

PLANNING COMMISSION MEETING OF

January 8, 2013

VERBATIM TRANSCRIPT – ITEM 50

**SUP-47590 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MAX PAWN
- OWNER: PROSPER SAMUEL MINTZ - For possible action on a request for a Special
Use Permit FOR A PROPOSED PAWN SHOP WITHIN AN EXISTING 5,320 SQUARE-
FOOT COMMERCIAL BUILDING WITH WAIVERS TO ALLOW A ZERO-FOOT
DISTANCE SEPARATION FROM A SIMILAR USE WHERE 1,000 FEET IS
REQUIRED AND A 260-FOOT DISTANCE SEPARATION FROM A FINANCIAL
INSTITUTION, SPECIFIED WHERE 1,000 FEET IS REQUIRED at 6040 West Sahara
Avenue (APN 163-01-401-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).**

Appearance List:

GUS FLANGAS, Chair

DOUG RANKIN, Planning and Development

LUCY STEWART, 3900 Meadows Lane, representing the Applicant

MICHAEL MACK, Applicant, Max Pawn, 2400 South Jones Boulevard

BRAD JERBIC, City Attorney

NATHAN TAYLOR, Taylor Consulting Group

FLINN FAGG, Director of Planning

VICKI QUINN, Commissioner

RICHARD TRUESDELL, Commissioner

(29 minutes, 59 seconds)

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CHAIR FLANGAS

We'll be picking up with Item Number 50, which is SUP-47590. The applicant is Max Pawn, owner Prosper Samuel Mintz. For possible action on a request for a special use permit for a proposed pawn shop within an existing 5,320 square-foot commercial building with waivers to allow a zero-foot distance separation from a similar use where 1,000 feet is required and a 260-foot distance separation from a financial institution, specified where 1,000 feet is required at 6040 West Sahara Avenue in Ward 1, Councilwoman Tarkanian. Staff is recommending denial. Staff may we have a report please?

DOUG RANKIN

Mr. Chairman, the applicant is requesting to relocate the existing pawn shop located at 2400 South Jones, Suite Number 15, to a separate lot directly to the south at 6040 West Sahara. The new location is not entitled for this use and as such a special use permit is required. The existing approval of the Pawn Shop Use at 2400 South Jones, Suite 15, runs with the tenant space and will not expire for one year after the business operations ceases. As a result, if this request is approved, there would be no distance separation between the two pawn shop uses and waivers would be required. In addition, there are two financial institutions within 1,000 feet of the proposed location for which waivers are also needed. As the new location is not in conformance with the distance separation requirements, for Title 19, staff recommends denial. Please note we have received additional letters of protest and support since publication.

CHAIR FLANGAS

We'll open this matter up for public comment, beginning with the applicant. If you can please state your name and addresses please.

LUCY STEWART

Good evening, Lucy Stewart, 3900 Meadows Lane.

MICHAEL MACK

Michael Mack, 2400 South Jones, Max Pawn.

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LUCY STEWART

And, as Mr. Rankin indicated, the intent is to move from an inline space across the parking lot to the existing army-navy surplus store. And so, we have to get waivers because we're actually asking for a waiver from ourselves, from our existing location, and then also for some financial institutions. Max Pawn really functions just as a pawn shop and not really as any other financial institutions, so, even though it's required by code to get the waiver, we don't really function the same way they do. In addition, the concern about the separation from residential, we did have a neighborhood meeting even though it wasn't required. We held it last night because we had discussions with the Councilwoman's office and to ask, you know, given the holidays, there really wasn't a good day to do it. And she asked that we do it after the first of the year. So, we had one last night. One couple came that live behind the property and they were in support.

