

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, April 27, 2004 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER: Mayor Bortle called the meeting to order.

ROLL CALL:

COUNCILMEMBERS PRESENT:

Patricia Bortle	Mayor
Bill MacAloney	Mayor Pro Tem
Bob Bell	Councilmember

COUNCILMEMBERS ABSENT:

Rich Freschi	Councilmember
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STAFF PRESENT:

George Rodericks	City Manager/City Clerk
Cristina Sundstrom	Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

Villa Park Elementary School sixth-graders Beau Morris, Jackie Luallen and Alyssa Farley led the flag salute.

APPOINTMENTS:

1. **Selection and Appointment of Councilmember.**

City Attorney Hampel reported to the City Council that a motion was necessary to formally appoint Bob Fauteux to the Villa Park City Council.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to appoint Bob Fauteux to serve out the remainder of former Councilmember McGowan's term (through 2006):

AYES:	COUNCILMEMBERS:	Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

2. **Oath of Allegiance for New Councilmember.**

The City Clerk administered the Oath of Allegiance to the new Member of the City Council, Bob Fauteux.

After a brief photograph session for Councilmember Fauteux and his wife, Patricia, the meeting continued.

3. Committee Appointments and Assignments – Mayor Patricia Bortle.

The Mayor made the following changes to Committee assignments:

Aviation Advisory Committee -	MacAloney, Chair Fauteux, Alternate
Capital Improvement Committee -	Fauteux, Chair Bell, Alternate
City Liaison Committee -	Bell, Chair Bortle, Alternate
Community Development & Public Safety Committee	Bell, Chair Fauteux, Alternate
Public Utilities Committee-	Freschi, Chair Fauteux, Alternate
Sanitation District Committee-	Bortle, Chair Freschi, Alternate

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to approve the above listed Committee assignments made by Mayor Bortle:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

INTRODUCTIONS AND PRESENTATIONS:

Presentation of Commendation for Outstanding Academic Achievement to Claire Lee, Eighth Grade Student at Cerro Villa Middle School.

Mayor Bortle presented Emily with a certificate of achievement and two certificates for pizza and ice cream courtesy of First Class Pizza and Dr. Java's Soda Fountain, respectively.

Presentation of Proclamation to Villa Park High School Music Director Patrick Murphy.

Mayor Bortle presented a Proclamation to Villa Park High School's Music Director, Patrick Murphy. VPTV showed a short video of the Rose Parade performance in Portland, Oregon in June, 2003.

ORAL COMMUNICATIONS:

Mayor Bortle announced that Villa Park Elementary School Restoration Corporation will hold a Town Hall meeting in the Council Chambers on Thursday, April 29, 2004 at 8 p.m. For information call Teri Elmendorf at 997-9288.

Mayor Bortle reported that the Gala on April 24, 2004 at the Town Plaza was a very successful event. She thanked all the volunteers and the Villa Park Community Services Foundation board for making this event fun and successful.

CONSENT AGENDA:

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive the reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of March 23, 2004. Approved Action: That the City Council approve the City Council Minutes of March 23, 2004.
3. Consideration of Quarterly Reports for Period Ending March 31, 2004. Approved Action: That the City Council receive and file the Quarterly Reports for Period Ending March 31, 2004.
4. Consideration of List of Demands for March 31, 2004. Approved Action: That the City Council approve the List of Demands for March 31, 2004, numbered 1 through 39 in the amount of \$24,183.
5. Consideration of List of Demands for April 27, 2004. Approved Action: That the City Council approve the List of Demands for April 27, 2004, numbered 1 through 27 in the amount of \$227,357.66.
6. Consideration of Amendment No. 8 to Agreement C-95-994 with the Orange County Transportation Authority. Approved Action: That the City Council authorize the Mayor to execute the Agreement.

It was moved by Councilmember Bell, seconded by Mayor Bortle, and carried by the following roll call vote to approve Consent Agenda Items 1, 3, 4, 5 and 6:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

It was moved by Councilmember Bell, seconded by Mayor Bortle, and carried by the following roll call vote to approve Consent Agenda Item 2:

AYES:	COUNCILMEMBERS:	Bell, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	Fauteux, MacAloney

MATTERS PRESENTED BY COUNCILMEMBERS:

Mayor Bortle requested that the staff send a letter of thanks to Mr. Andrew Cox, Drum Line Coordinator for Villa Park High School, for the superb performance on April 10, 2004. The Mayor reported that the event was well-organized and that she attended it and thoroughly enjoyed it.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Community Development/ Public Safety.

- Parking alternatives at Villa Park High School during sport events.

