



**CITY OF SANTA MARIA
PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF
SEPTEMBER 5, 2007**



Chair Waterfield called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adrian Andrade, Rodger Brown, Tom S. Lopez, Michael W. Moats, and Chair Etta Waterfield.

STAFF PRESENT: Planning Division Manager – Peggy Woods
Building Division Manager – Robert Marshall
Senior Deputy City Attorney – Wendy Stockton
Senior Civil Engineer – Rodger Olds
Recording Secretary – Kathleen Villegas
Planner III – Bill Shipsey
Planner II – Brian Halvorson

BY MOTION, APPROVED THE PLANNING COMMISSION MINUTES OF JULY 5, 2007, AS WRITTEN. 4-0-1 (Etta Waterfield abstained; was absent from that meeting).

BY MOTION, APPROVED THE PLANNING COMMISSION MINUTES OF AUGUST 1, 2007, AS WRITTEN. 5-0

PUBLIC COMMENT PERIOD: No one present wished to speak.

ITEM 1 - CONSENT CALENDAR: The consent calendar is approved with one motion. These items are read only on request of Commission members. Should anyone, including members of the public, wish to discuss or disapprove any item, it must be dropped from the blanket motion and considered as a separate item.

VOTE: 5-0; Ayes--Commissioners Andrade, Brown, Lopez, Moats and Chair Waterfield; Noes--None; Absent—None; Abstained--None.

- a. **ONE YEAR TIME EXTENSION FOR THE CONSTRUCTION OF A SECOND WAREHOUSE LOCATED AT 1445 JASON WAY, PD-2004-024; E-2004-079.** Review of a one year extension of time request in which to start construction of a second warehouse (6,700 sq. ft.) located at 1445 Jason Way in a PD/CM zoning district, Assessor's Parcel No. 111-400-074. This project is a Class 32 exemption. No further environmental review is required. (Project Planner: Margaret Adams)

ACTION: By motion, granted an extension of time for one year authorized by Planned Development Permit PD-2004-024.

PUBLIC HEARINGS:

ITEM 2 - PROJECT DESCRIPTION: GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR THE RENFROW AUTO DEVELOPMENT, LOCATED AT THE NORTHWEST CORNER OF SHEPARD DRIVE AND BATTLES ROAD, GPZ-2007-001, E-2007-039, (7.98 ACRES).

Review of recommendation to City Council regarding a Mitigated Negative Declaration, E-2007-

039, an amendment to the General Plan (Land Use) **from** CPO (Commercial Professional Office) and CPO/Senior overlay **to** CC (Community Commercial) and a zone change **from** PD/CPO (Planned Development/ Commercial Professional Office) and PD/CPO (Senior overlay) **to** PD/C-2 (Planned Development/General Commercial). Assessor's Parcel No's. 128-174-004, -005, -006. (Project Planner: Bill Shipsey)

ACTION: Adopted Resolution No. 2476, recommending the City Council adopt a resolution regarding a Mitigated Negative Declaration, E-2007-039; and

VOTE: **5-0;** Ayes--Commissioners Andrade, Brown, Lopez, Moats and Chair Waterfield; Noes--None; Absent—None; Abstained--None.

ACTION: Adopted Resolution No. 2477, recommending the City Council to amend the General Plan (Land Use Policy Map) **from** CPO (Commercial Professional Office) and CPO/Senior overlay **to** CC (Community Commercial) and rezone the project site **from** PD/CPO (Planned Development/ Commercial Professional Office) and PD/CPO (Senior overlay) **to** PD/C-2 (Planned Development/General Commercial).

VOTE: **5-0;** Ayes--Commissioners Andrade, Brown, Lopez, Moats and Chair Waterfield; Noes--None; Absent—None; Abstained--None.

Bill Shipsey presented the staff report, citing the project location along with the present zoning and proposed zoning designations of the property, as well as the size of the property and surrounding land uses. Mr. Shipsey concluded by stating that staff recommends approval of the proposed project with conditions, and was available for questions.

Gil Palacios, 2353 South Broadway, project architect and agent for the applicant, Eloy Renfrow, addressed the Commission. Mr. Palacios stated that he and the applicant had reviewed staff recommendations, and were in agreement with staff.

In response to Commissioner Lopez, Mr. Palacios stated that the layout of the site was still being worked on. Mr. Palacios added that the frontage on Battles Road and Shepard Drive was being proposed to be an extension of the auto dealerships, and that project application would be coming in the next few months.

