

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

VAR-23585 - VARIANCE - PUBLIC HEARING - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: PECOS PARTNERS LLC Request for a Variance TO ALLOW A 50-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 73 FEET IS THE MINIMUM REQUIRED on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road (APN 139-25-516-002) C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 10/17/2007

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. Protest postcards
7. Submitted after final agenda Protest postcards for Items 33 and 34

Motion made by DAVID STEINMAN to Approve subject to conditions

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

GLENN TROWBRIDGE, DAVID STEINMAN, [NAME NOT FOUND], LEO DAVENPORT, RICHARD TRUESDELL; (Against-SAM DUNNAM); (Abstain-None); (Did Not Vote-None); (Excused-BYRON GOYNES)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 33-35.

ANDY REED, Planning and Development Department, stated Pecos Partners LLC should be listed as the owner for all applications and not Drake Real Estate Services. He stated that the waiver and variance requests indicate the proposal is too intense for the site and recommended denial of all applications.



LENI SKAAR, 3753 Howard Hughes Parkway, appeared on behalf of the applicant. She submitted revised plans and apologized to staff for their lateness, but emphasized the changes were minor. With regards to the requested residential adjacency waiver, she noted the proposed building would deviate from the City's slope requirements by only a few feet. She explained the parking variance was requested because the applicant believed 71 spaces would be adequate for the store and she pointed out the business would not have slot machines or convenience items which would generate a large amount of vehicle traffic.

With regards to the site plan review, she briefly described the proposed landscaping and requested the applicant be allowed to place the landscape buffer against the building rather than along the eastern property line where it would interfere with traffic circulation on the site. MS. SKAAR added that the applicant would completely pave the western driveway, as an arrangement had been made with the adjacent property owner.

MS. SKAAR also requested that Condition 6 of Item 33 be amended to allow the store to sell screw-cap wines as more wines were being sold in that format. She suggested an additional condition prohibiting the sale of distilled spirits, agreed to all other conditions and respectfully requested approval.

CHRIS RUSH, 3504 Madama Street, appeared in opposition stating another business selling alcohol was not needed in an area where several other businesses were already selling alcohol.

MS. SKAAR agreed that there were some issues, but emphasized the nature of the business would not encourage loitering or drinking in the parking lot. She emphasized the fact that alcohol would only be sold as a convenience and would not be prominently displayed.

COMMISSIONER TRUESDALE recognized the applicant's argument regarding parking, but stated he could not support the parking variance pointing out the deficiency was a self-imposed hardship created by the applicant's unwillingness to comply with the City's requirements. He observed that land was available which would allow the applicant to meet the parking requirement.

CHAIRMAN DAVENPORT declared the Public Hearing closed for Items 33-36.