Councilmember Bell discussed this item will be brought before the Community Development and Public Safety Committee in the near future. Now that the Mayor has assigned Councilmember Fauteux to this Committee, a meeting will take place soon to discuss the parking situation on Santiago Boulevard after school adjacent to the baseball field. Councilmember Bell stated he will involve the Sheriff's Department, an athletic representative from Villa Park High School and anyone else appropriate. If you are interested, please contact City Hall so that your input can be heard.

Also he stated that this subject has come up at recent City Liaison Committee meetings and will continue to do so.

- Preferential Parking Districts – Huntington Circle and portions of Prado Woods Drive.

Councilmember Bell discussed a recent request made by residents of the Prado Woods Tract submitted to Council on March 1, 2004 along with 13 signatures. These residents requested that Huntington Circle and Prado Woods Drive between Santiago Boulevard and Athens Avenue be designated as Preferential Parking Districts, Monday through Saturday, 8 a.m. to 4p.m. This request is primarily to exclude Villa Park High School students from parking in this district.

Orange County Fire Authority – Proposition 172.

Councilmember Bell updated the Council on the Orange County Fire Authority and County activities regarding Proposition 172 funding.

Mayor Pro Tem MacAloney asked that Councilmember Bell keep the Council updated on this issue.

Councilmember Fauteux recommended that the Council should stay neutral until, and if, there is a ballot initiative in November, 2004.

ITEMS FOR CONSIDERATION:

Proclamation acknowledging April as National Donate Life Month.

Councilmember Fauteux stated that the organ donor program is wonderful, however, he was concerned about the organization called OneLegacy, a transplant donor network. Since no further information was available about the background of OneLegacy, he did not feel comfortable approving a similar Proclamation on behalf of the City.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to receive and file (with no action) the National Donate Life Month Proclamation request by the City Council of the City of Aliso Viejo:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

PUBLIC HEARINGS:

1. Consideration of Negative Declaration Regarding Tentative Parcel Map No. 98-182, with Conditions and Approval of Tentative Parcel Map No. 98-182, with Conditions – Location: 9622 Loma Street Owners: Emile and Hadia Kheir.

Mayor Bortle opened the Public Hearing.

City Engineer Repke reported that the applicant is requesting permission to subdivide an existing 1.357-acre parcel into two parcels.

In March of 2000, the City Council approved Tentative Parcel Map No. 98-182 to create two parcels on the subject property. Due to delays by the original applicant, Mr. Brian Tran, the need for the Serrano Water District and City of Orange to vacate existing easements over a portion of the property and a change in ownership, the Final Parcel Map was not completed and processed within the time limits allowed by the Subdivision Map Act. This necessitated a new Tentative Parcel Map application.

As a condition of approval of the original application, the applicant was required to dedicate the street right-of-way on Loma Street and construct street and trail improvements along the property frontage. The dedication was made and street improvements constructed as part of a City project. However, only \$40,000.00 of the property's \$40,811.73 share of the street improvements was collected. A condition has been included to require payment of the remaining amount prior to Final Map Approval.

Tentative Parcel Map No. 98-182 is located on the northwest corner of Loma Street and Cannon Street. The total area of the parcel is 1.357 acres. The property is an irregularly shaped parcel located in the 100-E-4 20,000 square feet zone with 360 feet of frontage along Loma Street and 150 feet of frontage on Cannon Street. The property slopes from the northwest at an elevation of 550 to the southeast at an elevation of 505 and has been graded into two building pads at approximate elevations of 525 and 517. There is an existing single-family structure completed in 2001 in the upper pad area (Parcel 1).

The application proposes to subdivide the property into two parcels consisting of 0.896 acres (39,030 square feet) and 0.461 acres (20,081 square feet). The proposed lot sizes and dimensions meet the City of Villa Park Zoning Code requirements. The

existing residence structure meets the objectives of the Zoning Code with regard to lot coverage and setback requirements.

In conjunction with the Tentative Parcel Map application, the applicant has submitted a letter of request (copy attached) to landscape the existing recreation trail along the Loma Street frontage with turf and accept maintenance responsibility. The existing City standard for recreation trails is a decomposed granite surface. In most situations, this material has performed satisfactorily. However, this material is subject to erosion from drainage runoff when concentrated on steep grade situations such as Loma Street.

Staff does not recommend the use of turf on the City recreation trails or the concept of property owner maintenance of the trail system due to the following:

- These trails are multi-use trails by pedestrians, bikes, and horses. Turf is not a desirable surface for all of these uses.
- Turf on steep grades can be slippery, particularly when wet from morning dew, rain, or irrigation.
- City recreation trails are generally the responsibility of the City to maintain. Turning over the trail system for property owner maintenance is not recommended as the City would lose control of the integrity and continuity of the system.
- The trails are a City facility within City right-of-way and are subject to the usual liability concerns.