With no further questions, Chair Waterfield closed the hearing and called for a motion. Commissioner Brown made the motion to approve Resolution 2476, recommending the City Council adopt a resolution regarding a Mitigated Negative Declaration, E-2007-039. Commissioner Andrade seconded it, and it passed, 5-0.

Commissioner Brown made the motion to approve Resolution No. 2477, recommending that the City Council amend the General Plan (Land Use Policy Map) **from** CPO (Commercial Professional Office) and CPO/Senior overlay **to** CC (Community Commercial) and rezone the project site **from** PD/CPO (Planned Development/ Commercial Professional Office) and PD/CPO (Senior overlay) **to** PD/C-2 (Planned Development/General Commercial). Commissioner Andrade seconded it, and it passed, 5-0.

ITEM 3 - REVIEW OF AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT PERMIT FOR A FOODSCO GAS STATION TO BE LOCATED AT THE NORTHWEST CORNER OF WEST ENOS AND SOUTH BROADWAY, PD-2005-004, E-2005-

013. Review of an amendment to a previously approved Planned Development permit to allow a Gas Station located at the northwest corner of West Enos and South Broadway in a PD/C-1 (Planned Development/Central Business District) zoning district, Assessor's Parcel No. 111-

250-003. This project was previously reviewed in E-2005-013. No further environmental review is required. (Project Planner: Brian Halvorson)

ACTION: By motion, approved an amended Planned Development permit with the requirement that the applicant provide public restrooms contained wholly within the fueling station canopy and/or cashier kiosk structure.

VOTE: 4-1; Ayes--Commissioners Andrade, Brown, Lopez, and Moats; Noes—Chair Waterfield; Absent—None; Abstained--None.

Brian Halvorson presented the staff report, explaining that this request was to review an amendment to a previously approved Planned Development Permit for the FoodsCo gas station to be located at the northwest corner of West Enos and South Broadway.

Mr. Halvorson reviewed the history of the project, stating that on December 7, 2005, the Planned Development Permit was approved for the construction of a 4,950-square-foot gas canopy with five pumps for a total of 10 fuel dispensing stations, and 112-square-foot cashier kiosk located within the canopy structure. Mr. Halvorson explained that since that approval, there have been some revisions, primarily some requirements to have restrooms, specifically for both the customers and the employee that would work in the kiosk. Since the approval of the project in December 2005, the applicant has added an employee restroom to the kiosk, making the kiosk slightly larger than the original 112-square-foot size that was approved by the Planning Commission.

Mr. Halvorson continued by stating that in short, the 2001 California Plumbing Code, and the Santa Maria Municipal Code, Title 9, require that service stations include public restroom facilities. At the last Planning Commission study session, there was a consensus of the Planning Commissioners highly recommending that this project include customer restrooms within the kiosk. The applicant has since come forward stating that this requirement would be difficult to provide due to the cost incurred.

Mr. Halvorson explained that the recommendations being presented to the Planning Commissioners in the staff report were slightly different than usual in that three proposed scenarios were being given to decide how to accommodate the need for the public restrooms. The options were that the restrooms should be contained wholly within the kiosk structure; the restrooms could be contained within the FoodsCo grocery store; or the Commissioners could decide to continue the project.

Mr. Halvorson continued by stating that the applicant presented some new designs for the canopy since the last Planning Commission Study Session, and now believed that they could accommodate the restroom requirement if the elevations were changed to the previously approved elevations by the Planning Commission for the FoodsCo canopy. Mr. Halvorson stated that as part of the previously approved Planned Development Permit for the FoodsCo gas station, the requirement for the canopy elevations was that they complement the grocery store architecture. The applicant came up with a design that includes stone detailing, matching colors to the shopping center, and a tile canopy roof, which would comply with the Entrada Plan.

Mr. Halvorson stated that the applicant gave new information just before the public hearing showing some examples of canopies that have plain metal roofs, very different than what was approved, and one example of a sloped metal roof. The applicant indicated to staff that if they changed the canopy, then they would be able to put in the public restrooms in addition to the employee restroom.

Mr. Halvorson stated that staff had reviewed the proposed new elevations, and were not in favor of the design. Mr. Halvorson added that staff believed the prior design was superior and

complements the shopping center, and the latter is a requirement of the Planned Development Permit that the design complement the grocery store.

