



City of Las Vegas

Agenda Item No.: 25.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: NOVEMBER 4, 2014

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO, ACTING

☐ Consent ☒ Discussion

SUBJECT: ABYANCA - SUP-55682 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICATION OWNER: THIRTYTWO TWO, LLC - For possible action on a request for a
Special Use Permit FOR A PROPOSED 3,400 SQUARE-FOOT LIQUOR ESTABLISHMENT
(TAVERN) WITH A WAIVER TO ALLOW A 130-FOOT DISTANCE SEPARATION FROM
A LIQUOR ESTABLISHMENT (TAVERN) AND A 1,200-FOOT DISTANCE SEPARATION
FROM A CHURCH/HOUSE OF WORSHIP WHERE 1,500 FEET IS THE MINIMUM
DISTANCE SEPARATION REQUIRED at 322 Fremont Street (APN 139-34-510-026), C-2
(General Commercial Zone), Ward (Barlow) [PRJ-55576]. Staff recommends APPROVAL.

MAY GO TO CITY COUNCIL ON 12/17/2014
OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter
6. Submitted after Final Agenda - Staff Report Revisions

Motion made by RICHARD TRUESDELL to Hold in abeyance to 1/13/2015

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

TRINITY HAVEN SCHLOTTMAN, VICKI QUINN, GUS FLANGAS, TODD L. MOODY,
RICHARD TRUESDELL, RICHARD P. BONAR; (Against-None); (Abstain-None); (Did Not
Vote-None); (Excused-BYRON GOYNES)

Minutes:

CHAIR FLANGAS declared the Public Hearing open.

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DOUG RANKIN, Planning Manager, explained that staff finds the proposed use can be conducted in a compatible and harmonious manner with the existing surrounding land uses and recommended approval.

ATTORNEY TERRY CARE, SETH FLOYD and ALIZA ELAZAR were present.

ATTORNEY CARE indicated that the family has owned the establishment for decades and serve pizza. They want to upgrade with a tavern license and want to add a gourmet upscale bakery and baked goods to be baked on premises. Last year this item was held in abeyance because the Fremont Street Experience had questions about the project and wanted to meet with the applicant, which they did. They plan on being open until 1:00 a.m. and he pointed out staffs approval recommendation.

BISHOP WILLIAM JONES asked if a meeting was held with the church within the 15 feet radius, as required by the Code, given the tavern license request. ATTORNEY CARE replied they did not receive any protests so they did not have a meeting.

REVEREND STEPHEN SMITH was not opposed to the request, but listening to the comments by the church member on a previous item, he felt a protest was needed. He asked that the process be improved so now churches are notified about uses within the distance requirement.

RYAN ARNOLD, 262 Regatta Drive, appeared on behalf of the Fremont Street Experience, stating that they have worked with staff on new laws to address the proliferation of package liquor under the Fremont Street Experience banner. Their concern is that if an unlimited tavern is approved, it would allow them to sell liquor. Granting a distance separation waiver will set a precedent allowing others to come in with a similar application. They are not against this type of a use with a limited tavern use. MR. ARNOLD noted the staff report says that the Fremont Street Experience will provide security and control over the administration of alcohol sales and consumption, but he felt staff would agree that this is in error. Obviously, the Fremont Street Experience members pay significantly to make sure there is a security presence but the Fremont Street Experience should not be responsible for this establishment as well.

TERRY MURPHY appeared on behalf of the Fremont Street Experience, the D and the Golden Gate, and echoed MR. ARNOLD'S remarks. She added that it looks like a benign use but the applicant is asking for something very big that will not lift the environment on Fremont Street. There has been a significant improvement with the new regulations on package liquor but this license will allow the sale of package liquor. The Fremont Street Experience has spent a significant amount of money on security. MR. STEVEN donated \$90,000 to the Las Vegas Metropolitan Police Department for security cameras to improve their efforts on keeping the pedestrian mall clean. They do not want to see a walk-up bar that sells liquor and is able to get around the regulations the City of Las Vegas recently adopted. She would like to work with the City and the applicant to possibly come up with standards that would allow the applicant to do something like La Comida or Carson Kitchen. They do not want to see a tavern that could eventually apply for 15 slots machines and sell package liquor.

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JEFF VICTOR, President of the Fremont Street Experience and representing the Board of Managers that control eight casinos downtown, stated that he met with the applicant to learn more about the project, but found out that it is a full tavern license application and not limited. This would replace the lost revenues that were occurring when the package liquor laws were tightened. This is not a venue where one can enjoy liquor inside but a walk-up place and no different than places that offer package liquor. He regards this as a step backward in terms of what the new legislation was designed to do and he opposes the request.

RUSSELL ROWE appeared on behalf of Boyd Gaming Corporation and echoed previous comments stating that all businesses are part of a larger effort to clean up Fremont Street and make it safer for tourists in response to tourists' concerns. Approving this application would open the door to other liquor establishments asking for similar uses.

ATTORNEY CARE responded that the owner owns a package liquor store near this location and is aware of the current ordinance but alleged that the package liquor store model does not work. The applicant is amenable to a condition prohibiting the sale of package liquor and pointed out there is no gaming application.

COMMISSIONER BOWMAN asked if ATTORNEY CARE was going to create a new category. ATTORNEY CARE explained that he would agree with a tavern license with a condition prohibiting the sale of package liquor.

COMMISSIONER TRUESDELL indicated that this building connects to package liquor establishments with an internal access. ATTORNEY CARE clarified that that such access no longer exists. COMMISSIONER TRUESDELL did not want to criticize the building model, but for being on Fremont Street, he did feel it has style and called it a tavern with liquor being the main product.

MR. ELAZAR, property owner, explained that he has been the owner of the business since 1991 and was grandfathered for a liquor license. He thought of this unique business to offer pizza and baked goods. Given the new regulation, his intent is solely to increase revenue and not sell package liquor; this business is feeding six families. He never had any problems in the 22 years of doing business at this location.

COMMISSIONER TRUESDELL remarked that it might be more profitable to do business under a tavern limited license, which would still meet his expectations and save the owner licensing fees. It would be appropriate to hold the item and have everybody work together to come up with a better understanding of this type of use on Fremont Street and try to solve a problem before creating one.

CHAIR FLANGAS was not comfortable with package liquor possibly being sold, given the issues on Fremont Street. The idea of package liquor would defeat efforts made and agreed with the abeyance.

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COMMISSIONER SCHLOTTMAN asked staff if package liquor is allowed with a tavern use. MR. RANKIN replied in the affirmative, adding that it would be pursuant to those limitations on the package liquor license in conjunction with a tavern license. ASSISTANT CITY ATTORNEY SCOTT noted that a tavern limited license allows doing entertainment, as well as consuming alcohol on the premises, but it does not allow taking liquor off premises or selling package liquor. COMMISSIONER SCHLOTTMAN stated that if the intention is to serve liquor with food, then maybe a tavern limited license should be sought. But there are still issues on Fremont Streets and he supported holding them in abeyance for a better solution.

COMMISSIONER MOODY echoed the Commissioners' comments and added that he would not support a full tavern use because of the package liquor sale and supported the abeyance.

CHAIR FLAUGHS declared the Public Hearing closed.

