

CITY OF FOUNTAIN VALLEY
REGULAR MEETING OF THE PLANNING COMMISSION

August 12, 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

Commissioner Drilling led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Frank, Gaston, Jensen, Walker, Proctor
Commissioners absent: None
Staff members present: Andrew Perea, Planning Director; Mark Lewis, Public Works Director; Steven Ayers, Planner; Matt Jenkins, Assistant Planner; Rebecca Leifkes, Housing Technician.

APPROVAL OF MINUTES

The Planning Commission minutes of July 8, 2009, were approved, as amended.

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. 274 – ORANGE COAST MEMORIAL MEDICAL CENTER
Petition submitted by Orange Coast Memorial Medical Center requesting a variance for signage located at 18111 Brookhurst Street.

Chair Drilling opened the public hearing.

Matt Jenkins, Assistant Planner, presented the staff report.

Applicant Bob Lank was available for input but had no comments.

Chair Drilling closed the public hearing.

Commissioner Frank made a motion to approve Variance No. 274 for Orange Coast Memorial Medical Center for signage located at 18111 Brookhurst Street.

Commissioner Gaston seconded the motion.

Motion passed by a unanimous vote.

2. VARIANCE NO. 275 – FURNITURE HOME STORES AKA ASHLEY FURNITURE - Petition submitted by Furniture Home Stores of Southern California to allow for additional wall signage at the business located at 18060 Euclid Street.

Chair Drilling opened the public hearing.

Matt Jenkins, Assistant Planner, presented the staff report.

Commissioner Walker asked for clarifications regarding the location of the signage. Matt Jenkins clarified the location as the west elevation of the building.

Applicant David Erwin, of Ashley Furniture, added that an additional hardship was created when the building to the south was constructed, effectively blocking one of their existing signs.

Commissioner Walker asked why the proposed sign is larger than the existing signs. Mr. Erwin said that the sign prepared by the sign company is slightly larger than the existing signs as it was pre-fabricated.

Jerry Fair, of the Doctor Independent Service, a neighbor to Ashley Furniture, read a prepared statement advocating for less stringent signage and banner regulations.

Chair Drilling closed the public hearing.

Commissioner Frank made a motion to approve Variance No. 275 for Furniture Home Stores (Ashley Furniture) to install a new internally illuminated cabinet sign on the building located at 18060 Euclid Street.

Vice Chair Jensen seconded the motion.

Motion approved by unanimous vote.

3. PRECISE PLAN NO. 497M – 17210 OAK STREET (LOT NO. 16902)
Petition submitted by Eric Scheck on behalf of KB Home Coastal, Inc. to amend Precise Plan No. 497 to decrease the number of single story homes from eleven (11) to six (6) of the fifty-five (55) lot single family subdivision located at 17210 Oak Street (Tract No. 16902).

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Applicant Eric Scheck made a presentation to the Commission. He stated that 42 homes have sold and there are 13 remaining; of those, ten (10) are Plan 1, two (2) are Plan 2, and one (1) is Plan 3; that KB Homes would like to decrease the number of remaining single story models to six (6); that the requested change is due to the demographics of the buyers interested in the homes; that more buyers are interested in the larger two story, three car garage models.

Chair Drilling asked if KB Homes has researched if the reason the single stories are not selling is because of the price; and if the price were reduced the units would sell.

The applicant stated that he feels the homes are priced competitively.

Chair Drilling stated the number of single stories would almost be reduced in half and asked how the selection of the units to be changed was determined.

The applicant stated that KB Homes thought the number was a fair compromise at about 10%; that the selection is based on the lots that could accommodate the larger floor plans; and that the lots by the entrance to the project would stay the same; and that KB Homes would take less versus a denial.

Commissioner Walker stated that off Magnolia there are mostly single story homes but off Bushard there is a mixture of single story homes and homes with bonus rooms above the garage; that the proposed two stories are huge comparatively; and that he has concerns regarding decreasing the number of single stories in the project.

JL Reichert, residing at 17255 Oak Street, stated that he is generally for the project and believes KB Homes has done a good job with the project. He stated that there is a disparity with price per square foot between the Plan 1 and Plan 2 homes; that the sound wall built by KB Homes has decreased the noise from the

freeway; that the park is very nicely designed and he would not like to see basketball courts installed there. He stated that he sees merit in the request and if granted, he would like to see amenities added including more hardscape, landscaping or tree planting in the areas to minimize the amount of the block walls that are showing, as these areas to make them less prone to graffiti.

The applicant stated that there is a landscape plan; that the City is installing additional landscaping but not all of the landscaping has been completed.

No additional public comments were received.

