

M I N U T E S

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
OCTOBER 21, 2004

CALL TO ORDER: The work session of the Planning Commission was called to order at 6:30 p.m. in the Founders Room of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: None.

ALSO PRESENT: Greg Simonian, Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Judy Moore, Recording Secretary.

CALL TO ORDER: The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers of the Community Meeting Center.

PRESENT: CHAIR JONES, VICE CHAIR CALLAHAN, COMMISSIONERS BARRY, BUTTERFIELD, HUTCHINSON, KELLEHER, AND NGUYEN

ABSENT: None.

ALSO PRESENT: Greg Simonian, Attorney; Susan Emery, Community Development Director; Karl Hill, Senior Planner; Noemi Bass, Assistant Planner; Maria Parra, Assistant Planner; Robert Fowler, Police Department; Dan Candelaria, Civil Engineer; Judy Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of the United States of America was led by Commissioner Barry and recited by those present in the Chamber.

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Vice Chair Callahan moved to approve the Minutes of October 7, 2004, seconded by Commissioner Hutchinson. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER, NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

PUBLIC
HEARING: CONDITIONAL USE PERMIT NO. CUP-144-04
APPLICANT: TOM BUI
LOCATION: SOUTHWEST CORNER OF EUCLID STREET AND GARDEN GROVE
 BOULEVARD AT 13055 EUCLID STREET.
DATE: OCTOBER 21, 2004

REQUEST: To allow an existing restaurant, Pho Thanh Restaurant, to operate with an original Alcoholic Beverage Control (ABC) Type "41" (On-Sale Beer and Wine, Eating Place) License. The site is in the CCSP-CC4 (Community Center Specific Plan-Community Center) zone.

Staff report was reviewed and recommended approval.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Bart Kasperowicz, the applicant's representative, approached the Commission and commended staff.

Chair Jones asked Mr. Kasperowicz if he had read and accepted the Conditions of Approval.

Mr. Kasperowicz replied yes and noted that the owner has agreed with Condition No. 4, regarding the restaurant's seating arrangement, which changes the maximum occupancy from 96 to 50.

Staff commented that the reduction in occupancy is a requirement of the Fire Department as a safety issue regardless of the Conditional Use Permit request.

Commissioner Barry asked what percentage of sales can be alcohol sales.

Staff replied that Condition No. 18 states 35 percent of sales, which is the standard.

Commissioner Barry asked why the restaurant wants to sell alcohol, and if the restaurant only has half the original occupancy, will more alcohol be sold to increase the profits.

Mr. Kasperowicz replied that alcohol would be sold to make the restaurant more marketable to older individuals and families, and if the owner's do not comply with the conditions of approval, the permit would be revoked.

Commissioner Barry suggested an additional review period for compliance.

Commissioner Hutchinson suggested 120 days from approval added to the one year and three year review.

Staff stated that was reasonable.

There being no further comments, the public portion of the hearing was closed.

Commissioner Barry moved to approve Conditional Use Permit No. CUP-144-04, with an amendment to Condition No. 40 to read: "The Conditional Use Permit shall be reviewed within 120 days and one(1) year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance." The vote was seconded by Commissioner Hutchinson, pursuant to the facts and reasons contained in Resolution No. 5462. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC HEARING: SITE PLAN NO. SP-356-04
APPLICANT: TIMOTHY VO AND TRANG LE
LOCATION: EAST SIDE OF LORNA STREET, SOUTH OF LAMPSON AVENUE AT 12552 LORNA STREET.
DATE: OCTOBER 21, 2004

REQUEST: To construct a second residential dwelling unit on an R-3 zoned lot that is currently improved with a single-family residence. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was reviewed and recommended approval. A correction to the table on page one of the staff report was noted regarding the number of parking spaces listed under the Code Enforcement heading. Under "Parking-Covered/Enclosed", the number "2" was amended to "4".

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Timothy Vo, the applicant, approached the Commission.

Chair Jones asked if Mr. Vo read and accepted the Conditions of Approval. Mr. Vo replied yes.

Chair Jones asked if the new dwelling unit's appearance was consistent with the existing unit. Mr. Vo replied yes.

Commissioner Hutchinson asked who performed the construction work on the front unit. Mr. Vo replied that he had hired a contractor to do the work.

Commissioner Butterfield asked how long Mr. Vo had owned the property and if he lived there. Mr. Vo replied he lives there and has owned the property since 1998.

There being no further comments, the public portion of the hearing was closed.

Commissioner Butterfield moved to approve Site Plan No. SP-356-04, seconded by Vice Chair Callahan, pursuant to the facts and reasons contained in Resolution No. 5461. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN, HUTCHINSON, JONES, KELLEHER, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

PUBLIC
HEARING:

NEGATIVE DECLARATION
SITE PLAN NO. SP-355-04
DEVELOPMENT AGREEMENT

APPLICANT:
LOCATION:

GARDEN GROVE GATEWAY, LLC
SOUTH SIDE OF KATELLA AVENUE, WEST OF EUCLID STREET AT 10842
KATELLA AVENUE.

DATE:

OCTOBER 21, 2004

REQUEST:

To construct a 14,820 square foot one-story retail building with a drive-thru window, and a 7,522 square foot one-story retail building on an approximately 2.14 acre site. The site is in the G-2 (Community Commercial) zone.

Staff report was reviewed and recommended approval with modified conditions as follows:

Condition No. 14 states that a grease interceptor be provided on the site; however, Walgreens and Autozone will not have food uses, therefore a grease receptor is not needed. The revised condition would read that should food use be introduced to the site, a grease interceptor would be required.

