. Although the entitlement of the tavern use would exist for six months before it expires, Target and Vons would have oversight on the type of tenant that would go into the center.

CHAIR TRUESDELL stated that the clustering of uses was created in the core of Town Center, and that the level of zoning was specifically set up to have multiple clustered uses. If this is changed to GC-TC, it would open the door to applicants wishing to do business next to the proposed facility. ATTORNEY ROBERTS added that, even though there may not be distance separation requirements between taverns, applicants would still have to submit an application for a waiver to the park before the Planning Commission, who would then take the second tavern into consideration. CHAIR TRUESDELL responded that the concept is well presented, but the next application could be a request for a wine arcade with five video poker machines.

COMMISSIONER GOYNES read a letter from MICHAEL and SANDY GREGORY objecting to the proposed tavern because of its proximity to the YMCA and a park. The Commissioner added that he also resides in the area and that his children take lessons at the YMCA. Additionally, on a typical Saturday there is increased traffic on Buffalo Drive. The proposed use does not fit the land use.

COMMISSIONER ELLSWORTH'S biggest concern was the sale of liquor. He asked if the sale of alcohol could be limited to certain times of day. MARGO WHEELER, Director of Planning

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and Development, replied that a Special Use Permit for a tavern allows the sale of alcohol without food on a 24-hour basis. MR. MILLER rebutted that more alcohol is consumed in most parks than what will be consumed in his small operation.

CHAIR TRUESDELL declared the Public Hearing closed.

