PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
January 18, 2012
6:30 p.m.

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1. ROLL CALL: BERTELS, HO, OH, TURRO, VO

PRESENT: Bertels, Ho, Oh, Turro, Vo
ABSENT: None

2. SALUTE TO FLAG:

Commissioner Ho

3. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS

None

4. EX PARTE COMMUNICATIONS

None

5. SPECIAL PRESENTATIONS

None

6. ORAL COMMUNICATIONS

None

7. APPROVAL OF MINUTES – Regular Meeting November 16, 2011 and December 7, 2011

The minutes of the regular meeting of December 7, 2011 were approved on motion of Commissioner Bertels, seconded by Chairman Vo, and carried 3-0, Commissioners Ho and Oh abstained as they were absent in that meeting.

The minutes of the regular meeting of November 16, 2011 that included Commissioner Ho's correction on Page 3, Section 12, first line, changing "Commissioner Ho" instead of "Chairman Vo", were approved on motion of

Commissioner Ho, seconded by Commissioner Oh, and carried 4-1, as Chairman Vo was absent in that meeting.

8. PUBLIC HEARINGS

8.1 Case 2011-43 Conditional Use Permit
Location: 7498 Garden Grove Blvd (Assessor's Parcel Number 096-021-10)

An application for a conditional use permit in order to establish and operate a recycling buy-back facility (Cash-4-Cans) within an existing 12,000 square foot, one-story retail/warehouse building.

RECOMMENDATION: Staff recommends that the Planning Commission approve the conditional use permit subject to the recommended conditions of approval.

Michael Patterson made a brief presentation on the proposed recycling buy-back facility. He indicated that the applicant will comply with all the conditions except the construction of an 8-foot block wall along the east side property line that was required by staff to screen the loading spaces from the street and to mitigate noise impacts. Based on staff findings and analysis, he recommended that the Planning Commission approve the conditional use permit subject to the recommended conditions of approval.

The public hearing was opened and speaking in favor was Steven Militzok, 180 Newport Center Drive No. 230, Newport Beach. He indicated that the proposed facility will be the third recycling facility he and his business partner will operate, aside from the Bellflower and Riverside facilities. Except for Condition No. 9 (requiring the construction of an 8-foot block wall at the east side property line to mitigate any noise generated from the recycling operation), he affirmed that he agrees with all staff conditions. He contended that the noise in their Bellflower facility was more significant because it was a smaller facility where recycling containers operated outside the building. However, since the proposed facility was bigger, all the operations will be conducted inside the building. He proposed to construct the facility as described; conduct a noise testing during operation; and if the testing results require, build the block wall per Condition No. 9 or build an interior sound wall to block any noise.

Art Bashmakian commented that the applicant's proposal seemed a reasonable alternative since the applicant was open to complying with the conditions to build a block wall if noise testing calls for its construction.

No one spoke in opposition and the public hearing was closed.

Commissioner Turro did not have any objections.

Chairman Vo moved that the Planning Commission approve the conditional use permit for Case No. 2011-43 (Resolution No. 12-001) based on staff findings and

analysis and subject to the recommended conditions of approval except for Condition No. 9, that has been modified to require that staff will work with applicant to conduct a noise study to determine noise impacts six months after full operation, and based on the study, the applicant will do mitigation measures including but not limited to the construction of the block wall at the discretion of the Planning Manager within two months. Commissioner Turro seconded and the motion carried 5-0.

9. REGULAR BUSINESS

9.1 Case 2011-40 Development Review – Level II
Location: 7772 13th Street (Assessor's Parcel Number 096-351-04)

A proposal to demolish an existing single-family dwelling and garage to develop three, two-story, attached residential rental dwelling units. The proposed building will be 30 feet, 3 inches in height and each unit will have three bedrooms, three bathrooms, and a two-car garage.

RECOMMENDATION: Staff recommends that the Planning Commission approve the development review subject to the conditions of approval.

Chris Wong presented a brief overview of the proposed demolition of an existing single family dwelling to develop residential rental units. Based on staff findings and analysis, he recommended that the Planning Commission approve the development review subject to the conditions of approval.

The Planning Commission allowed the property owner, James Le of 10627 El Campo Avenue, Fountain Valley, to speak. He stated that he agreed with all the conditions of approval and was available to answer any questions.

On motion of Chairman Vo, seconded by Commissioner Turro, and carried 5-0, the Planning Commission approved Case 2011-40 (Resoluition No. 12-002) development review subject to the conditions of approval.

9.2 Case 2011-71 Zoning Interpretation
Location: 13602 Milton Avenue (Assessor's Parcel Number 203-311-01)

The applicant is requesting the Planning Commission review a proposed short recovery vehicle repossession service business and determine if it is a permitted use in the M1 zone.

RECOMMENDATION: Staff recommends that the Planning Commission determine that the use is equivalent to a recreational vehicle storage facility as determined by the Director, and therefore the use would be subject to a Conditional Use Permit.

Chris Wong discussed the proposed short recovery vehicle repossession service use which is not specifically listed in the City's industrial zoning districts. Consequently, the Community Development Director determined that the use is equivalent to a recreation storage facility which requires a conditional use permit, and which staff recommends to the Planning Commission to uphold. However, the applicant believes the use should be permitted by right without the need for a conditional use permit. Due to the different interpretations, staff recommended that the Planning Commission decide the use most appropriate.

The Planning Commission allowed the applicant, Tom Schaefer of 14236 Willow Lane, to speak. Mr. Schaefer explained that since 1970, the property has been used for different businesses such as a trucking company, landscaping company, and a repossession company. For all the length of time, he contended that there had been no complaints related to noise. I am available to answer any questions.

Chairman Vo stated that he will rely upon the recommendation of the Community Development Director.

Commissioner Ho concurred with Chairman Vo, adding that other cities require a conditional use permit for similar uses such as a wrecking service.

Commissioner Turro wanted to get input from the surrounding neighborhoods within the 500 feet radius to mitigate any potential impacts.

Chairman Vo moved that the Planning Commission determine that the proposed short recovery vehicle repossession service use is equivalent to a recreational vehicle storage facility as determined by the Community Development Director subject to a conditional use permit. Commissioner Oh seconded, and the motion carried 5-0.

10. REPORTS – None

11. MATTERS FROM THE PLANNING COMMISSION

11.1 Case 2011-63 Study Session – Large Size Single Family Residences
Location: Citywide
Continued from 12/7/2011

Study Session regarding the possibility of limiting the size of single-family dwelling units.

RECOMMENDATION: Should the Planning Commission desire to initiate a Zone Text Amendment to limit the size of single-family residences, staff recommends that the Planning Commission request that the Mayor and City Council initiate such an amendment.

On motion of Chairman Vo, seconded by Commissioner Ho, and carried 5-0, the Planning Commission continued Case 2011-63 to the meeting of February 1, 2012.

11.2 AB 1234 Reports None

12. ADJOURNMENT:

At 7:45 p.m., Chairman Vo adjourned the meeting to a regular meeting on Wednesday, February 1, 2012 at 6:30 p.m. in the Council Chambers.

Dave Vo
Chairman

Art Bashmakian
Planning Commission Secretary

Prepared by:

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