



*City of Las Vegas*

Agenda Item No.: 103.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF OCTOBER 15, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:** UP-2920 - SPECIAL USE PERMIT PUBLIC HEARING - APPLICANT: ARICHAJ MILPASUVIN - OWNER: MILLAGE SQUARE SHOPPING CENTER, LLC - Request for a Special Use Permit FOR A PROPOSED BEER/WINE COOLER ON-SALE ESTABLISHMENT IN CONJUNCTION WITH THE EXISTING RESTAURANT WITH A WAIVER TO ALLOW A ZERO-FOOT DECK SEPARATION FROM A HOUSE OF WORSHIP WHERE 400 FEET IS REQUIRED 4930 West Sahara Avenue, Suite #110 (APN 163-06-816-034), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). NOTE: To be heard in conjunction with Morning Item 49. Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	9	Planning Commission Mtg.	6
City Council Meeting	16	City Council Meeting	16

**RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda Protest/Support Postcards
8. Submitted after Meeting Protest/Support Postcard and Recordation Notice of City Council Action and Conditions of Approval
9. Backup Referenced from the 09-11-2008 Planning Commission Meeting Item 23

Motion made by STEVE WOLFSON to Approve subject to conditions

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)

NOVEMBER 15, 2008

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

MS. ITOUV appeared with ARICHAI SILPASUVUN to speak on his behalf. She explained that the nearby house of worship is located within the same property line as that of the applicant's. Having researched the surrounding liquor establishments, MS. ITOUV stated that MR. SILPASUVUN'S restaurant is not the closest business to the house of worship.

COUNCILMAN WOLFSON asked MARCO WOLFSON, Director of Planning and Development, if public hearing notices for variance separation requests could state the actual distance between structures. Because in this case, although the applicant is asking for a waiver to allow zero-foot distance separation, there is a distance of 1,750 feet from the applicants establishment to the house of worship. There were eleven protest postcards received and most of them were from people who thought that a bar would be put next to the church, and that is not the case. MS. ITOUV replied that it could be done but it would have to be from existing building to existing building. His concern is that there are different instances with different rules and staff may not be able to address all of them.

COUNCILMAN WOLFSON asked that further discussion be held about how to improve the system so that people are made aware of the actual distances. ASSISTANT CITY ATTORNEY BRYAN SCOTT was concerned with the possible conflict to the Code, because the distance is not measured from door-to-door, but from property line to property line. COUNCILMAN WOLFSON'S requested explanation within the item title in an attempt to avoid misleading recipients. MS. ITOUV noted that she found the process very confusing and misleading. The Councilman agreed that it is not only confusing to the public but also to the applicants or business owners. He reiterated his desire for staff to explore ways of improving the notice process.

CAROL MEYER, Business Services, stated the applicant met the criteria for a temporary license and recommended approval.

MS. ITOUV described the items on the menu. MR. SILPASUVUN added that his restaurants have been voted Best of Las Vegas by the Review-Journal in 2005 and 2007. COUNCILMAN WOLFSON welcomed them to Ward 2.

MAYOR GOODMAN declared the Public Hearing closed.