

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

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

VAR-23144 - VARIANCE - PUBLIC HEARING - APPLICANT: ARBY'S - OWNER: BECKER FAMILY TRUST - Request for a Variance TO ALLOW A 15-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED FOR A PROPOSED RESTAURANT (WITH DRIVE-THROUGH) on 0.46 acres at 315 South Decatur Boulevard (APN 139-31-201-004), C-2 (General Commercial) Zone, Ward 1 (Tarkanian)

C.C.: 09/19/2007

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTS:

1. Location and Aerial Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after final agenda. Supporter stand for items 50 and 51

Motion made by DAVID STEINMAN to Approve Subject to Conditions

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

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

NOTE: COMMISSIONER DUNNAM disclosed that he would abstain as he is the engineer of record for these items.

NOTE: CHAIRMAN DAVENPORT disclosed that he is a neighbor of Barry Becker, but he has not spoken to him regarding these items and he would vote on this matter.

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 50 and 51.



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DOUG RANKIN, Planning and Development Department, recommended denial due to the requested variance and waivers.

MEGAN WILLIAMS, 3471 West Oquendo Road, appeared on behalf of the applicant. She explained the proposed building would be placed in the same footprint as the existing building and pointed out the property was dedicating five feet of right-of-way to the City. MS. WILLIAMS noted approval of the site plan would improve the building's landscaping and parking as it currently does not meet parking and landscaping requirements. She agreed to all conditions and requested approval.

GINA VENGLOSS, Public Works Department, informed CHAIRMAN DAVENPORT that there were no records indicating the City had previously taken dedicated right-of-way from this parcel. MS. VENGLOSS explained the five feet of right-of-way was part of a street rehabilitation and would be used as part of a right turn lane.

MS. WILLIAMS assured COMMISSIONER EVANS that this project would be an improvement over the existing development and explained the waivers were needed due to the City's dedication of the right-of-way.

MS. WILLIAMS informed COMMISSIONER STEPHAN that the applicant would be landscaping a parcel adjacent to the subject site. MS. RANKIN explained that landscaping on another property could not be counted as part of the landscape requirement on the subject site.

CHAIRMAN DAVENPORT declared the Public Hearing closed for Items 50 and 51.

