City of Las Vegas

Agenda Item No.: **32.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐Consent ☒ Discussion

SUBJECT:
SUP-38996 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RP SLOTS, LLC - OWNER: CHARLESTON HEIGHTS SHOPPING CENTER, LLC - Request for a Special Use Permit FOR A GAMING ESTABLISHMENT, GENERAL BUSINESS-RELATED (10 Gaming Devices) WITHIN AN EXISTING 6,440 SQUARE-FOOT GENERAL RETAIL STORE at 542 South Decatur Boulevard (APN 138-36-701-018), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

MAY GO TO CITY COUNCIL ON 10/20/10 OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**5**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Recordation Notice of Planning Commission Action and Conditions of Approval

Motion made by VICKI QUINN to Approve subject to conditions and amending Condition 6 as read for the record:

6. Complete separation of 542 and 544 South Decatur Boulevard is required. Such separation shall consist of a pony wall with a lockable gate that shall remain locked during all business hours, impeding access between the two suites, and shall be completed prior to the installation of any gaming machines. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

Passed For: 4; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 1
VICKI QUINN, GLENN TROWBRIDGE, STEVEN EVANS, TODD L. MOODY; (Against-RICHARD TRUESDELL, BYRON GOYNES); (Abstain-None); (Did Not Vote-None); (Excused-GUS FLANGAS)

Minutes:
CHAIR TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development, recommended approval as the proposal meets Title 19 minimum requirements and is compatible with surrounding land uses. If the application is denied, the 6,[illegible]0 square-foot general retail business will remain without gaming. He read an amendment to Condition 6.

ROGER SZEPELAK, 5[illegible] South Decatur Boulevard, indicated that the location has been a pharmacy with slot machines since the early 1960's. Throughout 1960 to 2007, there was complete ingress/egress between the two locations without any problems. He entered into escrow to purchase both businesses in 2007. During that process, the issue of ingress/egress was first raised and in order to comply with the Code, he installed a four-foot high pony wall with a lock-in gate to separate the two locations. The patrons could see over the wall but they had to go outside to enter the other property. Both City and State were satisfied with the solution. He closed escrow in January of 2008, and in February of 2009, he contracted to sub-lease the pharmacy. During that process, the State Gaming Commission ruled that since he was no longer the primary business operator, he could no longer operate the gaming component at the location.

Consequently, he surrendered the gaming license for the pharmacy and kept the gaming in the restaurant. Without the gaming on the other side, the need for the gate was no longer necessary and was removed to allow free access. In order to get the gaming back in the pharmacy, he opted to create his own slot route company called RP Slots. He clarified for COMMISSIONER QUINN that he wants to put the gaming machines back in the pharmacy with a lock-in gate as it was back in 2007 rather than the pony wall. The gate will prevent customers from going back and forth, as well as keep the slots box inside. The hours of operation are the same for the restaurant and pharmacy.

COMMISSIONER GOYNES asked staff about the difference between the pony wall and the gate. MR. RANKIN responded that there is no way for staff to ensure the gate is closed during business hours. The pony wall would create a separation of both uses as required since they have separate addresses and ensures no mixing of the two uses.

COMMISSIONER QUINN suggested a six-month review. MR. SZEPELAK indicated that as a licensee, he is subject to many regulations that staff can ensure he complies with. Both the City and State were comfortable with the gate in 2007. CHAIR TRUESDELL felt the gate is a potential shortcut that does not fit.

MR. SZEPELAK discussed with COMMISSIONER EVANS that he has already invested $[illegible]0,000 into this business. He clarified for COMMISSIONER MOODY that the gate is four feet high with two metal poles on both sides with double deadbolt. He is the only one that has a key and is only used when doing drops.

COMMISSIONER EVANS verified with staff that a wall is required if there are two adjacent locations because customers are not allowed to go from one gaming location to the other. CHAIR TRUESDELL did not feel that having a gate is sufficient, staff's recommendation for a pony wall is a good compromise. MR. SZEPELAK indicated that his application was heard by the Nevada State Regulators and it was approved with the gate.

COMMISSIONER QUINN supported the request because she felt the applicant would not do anything to jeopardize his business license.

MARGO WHEELER, Director of Planning and Development, read into the record an amendment to Condition 6.

CHAIR TRUESDELL declared the Public Hearing closed.