



# 146 Kentucky Street

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JAMISON'S ROARING DONKEY

# Background

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- 146 Kentucky Street is zoned Mixed Use 2 (MU2)
  - Certain uses are a matter of right
  - catering service, general retail, fitness facility, library, museum or art gallery.
- To operate as an alcohol beverage establishment, such as a bar, tavern or nightclub, a conditional use permit (“CUP”) is required.
- In 2004, the City’s Planning Commission (PC) granted a CUP to the owners of Infusions, allowing them to operate a bar at 146 Kentucky Street.

# Background Cont.

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- 2008: ARNO citation – problems at Infusions
- 2009: Infusions sold their business to The Rocks, which agreed to abide by the CUP.
  - 2010: Problems at The Rocks
- 2014: The Rocks sold their business to Notato, LLC dba Jamison's Roaring Donkey (JRD), which agreed to abide by the CUP.

# Operating characteristics authorized by the CUP approval

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- A bar/lounge would run with “quiet grace” that would “not create any extra burden on the Police or Fire Departments.”
  - Significant extra burden on public safety departments
- Dress code to create a high-end establishment.
  - No dress code

# Operating characteristics authorized by the CUP approval

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- Capacity of 130 persons
  - JRD's Max Occupancy Sign: 275
- Floor Plan that depicted mostly seated area
  - JRD's Floor Plan: seated area plus dance area, pool table

# Why Are We Here?

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- Seeking a revocation of the CUP based on JRD's history of operating as a public nuisance and noncompliance with the CUP.
- IZO § 8.074(A)(13)
  - A CUP for an alcoholic beverage establishment may be recalled to the PC for review at any time due to complaints regarding [lack of compliance with conditions of approval](#), traffic congestion, noise generation, or [other adverse operating characteristics](#).
  - Included in CUP
- 20-day Suspension per IZO § 24.060(G)

# What is a Public Nuisance?

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A nuisance is “anything which is injurious to health...or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.” Civil Code § 3479.

A public nuisance is one that “affects at the same time an entire community or neighborhood, or any considerable number of persons.” Civil Code § 3480; PC § 370.

Any violation of the PMC, including the IZO, constitutes a public nuisance. PMC § 1.10.065; 1.10.025.

# Public Nuisance

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- Alcohol related nuisance citations
- Calls for service
  - Public intoxication
- Repeated overcrowding issues
- Fights and arrests
  - JRD staff and customers
- No approved security plan – violation of CUP, which is a violation of the PMC

Comparisons  
1/1/18-4/23/24

<b>Alcohol Establishment</b>	<b>Calls For Service</b>	<b>Crime Reports</b>
The Block	123	12
The Buckhorn	52	7
Gales	130	30
The Hideaway	272	64
Mario & John's	32	6
McNear's	199	31
<b>Jamesons Roaring Donkey</b>	<b>328</b>	<b>57</b>

# Comparisons

<b>Place of Last Drink</b>	<b>2022</b>	<b>2023</b>	<b>1/1/24-4/15/24</b>
The Block	2	0	0
The Buckhorn	1	1	2
Gales	0	0	0
The Hideaway	8	2	2
Mario & John's	1	2	1
McNear's	5	0	0
<b>Jameson's Roaring Donkey</b>	<b>35</b>	<b>11</b>	<b>7</b>

# Noncompliance with CUP

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- CUP requires an approved security plan
- JRD has failed to submit a holistic security plan
  - piecemeal
  - Not customized to JRD
  - Failed to include best practices to operate a bar or nightclub
  - Most recent “plan” included helpful de-escalation tactics, but JRD security failed to follow them on 12/31/23
  - 4/20/24 Incident involving JRD security

# Your Options

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- Revocation
- Suspension
- New or modified conditions
  - Shorter hours of operation
  - More security officers
  - Required training to staff
  - Reduced capacity
- Combination of suspension and conditions
- Nothing

# Our Recommendation

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- Revoke CUP; or
- Revoke the CUP, but toll (temporary suspension) that revocation for 90-days.
- Issue a 90-day suspension of the CUP.
- If City and property owners do not return with an agreed upon CUP, CUP is automatically revoked after 90 days.

# Why?

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- History of problems at 146 Kentucky Street
  - Current model is *not* working
- Property owned by at least 2 trusts.
- Property owners are evicting JRD
- Property owners' counsel advised that they would like to work with the City on an amended CUP.
- Amended CUP would include conditions aimed at preventing similar problems in the future.

# Questions?

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