

CITY OF FOUNTAIN VALLEY
REGULAR MEETING OF THE PLANNING COMMISSION

November 9, 2011

MINUTES

CALL TO ORDER

The Fountain Valley Planning Commission meeting was called to order at 6:30 p.m. in the City Council Chambers.

SALUTE TO FLAG

Vice Chair Gaston led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Gaston, Jensen, Proctor, Walker

Commissioners absent: Tucker

Staff members present: Andrew Perea, Planning/Building Director; Steven Ayers, Planner; Matt Jenkins, Assistant Planner; Mark Lewis, Public Works Director; Dale Schuck, General Services Manager; Temo Galvez, Deputy City Engineer; and Amanda DeForest, Planning Secretary

APPROVAL OF MINUTES

The Planning Commission minutes of October 12, 2011 were approved as amended.

PUBLIC HEARINGS

1. US MILLENNIUM- VARIANCE NO. 296

Petition submitted by US Millennium to increase the 20% limitation of food, medical, fitness and theatre uses in the shopping center located at 16027-16205 Brookhurst to 25%.

Chair Walker opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Discussion ensued regarding FAR requirements, parking spaces, parking locations, and event parking when Performing Arts Center is in use.

Applicant Ryan Bryan was present for questions and explained how parking was designated during performing art center shows.

Further discussion ensued regarding time limits on parking and anticipated center uses.

No other public input was received.

Chair Walker closed the hearing.

Commissioner Drilling made a motion to adopt Resolution No. 11-36 approving Variance No. 296 submitted by US Millennium to increase the 20% limitation of food, medical, fitness and theatre uses in the shopping center located at 16027-16205 Brookhurst to 25%.

Vice Chair Gaston seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 11-36.

2. MARISCOS LOS CORALES- CONDITIONAL USE PERMIT NO. 1171M2

Petition submitted by Mariscos Los Corales to expand their liquor license from a Type 41 Beer and Wine license to a Type 47 full liquor license and add entertainment to the restaurant at 16361 Harbor Blvd.

Chair Walker opened the public hearing.

Steven Ayers, Planner, presented the staff report.

Applicant Salvador Morales was present with his attorney Tom Borchard.

Mr. Borchard stated that the applicant would really like to see the Type 47 liquor license and the entertainment requests approved. He does not believe that it will create any additional noise and says the entertainment noise will be limited. He further stated that they would be willing to do a noise study if necessary and does not see any reason why this shouldn't be approved since there are no reported incidents on file with the police department.

Discussion ensued regarding noise, noise studies, the restaurants proximity to residential homes, and the hours of operation.

No other public input was received.

Chair Walker closed the public hearing.

Commissioner Drilling made a motion to approve a request on behalf of Mariscos Los Corales to modify their existing Type 41 beer and wine license to a Type 47 on-sale general liquor license for a bona fide public eating place and deny the request to add live entertainment, subject to a confirming resolution.

Vice Chair Gaston seconded the motion.

By a vote of 3-2, with Commissioners Proctor and Jensen voting no, the Planning Commission approved a request on behalf of Mariscos Los Corales to modify their existing Type 41 beer and wine license to a Type 47 on-sale general liquor license for a bona fide public eating place and deny the request to add live entertainment, subject to a confirming resolution which will be presented at the Planning Commission meeting of December 14, 2011.

3. CHEVRON- CONDITIONAL USE PERMIT NO. 1410M

Petition submitted by Chevron Stations Inc. to modify the existing Conditional Use Permit No. 1410 to allow for the sale of beer and wine for the business at 10020 Warner Ave.

Chair Walker opened the public hearing.

Matt Jenkins, Assistant Planner, presented the staff report. He noted a change in condition no. 34 regarding preparing food on site. They will be allowed to heat and serve food. He also proposed to delete condition no. 11 regarding delivery hours as it is not applicable.

Discussion ensued regarding the current number of liquor licenses in the area.

Sam Wassef, owner of Plaza Market, stated that he was against the request. He stated that Chevron is only 100ft from his store and has a problem with a big company trying to take his business because everyone is struggling in this economy.

No other public input was received.

Chair Walker closed the public hearing.

Commissioner Drilling made a motion to adopt Resolution No. 11-38 approving Conditional Use Permit No. 1410M submitted by Chevron Stations Inc. to modify the existing Conditional Use Permit No. 1410 to allow for the sale of beer and wine for the business at 10020 Warner Ave.

Commissioner Proctor seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 11-38.

PUBLIC APPEARANCE

Ursula Whitfield, Fountain Valley resident, stated that she was having a problem with people riding bicycles on the sidewalk. She said they frequently scare her and are rude to her for no reason and she would like to see the City do something to either not allow them to ride on the sidewalks or require them to have bells or lights to alert people of their presence.

NEW BUSINESS

4. SIGN COMMITTEE MEETING UPDATE

There were no sign permits to review at the Sign Committee meeting of November 9, 2011.

Andrew Perea, Planning/Building Director, presented the staff report and stated that the sign committee would probably not meet for some time as the new sign ordinance has gone into effect and most signs can now be approved administratively.

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

Vice Chair Gaston seconded the motion.

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

UNFINISHED BUSINESS

5. TREE PRESERVATION ORDINANCE AND CITY TREE AND MEDIAN MAINTENANCE PROGRAM

Discussion to review the City's tree median and maintenance program, tree preservation guidelines and determine if a tree preservation ordinance should be implemented. This item was continued from the Planning Commission meetings of August 10, 2011 and October 12, 2011.

Steven Ayers, Planner, presented the staff report.

Mark Lewis, Public Works Director, gave a powerpoint presentation.

Discussion ensued regarding the City tree program, guidelines to preserve trees, City costs, trees in parkways and medians, private property trees, landscaping plans, removal of trees, tree maintenance, and ordinances in place to protect trees.

Kip Kennedy, Fountain Valley resident, spoke on behalf of his neighborhood on Amberwood Circle regarding their pine trees. He stated that he would like to see them preserved but stated that something needed to be done because the roots are starting to come up under the asphalt and sidewalks which could create a safety issue.

Further discussion ensued regarding preservation of trees and the zoning code that is currently in place.

Commissioner Drilling made a motion to continue the item to the Planning Commission meeting of December 14, 2011 in order to obtain more information.

Commissioner Proctor seconded the motion.

By a unanimous vote, the item was continued to the Planning Commission meeting of December 14, 2011.

STAFF COMMENTS

Andrew Perea, Planning/Building Director, stated that the Olson EIR is now available for public comment. The comment period began November 7, 2011 and will last until December 21, 2011. A meeting to discuss comments regarding the EIR is scheduled for the Planning Commission meeting of December 14, 2011.

Mr. Perea stated that the 20 day public review period for Jamboree would begin on November 17, 2011 and last until December 7, 2011.

Mr. Perea stated that the Hyundai EIR would be available for comment sometime in December. He added that they were issued demo permits already.

Commissioner Drilling asked about construction notices in the City.

Mark Lewis, Public Works Director, stated that all of the construction notices were available on the website and that he would send her a link to the website.

ADJOURNMENT

The Planning Commission meeting was adjourned at 8:39 pm to the next Planning Commission meeting of December 14, 2011.

APPROVED:

Chairperson

Secretary