



**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF FEBRUARY 6, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

SUBJECT:  
SPECIAL USE PERMIT

SUP-25460 - PUBLIC HEARING APPLICANT: MIKE'S LIQUOR, LLC - OWNER: SAHARA-SAB NEVADA, LLC - Request for a Special Use Permit FOR A PROPOSED PACKAGE LIQUOR OFF-SALE ESTABLISHMENT at 2600 West Sahara Avenue, Suites #103 and #104 (APN 162-05318-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (5-0 vote) and staff recommend APPROVAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	5	Planning Commission Mtg.	1
City Council Meeting	19	City Council Meeting	1

**RECOMMENDATION:**

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

**BACKUP DOCUMENTS:**

1. Location, Aerial, and Site Plan
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest postcards
7. Submitted after final agenda Protest postcards
8. Submitted after meeting Protest support postcard
9. Backup referenced from the 12-20-07 Planning Commission Meeting Item 10

Motion made by LOIS TARKANIAN to Hold in Abeyance to 3/5/2008

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1  
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

**Minutes:**

MAYOR PRO TEM REESE declared the Public Hearing open.

ATTORNEY MARC RISMAN appeared on behalf of applicant, MIKE KAILEY, who was also present.

## CITY COUNCIL MEETING OF: FEBRUARY 6, 2008

COUNCILWOMAN TARKANIAN requested a 30-day abeyance due to staff receiving concerns from neighbors. Additionally, no neighborhood meetings were held by the applicant nor was she contacted by the applicant. She requested the item be held to the March 5, 2008 City Council meeting. ATTORNEY RISMAN replied that they have complied with all requirements, have entered into leases and the rent has been paid. They have not heard of any problems and they have been in regular contact with the Business License Department.

COUNCILWOMAN TARKANIAN responded that if the abeyance request is not accepted, she will move for denial. A lease should not be entered into until the use is approved, as the City Council is the determining factor. In addition, when a liquor sale application comes forward with the intention of adding gaming and is located near areas frequented by children, the residents become concerned. A neighborhood meeting is preferred to discuss these issues. She would be glad to provide the applicant with a mailing list of adjacent residents and a meeting could be set up. ATTORNEY RISMAN understood her concerns and complied with her request.

The Councilwoman reiterated her question as to why they would go into a lease and bind themselves financially without approval by the City. ATTORNEY RISMAN replied that the lease had a clause regarding the use permit. When the landlord saw the outcome of the Planning Commission meeting and was not aware of neighborhood problems, the occupant of Suite 103 was asked to vacate so he could begin work on the store. The Councilwoman remarked that an applicant should wait until the final vote. The Council members have to carry the burden of making tough decisions. She is willing to give the applicant an opportunity to meet with the neighbors.

MARGO WHEELER, Director of Planning and Development Department, indicated that protests are made part of the record prior to Planning Commission and City Council meetings, and those are all public record. The applicant has the opportunity to obtain or review them.

MAYOR PRO TEM REESE declared the Public Hearing closed.