

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: OCTOBER 11, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:

ABEYANCE - VAR-23109 - VARIANCE - PUBLIC HEARING - APPLICANT: DRAKE REAL ESTATE SERVICES - OWNER: CAPITAN/DURANGO, LLC - Request for a Variance TO ALLOW A 20 FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 87 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED 14,028 SQUARE-FOOT GENERAL RETAIL STORE on 3.21 acres adjacent to the west side of El Capitan Way, approximately 260 feet north of Durango Drive (APN 125-17-611-001), T.C. (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Ross)

C.C.: 11/7/2007

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 Photos by Leni Skaar for Items 22-25

Motion made by BYRON GOYNES to Deny

Passed For: 4; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 1
RICHARD TRUESDELL, STEVEN EVANS, LEO DAVENPORT, BYRON GOYNES;
(Against-SAM DUNNAM, DAVID STEINMAN); (Abstain-None); (Did Not Vote-None);
(Excused-GLENN TROWBRIDGE)

NOTE: An initial motion by STEINMAN to approve subject to amended conditions failed with DAVENPORT, GOYNES and TRUESDELL voting NO.

Minutes:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 22-25.

ANDY REED, Planning and Development Department, noted that the revised setback for Item 22 had increased from 20 feet to 50 feet. If approved, he recommended an added condition restricting the setback to 50 feet. He pointed out that Item 23 was no longer required but the applicant had not withdrawn the application. He stated the Site Development Plan is too intense for the site and recommended denial.

LENI SKAAR, 753 Howard Hughes Parkway, appeared on behalf of the applicant. She stated that the relocation of the trash enclosure decreased the amount of parking spaces by one parking space. She clarified that the trash enclosure is 90 feet from the property line and the correct number of parking spaces is 82. With regard to the Special Use Permit, MS. SKAAR requested an added condition that would prohibit the sale of distilled spirits at this location. The applicant is still requesting a landscape waiver for the driveways and the entrance to the loading dock. With regard to Item 22, MS. SKAAR explained that the parking variance request had not been withdrawn in order to protect the applicant in the event the parking requirement could not be met.

TODD FARLOW, 240 North 19th Street, asked whether the developer is the same applicant whose property is designed with extreme elevation differences. MS. SKAAR stated that when the adjacent residential homes to the north were built, they were graded lower than the subject property. MR. FARLOW expressed concern for those neighbors having a 10 foot block wall between the properties.

SHIRLEY BORNELL, 8585 Blowing Pines Drive, described the project as an ugly building that would not match what currently exists. She stated the loading dock will be a problem to the neighbors. MS. BORNELL expressed her opposition and concluded that this business venture would eventually fail.

Displaying the building elevations, MS. SKAAR pointed out that the north elevation has no doors. She indicated that there are some windows to the west of the entrance and a small window for the manager's office.

COMMISSIONER GOYNES inquired as to the distance between the loading dock and the adjacent homes. MS. SKAAR replied that the distance is approximately 60 feet to the closest corner. Regarding delivery and store hours, MS. SKAAR estimated that with the delivery truck on site shortly after 7:00 a.m., the daily delivery would take about forty-five minutes to unload.

COMMISSIONER GOYNES asked about the projected height of the wall in comparison to the existing wall. MS. SKAAR produced a rendering of the residential adjacency slopes showing the three to one setback as required for the site. She stated that an additional two feet would be added to the existing wall as requested by the neighbors.

CHAIRMAN DAVENPORT declared the Public Hearing closed.

