



City of Las Vegas

Agenda Item No.: 98.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 16, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: UP-2793 SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT/OWNER: HECTOR CAMACHO Appeal filed to reverse denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED RESTAURANT WITH A SERVICE BAR WITH WAIVERS TO MAINTAIN A ZERO FOOT DISTANCE SEPARATION FROM A CHILD CARE FACILITY AND A BELOW A 58-FOOT DISTANCE SEPARATION FROM A SCHOOL WHERE 400 FEET IS REQUIRED at 4561 East Bonanza Road (APN 140-32-101-013), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	14	Planning Commission Mtg.	1
City Council Meeting	19	City Council Meeting	1

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location, Aerial Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal letter filed by Hector Camacho
7. Protest Postcards
8. Submitted after Final Agenda Protest/Support Postcards
9. Backup Referenced from the 06-12-08 Planning Commission Meeting Item 30

Motion made by GARY REESE to Approve subject to conditions and adding the following conditions as read for the record:

- A. The hours of operation of the alcohol sale shall be limited to 4:00 p.m. to 12:00 a.m. daily.
- B. A property management company shall remain on site at all times and the telephone number of the contact person shall be made available to the City Council Office at all times.
- C. There shall be a three-month review after issuance of the business license at a public hearing of the City Council and the applicant shall pay for the public hearing review.

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

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

HECTOR CAMACHO, applicant, stated the site is 3.5 acres. COUNCILMAN REESE explained that 50 percent of the acreage has been developed. MR. CAMACHO desires to build out the remaining portion. The Councilman was comfortable with the distance separation from the church and daycare facilities, as it is measured from property line to property line. MR. CAMACHO is willing to work with the Councilman on hours of operation and is open to hiring a management company. Having one will benefit MR. CAMACHO and the residents within the community.

KENT BURIE, 4604 Julene Court, spoke in opposition. The childcare employees do not live in the area but would be disappointed to see such a business within the close distance. The Councilman clarified that the business is not a bar; it is mostly a restaurant with a service bar in a family friendly atmosphere. The alcohol area is closer to the Bonanza Road side where there are liquor establishments. VALERIE ARAMIS, 4601 Julene Court, also spoke in opposition for the aforementioned reasons.

MARS FRIEDMAN, DT Market, owner and owner of Childtime, 161 Ventura Blvd., Los Angeles, California emphasized the need for his tenants to be able to provide a safe environment for their children. The applicant's development has proceeded with continued concessions. There have been landscape buffers filled with trash, many citations, a restraining order against the applicant and, now, more concessions. Council has given this applicant a larger footprint, a 20 percent parking reduction, and now a service bar. The application notes the restaurant in the middle, but in essence, it is one big parking lot filled with many drinkers. He asked Council to do what's best for the community.

COUNCILMAN REESE noted there is no access off of Page Avenue and Diamond Head but only on Bonanza Road, so individuals would only exit/enter from Bonanza Road. MR. FRIEDMAN stated that on Diamond Head there is a crash gate that individuals have driven through heading directly towards the elementary school. The Councilman explained that he has requested the applicant hire a management company, but MR. FRIEDMAN did not believe it would suffice.

MR. CAMACHO rebutted that his business will cater to families and the alcohol portion is needed given the economy. He emphasized the financing, approximately three million, is already in place and can be verified.

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COUNCILMAN REESE trailed the item to further discuss the issues with the applicant and residents present. In doing so, he confirmed that the residents do not oppose the agreed upon hours of operation and are adamant that a management company is hired to maintain the site. MR. FRIEDMAN stated the Childtime lease is up for renewal in January 2009; it is possible that this business could be replaced with MR. CAMACHO'S business.

MARGO WHEELER, Director of Planning and Development, clarified the conditions: hours are daily from 4:00 p.m. to 12:00 a.m. for alcohol sales, management company on site at all times with contact number on record in City Council's Office and a three-month review.

COUNCILWOMAN TARKANIAN appreciated the Councilman's concern for families and communities. Although she would not normally support alcohol being this close to a school, she could trust the Councilman's judgment and decision to support.

MAYOR GOODMAN declared the Public Hearing closed.

