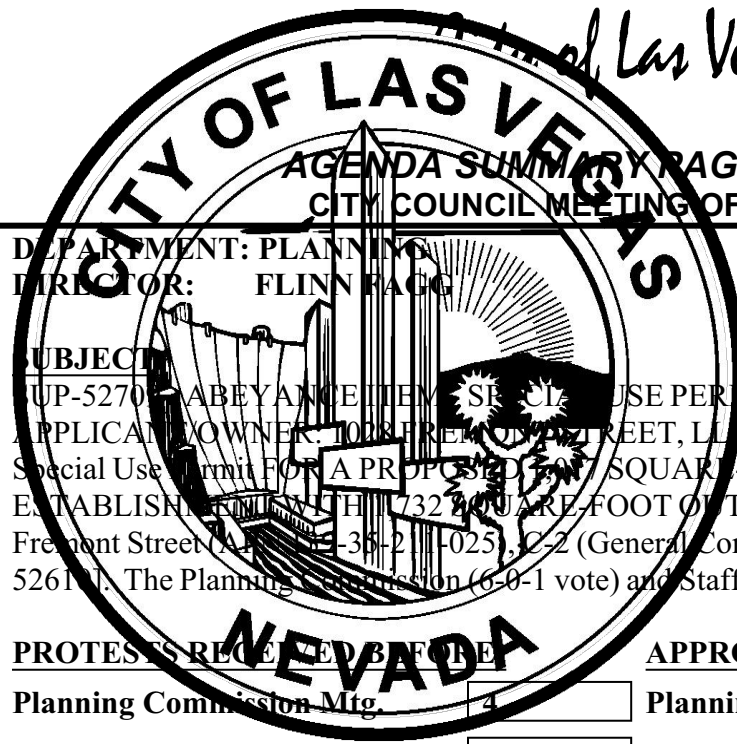




City of Las Vegas

Agenda Item No.: **43.**

**AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: JUNE 4, 2014**

**DEPARTMENT: PLANNING
DIRECTOR: FLINN RAGG**

☐ Consent ☒ Discussion

SUBJECT: SUP-5270 - ABEYANGETTE, SECLUSE PERMIT - PUBLIC HEARING -
APPLICANT/OWNER: 1028 FREMONT STREET, LLC - For possible action on a request for a
Special Use Permit FOR A PROPOSED 7,000 SQUARE-FOOT TAVERN-LIMITED
ESTABLISHMENT WITH 732 SQUARE-FOOT OUTDOOR SEATING AREA at 1028
Fremont Street (APN: 15-36-211-025), C-2 (General Commercial) Zone, Ward 3 (Coffin) [PRJ-
52611]. The Planning Commission (6-0-1 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and Staff recommend 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, Protest Letter, Protest/Support E-Comments
7. Submitted at Meeting - Letter from Attorney Allen Lichtenstein and Protest Letter
8. Backup Referenced from the March 11, 2014 Planning Commission Meeting

Motion made by BOB COFFIN to Approve subject to conditions and adding the following condition:

A. The business shall at all times conform with Section 9.16.030(K) without seeking or obtaining any exemption.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN,
STAVROS S. ANTHONY, STEVEN D. ROSS, BOB BEERS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Motion made by BOB COFFIN to Approve subject to conditions

CITY COUNCIL MEETING OF: JUNE 4, 2014

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN, STAVROS S. ANTHONY, STEVEN D. ROSS, BOB BEERS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Motion made by BOB COFFIN to Reconsider

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, CAROLYN G. GOODMAN, STAVROS S. ANTHONY, BOB BEERS; (Against-STEVEN D. ROSS); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

JOHN CURRAN appeared on behalf of the applicant, and said that this item has been held in abeyance twice, which has allowed for meetings with the community and concerned stakeholders. A community meeting was held last night and he believes they came to a resolution. He said that he assumes that ATTORNEY ALLEN LICHTENSTEIN would like to speak and have a condition added to the project. He requested to follow staff's recommendation for approval.

ATTORNEY LICHTENSTEIN said that because residents expressed concern about late night outdoor music, he would like to add a condition that states the business shall at all times conform with Section 9.16.030 (K) without seeking or obtaining any exemption.

SAM ZEER, Shop'N Save, thanked MAYOR GOODMAN and COUNCILMAN BARLOW for meeting with them. He read a letter, which was submitted for the record and attached as backup documentation.

FLINN FAGG, Director of Planning, said that the condition of approval references Title 9, which is the noise ordinance.

COUNCILMAN COFFIN inquired if MR. ZEER still owns property in the area to which MR. ZEER replied that he owns the business at 518 Fremont Street, but not the building.

COUNCILMAN COFFIN said that the project is in Ward 3 but it also affects the residents in Ward 5. He commented that people who have been acquiring land are about done spending money on buying land and developing businesses in the area. He realizes that progress is important to develop a community but care needs to be taken when doing so. COUNCILMAN COFFIN said that the additional amendment is a restatement of the existing law and is appropriate. He said that this is the Ferguson Hotel that has been brought back to life and they will conform to the neighborhood noise ordinances.

CITY COUNCIL MEETING OF: JUNE 4, 2014

MAYOR GOODMAN clarified that nobody knows if there is going to be more development and land purchases going East on Fremont Street.

COUNCILWOMAN TARKANIAN inquired about the revision and asked MR. ZEER if the additional condition will take care of the problems. MR. ZEER said that this will take care of some of the problems but there is a complete transformation of the entire district and existing residents and businesses should be consulted and compensated for losing their business. COUNCILWOMAN TARKANIAN said that care needs to be taken when working with the developers regarding the noise because it can be a problem for those who are close to the development.

ATTORNEY LICHTENSTEIN said that he wrote the amendment but it came from the consensus at the meeting and that there is leverage that can be used for repeat offenders.

COUNCILWOMAN TARKANIAN said that they can resolve these issues one at a time. MR. ZEER said that they would appreciate the City Council's continued interest and hope to meet with them again to help resolve their issues.

COUNCILMAN COFFIN said the intention of the City Council is to ensure that there is enforcement of the existing noise ordinances for residential protection.

MR. FAGG asked if the motion includes the added condition and COUNCILMAN COFFIN said that it is not necessary as it is already a restatement of the law as it currently exists.

MAYOR PRO TEM ANTHONY declared the Public Hearing closed.

Subsequent to hearing Item 33, COUNCILMAN BARLOW said that it had been brought to his attention that on Item 43 the residents had requested additional language as it related to a non-waivable condition. He thought that it had been added as a condition, but it had not. CITY ATTORNEY JERBIC explained that MR. LICHTENSTEIN had requested additional language be included as a condition. He suggested that the condition include 9.16.030 (K) which deals with noise limitations. When COUNCILMAN COFFIN made the motion, he had said that did not need to be an added condition as it was already the law and the motion passed without that as a condition of the use permit, but it remains the law.

COUNCILMAN COFFIN said it would be appropriate to move to pass with the additional language as requested by COUNCILMAN BARLOW which is to put a condition that the existing noise ordinance be strictly enforced and add the words of the existing ordinance into this. CITY ATTORNEY JERBIC suggested adding MR. LICHTENSTEIN'S written condition as Condition 8 to the use permit.