The concern, I think, that everybody seems to have on this location is the potential to have two pawn shops side-by-side. We thought we had a solution to it, we were all excited because we thought we were able to expunge the existing. We found out, unfortunately, we're not able to do that. So, what Mr. Mack is intending to do, because it's in his best interest too, he doesn't want another pawn shop across the parking lot from him. I mean, he's just, then would be building in his own competition. So, he's in negotiations now to extend his lease on his current location and then he's just gonna have a retail store there. So, he'll continue to operate, own and operate the business in that location, pick up the pawn shop and then in fact, he has some other spaces leased because he has so much material that he just stores it there. And, so this way he'll be able to have a better display, he'll be able to relocate it to a bigger facility, have a better display. He actually cleans up the property, because if you've been by that, the surplus store, I think it's, you could say it's been neglected somewhat. So, it's his intent to clean it up, paint it, make it the same color matching the existing location to the north, fix the landscaping, put landscape rock out front where it's been pretty bare and then do some new planting materials. So, our first choice of course is, be, if we could expunge the use variance, but, apparently if that's not possible then it's his intent to occupy the space and not build in his own competition. And I think he'd like to talk a little about the possibility of business licenses, or another business going in there.

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MICHAEL MACK

Thank you, Lucy. Thanks, Mr. Chairman, Planning Commission. It's an honor to be in front of your body. It's been some time since I've been facing either direction. Happy New Year's to you all. My intent, we've been at 2400 South Jones for three years now. We are a different type of pawn shop who are very much a high end luxury pawn shop. I sometimes joke and say that we are a pawn shop dressed up as a purse store or a purse store dressed up as a pawn shop. But, if you go into my store the majority of my store is designer handbags and purses and for those that have seen it, they'd understand. So, when we talked about the new space, the new space is gonna be fantastic. It's right on the corner of Sahara and Jones. We're gonna beautify it, we're gonna make it look nice with our previous experience with Super Pawn. You know, that we have experience in making nice stores. This is gonna be a beautiful store, and I think the Commission and the Councilwoman will be quite proud. It's been neglected. It is an army surplus store so I think that kind of fits what its look is, but we're gonna clean all the signage up on the building, we'll paint it, we'll make it look nice so it'll be well lit. We're very involved in the community, Cashman Middle School is our adopted school and we do quite a bit of donating to the underserved in that community and we plan to continue in Ward 1.

The existing space, I get that's the issue is when we heard earlier today from Director Fagg that we could expunge the use, that sounded like a quick and easy solution. But, I guess under code, if you have a variance permit, which is an illegal permit anyways, you cannot have, you cannot expunge it. If it was a special use permit under the current code, you could expunge it. So, I guess my request is if we could, if somehow we could figure it out, Brad, if we could just expunge it and get the property owner to agree, 'cause I'm just the lessee, I can't make that commitment to expunge it, that would take care of that issue. But, what I had always planned to do is, I'm in the consignment business, I do designer apparel and so what I plan to do is continue to have that existing space because I would like to keep my competition out as well. Everyone would like to be next to me because I have a thriving business, so it'd be a great spot for someone to plug in and have a nice business. The reality of the pawn shop moving in is very, very minimal. There is zero pawn shop licenses available. By code, you have to get a pawn license by the increase of population in the City of Las Vegas and as we all know, there's been no increase; there's probably been a decrease. And so, is that correct?

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BRAD JERBIC

I know that there's been no increase.

MICHAEL MACK

Yeah, so, that's how licenses are by a lottery only and so there is no opportunity for a new license to come in. The only possibility would be from the public companies, Cash America and Easy Pawn, to move one of their existing stores into my location. And, I can just tell you, my location is, you know, if we gave it a grade from an A to an F, it's a C. You know, and I don't think that Cash America or Easy Pawn are gonna move or, you know, Pawn Stars, Gold and Silver Pawn, are gonna move their big locations into my little 1,800 square feet. So, the reality of another pawn use going in there, I think, is very minimal, but it's not guaranteed. So, I'd like to continue. I have a letter of intent, my lease is until October, I have a letter of intent out to my landlord. I was waiting for action here tonight to finalize my lease with the landlord on the existing space, and then move forward with the new location. So, the use permit for the pawn would wear out in one year. I'm only gonna have a buy and sell and a consignment store in the existing space and then the new store will be a full blown pawn shop.

