



PLANNING COMMISSION AGENDA REPORT

III. 1.

MEETING DATE: NOVEMBER 8, 2004

ITEM NUMBER:

**SUBJECT: REVIEW, MODIFICATION, OR REVOCATION OF PLANNING APPLICATION PA-03-26
1192 BRISTOL STREET**

DATE: OCTOBER 28, 2004

**FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER
(714) 754-5611**

PROJECT DESCRIPTION

Review, modification, or revocation of a conditional use permit to legalize the expansion of an existing motor vehicle sales and leasing business (Champion Auto) at 1202 Bristol Street onto the subject property (1192 Bristol Street).

APPLICANT

Kent Crawford/C&D Properties is the owner of the property and the operator of the business for which the conditional use permit was granted.

RECOMMENDATION

Receive and file.

MEL LEE
Associate Planner

R. MICHAEL ROBINSON
Planning & Redevelopment Manager

BACKGROUND

On October 13, 2003, Planning Commission approved Conditional Use Permit PA-03-26 to legalize the storage and display of motor vehicles on the above property. The approval was subject to the installation of site landscaping (a 20-foot front landscaped setback and a 10-foot rear landscape setback) to match the landscape buffer provided for the abutting commercial development at 1122 Bristol Street, and provide a buffer from the adjacent residentially-zoned properties.

The applicant did not move forward with the submittal of landscape plans for installation of site landscaping as required after the CUP was approved. Code Section 13-29(o) (Enforcement Authority) allows modification or revocation of a land use application for non-compliance with conditions of approval.

Staff scheduled the conditional use permit for the August 9, 2004 hearing for the Commission to determine if the permit should be revoked per staff's recommendation. At the hearing, Kent Crawford, representing C and D Properties, requested additional time to submit a landscape plan, obtain financing for the improvements, and remove vehicles and equipment stored illegally at the site. The Commission took the following actions:

1. Continued the item to the October 25, 2004 meeting to give the applicant additional time to comply with the conditions of approval;
2. Directed the applicant to immediately remove the landscaping truck and other equipment stored on the property that is not related to the business;
3. Directed staff to provide a 30-day status report.

On September 8, 2004, staff provided a status report indicating that as directed by the Commission, the applicant removed the landscaping truck and a trailer-mounted wood chipper stored on the property the day following the Commission meeting. Code Enforcement confirmed the removal of the truck and the equipment. An inoperative vehicle illegally stored on the site was also removed.

This item was continued from the October 25, 2004 meeting to allow the applicant additional time to complete the required landscape improvements.

DISCUSSION

The applicant has indicated that the financing for the required improvements has been obtained. On October 18, 2004 a landscape plan was submitted and approved. On October 25, 2004, staff observed the installation of landscaping in the areas shown on the approved plan. It is anticipated that the landscaping installation will be completed by the November 8, 2004 hearing, at which time additional action on the application will not be necessary. If the Planning

Commission agrees that the conditions of approval for the project have been adequately satisfied, then receive and file this report.

CONCLUSION

Based on the cooperation staff has recently received from the property owner, staff recommends that the Planning Commission receive and file this report.

Attachments: Planning Commission Staff Reports
 Location Map
 Plans/Photos

cc: Deputy City Manager - Dev. Svcs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Kent Crawford
c/o C&D Properties
20151 S.W. Birch Street, Suite 250
Newport Beach, CA 92660

File: 110804PA0326CONT

Date: 102704

Time: 1200p.m.



PLANNING COMMISSION AGENDA REPORT

U.2.

MEETING DATE: AUGUST 9, 2004

ITEM NUMBER:

SUBJECT: REVIEW, MODIFICATION, OR REVOCATION OF PLANNING APPLICATION PA-03-26
1192 BRISTOL STREET

DATE: JULY 29, 2004

FOR FURTHER INFORMATION CONTACT: MEL LEE, ASSOCIATE PLANNER
(714) 754-5611

PROJECT DESCRIPTION

Review, modification, or revocation of a conditional use permit to legalize the expansion of an existing motor vehicle sales and leasing business (Champion Auto) at 1202 Bristol Street onto the subject property (1192 Bristol Street).

APPLICANT

Larry Pointer/C&D Properties is the owner of the property and the operator of the business for which the conditional use permit was granted.

RECOMMENDATION

Revoke the conditional use permit, due to non-compliance with conditions of approval.

Handwritten signature of Mel Lee in black ink.

MEL LEE
Associate Planner

Handwritten signature of Perry L. Valentine in black ink.

PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

On October 13, 2003, Planning Commission approved Conditional Use Permit PA-03-26 to legalize the storage and display of motor vehicles on the above property. The approval was subject to the installation of site landscaping (a 20-foot front landscaped setback and a 10-foot rear landscape setback) to match the landscape buffer provided for the abutting commercial development at 1122 Bristol Street, and provide a buffer from the adjacent residentially-zoned properties. A copy of the original staff report for PA-03-26 is attached to this report for reference.

DISCUSSION

Since the approval of the CUP in October, the applicant has not moved forward with the submittal of landscape plans for installation of site landscaping as required. Staff advised the property owner in letters dated February 5, 2004 (4 months from the date of approval), and June 16, 2004 (8 months from the date of approval), that compliance with the submitted plans and conditions of approval were required. The applicant has not responded to staff's letters. The letter sent to the property owner dated June 16, 2004 was sent via certified mail, which staff confirmed was received by the property owner. Copies of the letters are attached to this report for reference.

Code Section 13-29(o) (Enforcement Authority) allows modification or revocation of a land use application for non-compliance with conditions of approval.

ALTERNATIVES

The Commission has the following alternatives:

1. The Commission may revoke the conditional use permit. If the conditional use permit is revoked, the property owner could no longer store vehicles at this location. He could continue to store vehicles on the abutting site (1202 Bristol Street) because the site was annexed from the County to the City and is legal nonconforming; or
2. The Commission may modify the conditional use permit by either establishing a deadline for which the property owner must provide the required site landscaping, or require that the vehicles be removed from the site until site landscaping is provided.

CONCLUSION

Because the property owner has had adequate time (10 months) to provide the landscaping for the site as required by the CUP, and based upon the property owner's lack of cooperation with City staff, staff recommends that the conditional use permit be revoked and the applicant be directed to remove all vehicles from 1192 Bristol Street no later than 30 days after Commission action.

Attachments: Draft Planning Commission Resolution
Exhibit "A" – Findings
Staff Letters dated February 5, 2004 and June 16, 2004
Planning Commission Staff Report Dated October 13, 2003
Location Map
Plans
Correspondence From Public

cc: Deputy City Manager - Dev. Svcs. Director
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Larry Pointer
C&D Properties
1202 S.E. Bristol Street
Santa Ana Heights, CA 92707

File Name: 080904PA0326

Date: 072904

Time: 1115 a.m.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT
PLEASE CONTACT THE PLANNING DIVISION
AT (714) 754-5245.**