

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

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

SUP-23296 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BJ STORES LLC - OWNERS: LA PERIA LLC - Request for Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A WAIVER TO ALLOW A 310 FOOT DISTANCE SEPARATION FROM ANOTHER FINANCIAL INSTITUTION, SPECIFIED WHERE 1,000 FEET IS REQUIRED, A WAIVER TO ALLOW A ZERO FOOT DISTANCE SEPARATION FROM RESIDENTIAL USES WHERE 200 FEET IS REQUIRED, AND A WAIVER OF THE SQUARE FOOTAGE REQUIREMENT TO ALLOW A 940 SQUARE FOOT FINANCIAL INSTITUTION, SPECIFIED WHERE 1,500 SQUARE FEET IS THE MINIMUM REQUIRED at 3851 Pinewood Avenue, Suites B1 and B2 (APN 162-074702-018), M-1 (Industrial) Zone, Ward 1 (Tarkanian).

C.C.: 10/17/07

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg. 2
City Council Meeting 0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg. 1
City Council Meeting 0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support postcard
7. Submitted after final agenda Protest postcards

Motion made by RICHARD TRUESDELL to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
GLENN TROWBRIDGE, DAVID STEINMAN, [NAME NOT FOUND], LEO DAVENPORT, RICHARD TRUESDELL, SAM DUNNAM; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-BYRON GOYNES)

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open.

ANDY REED, Planning and Development Department, stated he could not support a waiver of the separation requirements and recommended denial.

JOHN BERRY, 4550 West Sahara Avenue, appeared on behalf of the applicant and explained that his client was simply seeking to provide a service that was needed in the area.

CHAIRMAN DAVENPORT informed MR. BERRY of the numerous financial institutions in the neighborhood and that the separation distance was measured by property lines and not the site of the actual business.

When MR. BERRY pointed out the close proximity of the other financial institutions, COMMISSIONER EVANS explained the distance separation requirements was created to prevent the proliferation of one type of business in one neighborhood.

When MR. BERRY attempted to argue that the business serves a particular ethnicity, ASSISTANT CITY ATTORNEY BRYAN SCOTT informed the Commissioner that race could not be considered as part of their decision and to do so would be highly inappropriate.

TODD FARLOW, 2411 North 19th Street, noted the separation requirements were created for this type of application.

CHAIRMAN DAVENPORT declared the Public Hearing closed.

