

MINUTES

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
GARDEN GROVE, CALIFORNIA

THURSDAY
AUGUST 18, 2005

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 CALLAHAN, VICE CHAIR JONES
COMMISSIONERS BARRY, KELLEHER, LECONG AND
MARGOLIN

ABSENT: COMMISSIONER CHI

ALSO PRESENT: Susan Emery, Community Development Director; Jason Retterer, Associate Attorney; Karl Hill, Senior Planner; Erin Webb, Senior Planner; Dan Candelaria, Civil Engineer; Teresa Pomeroy, Recording Secretary.

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

ORAL COMMUNICATION: None.

APPROVAL OF MINUTES: Commissioner Barry moved to approve the Minutes of July 21, 2005, seconded by Vice Chair Jones. The motion carried with the following vote:

AYES: COMMISSIONERS: BARRY, CALLAHAN, JONES,
KELLEHER, LECONG, MARGOLIN
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: CHI

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-167-05
APPLICANT: HIEP XUAN PHAN
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF CYPRESS STREET AT 10582 GARDEN GROVE BOULEVARD.
DATE: AUGUST 18, 2005

REQUEST: To allow an existing convenience store to operate with an original (new) Alcoholic Beverage Control Type "20" (Off-Sale Beer and Wine) License. The site is in the DC (District Commercial) zone.

This item was continued off-calendar.

PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-169-05

APPLICANT: THUAN PHAM
LOCATION: NORTHEAST CORNER OF HARBOR BOULEVARD AND TRASK AVENUE AT
13458 HARBOR BOULEVARD.
DATE: AUGUST 18, 2005

REQUEST: Conditional Use Permit approval to change the type of an existing Alcoholic Beverage Control License from a Type "20" (Off-Sale Beer and Wine) to a Type "21" (Off-Sale General) for an existing mini-market, Dee's Mini-Market. The site is in the C-1 (Neighborhood Commercial) zone.

Conditional Use Permit No. CUP-169-05 was continued to the September 1, 2005 Planning Commission meeting.

PUBLIC HEARING: PLANNED UNIT DEVELOPMENT NO. PUD-133-99 (REV.-05)
SITE PLAN NO. SP-373-05
TENTATIVE PARCEL MAP NO. PM-99-214
DEVELOPMENT AGREEMENT

APPLICANT: CRYSTAL CATHEDRAL MINISTRIES
LOCATION: NORTHEAST CORNER OF THE INTERSECTION OF DAWN STREET AND
SALERNO STREET AT 12141 LEWIS STREET.
DATE: AUGUST 18, 2005

REQUEST: A revision to an existing Planned Unit Development (PUD-133-99) for the Crystal Cathedral. The proposed change is to incorporate into the PUD a single remaining residential lot in the middle of a parking lot. The house and parking lot are on the southern boundary of the Crystal Cathedral, along Dawn Avenue, and the existing access from the cul-de-sac on Salerno Street will be closed (Note: This portion to be a Street Vacation via Tentative Parcel Map No. PM-99-214). Also, a Site Plan request to demolish the existing residence at 12186 Salerno Street and construct a warehouse of approximately 11,000 square feet. A Tentative Parcel Map will incorporate the residential lot into one of the parcels that make up the Crystal Cathedral development. The site is in the PUD-133-99 zone.

Staff report was reviewed and recommended approval.

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

Mr. John Baker, architect and representative for the applicant, approached the Commission. He explained that the current facility for animal storage is at the perimeter of the Crystal Cathedral property, and that this new warehouse will be off the perimeter and moved into the property.

Commissioner Callahan asked whether the applicant has read and agrees with the conditions of approval including the amended conditions 22 and 30. Mr. Baker stated yes.

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

Commissioner Margolin commented that he does not anticipate any major problems with this project.

Commissioner Kelleher commented that this is a great addition primarily as it moves the animals into the property.