In response to Chair Waterfield, Robert Marshall, Building Official and Building Division Manager, stated that there are two codes that affect this gas station: the California Plumbing Code, which requires separate restroom facilities for the employee and the customers; and the Santa Maria City Ordinance, 9-1.226, which states that in every motor vehicle service station, separate restroom facilities for each sex shall be provided and maintained for the public. Mr. Marshall stated that as the Building Official, he has required new gas stations and remodels to comply with this requirement with no exceptions.

Mr. Marshall continued that when it was discovered this submittal did not comply, staff came up with a proposal to provide a restroom for the employee within the kiosk, and then provide public restrooms nearby as long as the restrooms would always be available during the life of the gas station. The Planned Development Permit had to be amended in order to have that requirement enforceable.

In response to Chair Waterfield, Bob Marshall stated that as long as the restrooms were available during the operating hours of the gas station, as well as for the store, then that would be okay.

In response to Commissioner Andrade, Bob Marshall stated that he started with the City of Santa Maria 5-1/2 years ago as a plans examiner, reviewing these kinds of plans, and has been the Building Official for two years, and Building Division Manager for three years, and there have been no exceptions made to this Code requirement.

In response to Commissioner Andrade, Bob Marshall stated that FoodsCo had agreed to put signs on the gas pumps that restrooms are available at the store.

In response to Commissioner Brown, Wendy Stockton, Senior Deputy City Attorney, clarified that the issue currently under discussion was the issue of bathrooms at the kiosk. Ms. Stockton stated that issue should not intersect with the question of concurrent sales of alcoholic beverages. When this gas station first came before the Planning Commission, there was a condition put on the gas station that the sale of gasoline and alcohol had to be separate.

Bob Marshall added that this proposal was not staff's first choice; but since the project looked like it might not be viable, then staff was trying to compromise and make it work.

Chair Waterfield expressed her opinion concerning the pros and cons of having the restrooms in the kiosk or only in the store, and she stated that she didn't think that it would be very practical to put the restrooms in at the kiosk.

In response to Commissioner Moats, Bob Marshall stated that there is not a strict answer in the Code to bathrooms being either "public" or "customer only." Mr. Marshall added that the Building Division would not have a problem with FoodsCo allowing only customer use with a key. A great number of businesses have signs for their restrooms stating "for customers only," and that is not a code violation.

Troy Holt, project engineer for FoodsCo, addressed the Planning Commission. He stated that the approved capital for this project only covered the single use bathroom. If the Planning Commission required both bathrooms and the tile roof, it was very possible that this project would be tabled.

With no further comments, Chair Waterfield closed the public hearing.

In response to Commissioner Brown, Wendy Stockton clarified the recommendation options listed on page 4 of the staff report, and the conditions pertaining to each.

Chair Waterfield commented that the reason this project was brought back to the Planning Commission was because staff had overlooked the restroom requirement, and stated that she wanted to have a decision made one way or the other. Chair Waterfield asked each Commissioner to state their viewpoint.

Commissioner Andrade commented that he read the report carefully, and thinks that having restrooms contained in the kiosk would be a good idea. Commissioner Andrade added that as a decision for the future, requiring the restrooms to be a part of the fueling station would be a good idea. Commissioner Andrade added that the Entrada Plan should be followed.

Commissioner Lopez stated that he also looked at the report carefully, and he agreed with Commissioner Andrade. Commissioner Lopez said that he thought the restrooms should be at the site under the canopy, and thinks that the City may be opening a can of worms to have only one employee restroom. He also stated that he was leaning towards keeping the elevations as they were in the original project.

Commissioner Brown stated that he sympathized with the applicant, but agreed with the other Commissioners that sometimes corrections need to be made. Commissioner Brown added that the revised elevations were not nearly as nice as the original elevations presented.

Commissioner Moats commented that he concurred with the comments of the three previous Commissioners.

With no further comments, Chair Waterfield called for a motion. Commissioner Andrade moved that the Planning Commission approve an amendment to a previously approved Planned Development Permit for a FoodsCo Gas Station to be located at the northwest corner of West Enos and South Broadway, PD-2005-004, E-2005-013, requiring that the applicant provide public restrooms contained wholly within the fueling station canopy and/or cashier kiosk structure, adopting the customer service requirement condition 1B in Exhibit B. Commissioner Brown seconded it, and it passed, 4-1.

ADJOURNMENT: The meeting was adjourned at 7:27 p.m. to a Study Session on September 6, 2007, at 10:00 a.m. in the Community Development Department Conference Room, 110 S. Pine Street, Santa Maria.

Respectfully submitted,

/s/ Peggy Woods

PEGGY WOODS, ASSISTANT SECRETARY
CITY PLANNING COMMISSION

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