CHAIR FLANGAS

Thank you. Is there anybody else that wishes to be heard on this matter? Please state your name and address, please.

NATHAN TAYLOR

Commissioners, Nathan Taylor, Taylor Consulting Group. I'm here today just to ask this board, Mr. Chairman and Commissioners, to hold this item for 30 days just because of some of the issues that were just brought up by the applicant related to the expunging and some other questions related to the property. I would like to be able to get back some answers to a couple neighbors that called me, just out of respect to them, so I can gather all the facts, present them, you know, 'cause some of these are a little hairy issues here, so, I'm just here to ask if you could please hold it for 30 days. Then we could come back and vote on it then after all these issues are, -- worked out. I also think, not to be funny, maybe a lot of neighbors were watching the BCS game last night and that's why they couldn't make it, so. Appreciate that. Thank you,

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Commissioners.

CHAIR FLANGAS

Thank you. Does anybody else wish to be heard on this matter? Okay. Just one more.

LUCY STEWART

I just wanted to make a comment on the notice that we sent out for the neighborhood meeting, Mr. Mack's phone number and his email was on there and he's had some phone calls from people that just were asking for clarification, but, we'll be more than happy to meet with anybody between now and City Council. I'm assuming we'll go forward to City Council, so, that's a whole, that's 30 days anyway. So, if he's looking for 30 days for answers or responses, we'll be happy to meet with anybody that would like to meet with us.

CHAIR FLANGAS

Thank you. Does anybody else wish to be heard on this matter? Seeing none, I'll open it up for discussion with the Commission. I'd like to hear from the Director first.

FLINN FAGG

I'd just like to confirm, some of the information that was presented here. I had directed the applicant earlier that it would be our preference to expunge the special use permit for the existing pawn shop. However, I was incorrect in giving them that direction because this was not approved by a special use permit, but back in 1993, when the use was first established, it was approved by a use variance. And I don't believe that we had the requirement for special use permits for pawn shops at that point in time in our code. As it was approved by a use variance rather than a special use permit, trying to expunge that, I think, is a little bit difficult in terms of zoning case law and something that we would prefer not to do. Again, had it been a special use permit, I think it would have been a much easier road for us to follow. Certainly it would be our preference to see that the former special, the former use be expunged from the property so that way we get away from the distance separation issue and I think you've heard from the applicant this evening that certainly would be their preference as well. Unfortunately, that option is not available to us. Also, just to confirm what the applicant had stated relevant to the number of

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785 pawn shop licenses that can be issued, just so that members of the Commission are aware, pawn
786 shop licenses are tied to the City's population. We cannot issue another license for a new pawn
787 shop until the population reaches 650,000 residents, and we're a few years away from doing that.
788 Also, as the applicant has stated, it doesn't prevent an existing pawn shop from moving into that
789 location. So, certainly that's something that could be permitted. Because the existing location is
790 a nonconforming use, if there is a conforming use that is established in that tenant space prior to
791 the expiration of that nonconforming use, that nonconforming use cannot be reestablished. So
792 there are a couple of things in place in terms of our zoning code relative to pawn shop licenses
793 and nonconforming uses that do offer some comfort in terms of approving this application, but
794 again, those are not guaranteed.

795
796 **VICKI QUINN**

797 I just have a few questions, Mr. Mack, Ms. Stewart. Now, did you say something like you
798 might, you're gonna keep your existing building, for now, and then open up your new –

799
800 **MICHAEL MACK**

801 We plan to start construction late summer and build, move-in in October. What I, what my
802 intent is and why I have a letter of intent with my current landlord to extend my lease so I can
803 put a, does it, clothing and shoe consignment store because I do more handbags and jewelry –

804
805 **VICKI QUINN**

806 Right.

807
808 **MICHAEL MACK**

809 - than a typical pawn. So, there's kind of a -- nice collective use between the two, the
810 consignment store and my consignment pawn and so that would be my intent. But, I would still
811 at the same point, like to expunge the pawn, I don't need pawn.

