

CITY OF FOUNTAIN VALLEY
REGULAR MEETING OF THE PLANNING COMMISSION
FOUNTAIN VALLEY COUNCIL CHAMBERS

MAY 13, 2009

MINUTES

CALL TO ORDER

The Fountain Valley Planning Commission meeting was called to order at 7:00 p.m. in the City Council Chambers.

SALUTE TO THE FLAG

Chair Drilling led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Frank, Gaston, Jensen, Proctor, Walker
Commissioners absent: None
Staff members present: Andy Perea, Planning Director, Steven Ayers, Planner, Matt Jenkins, Assistant Planner, Cyndee Alvarez, Planning Secretary

APPROVAL OF MINUTES

The Planning Commission minutes of April 8, 2009, were approved as amended by a unanimous vote.

Chair Drilling stated that it was customary for Commissioners to visit applicant sites; that unless any Commissioner had further disclosure statements at this time, it may be stated that no contact was made during the site visit with the applicant, his/her agent, or neighbors of the proposed project.

PUBLIC HEARINGS

1. VARIANCE NO. 271 – KB HOME LOT NO. 55
Petition submitted by Eric Scheck on behalf of KB home to reduce the side yard building setback on the east property line from a required 5 ft. to 3 ft. for the property located at 9290 Andalusia Avenue.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report. He stated that Lot 55 is a corner lot and currently has an eight (8) foot wide drainage easement on the west side of the property that prevents anything from being built on it; that the applicant is proposing shifting the house on Lot 55 two feet to the east to allow enough room to enclose to west side yard with a block wall built outside of the storm drain easement and provide protection and privacy for the west side of the house from the side street; that this adjustment will provide a three (3) foot setback from the east property line on lot 55 and a twelve (12) foot side yard setback to the west property line; that staff has reviewed the variance request and feels that the applicant demonstrated that the site has a land related unique situation to justify the variance request and that Staff does support the request as submitted.

Applicant Eric Scheck, KB Homes, stated that he wanted to clarify that there had been an extensive study to make sure that they would be compliant with the building code.

Discussion ensued regarding why this concern not brought up in plan check.

Mr. Scheck stated that they did not anticipate this being a problem; that the concern only came up after the models homes opened; the concerns came from prospective buyers about privacy and safety from not having a wall there.

Commissioner Walker expressed concerns that the reduced side yard will not leave enough room to store trash cans.

Discussion ensued about the clearance of the side yards.

Mr. J.L Reichert, 17255 Oak Street, home owner, stated that he is in full support of this item; he stated that KB Home has improved the area; that they have certainly enhanced the city of Fountain Valley.

Chair Drilling closed the public hearing.

Commissioner Frank motioned to adopt Resolution No. 09-17 approving Variance No. 271 which is a request submitted by Eric Scheck, of KB Home Coastal Inc., to reduce the side yard building setback to three (3) feet on the east side of the property located at 9290 Andalusia Avenue (Lot 55, Tract 16902).

Chair Drilling seconded the motion.

Motion approved 4-1 with Commissioner Walker voting no.

2. VARIANCE NO. 272 - ORANGE COUNTY WATER DISTRICT

Petition submitted by the Orange County Water District to deviate from the Fountain Valley Sign Code to install a roof sign above an awning at the entrance of the laboratory building located at 10500 Ellis Avenue.

Chair Drilling opened the public hearing.

Matt Jenkins, Assistant Planner, presented the Staff report. He stated that the applicant has submitted a variance request to install a roof sign on top of a canopy for the laboratory building; the proposed sign will be 12" individual metal channel letters on the roof of the canopy at the entrance of the new building; the proposed sign will be below the roof of the building; that proposed sign is not going to be used for commercial advertisement; that the signage will be used to identify the buildings; that staff supports the variance as submitted.

Applicant Chuck Steinburgs, Project Manager, Orange County Water District was available to answer any questions the Commission may have.

