

PUBLIC HEARINGS

CITY COUNCIL
March 25, 2003

To: Mayor and City Councilmember
From: George J. Rodericks, City Manager
Originated by: Kathy Adrian, City Clerk

SUBJECT: Consideration of Conditional Use Permit and Variance Application No. 0527 for Construction of a Block Wall and Structure Within the Required Setback – Location: 17771 Santiago Boulevard; Applicants: Phil's 76 Station.

BACKGROUND

The applicant is requesting a conditional use permit for construction of a Soil Vapor Extraction System (VES) on the property located at 17771 Santiago Boulevard; a variance to allow the structure to encroach into the rear yard setback by 5 feet; and a variance to allow walls in excess of 7 feet.

AUTHORITY

Conditional Use Permits. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits.

The Villa Park Municipal Code requires a Conditional Use Permit for any accessory building or structure that is usual and customary or incidental to a principal use permitted in residential zones.

The public hearing process allows for a review of the exterior elevations of a proposed addition in order to assess its impact on adjacent properties.

Variations. The Zoning Code authorizes the City Council to approve, conditionally approve, or disapprove variance applications. Variations from the terms and regulations of the Zoning Code are to be granted when, because of special circumstances applicable to the property, a strict application of the terms and regulations of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

FINDINGS

ConocoPhillips Company (CPC) is working closely with the Orange County Health Care Agency to clean up historic release of gasoline at the 76 Station No. 6218, located at 17771 Santiago Blvd. CTC proposes to construct and operate a Soil Vapor Extraction System (VES), enclosed by a 15.5 by 20 foot, 8-foot high block wall. The purpose of the VES is to reduce petroleum hydrocarbon concentrations beneath the site in order to minimize the threat to underlying usable aquifers.

The 76 Station is located in the Commercial Neighborhood Zone, Service Stations. The Commercial Neighborhood Zone requires a minimum side yard and rear yard setback of 20 feet. However, the subsection applicable to Service Stations establishes a building setback line for all structures at 17 feet from the ultimate street right-of-way line. Walls are limited to 42 inches within 20 feet of the ultimate street right-of-way line.

The structure is proposed to be located at the rear of the property adjacent to the intersection of Wanda Road and Santiago Boulevard. The proposed structure is 310 square feet and is enclosed by a block wall at a height of 8 feet. At its closest corners, the structure is proposed at 12 feet from the adjacent property line.

The structure is temporary in nature and is proposed for a period of three (3) years.

CEQA Compliance: This project is exempt from requirements of CEQA by Sections 15303 Class 3: New Construction of Small Structures.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application with the following additional conditions:

1. This Conditional Use and Variance Permit shall be valid for a period of three (3) years. Unless continued maintenance of the unit and accessory structure is authorized by the City Council through the separate review and approval of a Conditional Use Permit and Variance, the unit and accessory structure must be removed at the conclusion of this Conditional Use and Variance Permit
2. The Soil Vapor Extraction System unit shall be maintained in compliance with the City's Noise Standards.
3. The property shall be maintained in compliance with all applicable City codes; failure to do so will result in the revocation of this permit. Compliance shall include:
 - o Permitted Uses – Section 23-7.8(b)
 - o Exterior displays and trash and storage – Section 23-7.8(d)
 - o Signage – Section 23-7.8(f)
 - o Outside Activities – Section 23-7.8(h)

APPROVAL MOTION

Adopt Resolution No. 2003-2664 approving Conditional Use Permit and Variance Application #0527 for a detached structure within the required setback area and a block wall above the height limit of 6 feet, with conditions; 17771 Santiago Boulevard – Applicant: Phil's 76 Station.

RECOMMENDED ACTION

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

CONDITIONS OF APPROVAL

1. The structure(s) shall be in accordance with approved plans on file with the City Clerk. Any significant deviation from the approved plans will require subsequent approval by the City Council through a separate Public Hearing. All work will be suspended on the project until such approvals are obtained.
2. Building permits and approvals must be obtained prior to commencement of construction. If the approval is after-the-fact, building permits and approvals are still required.
3. Separate review and approval by the City Engineer is required for all grading, driveway approaches, street improvements, sewer connections, and work within the right-of-way or City easement prior to issuance of any building permit for the project. Additional conditions may apply. If the existing frontage wall is located within the ultimate street right-of-way, an encroachment agreement shall be filed.
4. A cash bond in the amount of \$575 shall be posted to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
5. A right-of-way dedication will be required.
6. Street improvements must be completed at the abandoned driveway location.
7. A cash bond in the amount of \$575 shall be posed to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
8. Temporary toilet facilities are not permitted in the front setback areas.
9. The conditional use and variance permit shall lapse and become void one year following the date of approval unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site.
10. The conditional use and variance permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when it or the renewal of same became effective, an application for renewal is filed.
11. This Conditional Use Permit shall be valid for a period of three (3) years. Unless continued maintenance of the unit and accessory structure is authorized by the City Council through the separate review and approval of a Conditional Use Permit and Variance, the unit and accessory structure must be removed at the conclusion of this Conditional Use Permit.
12. A residential site review from the Orange County Fire Authority is required prior to issuance of building permits.
13. The Soil Vapor Extraction System unit shall be maintained in compliance with the City's Noise Standards.
14. The property shall be maintained in compliance with all applicable City codes; failure to do so will result in the revocation of this permit. Compliance shall include:
 - Permitted Uses – Section 23-7.8(b)
 - Exterior displays and trash and storage – Section 23-7.8(d)
 - Signage – Section 23-7.8(f)
 - Outside Activities – Section 23-7.8(h)