



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: OCTOBER 5, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: NAKATA MARKET OF JAPAN - OWNER:
OMNINET SAHARA CRAIG, LP

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
ROC-43006	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

ROC-43006 CONDITIONS

Planning

- 1.Delete condition #5 of Special Use Permit (SUP-1700).
- 2.Conformance to the conditions of approval of the Special Use Permit (SUP-1700) and all other site related actions as required by the Department of Planning and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently occupied by a Convenience Store with beer/wine/cooler off-sale permitted at 2350 South Rainbow Boulevard, Suites 6 and 7. The applicant is requesting that condition #5 of the previously approved Special Use Permit (SUP-1700) be deleted to allow the sale of individual containers of any size beer, wine coolers or specifically Sake, which is bottled and shipped directly from Japan and only comes in a screw cap bottle, regardless of the size or brand. There are two similar types of uses (beer/wine/cooler off-sale and a package liquor store) within 1,500 feet of the subject site, both of which do not have any restrictions on the sale of individual containers. Additionally there is a church/religious facility within 400 feet of the subject site. As there have not been any problems cited by the Metropolitan Police Department or business licensing issues at the site, staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/07/03	The City Council approved a request for a Special Use Permit (SUP-1700) for the sale of beer and wine for off-premise consumption in conjunction with an existing market at 2350 South Rainbow Boulevard, Suite 6. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
04/15/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/29/09	A business license (C15-00302) was issued for a Convenience Store at 2350 South Rainbow Boulevard, Suites 6&7. The license is still active.
07/29/09	A business license (L10-00248) was issued for Beer/Wine/Cooler Off-Sale at 2350 South Rainbow Boulevard, Suites 6&7. The license is still active.
There have not been any recent building permits issued for the subject site.	

<i>Pre-Application Meeting</i>	
08/11/11	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Review of Condition to delete conditions #5 of the previously approval Special Use Permit (SUP-1700) at 2350 South Rainbow Boulevard, Suites 6 &7.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
09/01/11	Staff conducted a field inspection of the subject site and found the area surrounding the business clean and neat in appearance with no discrepancies noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.44

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
South	Restaurant, Financial Institution	SC (Service Commercial)	C-1 (Limited Commercial)
East	Apartments	M (Medium Density Residential)	R-PD16 (Residential Planned Development- 16 Units per Acre)
West	Restaurants	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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ANALYSIS

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-1700) to delete condition #5 that states, "The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configuration as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted" at 2350 South Rainbow Boulevard, Suites 6 and 7. There are two similar types of uses (beer/wine/cooler off-sale and a package liquor store) within 1,500 feet of the subject site, both of which do not have any restrictions on the sale of individual containers. Additionally there is a church/religious facility within 400 feet of the subject site. There has not been any negative police activity nor are there any open business licensing issues for the Convenience Store.

FINDINGS

The applicant is requesting the deletion of condition #5 of the Special Use Permit (SUP-1700) specifically, to allow the sale of Sake, which is bottled and shipped directly from Japan and only comes in a screw cap bottle, regardless of the size or brand. Though there is a church/religious facility located within 400 feet of the store, the protected use was there prior to the approval of the Special Use Permit in 2003. As there have not been any problems cited by the Metropolitan Police Department or business licensing issues at the subject site, staff is recommending approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

NOTICES MAILED

465 (By Planning)

APPROVALS

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PROTESTS

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