Vice Chair Jones recalled the application from the Crystal Cathedral for the Hospitality Center and the property owner on Salerno Street who would not sell his home for that expansion. He expressed his view that this is a great addition.

Vice Chair Jones moved to recommend approval of Planned Unit Development No. PUD-133-99 (Rev.-05) and the Development Agreement to City Council, and to approve Site Plan No. SP-373-05 and Tentative Parcel Map No. PM-99-214, with amendments to conditions number 22 and 30, seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution Nos. 5508 and 5509. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI

PUBLIC

HEARING:
APPLICANT:
LOCATION:

SITE PLAN NO. SP-374-05
JULIE NGUYEN & NHIEN DONG
EAST SIDE OF LORNA STREET, NORTH OF GARDEN GROVE BOULEVARD
AT 12922 LORNA STREET.

DATE:

AUGUST 18, 2005

REQUEST:

To construct five (5) townhouse residences on a 16,137 square foot lot. The site is in the R-3(T) (Multiple-Family Residential Transition) zone.

Staff report was reviewed and recommended approval with amendments to the condition as follows: Condition No. 14 (d) – delete the sentence “An existing power pole will need to be relocated to construct the approach. All costs associated with said relocation shall be borne by the applicants”; Condition No. 26 – delete in its entirety; and Condition No. 27 – delete in its entirety. Staff noted one letter of opposition from Nathaniel and Joanna Park.

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

Joey Dong, representing the applicants, approached the Commission. Chair Callahan asked if the applicants have read and agree with the conditions of approval including the amended conditions. Mr. Dong indicated agreement with the conditions.

Commissioner Margolin questioned Mr. Dong as to how long the applicants have owned the property commenting on its severely overgrown vegetation. Mr. Dong stated that they have owned the property for one year.

Ms. Joanna Park approached the Commission to express her concern that the project will increase the traffic and the number of cars parked on the street in this neighborhood, which is already overcrowded and busy.

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

Commissioner Kelleher questioned the adequacy of the parking for this project.

Commissioner Margolin expressed concern that the current poorly maintained condition of the property could be an indicator of how the property will be maintained after improvements are done.

Commissioner Kelleher asked whether there is sewage capacity. Staff stated yes that there is capacity.

Commissioner Barry stated that the utility pole should be removed and utilities placed underground. Staff responded that the cost of underground utilities is very high noting that there is no code requirement for underground utilities for multifamily residential units.

Vice Chair Jones commented that the underground utilities would be burdensome for the applicant noting that the zoning for the site allows for nine units and the applicant is seeking approval for only five.

Commissioner Magolin stated that he would approve the project without underground utilities; however, he is very concerned about future property maintenance.

Commissioner LeCong expressed his opposition to require underground utilities.

Commissioner Barry made a motion to approve the request with Condition No. 14 intact with an addendum to require underground utilities, seconded by Chair Callahan. The motion failed with the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, JONES,
NOES:	COMMISSIONERS:	KELLEHER, LECONG, MARGOLIN
ABSENT:	COMMISSIONERS:	CHI

Vice Chair Jones moved to approve the request with the conditions of approval as presented by staff with neither a requirement to remove the power pole nor underground utilities, seconded by Commissioner Lecong. The motion failed with the following vote:

AYES:	COMMISSIONERS:	CALLAHAN, JONES, LECONG
NOES:	COMMISSIONERS:	BARRY, KELLEHER, MARGOLIN
ABSENT:	COMMISSIONERS:	CHI

Vice Chair Jones stated that he would like to see a project happen, and although he is not personally in favor of underground utilities he would vote with the majority.

Commissioner Barry commented that she likes the project; however as a Planning Commissioner she is obligated to consider what is best for the future and this is an opportunity to beautify the city.

Commissioner Margolin questioned why staff deleted the condition to remove the pole. Staff responded that this has not been a requirement for apartments in the past, but has been applied to tract development. Staff suggested that the code be reviewed for this requirement.