Chair Drilling closed the public hearing.

Commissioner Frank stated that initially KB Homes came before the Commission when the market was booming; that when KB plans were approved, building heights were higher than are currently allowed; and that he feels he owes it to the residents to not have homes sitting vacant in the project. He moved to amend Precise Plan No. 497 to decrease the number of single story homes from eleven (11) to nine (9) of the fifty-five (55) lot single family subdivision located at 17210 Oak Street (Tract No. 16902).

Chair Drilling seconded the motion.

Commissioner Gaston stated that he supports the motion.

Vice Chair Jensen agreed with the reduction but stated that it is important to have some single story homes available for mobility issues; that the City has an aging population; and that she has several friends who have sold their two story homes to move into single story homes.

Commissioner Walker agreed with the reduction to nine units and that he would not vote for six; that he lives in a single story home and is thankful that he is not in a two story home; and that he would like some assurance that the homes to be changed are the ones in the presentation; and that he would like KB Homes to work with staff to choose the locations.

Commissioner Proctor stated that she appreciates the changes to the elevations to soften them; that she believes that KB Homes is being short sighted regarding the lack of single story units and that she does not want to see a cookie cutter look.

The applicant stated that he does not disagree with the Commissioner's comments, but stated that the change is necessary due to buyer demographics.

Commissioner Gaston stated that he would not think there are a lot of elderly households wanting to purchase single story units in that project; and believes that there are probably more younger and large families interested in the larger units.

Commissioner Frank made a modification to decrease the number of single story units to eight with the condition that KB Homes work with staff in choosing the units to be revised.

Chair Drilling seconded the motion.

Motion approved 4-1 with Commissioner Walker voting no.

4. CONDITIONAL USE PERMIT NO. 1677- T-Mobile
Petition submitted by Omnipoint Communications, Inc. a subsidiary of T-Mobile to construct a wireless telecommunications facility at 11669 Edinger Avenue. The facility will consist of twelve (12) panel antennas, one (1) GPS antenna, and six (6) equipment cabinets. The twelve (12) panel antennas will be separated into three (3) sectors attached to a wireless facility designed as a pine tree. The radio equipment will be located to the base of the tower and inside of a 7'ft. high CMU enclosure.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Applicant Monica Moretta, representing T-Mobile, stated that she understands all of the conditions; that T-Mobile is requesting Condition 15 be revised confirming that a wireless permit has been granted for T-Mobile Wireless Communication Network.

Andrew Perea, Planning Director stated that staff supports this request.

Commissioner Frank asked the applicant what the arrows on the map signify.

The applicant stated that the arrows show the location the antennae will be in.

Commissioner Walker asked why 55 ft. was requested for the height and not 50 ft.

The applicant stated that the height was necessary in order to utilize the design of this type of antennae proposed and would allow for co-location if there were other interested carriers.

Commissioner Walker asked if a variance would be required.

Mr. Perea stated that no variance would be required.

Commissioner Walker stated that since the property is owned by the City, no exception should be made.

Mr. Perea stated that other mono-pines have been approved at this height.

No public comments were received.

Chair Drilling closed the public hearing.

Commissioner Proctor asked if the equipment would be surrounded by a fence.

Mr. Ayers stated that the equipment would be surrounded by a fence.

Commissioner Frank made a motion to approve Conditional Use Permit No. 1677 for T-Mobile to construct a wireless telecommunications facility at 11669 Edinger Avenue with the provision to allow the height of 55 ft to allow for co-location.

Commissioner Gaston seconded the motion.

Motion approved 3-2 with Commissioners Jensen and Walker voting no.

5. CONDITIONAL USE PERMIT NO. 1601M – MARISCOS PUERTO MARQUEZ
Petition submitted by Guadalupe Salas Barron to permit the on-site sales and consumption of beer and wine in conjunction with the continued use and operation of an existing restaurant located at 11763 Edinger Avenue.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Guadalupe Salas, owner of Mariscos Puerto Marquez was available to answer questions.

Vice Chair Jensen stated that Condition 34 is the same as Condition 26 so number 34 should be removed; and that Condition 41 is almost the same as Condition 43 except that number 43 includes a fire extinguisher so number 41 should be removed.

Commissioner Walker asked if they play music or if there have been any issues regarding code enforcement or Police complaints.

Mr. Perea stated that there have been no code enforcement or police issues.

Commissioner Walker stated he was happy to see that there are no residents that back up to this property; and asked if they play music.

Mr. Perea stated that there is an alley behind this business and that there is no live entertainment.

No public comments were received.

Chair Drilling closed the public hearing.