Chair Drilling closed the public hearing.

Commissioner Walker motioned to adopt Resolution No. 09-18 approving Variance No. 272 to deviate from the Fountain Valley Sign Code to install a roof sign above an awning at the entrance of the laboratory building located at 10500 Ellis Avenue.

Vice Chair Jensen seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-18 approving Variance No. 272.

3. AYSYA, INC. – CONDITIONAL USE PERMIT NO. 665M

Petition submitted by Vinh Buu to modify the existing CUP 665 to allow for live entertainment to include solo performers and karaoke at the business located at 17271 Brookhurst Street.

Chair Drilling opened the public hearing.

Mr. Ayers presented the staff report. He stated that the proposed entertainment request will consist of a one man pianist, amplified keyboard, or amplified karaoke machine; that the applicant is proposing to provide the entertainment from 8:30 p.m. to 11:30 p.m., seven days a week; that the Police Department reviewed the applicants proposal and did not identify any issues with the request and that staff supports the request as submitted.

Applicant Vin Buu, 17271 Brookhurst Street, was present to answer any questions.

Discussion ensued regarding clarification on the type of entertainment to be permitted and the proposed hours for entertainment and current hours of operation.

Mr. Frank Negari, 17333 Brookhurst, Unit A3, he stated that he was opposed to permitting karaoke at this establishment due to its proximity to residential properties.

Mr. Steven Martinez, Property Manager of Fountain Valley City Center, stated his only concerns are with parking. He stated that he has had issues with other properties with over flow parking.

Mr. Buu stated that he does not anticipate any parking problems.

Chair Drilling closed the public hearing

Commissioner Frank made a motion to deny Conditional Use Permit No. 655M to modify the existing Conditional Use Permit to add an accessory entertainment use (one man band/karaoke) to the existing restaurant.

This motion was withdrawn due to lack of a second on the motion.

Commissioner Frank made a motion to adopt Resolution No. 09-19 approving Conditional Use Permit 655M with the modification to the proposed hours be restricted to no later than 9:00 p.m. commencing at 7:00 p.m.

Mr. Buu stated that the hours were too restrictive.

Commissioner Frank withdrew the above motion because the applicant did not agree to the hours proposed.

Commissioner Walker motioned to adopt Resolution No. 09-19 approving Conditional Use Permit No. 655M to modify the existing Conditional Use Permit to add an accessory entertainment use between the hours of 8:00 p.m. to 10:00 p.m., with the hours of operation 11:00 a.m. to midnight seven (7) days a week.

Chair Drilling seconded the motion.

Commissioner Walker asked Mr. Buu if he had a problem with the entertainment hours and the hours of operation.

Mr. Buu stated that he was fine with the hours of operation but would like later hours for entertainment.

By a vote of 3-2 with Vice Chair Jensen and Commissioner Frank voting no

Resolution No. 09-19 was approved with entertainment use 8:00 p.m. to 10:00 p.m. and hours of operation from 11:00 a.m. to midnight – seven (7) days a week.

4. MARISCOS LOS CORALES – CONDITIONAL USE PERMIT NO. 1171M-1
Petition submitted by Mariscos Los Corales to modify the existing Conditional Use Permit to add live entertainment which will consist of non-amplified music for the business located at 16361 Harbor Boulevard.

Chair Drilling opened the public hearing.

Mr. Ayers presented the staff report. He stated that the proposed entertainment request will consist of non-amplified music such as acoustic guitar players or mariachis who will roam the restaurant playing for donations; that in the past the applicant has allowed for live music within the restaurant without city approval; that over the past year the Police Department has responded to eight (8) noise complaint calls and one (1) fight call.

Mr. Ayers stated that another staff concern is that the restaurant is located only 38 feet away from the property line of the single-family homes west; that due to these concerns, staff does not support the applicants request as submitted and that Staff is recommending the Planning Commission adopt Resolution No. 09-20 denying Conditional Use Permit No. 1171M.