Commissioner Barry moved to approve Site Plan No. SP-374-05 with Condition no. 14 (d) to remain intact as submitted to the applicant and to remove Condition nos. 26 and 27, seconded by Vice Chair Jones, pursuant to the facts and reasons contained in Resolution No. 5512. The motion received the following vote:

AYES: COMMISSIONERS: BARRY, CALLAHAN, JONES,
LECONG, MARGOLIN
NOES: COMMISSIONERS: KELLEHER
ABSENT: COMMISSIONERS: CHI

PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-3-05(A)
PLANNED UNIT DEVELOPMENT NO. PUD-108-05
SITE PLAN NO. SP-375-05
VARIANCE NO. V-131-05
TENTATIVE TRACT MAP NO. TT-16895

APPLICANT:
LOCATION:

MAKENA GREAT AMERICAN
NORTHWEST CORNER OF THE INTERSECTION OF EUCLID STREET AND
TRASK AVENUE AT 13461 EUCLID STREET.

DATE:

AUGUST 18, 2005

REQUEST:

To change the General Plan Land Use designation from LDR (Low Density Residential) to MU (Mixed Use), and a zone change to Planned Unit Development for a mix of commercial, residential, and church uses/development on a four (4) acre site. The project includes a Site Plan proposal for the development of a 7,200 square foot commercial building, and a Tentative Tract map to consolidate 17 lots into eight (8) lots. A Variance request is also included in order to allow a Mixed Use PUD with less than the required five (5) acre minimum parcel area.

Staff report was reviewed and recommended approval.

Commissioner Barry noted that a Planned Unit Development needs to meet the five-acre minimum and this property is 3.9 acres. Staff explained that with the rising cost of land, development is being sought on less acreage. A zoning of Planned Unit Development would give this property the ability to create a mixed use and develop with commercial uses.

Commissioner LeCong asked whether there is a traffic study. Staff stated no, and that due to the freeway widening project the traffic study would not be accurate.

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

Mr. Jeff Bergsma, architect for the project, approached the Commission. He stated that the church would derive income by leasing their property for commercial uses. He indicated there were financial concerns expressed by the church regarding landscaping and lighting upgrades, which could keep the project from moving forward. There will be landscaping extended to the empty lot on Trask Avenue.

Staff noted that the condition for lighting is focused on the new commercial development and it would be important to extend the landscaping to Trask Avenue with trees along the street.

Mr. Brett Blanchard, the representative for the applicant, approached the Commission. He stated they have worked hard with the church to come up with a very good project, and staff was instrumental with coming up with conditions that apply to future concerns. He noted that Starbucks Coffee does want to take advantage of the early morning commuter traffic and asked that the hours of operation be from 5:00 a.m. to midnight. He stated that the 5:00 a.m. time is the most important, and noted that there is enough of a buffer between residential property and this site. And there is a 24 hour 7-11 directly across the street.

Chair Callahan questioned the Starbucks hours at the store located on Chapman and Euclid. Staff stated the hours are 6:00 a.m. to 11:00 p.m. with the drive-thru closed at 9:00 p.m.; however, this location is in proximity to residential property.

Chair Callahan asked if the project is designed for four tenant spaces. Mr. Blanchard responded that there would be a minimum of four and possibly six.

Commissioner Barry asked that deliveries before 5:00 a.m. be prohibited.

Commissioner LeCong asked that deliveries be prohibited on Sunday.

Commissioner Kelleher expressed concern about the driveway exiting Euclid being too close to the intersection, which is very busy. He suggested a traffic study especially with the 22 freeway-widening project.

Staff stated that the new driveway on Trask will be a right turn in and right turn out only and the new drive approach on Euclid will also be a right turn in and right turn out only.

Commissioner Barry suggested restriping the parking lot and moving the driveway further away from the intersection. Staff stated that would help.

