



PLANNING COMMISSION
Minutes of the Regular Meeting
City Council Chambers
8200 Westminster Boulevard
Westminster, CA 92683
February 6, 2013
6:30 p.m.

1. ROLL CALL: HO, ANDERSON, MANZO, NGUYEN

PRESENT: HO, ANDERSON, MANZO, NGUYEN,

ABSENT: None

2. SALUTE TO FLAG:

Commissioner Nguyen

3. ELECTION OF CHAIR AND VICE CHAIR

Commissioner Anderson nominated Nguyen for Chair seconded by Commissioner Manzo and approved (4-0). Commissioner Nguyen nominated Anderson for Vice Chair seconded by Ho and approved (4-0).

4. REPORT FROM PLANNING SECRETARY ON LATE COMMUNICATION ITEMS:

Planning Manager Art Bashmakian reported two late communication items including an email related to item 9.1 and request to continue item 10.1 to March 6, 2013.

5. EX PARTE COMMUNICATIONS: Anderson, Nguyen mentioned that they visited the site related to the public hearing item on the agenda.

6. SPECIAL PRESENTATIONS: Assistant City Attorney Christian Bettenhausen provided information to the Commission regarding basic rules related to the duties of the Planning Commission.

7. ORAL COMMUNICATIONS: None

8. APPROVAL OF MINUTES: None

9. PUBLIC HEARINGS -

9.1 Case No. 2012-25. An application for a Conditional Use Permit (CUP) to operate a 5,400 square-foot health/fitness facility which would operate 24 hours - seven days a week and a Variance to construct a 50.5-foot high freestanding sign

(maximum height 25 feet) with a sign face area of 378 square feet (maximum area 100 square feet) with a support base less than half the width of the sign face area. Location: 524 Westminster Mall

RECOMMENDATION: Staff recommends that the Planning Commission grant the Conditional Use Permit and Variance.

Steve Ratkay, Associate Planner, gave a presentation on the item.

THE CHAIR OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN FAVOR OF THE PROJECT.

Elaine Garibay, for Krausz Companies, spoke in support of the applicant and application and explained the reason for the sign variance and the need to lease the long vacant tenant space. She also explained why the pylon sign needs to have Best Buy's name also.

Clark Beuans, representing Anytime Fitness also spoke in favor of the project.

THE CHAIR ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK IN OPPOSITION TO THE PROJECT.

No one spoke in opposition.

Commissioner Anderson asked the applicant about the sign's visibility from the freeway and adjacent streets.

Elaine Garibay stated a study was conducted to determine appropriate height.

THE CHAIR CLOSED THE PUBLIC HEARING

Commissioner Anderson expressed support for the sign except he suggested the sign support structure ("pole") comply with code to avoid a "lollypop" effect.

Elaine Garibay explained why they cannot comply with the code and have a support "pole" half the width of the sign face width.

Chair Nguyen asked that there be two separate motions - one for the conditional use permit and one for the sign variances.

Motion was made by Commissioner Anderson, and seconded by Chair Nguyen, to approve the conditional use permit and adopt Resolution No. 13-001 entitled, "A Resolution of the Planning Commission of the City of Westminster approving a Conditional Use Permit to operate a 5,400 square-foot Health/Fitness Facility at 524 Westminster Mall."

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO,
NOES:
ABSENT:

Motion was made by Commissioner Anderson to approve the sign variance with the exception of the variance for the width of the sign support column ("pole").

Motion fails as it did not receive a second.

Motion was made by Chair Nguyen, and seconded by Ho, to grant the variances as requested and to adopt Resolution No. 13-001 entitled, "A Resolution of the Planning Commission of the City of Westminster approving a 50.5-foot high freestanding sign with 378 square feet of sign area and support pole width less than 1/2 the required width, at 524 Westminster Mall."

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO
NOES:
ABSENT:

10. REGULAR BUSINESS:

- 10.1 Case No. 2012-16. A request from subject property owner for clarification regarding unpermitted nonconforming signage related to a previous decision by the Planning Commission when it approved a Conditional Use Permit for late night operation of a convenience store (7-Eleven).
Location: 8501 Heil Avenue**

RECOMMENDATION: Staff recommends that the Planning Commission clarify its decision that said signs cannot remain.

Art Bashmakian, Planning Manager, mentioned that the applicant desires to move this item to the March 6, 2013 meeting.

Motion was made by Commissioner Anderson, and seconded by Chair Nguyen, to continue the item to the March 6, 2013 meeting.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO
NOES:
ABSENT:

**10.2 Case No. 2012-48 – Appeal of the Director’s denial of a Temporary Use Permit to allow two existing trailers to remain on site for an additional 18 months.
Location: 8500 Bolsa Avenue**

RECOMMENDATION: Staff recommends that the Planning Commission uphold the Director’s denial of the Temporary Use Permit application for an extension of time.

Art Bashmakian, Planning Manager, gave a presentation on the item.

THE CHAIR ASKED IF THERE WERE ANY SPEAKERS WISHING TO SPEAK ON THE ITEM.

Myung Chung stated that there was some miscommunication between the applicant and staff and expressed a desire to further pursue the matter with staff and asked that the matter be postponed to a later date. He also mentioned he was hired recently by the applicant and needed time to find all relevant documents and discuss the matter with staff before returning back to the Planning Commission.

The Commissioners asked several questions and raised a concern about the continued presence of the trailers without any viable project on the horizon.

Based on the comments from the applicant, the Commission moved in the direction to grant a six week time period so the applicant (pastor and church members) can gather documents, discuss the matter with staff, and discuss plans regarding the expansion of the church before returning back to the Commission, (to take action on the appeal).

The applicant expressed his agreement to the six week time extension which corresponds to the March 20, 2013 meeting.

Motion was made by Commissioner Anderson, and seconded by Chair Nguyen, to continue the item to the March 20, 2013 meeting. Chair Nguyen further explained that the applicant needs to return with a plan that includes commitment for funding the project and a timeline for the development and construction of the permanent buildings.

The motion carried by the following vote:

AYES: NGUYEN, ANDERSON, HO, MANZO
NOES:
ABSENT:

11. REPORTS: None

12. MATTERS FROM THE PLANNING COMMISSION

12.1 AB 1234 Reports: None

13. ADJOURNMENT: At 8:10 p.m., Chairman Nguyen adjourned the meeting to a regular meeting on Wednesday, February 20, 2013 at 6:30 p.m. in the Council Chambers.



NGUYEN
Chairman



Art Bashmakian
Planning Commission Secretary

Prepared by:



Art Bashmakian
Planning Commission Secretary