Ricardo Bobadilla was present on behalf of applicant Salvador Morales. He stated that the request is for non-amplified music. Mr. Bobadilla stated that Mr. Morales was not aware that he needed a permit to have live entertainment.

Discussion ensued regarding the noise the restaurant was creating.

Danya Button, 16368 Mt. Ackerman Circle, stated she had concerns regarding live entertainment at this place of business; Ms. Button stated that this item should be denied due to the noise that comes from the property

Barbara Palermo, 16368 Mt. Ackerman Circle; stated that the noise level that comes from this business is a nuisance; that she is in support of denying the request for live entertainment.

Tonya Schneider, 16346 Mt. Ackerman Circle, stated she is in favor of denying this item; that the noise that comes from this restaurant is unbearable.

Chris Schneider, 16346 Mt. Ackerman Circle, stated that he is opposed to the proposal of allowing live entertainment at this place of business.

Susan Lever, 16343 Mt. Ackerman Circle, stated that she is opposed to the proposal of allowing live entertainment at this place of business.

Daniel T. Nguyen, 16356 Mt. Ackerman Circle, stated that he is also opposed to the proposal of allowing live entertainment at this place of business.

Chair Drilling closed the public hearing.

Chair Drilling motioned to adopt Resolution No.09-20 denying Conditional Use Permit No. 1171M to modify existing Conditional Use Permit to add an accessory entertainment use (non-amplified music) to the existing restaurant located at 16361 Harbor Blvd.

Commissioner Gaston seconded the motion.

By a unanimous vote, Planning Commission adopted Resolution No. 09-20 denying Conditional Use Permit No. 1171M.

5. VERIZON WIRELESS – CONDITIONAL USE PERMIT NO. 1669

Petition submitted by Core Communications on behalf of Verizon Wireless to install a new wireless communications facility consisting of twelve (12) panel antennas, four (4) GPS antennas, and one (1) microwave dish on a new 50'-0" monopalm located at 16061 Brookhurst Street. This item was continued from the April 8, 2009 and the May 13, 2009 Planning Commission meetings.

Chair Drilling opened the public hearing.

Mr. Perea stated that staff had received a very late letter from the applicant's attorney with several concerns regarding proposed conditions of approval. That staff needs additional time to review the letter with our city attorney. He requested a continuance of this item.

Commissioner Walker motioned to continue the item to the Planning Commission meeting of May 27, 2009.

Vice Chair seconded the motion.

By a unanimous vote the item to be continued to the Planning Commission meeting of May 27, 2009.

6. SALVATION ARMY – CONDITIONAL USE PERMIT NO. 1672
Petition by Aldo Accinelli on behalf of the Salvation Army to establish and operate a second-hand goods retail store located at 16119 Brookhurst Street.

Chair Drilling opened the public hearing.

Mr. Ayers presented the staff report. He stated that the Salvation Army Family Store plans to provide the general public with new and used products; that the store will accept tax-deductible donations which will be collected at the rear of the store and stored inside; that the proposed hours of operation are Monday through Saturday, 9:00 a.m. to 9:00 p.m. and will also be open for donations only on Sunday from 9:00 a.m. to 5:00 p.m.

Mr. Ayers stated that staff has included conditions to help minimize the impacts to neighbors by required that all donated items must be stored inside the building and placard signs must be installed at the rear of the building stating that it is unlawful to deposit furniture and /or goods outside of the building to comply with Fountain Valley Municipal Code 8.04.020 and that staff supports the request as submitted.

Applicant Aldo Accinelli, 1300 S. Lewis Street, Anaheim, was present to answer any questions.

Chair Drilling asked if there would be any type of trailers stored on-site

Mr. Accinelli stated that the truck with a trailer would come and go on a daily basis.

Kathy Buchoz, 8907 Warner Avenue, Suite 108, spoke in favor of the proposal.