City staff is aware of the maintenance problems associated with drainage runoff and erosion that have occurred on this section of the trail system. Staff investigated the problem and believes that replacement of the existing decomposed granite material with new material that includes a stabilizer additive combined with improved drainage control from the adjacent property will solve the problem. The City would make the trail improvements during the next fiscal year. A condition has been placed on the Tentative Map to require the property owner provide improved drainage control from the adjacent property (Condition No. 14).

In accordance with the requirements of the California Environmental Quality Act (CEQA), an Initial Environmental Evaluation was completed for the project. Based on the results of this evaluation, it was found that the project would not have a significant effect on the environment. Based on this finding a Negative Declaration has been prepared for the project and is attached to this report. The Negative Declaration was properly posted and noticed pursuant to CEQA and City requirements.

Staff recommends approval of the Tentative Parcel Map subject to the conditions of approval.

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

Public testimony was given by the applicant, Emile Kheir. He stated that the slope leading to the street is dangerous. He would like to plant some grass to improve the appearance for the City and to prevent any horse from slipping. Currently the drainage is problematic and he would like to remedy this situation.

Councilmember Fauteux asked City Engineer Repke for a description of the material that would be used on the trail - a decomposed granite.

City Engineer Repke stated that this material has been used on trails with similar drainage issues and has been successful.

Councilmember Bell asked City Engineer Repke about adding railroad ties to the slope.

City Engineer Repke responded that this would not be advisable, however, that what needed to be done is drainage control. By putting a stabilizing material on the slope will take care of the rest.

Public testimony was also given by Bart Stryker, engineer for the project. He stated that the type of grass planted is significant to improving the drainage. He recommended an erosion-resistant grass be planted. He suggested trying a certain type of grass for a year and then having the Council review the progress of the trail and its drainage.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2004-2754, a Resolution of the City Council of the City of Villa Park approving the Negative Declaration Regarding Tentative Parcel Map No. 98-182, with conditions (Location: 9622 Loma Street; Owners: Emile and Hadia Kheir):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to adopt Resolution No. 2004-2755, a Resolution of the City Council of the City of Villa Park approving Tentative Parcel Map No. 98-182, with conditions (Location: 9622 Loma Street; Owners: Emile and Hadia Kheir):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

2. Consideration of Continued Variance Permit No. 0566 for fence, pilasters, and gates over 42 inches within the required front setback – Location: 18961 Valley Drive; Applicants: Billy and Laurie Skeffington.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting permission to construct security fencing, pilasters, and gates over 42 inches in height within the required front setback.

Article 23-6.11 of the Villa Park Municipal Code specifies that the maximum height of any fence, wall, or other structure within the first twenty feet of the property shall be limited to 42 inches.

The subject property is located at 18961 Valley Drive and is in the E-4 Small Estate Zoning District.

The applicant is proposing to construct security fencing, gates, and pilasters at a height of six feet immediately adjacent to the City right-of-way and within the required twenty foot front setback area. Portions of the proposed structures encroach into the City right-of-way by 1.5 feet. If approved, staff recommends that an Encroachment Agreement be completed for those portions of the structures that encroach onto the City right-of-way.

The Villa Park Code also allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application exceeds a 25% reduction in the required front setback.

From the original submittal, the applicant has revised the plan to provide a 10 foot 8 inch wide drop off and parking area in front of the fencing within the City's parkway area. In addition, the applicant has proposed relocating the longer section of fencing in the front yard area back to accommodate the parking area. The fencing and gates are still proposed to exceed 42 inches in height and the gates are proposed immediately adjacent to the public right-of-way.

Staff cannot recommend approval of this application.

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

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to deny Variance Permit No. 0566 (Location: 18961 Valley Drive; Applicants: Billy and Laurie Skeffington) for fence, pilasters, and gates over 42 inches within the required front setback:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	MacAloney

3. Consideration of Conditional Use and Variance Permit No. 0583 to allow construction of an addition to an existing detached garage extending into the required side and rear yard setbacks– Location: 9771 Nichols Avenue; Applicants: Lynn Berry and Greg Smith.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to enlarge an existing detached structure to add a 360 square foot carport and allow the addition to

encroach into the required 10 foot side yard setback by 7 feet and rear yard setback by 5 feet.

The subject property is located at 9771 Nichols Avenue and is in the E-4 Small Estate Zoning District.

