

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: November 7, 2002

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0073 for Use Permit

PROPOSAL: Construction of a new self-serve service station (currently proposed to be 76 Union) with four fuel pump islands and an approximately 2,600 square feet convenience store (currently proposed to be a Circle K). The property is an abandoned gas station site.

LOCATION: The project site is located in the northern area of Orange County at the northwest corner of Esperanza Road and Fairlynn Boulevard. The site address is 19851 Esperanza Road, Yorba Linda. Third Supervisorial District.

APPLICANT: Phillips 66 Company/Tosco Corporation, property owner
DB Oil, LLC, property developer

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0073 for Use Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The site in its current configuration is level and is approximately 23,250 square feet in area measuring 150 feet by 155 feet. The entire site is paved and was once used as a gas station. An existing building, a gas pump island canopy, a landscape island and other out structures remain on the site. The applicant is in the process of removing the existing underground gasoline storage tanks. Access to the site is from two driveways each on Esperanza Road and Fairlynn Blvd. The project site is surrounded by an existing shopping center. The site is zoned C1 "Local Business" District with SS "Service Station" and SR "Sign Restriction" District overlays.

The project calls for the demolition of all existing structures on site and the construction of a new self-service service station and convenience store. The number of driveways will be reduced to two. On site parking for 19 cars, including 8 spaces at the fuel pumps is provided. Because of dedication of additional right-of-way for Esperanza Road, the site will be reduced in area to approximate 19,800 square feet in. The site (and other unincorporated properties in the vicinity) is in the process of being annexed by the City of Yorba Linda.

SURROUNDING LAND USE:

Direction	Zoning District	Existing Land Use
Project Site	C1 “Local Business” with SS “Service Station” and SR “Sign Restriction” District overlays.	Abandoned service station
North	C1 (SR)	Shopping center
South	A1 “General Agricultural” City of Anaheim	AT & SF Railroad Residential
East	R2 “Multifamily Dwellings”- (2000)	Residential Planned Development
West	C1 (SR)	Shopping center



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to eight County Divisions and the City of Yorba Linda.

As of the writing of this staff report, two comments were received that raised concerns with the project. The Subdivision and Grading Division/Traffic Review Section commented on the ultimate right-of-way

for Esperanza Road, and the City of Yorba Linda commented on project design. Discussion of these comments is presented later in this report.

CEQA COMPLIANCE:

Negative Declaration No. PA020073 (Exhibit 4) has been prepared for this proposal. It was posted for public review on October 10, 2002 and became final on October 30, 2002. Prior to project approval, the Zoning Administrator must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

Automobile service stations in the C1 (SS) District (base district) are principal permitted uses subject to approval of a Use Permit by the Zoning Administrator. The proposed convenience store is a principal permitted use in the C1 District subject to the approval of a Site Development District. Except for setbacks adjacent to streets, the development standards of the SS District are the development standards of the base district, which for this site are the C1 District site development standards. The site is also subject to the SR District sign regulations and the special sign requirement of the SS District. Chart 1 on page 4 of this report compares main development standards of the different zoning districts and the proposed development standards. As can be seen by this chart, the project conforms to all applicable site development and sign standards.

There were two issues raised with this proposal based on the original project submittal by County divisions and the City of Yorba Linda. Both the Transportation Planning Section and the Traffic Review Section raised the same concern, which was the location of the centerline of the ultimate right-of-way of Esperanza Road. Esperanza is a major arterial with a standard right-of-way width of 120 feet. The original submittal indicated that the property line was located 60 north of the Esperanza centerline, which would be normal. However, Esperanza Road is located adjacent to the AT & SF Railroad right-of-way to the south, and the new centerline must be adjusted in a direction to the north. Therefore properties on the north side of the road must bear the full impact of the ultimate Esperanza right-of-way dedication.

As can be seen by the air photos in Exhibit 2, Photos 3 and 4, the properties to the east of the subject site and properties east of Imperial Highway have road improvements constructed to the ultimate Esperanza Road right-of-way. The properties that front the north side Esperanza Road between Vista Loma and Fairlynn are currently within unincorporated County and additional Esperanza right-of-way is required. Exhibit 3 is a copy of the Assessors Map showing the current property lines and where additional right-of-way will be required at a future date.

The applicant, Traffic Review and Transportation Planning resolved the issue of the ultimate right-of-way for Esperanza Road and established a new centerline for the road. The new ultimate right-of-way line is a modified major arterial that allows the applicant less property for the dedication of Esperanza. The site plan required major revision and a substantial reduction in the size of the convenience store and a reduction of the gasoline pump stations. The site plans currently on file represent the agreed upon Esperanza right-of-way dedication along with the reduction in site area.

CHART 1 - SITE DEVELOPMENT STANDARDS			
STANDARD	C1 DISTRICT (Base District)	SS DISTRICT	PROPOSED
Setback from street right-of-way, feet All structures Canopy roof overhang	0	17 feet 5 feet	25'-7" (Esperanza) 30'-4" (Fairlynn) 18'-0" (Esperanza) 22'-11" (Fairlynn)
Setback for other property lines, feet	0	Base district	1"-3" to the north and 3'-5" to the west
Building site area, square feet	No minimum	Base district	19,800 (after dedication of additional right-of- way)
Building height, feet	35	Base district	25
Screening	None	Base district	5 to 10 feet deep at street property line
Parking required	13 spaces	Base district	19 including 8 pump island spaces
Driveway width	22 feet min.	Base district	35 feet
Signs	Per Section 7-9-144, 300 sq. ft. total	One 100 sq. ft. monument/ gasoline price, 4 feet in height	One 18 sq. ft. monument/ gasoline price, 82 sq. ft. total signs

The second issue was raised by the City of Yorba Linda. The subject property and the other properties on Esperanza are in the process of being annexed into the City. The City planning department sent a comment letter requesting that the structures conform to the City zoning requirements pre-established for the site. The City requirement generally included building architecture and setbacks. The applicant met with the City planning staff and revised the original site plan to meet both the County the City site

development standards. The City was sent a copy of the revised site plan with the new Esperanza Road right-of-way dedication shown. By telephone call, the City found the revised site plan acceptable.

CONCLUSION:

The site is current subject to County land use regulations, but is in the process of being annexed into the City of Yorba Linda. The annexation process should be completed by June of 2003. Both County staff and City staff have reviewed the project. The project as currently proposed conforms to both County and City site development standards. The approval of the proposal will continue the service station use that was established on the site many years ago. Staff supports the proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0073 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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Folder: C:\My Documents\Use Permits\Use Permits 2002\PA02-0073 Staff 76 Union.doc

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Photos
3. Assessors Map

4. Environmental Documentation

5. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.