



City of Las Vegas

Agenda Item No.: 79.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:
SPECIAL USE PERMIT

SUP-16515 - PUBLIC HEARING - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A REDESIGNED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1500-FOOT SEPARATION DISTANCE REQUIREMENT FROM ANOTHER LIQUOR ESTABLISHMENT (TAVERN) at 425 Fremont Street, Suite #210 (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 8 (Reese). NOTE: To be heard in conjunction with Morning Session Item 55. Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 10-19-06 Planning Commission Meeting Item 5

Motion made by GARY REESE to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LAWRENCE WEEKLY, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the public hearing open.

PAUL HENNESSEY, 425 Fremont Street, was present.

MAYOR GOODMAN commented on a recently passed statute pertaining to smoking regulations. Some constituents who own supperclubs are concerned that they must choose to

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serve food or allow smoking without serving food; would there be a liability issue with the lessee providing the food? In addition, there would be an issue if some owners choose to not serve food then their business becomes a bar but the license was for a supperclub. The Mayor felt it was important enough to do research on behalf of the constituents.

ASSISTANT CITY ATTORNEY BRYAN SCOTT responded that occasionally there are some contracts with such a provision but time is needed to research this issue. He also informed the Mayor that only taverns can choose to serve food as an accessory. Supper club establishments are required to have a food element moreso than the alcohol element. Upon the new statute taking effect (December 8, 2006), individuals cannot smoke in supper clubs.

MR. HENNESSEY questioned if smoking is allowed on the outdoor patio of supper clubs and in the gaming area where children are not allowed. ASSISTANT CITY ATTORNEY SCOTT responded that the only exemption from the "no smoking" rule is with gaming in the casinos where smoking is allowed in the restaurants within the casinos.

ASSISTANT CITY ATTORNEY SCOTT responded to COUNCILMAN REESE'S inquiry by stating that the marijuana initiative was a constitutional amendment, which required multiple votes by the people prior to approval. In this matter, the statute becomes a law once approved.

MR. HENNESSEY felt that individuals were overreacting, as it was his opinion that people tend to adapt easily and smoke outdoors when required. Since the new law passed in California, both smoking and non-smoking patrons of his California restaurant have remained and his liquor sales increased by five percent. He believed that supper club owners will not have to renovate their restaurants and will maintain their smoking and non-smoking patrons. For the Council, MR. HENNESSEY described the proposal as two restaurants with live music on the second floor. Included is a circular bar, a patio, a piano lounge and an additional seating area.

COUNCILMAN REESE thanked MR. HENNESSEY for his contributions to the downtown area with his exemplary work reflecting vibrant development.

MAYOR GOODMAN declared the public hearing closed.