812
813 **VICKI QUINN**

814 Right.

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MICHAEL MACK

I just need a buy-sell.

VICKI QUINN

Okay and then, also, you know, I've, this is probably been one of my most troubled items in the six years that I've been up here because there's a lot of things I still don't understand and I learn a lot of stuff everyday and Mr. Taylor wanting to hold it for a neighborhood meeting or to talk to more neighbors, which you've done your due diligence. We can't say that you haven't done that and then you're very accessible. And the other thing is, I can't imagine this Commission ever approving a pawn shop next door to your pawn shop. They'd have to come, am I correct in saying Director Flinn? Am I correct in saying that, if in fact, a pawn shop use that was an existing pawn shop, say it was Cashway America or one of them that had an existing license, am I correct in saying that they would have to come to this body for approval to move next door to Mr. Mack, which would be 100 feet away? I mean they just couldn't pick up and move in there, right?

FLINN FAGG

Actually, yes they could because there is an existing pawn shop use there. Again, it's a nonconforming use, but if you establish that use within one year of Mr. Mack's business leaving the space then they don't need to come back for special use permit approval. If they go longer than that one year period, then yes, they would need to come in for a special use permit.

VICKI QUINN

So, if in fact, we put in a condition that you would clearly state for me, 'cause you're so good at it, that would say that another, I mean you can't, can you say that another pawn shop cannot come in within the year. I mean, is there anyway, no you can't do that. My concern is having two next door and it's not that I don't trust the integrity of the applicant. It's, I just am so worried about making the decision and one slipping in there and so, how do we prevent that? Mr. Jerbic?

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844 **BRAD JERBIC**

845 You can't. The building is not owned by the applicant. The applicant has indicated he has a
846 lease and to the extent that he can extend that lease and promise you something else, that's all
847 you can go on. You don't have an ability here, you're only first of all, agendaed to take action
848 with respect to zoning of the new site not the old site. So, you have no power over that at all.

849 **VICKI QUINN**

850 Okay.
851

852 **BRAD JERBIC**

853 Second, the use variance cannot be terminated at this meeting tonight and, nor do I think it could
854 be terminated at all and certainly not without permission of the land owner who is not here
855 tonight.
856

857 **VICKI QUINN**

858 Right.
859

860 **BRAD JERBIC**

861 So, I don't know that there's anything I can say other than there's nothing, no power you have
862 here tonight at tonight's meeting to control the use of the adjoining property.
863

864 **VICKI QUINN**

865 Thank you, Mr. Jerbic.
866

867 **CHAIR FLANGAS**

868 Mr. Jerbic, if we were to condition this application as to a one-year review to see whether or not
869 another pawn shop's moved in there, can we get it, in that regard? Stating, you know, you come
870 back in a year and if the other one is a pawn shop, this one is going to expire.
871

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BRAD JERBIC

I, oddly enough, just was beginning to have that discussion with the Planning Director and I know that there's a legal issue here and there's a policy issue and since the policy issue probably is gonna trump the legal, I'm gonna let the Planning Director go first.

FLINN FAGG

Relative to adding a review of condition to a special use permit, that's something that the code does permit us to do. However, there are limitations on what you can dictate through that requirement. What I would suggest, if that's the direction that you'd like to go, that we do a review of condition to review this item in one year from its establishment and to monitor the operation of the business. That's basically what the language of the review of conditions would state. At that point in time, at a public hearing, we could review and see if there is another pawn shop that has moved into the existing location and then take action relative to that. But again, I would caution you on the review of condition that you limit it to a review of the business that has been approved and leave it at that.

BRAD JERBIC

If I could add onto that thought, and if you go that route, I would ask that you make my comments part of your motion. In -- approving tonight's SUP, if you do it under those conditions, you should make a specific finding in the record that it is only harmonious and compatible with surrounding land uses because it is the only pawn shop there and you anticipate that the existing location is going to become a nonconforming use, the use for which will expire within one year of the approval of this use permit. If a year from now, you review this and there are two viable pawn locations there, it is not a harmonious and compatible land use and, therefore, the existing use permit that you approve tonight would expire. Director, do you agree with those comments?