Commissioner Frank commended the applicant for opening the business first and then later coming to the commission for the beer and wine license. He stated that he is glad to see a good track record with no issues.

Commissioner Frank moved to approve Conditional Use Permit No. 1601M to permit the on-site sales and consumption of beer and wine in conjunction with the continued use and operation of an existing restaurant located at 11763 Edinger Avenue.

Vice Chair Jensen seconded the motion.

Motion approved by a unanimous vote.

6. CONDITIONAL USE PERMIT NO. 1680 – CAFÉ GRILL

Petition submitted by James Peters to establish and operate a café/bistro restaurant that will also serve beer and wine located at 17900 Magnolia Street, Unit A.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

James Petersen, owner for Café Grill, stated that he agrees with all of the conditions except that he is requesting that the trash enclosure requirements be reduced as it would be a financial burden to have to build it; that Rainbow Disposal is requiring a roof, concrete approach and a light.

Commissioner Walker asked where Subway dumps their trash.

Mr. Perea stated that there is currently a dumpster to the south of Rite Aid; that he does not know if and when it was approved; and that Rainbow has new standards that new businesses must comply with.

Mr. Jenkins stated that there are four trash dumpsters throughout the complex; and that other businesses have trash cans that are not visible from Magnolia or Talbert.

Commissioner Walker asked if the dumpster is Rite Aid's.

Mr. Perea stated that Rite Aid probably has their trash in the back of the building; and that the current dumpster does not comply with the Fountain Valley Municipal Code as it is visible from the street.

Chair Drilling asked if the trash enclosure has to meet a City standard or Rainbow standards.

Mr. Perea stated that the standards are Rainbow's but the CUP requires them to comply with Rainbow standards.

Commissioner Frank asked if the last business had a trash enclosure.

Mr. Perea stated that Super Suppers was a retail establishment so no conditional use permit was required and is not sure what was required of them.

Chair Drilling asked who chose the location of the proposed trash enclosure.

Mr. Perea stated that the location is where the current dumpster is located, on the east side of the business and west of the drugstore.

Commissioner Walker stated that this owner should not have to pay for the whole price of the enclosure.

Chair Drilling stated that there should only be one dumpster with an enclosure.

Mr. Perea stated that the enclosure required a cover per NPDES.

Mark Lewis, Public Works Director stated that the National Pollution Discharge Elimination System (NPDES) requires that the enclosure be covered to eliminate rainwater issues and also to discourage scavenging.

Chair Drilling stated that she was concerned that the applicant would have to pay for the whole cost; that the management company for the shopping center should be asked to pay for the enclosure; and that without this issue resolved she would not be able to approve the project.

Discussion ensued regarding the design of the trash enclosure.

Commissioner Walker asked if the business is currently open.

The applicant stated that the business is not currently open.

Dawn Land, leasing agent for the management company that manages the plaza, stated that the management will share in some of the costs with the applicant; that the management company was hopeful that the requirements for the trash enclosure could be reduced; that the enclosure requires fire sprinklers, lights and a roof.

Chair Drilling asked if the leasing agent knew where the current dumpster came from.

Ms. Land stated that she did not know where the current dumpster came from; and that the enclosure also requires a side door and handicapped accessibility.

Chair Drilling closed the public hearing.

Commissioner Walker made a motion to approve Conditional Use Permit No. 1680 for Café Grill to establish and operate a café/bistro restaurant that will also serve beer and wine located at 17900 Magnolia Street, Unit A with a provision regarding Condition 38 for staff to discuss possible reductions in the requirements for the trash enclosure with Rainbow.

Commissioner Frank seconded the motion.

Motion passed by a unanimous vote.

7. CONDITIONAL USE PERMIT NO. 1681 – JAPAN KARATE DO
Petition submitted by Japan Karate Do to establish and operate a martial arts facility at the property located at 18964 Brookhurst Street.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Commissioner Walker stated that he lives in proximity to the site, but has no financial interest in the business, and will be voting on this item.

Jo Pledge, representative for Japan Karate Do, stated that she understands all of the conditions, but would like to have Condition 29 regarding the alarm be removed since there is nothing worth stealing in the building.

Mr. Perea stated that Condition 29 can be removed.

Ms. Pledge stated she would like Condition 34 to state not to exceed 49 students at one time.

Commissioner Walker asked if 50 was the magic number.

Mr. Ayers stated that due to exit requirements, there could not be more than 49 individuals in the building.

No public comments were received.

Chair Drilling closed the public hearing.

Vice Chair Jensen made a motion to approve Conditional Use Permit No. 1681 for Japan Karate Do to establish and operate a martial arts facility at 18964 Brookhurst Street and eliminate Condition 29 and change Condition 34 to state maximum occupants not to exceed 49 at one time.