Mr. Bergsma approached the Commission and stated that the driveway approach could be moved further north and parking spaces removed to connect the new to the existing parking lot. They do not have to have deliveries on Sunday, and landscaping will be done on the future phase II retail site. He commented that landscaping on the boundary of the church parking lot abutting Lynne Drive would be a hardship for the church.

Mr. Gerald Schubert, board member for the Church of the Nazarene, approached the Commission. This project will further help the church to expand in the future. Although many of the board members were against this project, they are obligated to do their civic duty by improving this site. Removing the single-family residential homes fronting on Lynne Drive that are owned by the church is a future goal. Upgrading the church landscaping and lighting would be financially difficult at this time.

Mr. Gregory Morris, board member of the Church of the Nazarene, approached the Commission. He stated that the church fielded a lot of

inquiries for the property, and this proposal is the best for the church and the city.

Mr. Jim Stewart, pastor for the Church of the Nazarene, approached the Commission. He stated that the church has a good working relationship with McKenna America and that 98 percent of the church membership approved of this project, and they are looking forward to going ahead with it.

Mr. Don Robertson of McKenna America approached the Commission and stated that this is a wonderful project and the church board has been great to work with.

Mr. Steve Rhee of 13352 Euclid Street approached the Commission and stated that this church is a very good neighbor and he expressed his support for the project. He commented that the empty lot is now used on the weekend to sell used cars.

Mr. Bergsma approached and stated that the drive approach on Euclid could be moved further north with some parking spaces removed which would allow for more queuing. An agreement can be made with the church that would keep the church access. He asked that lot one have the landscaping and lighting installed at a later date.

Vice Chair Jones responded that he would be in favor of a timeline and expressed concern about lighting the project together with landscaping in order to create curb appeal.

Mr. Schubert approached and noted that there already is ample landscaping, and between the parking lots there will be a landscaped area. He stated that they would work with the developer.

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

Vice Chair Jones stated he does not have a problem with deliveries on Sunday and agreed to the request that Starbucks operate from 5:00 a.m. to midnight. Creating this PUD with less than five acres is not a concern.

Commissioner LeCong expressed that he would like to prohibit Sunday deliveries.

Commissioner Kelleher stated that his concern about the drive approach was addressed and that he is fine with a compromise for landscaping and lighting.

Commissioner Margolin stated that he did not see a problem with Sunday deliveries.

Commissioner Barry and Chair Callahan agreed with Vice Chair Jones.

Vice Chair Jones moved to adopt the Negative Declaration, recommend approval of General Plan Amendment No. GPA-3-05(A) and Planned Unit Development No. PUD-108-05 to City Council, and approve Site Plan No. SP-375-05, Variance No. V-131-05, and Tentative Tract Map No. TT-16895, with amendments to the conditions to remove the requirement to plant trees along the church parking lot abutting Lynne Drive; to allow Starbucks to operate from 5:00 a.m. to midnight, 7

days a week; to prohibit deliveries before 5:00 a.m. and on Sundays; seconded by Commissioner Barry, pursuant to the facts and reasons contained in Resolution Nos. 5510 and 5511. The motion received the following vote:

AYES:	COMMISSIONERS:	BARRY, CALLAHAN, JONES, KELLEHER, LECONG, MARGOLIN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	CHI

MATTERS
FROM

COMMISSIONERS: Commissioner Margolin asked about the status of a code enforcement issue for the property located at the end of the residential street between Newhope and West Streets. Staff stated that Code Enforcement is currently working with the property owner.

MATTERS

FROM STAFF: Staff reviewed the tentative items for the next agenda, and reminded the Commission about the Planning Forum on September 15, 2005. Staff also noted that the City Council would be considering sewer fees at the meeting on August 23, 2005.

ADJOURNMENT: The meeting was adjourned at 9:20 p.m.

Teresa Pomeroy
Recording Secretary