

RESOLUTION NO. 4696

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING DENIAL OF THE APPEAL OF SITE PLAN NO. SP-166-96 AND VARIANCE NO. V-189-96, FOR A PARCEL OF LAND LOCATED AT THE SOUTHEAST CORNER OF HARBOR BOULEVARD AND CHAPMAN AVENUE, AT 12002 HARBOR BOULEVARD, PARCEL NO. 231-491-03

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 26, 1996, does hereby recommend denial of the appeal of Site Plan No. SP-166-96 and Variance No. V-189-96.

BE IT FURTHER RESOLVED in the matter of the consideration of the appeal of Site Plan No. SP-166-96 and Variance No. V-189-96, the Planning Commission of the City of Garden Grove does report as follows:

1. The case was initiated by T & B Planning Consultants.
2. The applicant is requesting Site Plan approval in order to construct a 1,900 square-foot drive-thru pharmacy. The applicant is also requesting Variance approvals to deviate from the minimum required lot size and frontage, minimum required landscaped setback adjacent the parking area; and to deviate from the minimum number of on-site parking spaces.
3. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a De Minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of Mixed Use and is zoned TC/B (Tourist Commercial - Area "B").
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to legal notice, public hearing was held on April 25, 1996, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of April 25, 1996.

9. At their meeting of April 25, 1996, the Planning Commission denied Site Plan No. SP-166-96 and Variance No. V-189-96 pursuant to the facts and reasons contained in Planning Commission Resolution No. 4655.

10. Mr. Milton Andres, on May 23, 1996, filed an appeal with the City Clerk requesting that the City Council overturn the Planning Commission's denial and approve Site Plan No. SP-166-96 and Variance No. V-189-96.

11. Pursuant to legal notice, a public hearing was held by the City Council on June 25, 1996, and all interested persons were given the opportunity to be heard.

12. The City Council gave due and careful consideration to the matter and suggested that the applicant redesign the Site Plan to comply with City regulations and referred the item back to the Planning Commission for further review and recommendation.

13. Pursuant to legal notice, public hearing was held by the Planning Commission on September 26, 1996, and all interested persons were given an opportunity to be heard.

14. The Planning Commission gave due and careful consideration to the matter during its meeting of September 26, 1996;

FACTS:

The site was originally developed with a service station in the 1950s.

The service station was demolished in 1995.

The site is currently undergoing soil remediation.

The site is currently vacant.

A total of 10 on-site parking spaces are required for the facility.

The site plan design provides 9 on-site parking spaces.

The site is required to provide a five-foot landscaping setback along the southern perimeter of the parking lot

The applicant is proposing a two-foot setback along the southern perimeter of the parking lot

The site does not meet the minimum lot size for new development in the Harbor Corridor Specific Plan.

The site does not meet the minimum lot frontage requirements for new development in the Harbor Corridor Specific Plan.

The City Council suggested that the applicant redesign the site plan to be consistent with City Codes.

The City Council directed the Planning Commission to review the modifications to the Site Plan proposed by the applicant and make a recommendation on appeal to the City Council based on the reconfiguration of the Site Plan. The City Council would, then, consider the revised Site Plan, and the recommendation of the Planning Commission when they take action on the appeal.

The applicant revised the Site Plan, but is essentially proposing the same Site Plan design as was originally denied by the Planning Commission. The only change proposed in the Site Plan is a three-foot increase in the landscaped setback along Chapman Avenue to comply with the 15-foot landscape requirement. In order to achieve the 15-foot setback along Chapman Avenue, the applicant reduced the landscaping along the southern perimeter of the project from five feet to two feet thereby creating a different variance. The Harbor Corridor Specific Plan requires a minimum of a five-foot landscaped area along the perimeter of all parking lots.

FINDINGS AND REASONS:

SITE PLAN

1. The development does not comply with the spirit and intent of the provisions, conditions, and requirements of the City's adopted General Plan, Municipal Code, Redevelopment Plan and other applicable ordinances.

Reasons:

The redesign of the proposed development does not address the conflicts with the newly adopted General Plan. Harbor Boulevard is the most

distinctive of Garden Grove's north-south streets; this is particularly true for visitors to Disneyland and the Anaheim Convention Center. This area will become an even more significant focal point when the Disneyland and Convention Center expansions begin.

A major issue for properties along the Harbor Corridor is the redevelopment of the area as an attraction for tourists and visitors to the region. In general, the recommendations contained within the City's General Plan are for intensification of uses to capture the benefits of the tourist trade generated by Disneyland and the Anaheim Convention Center. The proposed development, as redesigned, does not allow for the possible integration into a larger development when adjoining properties are redeveloped it is designed as an isolated parcel. Therefore, the design of the project may hinder redevelopment efforts along the Harbor Corridor. Therefore, although the development and use are permitted in this zone, the proposed small-scale development is not consistent with the goals and objectives of the General Plan and the Redevelopment Plan.

The City Council provided the applicant with the opportunity to redesign the site in compliance with City Codes and regulations when they suggested that the applicant redesign the project and have the Planning Commission reconsider the revisions. The Planning Commission reasoned that the development, as proposed in the redesign, is not appropriate for this site nor is there sufficient justification for the parking and landscaping variances.