In Condition No. 24, item nos. 24a. and 24d. were omitted regarding driveways.

In Condition No. 26, the word 'original' shall be changed to 'prior.'

In Condition No. 34, the landscape plan required to be submitted, applies only to the applicant's 2.14 acre site, not the entire shopping center.

Condition No. 35 shall be omitted as the Condition is a repetition of Condition No. 34d.

Condition No. 45, shall also state that a 'phasing plan' shall be submitted, and should construction not begin on the second phase (Autozone pad) within four months of the start of the Walgreens construction, the vacant pad area shall be landscaped or capped with asphalt.

Chair Jones opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Doug Beiswenger, the applicant/developer from Garden Grove Gateway, LLC, approached the Commission.

Chair Jones asked Mr. Beiswenger if he read and accepted the Conditions of Approval.

Mr. Beiswenger, replied yes, and agreed with the amendments to Condition No. 24 regarding the driveways.

Commissioner Butterfield asked Mr. Beiswenger how soon construction would begin. Mr. Beiswenger replied grading would start in March.

Commissioner Hutchinson asked if the Walgreens at Chapman and Euclid would remain open. Mr. Beiswenger replied yes.

Commissioner Butterfield asked if the Walgreens would be the same size as the Chapman/Euclid Walgreens. Mr. Beiswenger replied yes.

Mr. Jeff Marks, the Pep Boys owners, approached the Commission and expressed his support for the project.

Mr. Dan Welch, an Anaheim resident, approached the Commission and expressed his concerns regarding traffic safety and the driveway across from Varna Street. He recommended the existing driveway be moved east and become a right turn only drive way. Also, with regard to the environmental impacts, he suggested Item No. I-d. be changed from 'No Impact' to 'Potentially Significant Impact'. Additionally, he cited his concerns regarding transient problems, noisy events, and illegal fireworks in the parking lot.

Commissioner Hutchinson commented that with this new development, these problems should be eliminated.

Regarding the existing driveway across from Varna Street, staff stated that a traffic study had been completed for the project. The study included an accident history of all the driveways and indicated that the intersection of Katella Avenue and Varna Street had six accidents in a three-year period. In the future, the City of Anaheim may resolve the traffic problem when the Katella Smart Street program is implemented and medians are provided.

Commissioner Barry asked that when the existing driveway approach is replaced, could the access be restricted to a right turn by installing a sign or island at that time.

Staff replied this could be an alternative, and that relocating the driveway would be a desirable move; however, the driveway is not part of this project. Also, staff noted the adjoining property owner has agreed to the driveway reconstruction in its existing location.

Ms. Vanessa Shanley, an Anaheim resident, approached the Commission and expressed her concerns regarding speeding traffic, and increased traffic, on Varna Street, as well as the shopping center traffic accidents.

Commissioner Butterfield suggested Ms. Shanley contact the City of Anaheim Traffic Commission regarding her concerns.

Mr. Mike Welch, an Anaheim resident, approached the Commission and commented that a 'right hand turn' out of the shopping center parking lot would solve many of the problems.

Mr. Doug Beiswenger approached the Commission, and stated that his company owns only highly improved retail properties, and it is the intent that his portion of the property be operated in a first class condition. Regarding the driveway openings, only those on his property can be modified.

Staff commented that there will be no significant traffic impact if the driveway across from Varna Street remains in its existing location; however, staff would contact the City of Garden Grove Traffic Commission to study the issue further.

There being no further comments, the public portion of the hearing was closed.

Commissioner Butterfield commented that the project would be an improvement; however, the traffic concerns should be addressed through the City of Anaheim.

Vice Chair Callahan concurred with Commissioner Butterfield.

Chair Jones agreed that the Garden Grove Traffic Commission should address the issue further with respect to the properties in Garden Grove, and that the City of Anaheim should address the Anaheim issues.

Commissioner Hutchinson commented the Planning Commission does not have the authority to make changes with regard to traffic.

Commissioner Kelleher commented that the project is good; however, he expressed his concern that the City of Garden Grove must make a strong effort to consider the Anaheim resident's concerns with regard to traffic.

Commissioner Nguyen suggested Mr. Dan Welch keep in contact with the Anaheim residents present in the Chamber to alert them as to when the Anaheim Traffic Commission hearings would take place.

Commissioner Barry urged Mr. Beiswenger to contact the adjoining property owners in the center because they would also be affected by changes.

Chair Jones moved to adopt the Negative Declaration, recommend the Development Agreement to City Council, and to approve Site Plan No. SP-355-04, with amendments to Condition Nos. 14, 24, 26, 34, 35, and 45, seconded by Commissioner Butterfield, pursuant to the facts and reasons contained in Resolution No. 5460. The motion received the following vote:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN
HUTCHINSON, JONES, KELLEHER,
NGUYEN
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-145-04
APPLICANT: A. R. RADFORD AND ASSOCIATES, INC.
LOCATION: SOUTH SIDE OF LAMPSON AVENUE, EAST OF WESTERN AVENUE AT
7614 LAMPSON AVENUE.
DATE: OCTOBER 21, 2004

REQUEST: To operate a vehicle storage yard on a one-acre site for the primary purpose of temporary storage of impounded vehicles. The site is in the OP (Open Space) zone.

The request for Conditional Use Permit No. CUP-145-04 was withdrawn.

MATTERS FROM COMMISSIONERS: Commissioner Butterfield attended the Public Works Open House on October 9th, 2004 and commented on a job well done.

MATTERS FROM STAFF: None.

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

JUDITH MOORE
Recording Secretary