

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 23, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

VAR-23108 - VARIANCE - PUBLIC HEARING - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: CAPIL FARM/DURANGO, LLC - Request for a Variance TO ALLOW A 20-FOOT RESIDENTIAL ADJACENT SETBACK WHERE 87 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED 14,028 SQUARE FOOT GENERAL RETAIL STORE on 3.2 acres adjacent to the west side of El Capitan Way, approximately 260 feet north of Durango Drive (RPN 125-17-611-001), T-C (Town Center) Zone (SC-TC Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Ross)

C.C.: 09/17/07

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

DENIAL

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. Submitted at meeting Additional condition with photo, newsletter with notes on impact and briefing notes submitted by Leni Skaar for Items 45-48

Motion made by RICHARD TRUESDELL to Hold in Abeyance Items 45-48 to 9/27/2007

Passed For: 5; Against: 1; Abstain: 0; Did Not Vote: 1; Excused: 0

GLENN TROWBRIDGE, LEO DAVENPORT, BYRON GOYNES, RICHARD TRUESDELL, SAM DUNNAM; (Against-DAVID STEINMAN); (Abstain-None); (Did Not Vote-STEPHEN EVANS); (Excused-None)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 45-48.



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ANDY REED, Planning and Development Department, stated the parking and residential adjacency variances indicated the use is too intense for the site and recommended denial.

LENI SKAAR, 3753 Howard Hughes Parkway, and JOHN CRAIG, Drake Real Estate, appeared on behalf of the applicant. MS. SKAAR briefly went over the site plan, explaining traffic flow, parking and landscaping. She also described the Fresh N Easy business model, emphasizing the short amount of time customers would spend in the building. Regarding the residential adjacency variance, MS. SKAAR explained that an existing access easement and the site's difficult topography made the variance necessary. She also pointed out this proposal would exceed the amount of distance separation provided by a building currently being constructed on a similar parcel.

Regarding the parking variance, MS. SKAAR stated the site has a shared parking agreement with the adjacent property and pointed out the proposed parking would satisfy the parking requirements of two other jurisdictions. She assured the Commissioners that only three percent of the store would be dedicated to beer and wine and described the measures in place to prevent the purchase of alcohol by minors. She explained curbside curriers were only needed along the east property line to accommodate the site's access as ceme and manager parking and pointed out the total landscaping provided exceeded the City's requirements. In response to requests from the neighbors, MS. SKAAR also suggested an additional condition which would allow the applicant to build an eight-foot wall to protect the adjacent homes.

MR. CRAIG described Fresh N Easy's good neighbor policies and also went over its sustainability practices. He emphasized the applicant's willingness to mitigate any negative impacts which would affect the neighbors.

SHIRLEY BORO, 8505 Blowing Rock Drive, suggested that the neighborhood does not need this proposed grocery store and that the parcel is not large enough for the proposed building.

COMMISSIONER TRUESDELL observed that the existing traffic easement is a self-imposed hardship and that the proposed building does not architecturally match the adjacent buildings. He stated he could not support this project because it did not conform to the Town Center design standards and is inappropriate for this location.

COMMISSIONER TROWBRIDGE stated the applicant's proposed wall would subject the neighbors to an unattractive and extremely high wall and suggested an additional condition requiring the approval of all the neighbors before the wall was constructed. He noted the store's location would encourage customers to walk to the business rather than drive which also supported the business' environmentally-friendly policies and suggested staff consider modifying the City's parking requirements to more closely mirror the requirements in other jurisdictions.

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COMMISSIONER DUNNAM stated the proposed building is inappropriate for the site and expressed concern with the possible impact of additional right-of-way dedications on the property. He supported holding the items in order to work with the applicant.

MS. SKAAR informed COMMISSIONER GOYNES that the Fresh N Easy's building footprint is a set standard with few deviations allowed.

COMMISSIONER STEINMAJER suggested that this parcel's shape and location increases the difficulty in developing it and observed an eight-foot wall will be needed to protect the neighbors, regardless how the site is eventually developed. He expressed his support, stating the parking would be sufficient and the project was well-designed.

ATTORNEY MATTHEW DUSHOFF, 3320 West Sahara Avenue, appeared on behalf of the applicant and stated an abeyance request would be the equivalent to a denial as the development timetable did not allow for any delays in the approval process. COMMISSIONER TRUESDELL supported holding the items in the hopes of improving the project, emphasizing the applicant's deadlines were not sufficient basis for denial on these applications.

MARGO WHEELER, Director of Planning and Development Department, stated that any revised plans would be required to be submitted to staff within two business days in order to be on the 9/10/2007 agenda. The applications would be held to the 9/27/2007 meeting.

CHAIRMAN DAVENPORT declared the Public Hearing closed for Items 44-48.

