

AGENDA ITEM: VI-A

DATE: July 6, 2011

ACTION: _____

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
July 06, 2011

Chairperson Rick Grantham

Vice-Chairperson John Solu
Commissioner Paul Nagy

Commissioner Jamie Irons
Commissioner Jessica Napier

Rob Livick, Secretary

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 p.m. and noted all Commissioners are present.
Staff Present: Rob Livick, Kathleen Wold and Sierra Davis

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Kathleen Wold led the pledge.

III. PLANNING COMMISSIONER ANNOUNCEMENTS

Solu announced the holiday weekend was a great success and reminded everyone that the Rock to Pier event will be on the 16th of July.

IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken by the City Council at the June 28th meeting and also regarding agenda items for the upcoming July 11th Council meeting as well as announced two workshops were held regarding input for the alternatives analysis for the Wastewater Treatment Plant Upgrade Project held on June 27th and 28th at the Veteran's Hall. Livick announced the deadline to submit comments for the alternatives analysis is July 15th and a link is available on the City's website.

V. PUBLIC COMMENT - None.

VI. CONSENT CALENDAR

A. Approval of minutes from the Planning Commission meeting held on June 15, 2011.

Irons asked to amend the minutes to more clearly clarify his comments regarding his support for granting the temporary use permit at the bottom of page two.

MOTION: Irons moved to approve the Consent Calendar as amended. Solu seconded the motion. The motion carried unanimously 5-0.

VII. PRESENTATIONS - None

VIII. PUBLIC HEARINGS

A. Case No.: CP0-352 and UP0-323

Site Location: 270 Shasta Ave.

Applicant/Project sponsor: Barb Fageol

Request: Demolition, remodel, and addition to an existing non-conforming property. The applicant proposes to demolish an existing 240 square foot detached garage, remodel of the existing 812.5 square foot single family residence and an addition of 990 square feet with 464 square foot attached garage. The property is non-conforming because the existing single family house does not meet the rear yard setback.

CEQA Determination: Section 15332, Class 32

Staff Recommendation: Conditionally Approve Coastal Development Permit #CP0-352 and Conditional Use Permit #UP0-323.

Staff Contact: Sierra Davis, Assistant Planner, (805) 772-6270.

Davis presented the staff report.

Grantham opened the Public Comment period.

- William Giffrow, neighbor of the property asked if there was satisfaction regarding slope failure. Davis clarified the Applicant met Code requirements and a soils report was performed. Mr. Giffrow responded that he then supports approval of the project.

Commissioners discussed their support for the project.

MOTION: Nagy moved the Planning Commission conditionally approve the project by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve the Coastal Development Permit # CP0-352 and Conditional Use Permit #UP0-323, subject to the Conditions included as Exhibit "B" and the site development plans dated June 16, 2011.

Napier seconded the motion. The motion carried unanimously 5-0.

B. Case No.: CP0-340, UP0-308, S00-106

Site Location: 525 and 527 Atascadero Road

Applicant/Project sponsor: Robert Ortega / Triad/Holmes Associates, Cristi Fry

Request: Compact infill development project that will subdivide an approximately 10,014 square foot lot into two parcels. Parcel 'A' is 6,310 square feet with an existing 1,410 square foot home and an 850 square foot detached 2-car garage. Parcel 'B' is 3,704 square feet with a 1,057 square foot single family residence and a 238 square foot attached garage. The project also includes private and common open space. The project does not include actual construction of buildings or ground disturbing activities as all building and improvements currently exist on site.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally Approve Coastal Development Permit #CP0-340, Conditional Use Permit #UP0-308, Tentative Parcel Map #S00-106.

Staff Contact: Kathleen Wold, Planning Manager, (805) 772-6211.

Wold presented the staff report.

Commissioners asked staff to clarify:

- Whether the property would be allowed to develop in the future. Wold clarified the use permit is not for development today but only to allow the subdivision of the lot.
- The side yard setbacks of 3 feet. Wold responded it is not uncommon to see 3 foot side yard setbacks in older neighborhoods.
- The purpose of the R-4 ordinance and the intent to achieve a higher density as well as the City's flexibility to allow single family homes to be built in R-4 areas.

Chairperson Grantham opened the Public Comment period.

- Christie Fry of Triad Holmes Associates, representative for the Applicant, asked the Commission to waive the requirement to underground the utilities. Ms. Fry estimated the undergrounding costs to be a minimum of \$20,000 - \$30,000.

Hearing no further comment, Grantham closed the Public Comment period.

Commissioners discussed with staff the standards for the compact infill development ordinance, the configuration of the Applicant's proposed subdivision and whether to grant the Applicant's request to waive undergrounding of utilities.

Solu asked why there are 3 gas meters on the property. Grantham opened up public comment to allow Applicant's representative to respond to the question. Ms. Fry responded that the third meter is for the property located at 495 Atascadero Road.

Nagy stated the Commission needs to decide whether to accept the three foot setback instead of a five foot setback and whether to allow 1 parking space instead of 2.

Solu asked Wold to clarify why the subdivision should be allowed. Wold referred Commissioners to the map and noted that if you divide in half, the home would be very close to the property line and the property line would go through the structure; subdividing this way allows the Applicant to meet the setbacks.