VICKI QUINN

Wow.

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901 **FLINN FAGG**

902 I would say that, that's an action after the review of condition is completed if that's a direction
903 that City Council would want to take at that point in time. But again, that would not necessarily
904 be the language that you would place upon the review of condition. Maybe -

905 **CHAIR FLANGAS**

906 Then I have a couple specific questions here. You've mentioned a letter of intent, now is that a
907 letter of intent signed just by you or both by you and the landlord?
908

909 **MICHAEL MACK**

910 It's signed by the landlord. I haven't -- executed it because I wanted to see what was happening
911 here.
912

913 **CHAIR FLANGAS**

914 Okay. And then the letter of intent extends your lease to -- how far out now?
915

916 **MICHAEL MACK**

917 I had a three-year.
918

919 **CHAIR FLANGAS**

920 For one year. And that's on your existing premises?
921

922 **MICHAEL MACK**

923 Yes.
924

925 **CHAIR FLANGAS**

926 So, once you execute it you're extended.
927

928 **MICHAEL MACK**

929 Well, I have to, that's the LOI. I have to go into a lease and then once the lease is executed.
930

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BRAD JERBIC

Could I suggest, Mr. Chairman, that another condition be that if, during this one year period, the lease is not extended whether the applicant finds out a week from now, a month from now, or whenever, that it immediately brought to the attention of the Planning Director so this may be put back on the agenda.

VICKI QUINN

Excuse me, Mr. Jerbic. What did you say?

BRAD JERBIC

I'll try it again.

VICKI QUINN

I'm sorry.

BRAD JERBIC

The applicant be directed that if he is unable to extend the lease on the existing building, the former location, that he bring that failure to extend that lease to get that LOI to the attention of the Planning Department immediately whether that be a day from now, a week from now, or a month or two from now, so that the Planning Department can take appropriate action to put this back on the agenda.

VICKI QUINN

Thank you. I just would like to hear comments from my fellow Commissioners and their thoughts on this serious item. Thank you.

RICHARD TRUESDELL

Mr. Chairman. I think we're trying to create a solution that will fit with the desires of the, perceive that the Commission wants to approve this use. I think we can probably put enough conditions on this use permit that the applicant, one he doesn't want to put a competitor next to him. I don't care what he spends in investment, a competitor next to him would probably be

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962 detrimental to his success at all. But, rather than all the other conditions, the marketplace is
963 gonna kick in here and if the applicant is unsuccessful in getting the landlord to go along, I mean
964 he may, I haven't mentioned this to the applicant but, limit his hours to a ridiculous amount of
965 time per day 'cause one of 'em's going to go broke. One of 'em's going to shut down and, or, so
966 you're never going to have this issue of two. So, the, it shouldn't be the onus on us to do
967 something, we should put the opportunity on the applicant to make sure we don't have to hear
968 from this again. If -- this is something we want to support. In essence, make it almost
969 intolerable for one 'em to survive, one way or the other and that's a condition on the special use
970 permit; hours of operation, limitations on days of the week, that I think the City Attorney would
971 find very enforceable.

972 **BRAD JERBIC**

973 I think, with respect to the new location, I'm not sure that you could put any restrictions at all on
974 the old location.
975

976 **RICHARD TRUESDELL**

977 Right.
978

979 **BRAD JERBIC**

980 And if you're trying to make the old location the unviable one that goes away, this is not going to
981 fix it.
982

983 **RICHARD TRUESDELL**

984 But, but what it will do, it -- puts the pressure on the applicant to fix it. If, he -- has, he wants a
985 new location. If the limitations on the new location assure us that one of them will not be
986 successful, I guarantee the applicant is going to make sure his is successful and the other one we
987 don't have to hear from again. It's, we can put restrictions on this applicant, we can't do
988 anything with the other one. So, if there's a pawn shop that goes in next door, the applicant
989 should be the one to risk, not the -- Commission, or the Council, or the Councilperson. If we're
990 going to go ahead and approve this, put the onus on the applicant to be, to make sure we don't
991 have to deal with this going forward.
992

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993 **MICHAEL MACK**

994 Commissioner Truesdell, the only issue I foresee -- is I may be putting myself in a very tough
995 position with my landlord now that he knows that he has -- me and I have to lease from him, he
996 could jack this rate up to an ungodly rate and I might be forced to take it.

997 **RICHARD TRUESDELL**

998 I think that genie is out of the bottle. I mean whether, I understand, I mean you have a letter of
999 intent from him and if you go forward that or don't go forward with that --
1000

1001 **MICHAEL MACK**

1002 You know what that letter of intent's worth? Now that the genie's out of the bottle?
1003

1004 **RICHARD TRUESDELL**

1005 I understand that. I understand that, but, in trying to find some way to make this an acceptable
1006 solution, 'cause I agree with you. There's not a lot of pawn licenses out there. There's not a lot
1007 of people moving pawns. But, the potential worse thing we can do, in all fairness to you, is
1008 approve this, something falls through with your location going next door and somebody else
1009 finds that location more accept, attractive and you stay where you're at.
1010

1011 **MICHAEL MACK**

1012 But, that's the, but the license would be approved based on my, the moving of the license. it
1013 wouldn't start until I --
1014

1015 **RICHARD TRUESDELL**

1016 We aren't dealing with the license. We're only dealing with the SUP.
1017

1018 **MICHAEL MACK**

1019 But the use permit would not, would it be granted as, you know, would it be granted as, you
1020 know, would it be granted (inaudible) --
1021

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RICHARD TRUESDELL

The use permit goes with the land.

MICHAEL MACK

Right.

RICHARD TRUESDELL

And, so, once it's approved, it would be approved for that period of time unless somebody –

MICHAEL MACK

You condition it, the new use permit.

CHAIR FLANGAS

If I may, Commissioner Truesdell. I think the solution lies in what we discussed a little while ago. If we approve this, we would put a one year review on it to see whether or not you were able to do what you said you were going to do. And in addition to that, regardless of what we do here tonight, it's going to the City Council. So you've got 30 days to get a lease signed with your landlord and I think that resolves the problem. I think that might help out Mr. Taylor over there, 'cause he's looking for a 30 day abeyance on this as well. So, my opinion would be to just do this one year review to see where you're at if you're able to do what your able to do. May need a little help in constructing that condition from Director Fagg, but that would be my recommendation; that's what I would support.

FLINN FAGG

As to the condition, what I would recommend is that we place a one year required review on the special use permit before a public hearing at City Council and leave the condition as that.

VICKI QUINN

I -- kind of agree, Mr. Mack and Lucy. I think, if I was to gamble, I'd gamble on you. I don't think anybody is going to come next door to you and -- try to compete with you. And I don't think, I think that your -- name and your company, as such, nobody, I don't think somebody's

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1053 going to do that. So, I'm kind of, in my opinion, think that's just the best way to go for all of us.
1054 So, that would be my motion for approval with a one year review as stated. I'll have Flinn state
1055 it, but what do you think about that?

1056 **MICHAEL MACK**

1057 Okay.
1058

1059 **VICKI QUINN**

1060 I mean I just know that if I throw the dice, you're gonna win. So, I mean –
1061

1062 **LUCY STEWART**

1063 Thank you.
1064

1065 **VICKI QUINN**

1066 --I just feel that way.
1067

1068 **MICHAEL MACK**

1069 Thank you.
1070

1071 **VICKI QUINN**

1072 So, if you could please, Director, draft the, what I want to say and then I'll make the motion for
1073 approval with the –
1074

