

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.	SITE LOCATION SEC Harbor Blvd. and Chapman Avenue (12002 Harbor Blvd.)
HEARING DATE September 26, 1996	GENERAL PLAN MX (Mixed Use)
CASE NO. SP-166-96, V-189-96	ZONE T-C (Tourist Commercial)
APPLICANT: T&B Planning Consultants OWNER: John Andres	CEQA DETERMINATION Negative Declaration

PROJECT DESCRIPTION/SUMMARY:

Approval of a Site Plan for the construction of a 1,900-square foot drive-thru pharmacy with variances to allow deviations from the required minimum lot size and minimum lot frontage, minimum number of required parking spaces, and minimum landscaped area along the perimeter of the parking lot.

<u>PROJECT CRITERIA</u>	<u>PROPOSED</u>	<u>CODE REQUIRED</u>	<u>VARIANCE REQUEST</u>
<u>LOT SIZE:</u>	14,870 S.F.	50,000 S.F.	X
<u>BUILDING SIZE:</u>	1,900 S.F.	N/A	
<u>LOT FRONTAGE:</u>	135 FT.	150 FT.	X
<u>BUILDING SETBACKS:</u> (N, S, E, W):	36.5, 63.5, 16, 37	5, 0, 0, 5	
<u>LANDSCAPING:</u>	3,762 S.F.	1,784 S.F.	
<u>LANDSCAPED SETBACK</u>	15 Feet	15 Feet	
<u>PARKING LOT LANDSCAPING</u>	2 Feet	5 Feet	X
<u>PARKING:</u>	9 spaces	10 spaces	X
<u>BUILDING HEIGHT</u>	22 Feet	45 Feet Maximum	

CODE SECTIONS:

The following code sections apply to this project:

1. 9.24.030 Site Plans, Variances
2. 9.16.250 E. Parking Spaces Required
3. 9360 Harbor Corridor Specific Plan

BACKGROUND:

The Planning Commission originally denied this application at their April 25, 1996, meeting. The denial was based on noncompliance with development standards of the Harbor Corridor Specific Plan and Title 9; the intensity of the proposal in relation to the size of the site; and inconsistency with the City's adopted General Plan. The Resolution for denial was adopted by the Planning Commission at their May 9, 1996, public hearing.

On May 23, 1996, the City Clerk received an appeal from Mr. Milton Andres, trustee for the property and the appeal was reviewed by the City Council.

The City Council considered this item at their meeting of June 25, 1996. After review of the application and the public comments, the Council suggested that the applicant redesign the site plan to be consistent with City Codes, and return the application to the Planning Commission for further review and consideration. The Council requested that the Planning Commission make a recommendation on appeal to the City Council based on the reconfiguration of the Site Plan. The City Council will consider the revised Site Plan, and the recommendation of the Planning Commission when they take final action on the proposal.

DISCUSSION:

The applicant has revised the Site Plan, but is essentially proposing the same Site Plan that was 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, the applicant has reduced the landscaping along the southern perimeter of the project from the code-required five feet to two feet. The Harbor Corridor Specific Plan requires a minimum of a five-foot landscaped area along the perimeter of all parking lots. A Variance is proposed to allow this deviation.

The Site Plan proposes the construction of a one-story, 1,900 square foot drive-thru pharmacy. As in the previous design, the building provides drive-thru capabilities as well as walk-in service. The drive-thru ordering window is on the south side of the building with the pick-up window on the north side of the building. An approximately 570 square foot customer service area is provided for those patrons choosing walk-in service and is located on the west end of the building. The remaining 1,330 square feet of building area is devoted to employee and stock areas.

The development would take access from Harbor Boulevard and would have circulation around the building via access onto the adjoining property to the east. The applicant is proposing reciprocal access with this property to the east which would also permit access to Chapman Avenue. If the access cannot be obtained the project would not be permitted to be constructed.

The architecture of the building remains as originally proposed and is typical of these types of small, drive-thru, pad buildings. The design includes a gable roof with pinto blend-colored concrete tile roofing material. Building materials include a platinum-colored brick veneer around the base of the building with an exterior insulating finishing system above which is dover blue in color.

The applicant is dedicating 27-feet of land area along Harbor Boulevard for public right-of-way improvements. The improvements will consist of one thru-lane and a right turn lane. The proposed street improvements are consist with the existing public right-of-way improvements in the area, the General Plan and with the County Master Plan of Highways.