The Planning Commission stated that the applicant did not pursue the redesign options suggested by the City Council nor did they adequately address the deficiencies in the Site Plan, but chose to replace one Variance with another. Inasmuch as the project, as redesigned, does not comply with the City's minimum standards or address the City Council's concerns, the Planning Commission recommended denial of the appeal.

2. The development may adversely affect the peace, comfort and welfare of persons residing or working in the surrounding area, and may unreasonably interfere with the use, enjoyment and valuation of the property of other persons located in the vicinity of the site as the proposed development. is not consistent with the goals and policies of the General Plan.

Reasons:

The redesign of the proposed development does not address the inconsistencies of the project with other recent improvements in the area and is not consistent with other development proposals for the surrounding parcels. Therefore, the proposed project could adversely impact the ability of the adjacent properties to improve or redevelop and, therefore, meet the goals and objectives of the General Plan.

3. Although the development does have a reasonable degree of physical, functional, and visual compatibility with some of the neighboring uses, many of the existing developments in the area were constructed in the 1950s and 1960s. These existing developments are nonconforming and no longer meet the minimum development standards for this area.

Reasons:

The redesign of the proposed project does not utilize adequate landscape setbacks and compatible architecture to insure that the development will have a reasonable degree of physical, functional, and visual compatibility with recent improvements in the area and with developments proposed for neighboring properties. Therefore, the proposed project will not have a reasonable degree of physical, functional and visual compatibility with surrounding properties as these other properties improve and redevelop.

4. The site design does not adequately address on-site traffic circulation and parking.

Reasons:

The design of the project does not allow the applicant to provide sufficient parking as required by the Garden Grove Municipal Code. Additionally, vehicular circulation requires vehicles to travel onto adjoining properties to navigate around the project. Therefore, this development may adversely affect essential facilities such as off-street parking, traffic circulation and points of vehicular and pedestrian access.

VARIANCE

1. There are no exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.

Reasons:

The project site is surrounded by parcels that are fully developed. The limited size and scope of the project do not encourage or necessitate the applicant to assemble additional land area to provide the minimum required lot size or lot frontage. However, adjoining properties are under the same ownership as the site to be developed. These properties could be consolidated to meet these minimum requirements.

The proposed project is too intense for the land area available. The site is typical of other corner lots on arterial highways. However, the size of the building is a hardship created by the applicant, and not by the physical constraints of the property. The project could provide the required parking and landscaped setbacks by reducing the size of the building; reducing the number of drive-thru aisles; or by reconfiguring the building size. The redesign of the project did not address these issues and simply relocated the building to provide landscaping along Chapman Avenue. The proposed redesign only relocated the deviation in the landscaping. The self-imposed hardships prohibit the applicant from meeting the minimum landscaping setback requirements and the minimum number of required parking spaces.

2. The Variances are not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

Reasons:

The variance requests are not necessary for development of this site. The variances are only necessary due to the scale of development proposed. The development standards for this site are similar to those of other properties in the area. By further modifying the site design or by reducing the scope of the development, the applicant could provide the required parking and landscaping. The minimum lot size and frontage requirements could be complied with by consolidating this property with adjoining parcels which are under the same ownership as the subject site.

3. The granting of such Variance may be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.

Reasons

The granting of these variance requests may be detrimental to the public welfare and injurious to other properties in the area as the size, scope and intensity of this development are not in compliance with the City's adopted General Plan.

The development of this site, as proposed in the redesign, may adversely impact the ability of adjoining properties to develop in accordance with the goals and policies of the General Plan. The Harbor Boulevard/Chapman Avenue intersection is a key area for future development in the City as described in the General Plan. Permitting a development that is not consistent with the General Plan in this area could discourage other property owners or developers from developing the area with appropriate developments and uses.

4. The granting of these Variances will adversely affect the comprehensive General Plan.

Reasons

The granting of these variances would adversely affect the City's General Plan. Although Title 9 allows the proposed use, the limited scale of the use and the development together with the Variance requests would allow this vacant parcel of land to be developed in direct conflict with the recently adopted General Plan goals and policies for this area, which include large-scale, tourist-oriented activities and development.

The goals and policies of the City's General Plan for this area also include intensification of uses in order to capture the benefits of the tourist trade generated by Disneyland and the Anaheim Convention Center. The proposed development and use of this property are not in compliance with these goals and objectives. Therefore, although this use is permitted by the present zoning, the proposed small-scale development, the failure to consolidate properties, and the intended use, are not consistent with the goals and objectives of the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Variance requests do not possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan and Variance).

ADOPTED this 10th day of October, 1996.

/s/ MARK ROSEN
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on October 10, 1996, and carried by the following votes:

AYES: COMMISSIONERS: ROSEN, BEATTY, BUTTERFIELD, HUTCHINSON
SCOVILLE, WILKINS
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: HESKETT,

/s/ PRISCILLA STIERSTORFER
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 31, 1996