1075 **BRAD JERBIC**

1076 Can I also ask that a condition of, can I ask the maker of the motion to make a condition of the
1077 motion 'cause I discussed with the director, or the committee, the Chairman and the Planning
1078 Director, two options. One was to continue this in order to see an extended lease so that we
1079 know that you have that and even permission of the property owner in your existing building.
1080 And I think the desire was to move this on to Council tonight, knowing that you would have 30
1081 days to that. So, whether it's a condition of this motion or simply stated on the record, it ought
1082 to be stated that there is an expectation that by the time you get to the City Council there will be
1083

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1084 an extended lease present. Staff will be a lot more comfortable if that's present along with
1085 permission from the property owner to let that use variance go and it's going to be a lot less
1086 comfortable without that lease extension and without permission of that property owner. Is that
1087 adequately stated?

1088 **VICKI QUINN**

1089 That's exactly what I wanted to say. Is that what you want it to say, Mr. Mack? Ms. Stewart?
1090

1091 **LUCY STEWART**

1092 I believe so.
1093

1094 **UNIDENTIFIED SPEAKER**

1095 (Inaudible) agree to it.
1096

1097 **VICKI QUINN**

1098 I mean, do you agree with that? I mean, this is a -- tough one. I mean, really.
1099

1100 **MICHAEL MACK**

1101 I, like I -- stated earlier, I think it just puts me in a little vulnerable situation with the landlord.
1102 You know, he, you know as a property owner, you don't want to lose your property rights.
1103

1104 **VICKI QUINN**

1105 Right.
1106

1107 **MICHAEL MACK**

1108 And so --
1109

1110 **VICKI QUINN**

1111 But why would he want to lose you as a -- client for god sakes?
1112

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MICHAEL MACK

As a tenant?

VICKI QUINN

As a tenant, yeah. I mean, come on.

MICHAEL MACK

Well, he –

VICKI QUINN

I mean we can't go back and forth, I'll be –

MICHAEL MACK

- he's losing per se, he's not losing me in the same sense because I'm staying in the location –

VICKI QUINN

Right.

MICHAEL MACK

But, for him to lose the pawn use, you know, he doesn't have a choice.

VICKI QUINN

Well -

LUCY STEWART

I mean, he has a pawn –

MICHAEL MACK

Yeah.

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VICKI QUINN

My motion would be, go ahead, Flinn.

FLINN FAGG

The direction I think that you have from the Planning Commission is that there is some interest in seeing the lease at City Council –

MICHAEL MACK

Okay.

FLINN FAGG

-- when this item goes forward. As for the condition, again, for the condition, I would state that a review of condition shall be required one year from the establishment of the business at a public hearing of City Council. And, Mr. Rankin wants to correct me.

DOUG RANKIN

Is that a required review? Or a review of condition?

FLINN FAGG

I'm sorry, a required review.

DOUG RANKIN

Thank you.

LUCY STEWART

Thank you.

UNIDENTIFIED SPEAKER

Is that a motion?

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1171 **VICKI QUINN**

1172 So, Director, I mean could you make the motion, Gus?

1173 **CHAIR FLANGAS**

1174 I can. I think you've made the motion to approve based on -

1176 **VICKI QUINN**

1177 I'm sorry. So, my, the motion is for approval with the one year review and that's it.

1179 **MICHAEL MACK**

1180 Thank you.

1182 **VICKI QUINN**

1183 Okay.

1185 **CHAIR FLANGAS**

1186 Please vote.

1188 **BRAD JERBIC**

1189 I want to state as you're voting, that's with the comments and recommendations of the director?

1191 **VICKI QUINN**

1192 Thank you, Mr. Jerbic.

1194 **MICHAEL MACK**

1195 I think the bovine was a little easier. The bovine was a little easier.

1197 **CHAIR FLANGAS**

1198 Please post. The motion to approve Item Number 50 with the added condition carries. (**Motion**
1199 **carried unanimously.**)
1200

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LUCY STEWART

Thank you very much.

MICHAEL MACK

Thank you.

FLINN FAGG

And this item goes forward to the February 6th City Council meeting.

MICHAEL MACK

Thank you.

(END OF DISCUSSION)

/jmj; ac