Commissioner Frank seconded the motion.

Motion passed by a unanimous vote.

8. CODE AMENDMENT NO. 09-05 - AN AMENDMENT TO THE SOUTHPARK SPECIFIC PLAN PERTAINING SIGN CODE PROVISIONS

Petition to amend the Southpark Specific Plan pertaining to sign code provisions to allow canopy signage.

Chair Drilling opened the public hearing.

Matt Jenkins, Assistant Planner, presented the staff report.

Commissioner Walker asked if it is the landlord or the City that approve the signs in the Southpark Specific Plan area.

Mr. Perea stated that approvals are required from both to ensure uniformity.

Commissioner Proctor asked if there is an ordinance for the area or a sign program.

Mr. Perea stated that Southpark is within a specific plan and the requirements are more restrictive than what the City requires.

No public comments were received.

Chair Drilling closed the public hearing.

Commissioner Gaston made a motion to approve Code Amendment No. 09-05 to amend the Southpark Specific Plan pertaining to sign code provisions to allow for the installation of canopy signage.

Commissioner Walker seconded the motion.

Motion passed by a unanimous vote.

NEW BUSINESS

9. SIGN COMMITTEE MEETING UPDATE

An update of the Sign Committee action below from the August 12, 2009 meeting.

1. SIGN PERMIT NO. 09-19 - VALLEY GARDEN CENTER

Petition submitted by Dick Wilbur to replace an existing monument sign with a new monument sign for the Valley Gardens Center located at 18426 Brookhurst Street.

2. SIGN PERMIT NO. 09-20 – ORANGE COUNTY SANITATION DISTRICT

Petition submitted by Jeffrey T. Okamoto for Orange County Sanitation District located at 10844 Ellis Avenue for three (3) signs totaling 69.9 sq. ft.

Mr. Perea informed the Planning Commission that Item 1 was approved as submitted subject to various conditions as stated in the agenda packet; and that for Item 2, signs 1 and 2 were approved, but sign 3 requires a variance.

Commissioner Frank made a motion to receive and file the report.

Commissioner Walker seconded the motion.

By a unanimous vote, the Planning Commission voted to receive and file the report.

10. PLANNING DEPARTMENT ANNUAL REPORT

Review of the Planning Commission and Planning Department Activities for Fiscal Year 2008-09.

Andy Perea, Planning Director, presented the annual report.

Chair Drilling asked what happens if overgrown vegetation is not corrected.

Mr. Perea stated that the City liens the property and the City plows the property so that it is not a fire hazard.

Commissioner Walker asked what the difference was between overgrown vegetation and vegetation overgrown.

Mr. Ayers stated that overgrown vegetation are vacant parcels.

Commissioner Proctor stated that the medians on Brookhurst are an unattractive nuisance as the weeds are higher than the plants.

Commissioner Gaston stated that an unattractive nuisance is the vacant lot where the chain link fence is knocked down and has an abandoned vehicle on the property.

Commissioner Walker made a motion to receive and file the report.

Chair Drilling seconded the motion.

By a unanimous vote, the Planning Commission voted to receive the report and forward a recommendation to the City Council for approval.

UNFINISHED BUSINESS

None

STAFF COMMENTS

Mr. Perea stated that the 66 unit senior affordable housing project on Harbor that was discussed at the last Planning Commission meeting has not been approved yet; that on August 18, 2009, Council will consider annexation of the south County island; and that an environmental study is being prepared for some public works improvements to eliminate parking located north of Slater east of Euclid.

COMMISSION COMMENTS

Chair Drilling stated that there still does not appear to be activity at the Arby's restaurant.

Mr. Jenkins stated that there are problems with Edison undergrounding utilities.

Commissioner Frank stated that the Fountain Valley Living magazine will be doing an article with photographs of the nine favorite burger places in the city; and that he has a new baby granddaughter.

Chair Drilling congratulated Commissioner Frank's wife for Rotarian of the Year.

Commissioner Walker stated that he attended the Concerts in the Park; and that Commissioner Frank got credit for the photographs.

Chair Drilling asked if the business fair went well.

Commissioner Frank stated that the business went very well.

ADJOURNMENT

Commissioner Proctor made a motion to adjourn the Planning Commission meeting of August 12, 2009.

Chair Drilling seconded the motion.

By a unanimous vote, the Planning Commission voted to adjourn the Planning Commission meeting at 9:12 p.m. to the next regularly scheduled Planning Commission meeting of September 9, 2009.

APPROVED:

Chairperson

Secretary