ISSUES

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 in the General Plan are for intensification of uses at the northern boundaries of the City in order to capture the benefits of the tourist trade generated by Disneyland and the Anaheim Convention Center. Therefore, although this use is currently permitted in the area, the proposed use and small-scale development may not be consistent with the goals and policies of the General Plan. These goals and policies include capturing the benefits of Disneyland and Convention Center Expansion projects, creating a tourist-serving commercial node and addressing under-used and deteriorated commercial properties in the area.

VARIANCES:

In order for a Variance to be granted specific conditions must be satisfied and the appropriate findings made. The findings include demonstrating that a hardship would exist if the Variances were not granted, approving the Variance will not grant a special privilege, and granting the Variance will not adversely affect the City's General Plan.

Lot Size and Frontage:

The lot is existing and is legal-nonconforming due to its size and street frontage. The lot was created before the minimum lot size and frontage requirements were adopted. As presently configured, the parcel provides approximately 18,000 square feet of land area with 135 feet of frontage along Harbor Boulevard. After the dedication required for the public right-of-way on Harbor Boulevard, the site will be approximately 14,870 square feet in size and will provide 113 feet of frontage along Chapman Avenue. The granting of a Variance is necessary in order to allow any development on this parcel.

The development standards for the Tourist Commercial area "B" zone require a minimum lot size of 50,000 square feet with 180 feet of street frontage. The site does not meet these standards in its present configuration.

The parcel is similar in size, shape and topography with other corner lots in the area. Additionally, the applicant is proposing to obtain reciprocal access with the property to the east to allow for vehicular circulation. Reciprocal access has been required of other developments that have not acquired the appropriate land area for development within the Harbor Corridor Specific Plan. The variance proposals to deviate from the minimum required lot size and lot frontage could be granted with a condition of approval requiring documents recorded on the property for reciprocal access with the property to the east and an irrevocable offer of reciprocal access with the property to the south. This requirement has been required of other developments occurring on lots nonconforming due to their size and/or street frontage.

The development of this property does not appear to be materially detrimental to the surrounding properties and the proposed use is consistent with other existing uses in the area. However, the proposed improvements on this site and the proposed use may not be consistent with the General Plan which suggests that the area be redeveloped with large-scale, tourist-oriented, developments.

Landscaped Setback:

The Harbor Corridor Specific Plan requires a minimum of a five-foot landscaped setback along the perimeter of all parking areas. The application proposes a two-foot landscaped area along the southern boundary of the parking area. The applicant is requesting a Variance approval to allow this deviation.

The property is limited in size and there is a requirement for dedication of land for public right-of-way purposes along Harbor Boulevard. However, the dedication of the right-of-way does not directly impact the reduced landscape area along the southern perimeter of the project site and the project could be designed to meet the minimum requirements for landscaping with any of several reconfigurations of the site.

Although this development proposes more landscaping than many of the existing developments in the area, the commercial centers in the immediate area are 30 or more years old and were improved under the development standards in effect at that time. Although this parcel is vacant, it would appear that the applicant could comply with City regulations by simply reducing the building area or even by eliminating one of the drive-thru windows, which would provide additional land area that could be landscaped. Using this type of redesign, the site could comply with the minimum standards for this zone.

The deviation from the required on-site landscaping along the perimeter of the parking lot is not necessary and could set a precedent for new construction in the area by allowing the minimum standards to be reduced. Future developers could use this site as a reference in order to request reductions in their development standards.

Parking:

The Site Plan proposes a total of nine parking spaces. The Municipal Code requires 10 on-site parking stalls for a retail building of this size. A Variance is proposed to allow this deviation.

Although there is a requirement for dedication of property for public right-of-way purposes along Harbor Boulevard and Chapman Avenue, this does not create an exceptional circumstance for granting a Variance. The only apparent hardship pertaining to this site is the minimal size of the parcel which is exacerbated by the size of the building and the design of the site. However, the applicant could reduce the building area by 100 square feet, or provide a use without drive-thru facilities and be in compliance with the parking requirements for a retail building of this size.

SUMMARY:

Staff has reviewed the project in relation to the goals and objectives of the City's adopted General Plan, the Harbor Corridor Specific Plan, and Title 9 of the Garden Grove Municipal Code. Staff believes that the development, as proposed, is not appropriate for this site nor is there sufficient justification for the parking and landscaping variances. The applicant could comply with all applicable regulations pertaining to the development of this site.

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 redesign options mentioned above could have been pursued by the applicant, but the applicant chose to replace one Variance with another. Inasmuch as the project does not comply with the City's minimum standards, staff cannot support the request.

RECOMMENDATION:

That the Planning Commission review these applications and make a recommendation to the City Council pertaining Site Plan No. SP-166-96 and Variance No. V-189-96.

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