Margaret Murphy, 9899 Debiois Avenue, spoke in opposition of this proposal stating the use would not be beneficial to the community.

Chair Drilling closed the public hearing.

Commissioner Gaston motioned to adopt Resolution No 09-22 approving Conditional Use Permit No. 1672 for a second-hand retail store located at 16119 Brookhurst Street.

Commissioner Frank seconded the motion.

By a unanimous vote the Planning Commission adopted Resolution No. 09-22 approving Conditional Use Permit No. 1672.

OLD BUSINESS

None

NEW BUSINESS

7.. SIGN COMMITTEE MEETING UPDATE

An update of the Sign Committee actions from the May 13, 2009 meeting.

THRIFTY – SIGN PERMIT NO. 09-07

Donco & Sons has submitted a request, on behalf of the property owner to reface one (1) existing internally illuminated monument sign and repaint the existing canopy of the gas station located at 18520 Brookhurst Street. This item was approved by a unanimous vote.

WARNER / BUSHARD – SIGN PERMIT NO. 09-08

TNT Electric has submitted a request on behalf of Elite Shopping Centers Management Inc, to create a sign program for the shopping center located at southwest corner of Warner and Bushard. This item was continued to the Planning Commission meeting of May 27, 2009.

CHEVRON – SIGN PERMIT NO. 09-09

Donco & Sons has submitted a request, on behalf of the property owner, to reface one (1) existing internally illuminated monument sign located at 17980 Magnolia Street. This item was approved with a modification to one of the panels by replacing brand name with “24 hours”.

OC WATER DISTRICT – SIGN PERMIT NO. 09-10

The Orange County Water District has submitted a request to install a roof sign on top of a canopy for the laboratory building located at 10500 Ellis Avenue. This item was approved pending Planning Commission approval of the Variance. The Variance was approved.

Chair Drilling called for a five minute recess at 8:53 p.m.

The Planning Commission reconvened at 9:04 p.m.

8. 2009 PLANNING INSTITUTE DISCUSSION

Discussion of topics of interest from the 2009 Planning Institute, receive report and provide direction as deemed appropriate by the Planning Commission.

Andrew Perea, Planning Director presented the staff report and addressed some of the comments from the previous Planning Commission meeting. He stated that

staff conducted a survey that indicated the average length of time provided to the Commission to review their packets was 5.7 days; that the City Council only has four (4) days to review their agenda; he stated that the city did not have a design review board but that the Planning Commission is charged with the duties of architectural review; he indicated that if directed by the Planning Commission, he would let the City Manager know that periodic meetings with the Planning Commission have been requested; that a panic button will be installed in the Council Chamber; he reviewed the authority of the Planning Commission as established in the Fountain Valley Municipal Code; that due to budget issues the City Attorney does not regularly attend Planning Commission meetings but he does review the agenda packets. He concluded by giving an overview of the Permit Streamlining Act.

The Commission discussed the items in the report.

Chair Drilling stated that she would like to receive the agenda packages sooner in the week to allow time to review agenda items.

Vice Chair Jensen and Commissioner Walker agreed with Chair Drilling regarding large agenda items if possible.

Commissioner Frank stated that he would like to request joint meetings with the City Council.

Mr. Perea suggested that the request be made to have breakfast with the Mayor, Chair of the Commission, and the City Manager to discuss philosophy, project coming up and concerns.

Commissioner Frank motioned to request for the Mayor, Chair of the Commission, City Manager and staff to meet periodically.

Commissioner Walker seconded the motion.

By a unanimous vote, the Planning Commission requested periodic meetings with the Mayor, City Manager and staff.

COMMISSION COMMENTS

Mr. Perea stated that the results of the UCI Planning Study will be presented to the City Council on June 2, 2009.

ADJOURNMENT

The Planning Commission meeting of May 13, 2009, was adjourned at 9:25 p.m. to the next regularly scheduled Planning Commission meeting of May 13, 2009.

APPROVED:

Chairperson

Secretary