



Agenda Item No.: **24.**

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

☐ Consent    ☒ Discussion

**SUBJECT:** WAR-3981 - VARIANCE - PUBLIC HEARING - APPLICANT: MAHOGANY RUN -  
OWNER: JIM MAH 5417 JULICH - Request for a Variance TO ALLOW A ONE-FOOT SIDE  
YARD SETBACK WHERE 10 FEET IS REQUIRED FOR A PROPOSED 6,006 SQUARE-  
FOOT AUTO SERVICE GARAGE (MINOR) on a portion of 5.93 acres on the south side of Rome  
Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005 and 125-20-802-  
003), T-C (Town Center) and SC-TC (Service Commercial - Town Center), UC-TC (Urban  
Center Mixed Use) and MS-TC (Main Street Mixed Use - Town Center) Special Land Use  
Designation. War 3981-005. Staff recommends DENIAL.

**P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

## Planning Commission Mtg.

2

## City Council Meeting

O

**APPROVALS RECEIVED BEFORE:**

## Planning Commission Mtg.

**O**

## City Council Meeting

**O**

**RECOMMENDATION:**

**Staff recommends DENIAL.**

## BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Recordation Notices of Planning Commission Action and Conditions of Approval

Motion made by TODD L. MOODY to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

GUS FLANGAS, VICKI QUINN, GLENN TROWBRIDGE, RICHARD TRUESDELL,  
STEVEN EVANS, BYRON GOYNES, TODD L. MOODY; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, read the Project Description from Staff's Report and summarized that the applicant has created a self-imposed hardship that can be corrected with a recordation of a mapping action, so therefore, staff recommended denial.

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ATTORNEY TONY CELESTE, 8345 West Sunset Road, appeared on behalf of the applicant and recalled some history on a previous approval. He used a map to discuss the 30-foot portion on the western parcel that is already vacated and explained that during this application process, it was brought to his client's attention that the aforementioned 30-feet would revert to the western parcel. However, the intent was to keep the vacation on the eastern parcel. With that, a cross access parking agreement was desired, and in light of the error, his client felt it was necessary to apply for the variance for the side setbacks. The project has not changed and functions the same, as this is only a clean-up item and asked for approval.

COMMISSIONER MCODY agreed that this matter was simply a clean-up item.

CHAIR TREESDELL declared the Public Hearing closed.