Irons recited the language from the General Plan and emphasized that the Commission does not have the supporting findings to be approved under the compact infill ordinance. Irons stated we should honor the intent of the compact infill ordinance to be sure to lay the groundwork for a project to meet the intent of the compact infill ordinance and further stated it is an abuse of the compact infill ordinance to subdivide properties that do not meet the requirements or intent.

Irons also expressed concern that the minimum density standards are not being met which is the intent of the compact infill development ordinance as well as to provide a more efficient use of the land.

Nagy commented that compact infill development are not strictly for R-4 zone, but can also be done in a R-2 zone.

Irons responded that the intent is not just to subdivide a lot; it is to meet the maximums not the minimums.

Napier inquired if compact infill is the only way to subdivide the lot and noted the Commission is trying to apply that to this case. Wold replied yes.

MOTION: Irons moved to deny the project on the grounds he pointed out. Solu seconded the motion.

Commissioners had discussion on the motion. Nagy commented that density could be added possibly in the future. Irons noted that once the project is subdivided, it cannot be subdivided again.

Solu asked staff if the project can be approved without the compact infill ordinance. Wold responded no because the minimum lot size is 6,000 and the applicant's lot is 10,000. The General Plan designation has both minimum and maximum density requirements. Wold also stated that allowing the Applicant to subdivide will allow them the potential for an extra unit.

Motion fails 2-3. Grantham, Nagy and Napier dissented.

Chairperson Grantham called for another motion.

Wold clarified the corrections on the motion recommended in the staff report as well as asked the Commission to specify in their motion whether they choose to amend or delete Planning Condition 3.

MOTION: Nagy moved the Planning Commission approve the Tentative Parcel Map (S00-106), with the Coastal Development Permit (CP0-340) and Conditional Use Permit (UP0-308) subject to the findings and approve the Mitigated Negative Declaration with the other conditions as presented in Exhibit B with the deletion of Planning Condition number 3.

Napier seconded the motion. The motion carried 3-2. Irons and Solu dissented.

C. Case No.:CP0-343

Site Location: 1700 Main Street

Applicant/Project sponsor: Cotti Foods Corporation, a Franchisee of Taco Bell / Fred Cook, Senior Vice President, Director of Development Cotti Foods Corporation

Request: Demolition and reconstruction of an existing Taco Bell fast food restaurant. The existing approximately 2,248 square foot building is proposed to be demolished and replaced with a new approximately 2,733 square foot building. The proposed building will be constructed to the south of the existing footprint. The proposed parking lot would have 19 parking spaces with two van accessible parking spaces. The drive up window will follow the perimeter of the proposed building to the south of the property.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Conditionally Approve Coastal Development Permit #UP0-343.

Staff Contact: Sierra Davis, Assistant Planner, (805) 772-6270.

Davis presented the staff report.

Grantham asked about deliveries in the off hours and where the delivery truck parks. Davis said the trucks would utilize parking when customers are not present.

Grantham opened the Public Comment period.

- Fred Cook, senior vice president for Cotti Foods explained the proposed project clarifying the details of the remodel project. Mr. Cook also noted that food deliveries are typically done with

the vehicle parked on the property in the early morning hours before the restaurant is open to avoid parking and customer impacts.

Hearing no further comment, Grantham closed the Public Comment period.

Commissioners discussed:

- Sight lines; Irons asked about the monument sign on the corner and the two melaleuca plants whether the corner sight line is clear. Livick said typically with trees, there is not much impact on line of sight.
- Waiver of impact fees. Solu inquired if the project will qualify for waiver of impact fees. Livick said the Applicant will get credit for the existing square footage, and since the project will only increase by 485 square feet, any fees will be minimal.
- Whether the proposed new signage will be in compliance with the City's requirements. Davis responded all signs will be evaluated and a separate application will be submitted for a sign program.
- Drive thru approach. Livick said the new drive approach is longer to accommodate more vehicles on site and will meet minimum requirements for existing and entrances

MOTION: Napier moved the Planning Commission adopt the findings included as Exhibit A and conditionally approve the Coastal Development Permit #CP0-343, subject to the Conditions included as Exhibit "B" and the site development plans dated January 14, 2011 and adopt the Mitigated Negative Declaration.

Grantham seconded the motion. The motion carried unanimously 5-0.

IX. UNFINISHED BUSINESS

A. Current Planning Processing List/Advanced Work Program

Wold reviewed the Work Program with Commissioners and offered the possibility of scheduling a workshop or presentation for the next meeting as there are no public hearings ready. Commissioners agreed to cancel the July 20, 2011 meeting.

MOTION: Irons moved the Planning Commission cancel our next meeting of July 20, 2011 and continue our next month's meeting as scheduled.

Nagy seconded the motion. The motion carried unanimously 5-0.

X. NEW BUSINESS

A. Discussion on the Planning Commission schedule for the remainder of 2011.

Commissioners agreed to cancel the Planning Commission meetings of 7/20/11, 8/17/2011, 11/16/11 and 12/21/2011.

MOTION: Grantham moved the summer Planning Commission meeting of August 17, 2011 will be not scheduled as well as the meetings of November 16, 2011 and December 21, 2011.

Nagy seconded the motion. The motion carried unanimously 5-0.

XI. DECLARATION OF FUTURE AGENDA ITEMS

Napier asked for an update to the parking meeting. Livick responded that the parking meeting has not been scheduled yet and will let the Commission know when that is going to happen.

XII. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 7:55p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Wednesday, August 3, 2011 at 6:00 p.m.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary