



*City of Las Vegas*

Agenda Item No.: 60.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF: SEPTEMBER 3, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
ROC-2914 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: ABC STORES  
OWNER: MIK, INC. - Request for a Review of Condition to remove Condition Number 8 of an approved Special Use Permit (U-034-01) WHICH PROHIBITED THE SALE OF INDIVIDUAL CONTAINERS OF SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE, THAT ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATIONS AS SHIPPED BY THE MANUFACTURER, AND THAT NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED at 45 Fremont Street, (APN 139-34-111-037), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

**RECOMMENDATION:**

Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for ROC-4886
6. City Council Approval Letter for U-0147-01
7. Submitted after Final Agenda Protest/Support Postcards
8. Submitted after Meeting - Recordation Notice of City Council Action and Conditions of Approval

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

A. A six-month review shall be held at a public hearing before the City Council.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,  
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

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Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY BOB GRONAUER, 3800 Howard Hughes Parkway, appeared with MYLES OLIE, District Manager of ABC Stores. ATTORNEY GRONAUER explained that ABC Stores has made substantial improvements to its store located in the Fremont Street Experience (FSE) and has been a good corporate citizen. When ABC Stores was granted the Special Use Permit in 2002, some restrictions were placed on the liquor use, but the liquor use has not caused any problems on the premises. Therefore, ATTORNEY GRONAUER requested approval of the Review of Condition (ROC).

TED RUSSELL, Las Vegas resident, stated that ABC Stores has been wonderful for the FSE and expressed his support, noting that the ABC employees are very cordial.

JEFF VICTOR, President of the Fremont Street Experience, agreed with MR. RUSSELL that ABC Stores has been a great presence for the FSE and offers great merchandise. However, MR. VICTOR said he was surprised about the request and could not understand its value to the FSE.

ASSISTANT CITY ATTORNEY SCOTT confirmed with MR. MARGO WHEELER, Director of Planning and Development, that this matter pertained to an ROC to remove a condition.

At the Mayor's request, ATTORNEY GRONAUER explained that the reason for the ROC is to allow ABC Stores to compete with other stores in the FSE. ABC Stores is a convenience store that is operated more like a retail store and is open from 7:30 a.m. to 1:00 a.m., which are unusual hours for a business in the FSE. In the six years of doing business, ABC has proven to be compliant and would like the opportunity to prove itself with having the same liquor uses as other business in the FSE.

COUNCILMAN REESE stated that ABC Stores has done a wonderful job in six years and should be given the opportunity to prove itself.

MS. WHEELER confirmed with COUNCILMAN REESE that his motion included a six-month review at a public hearing before the City Council. ATTORNEY GRONAUER agreed to the condition, noting for COUNCILMAN REESE that there had been no calls for service to Metro for ABC Stores.

MAYOR GOODMAN declared the Public Hearing closed.