Based on a review of the project application, the project meets the objectives of the Zoning Code with respect to lot coverage, height, and floor area; however, the project exceeds the Code requirements with regard to setbacks.

Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code.

This lot is a transitional lot between the R-1 and E-4 zoning. Zoning on adjacent lots require 5 foot setbacks for detached structures and main structures. Since this lot is in the E-4 zone, the lot is required to abide by the 10 foot setback requirement. In addition, the lot is adjacent to the Cerro Villa Middle School parking lot on the north side of the lot with vehicles parking immediately adjacent to the lot line. The lot also fronts to Nichols, but retains access off of Alta Street.

Staff can support a reduction to 5 feet of the rear and side yard setbacks at the locations requested by the applicant as these locations, are immediately adjacent to properties in the R-1 zone; however, staff cannot support a reduction in that setback to 3 feet from the 5 feet of the adjacent zone.

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

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2004-2744, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0583 for the addition to an existing detached garage extending into the required side and rear yard setbacks, with conditions (Location: 9771 Nichols Avenue; Applicants: Lynn Berry and Greg Smith):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	Bortle

4. Consideration of Conditional Use Permit No. 0584 to allow construction of a new two-story residence over 25 feet in height, a 4 car garage, and an increase in the maximum allowable floor area from 32% to 34% – Location: 9151 Aubrey Circle; Applicant: Hillary Thomas.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting permission to construct a new two-story residence over 25 feet in height, a 4-car garage, and an increase in the maximum allowable floor area from 32% to 34%.

The subject property is located in the E-4 zoning district.

The applicant is proposing to demolish the existing structure and construct a new two-story residence over 25 feet in height with a maximum ridgeline of 32 feet and an average roof plane of 27 feet. Structures are limited to a height of 25 feet without a Conditional Use Permit, and 32 feet with a Conditional Use Permit.

A Conditional Use Permit is also required for any structure with four or more garage spaces. The structure is proposed with a 4-car garage.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with height, lot coverage, and setback requirements. The structure exceeds the required floor area ratio by 2% and the applicant has requested a Conditional Use Permit to allow the additional square footage of 325 square feet.

Staff recommends approval of this application.

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

Public testimony was made by the architect of the project, Ron Williams.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2004-2745, a Resolution of the City Council of the City of Villa Park, approving Conditional Use No. 0584 for a new two-story residence over 25 feet in height, a 4-car garage, and an increase in the maximum allowable floor area from 32% to 34%, with conditions (Location: 9151 Aubrey Circle; Applicant: Hillary Thomas):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

5. Consideration of Conditional Use Permit No. 0585 to allow construction of an additional chimney structure over 25 feet in height to an existing previously approved structure over 25 feet in height – Location: 19382 Mesa Drive; Applicant: Brent Sepulveda.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to add an additional chimney structure over 25 feet in height to an existing previously approved structure over 25 feet in height.

The subject property is located at 19382 Mesa Drive and is in the E-4 zoning district.

Structures are limited to a height of 25 feet without a Conditional Use permit, and 32 feet with a Conditional Use Permit. Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

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

Public testimony was given by the project designer, Brian Oslin.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2746, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0585 for the addition of a chimney to the structure exceeding 25 feet in height, with conditions (Location: 19382 Mesa Drive; Applicant: Brent Sepulveda):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

6. Consideration of Conditional Use and Variance Permit No. 0586 to construct a detached workshop and fee, tack and horse stall encroaching into the required rear yard setback– Location: 19366 Mesa Drive; Applicants: Sandy and Dann Froehlich.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a detached workshop structure to be used as a feed and tack storage area as well as a horse stall. The structure is proposed to encroach 5 feet into the required rear yard setback of 10 feet.

The subject property is located at 19366 Mesa Drive and is in the E-4 Small Estate zoning district.

Detached structures over 7 feet in height require a Conditional Use Permit and are limited to a height of 15 feet. The proposed structure is 13 feet in height and complies with height requirements of the Code for detached structures.

No person shall keep, stable or stake any equine within 50 feet of any dwelling or building (other than that of the owner) used principally for human habitation. From the information provided by the applicant, the structure is 44 feet from the owner's residence. The storage area, workshop and tool shed, and hay and feed area are within the required 50 feet. The horse stall is depicted at or exceeding the 50 foot distance. If

approved, the approval should be conditioned on the minimum distance requirement. The Villa Park Code also allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application exceeds a 25% reduction in the required rear yard setback by encroaching into the rear yard setback of 10 feet by 5 feet.

Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code.

However, the lot does have limited developable rear yard area as it is a flag lot and is sloped toward Cannon Street. Placement of the structure at any other location other than the rear yard would be impermissible under the Code. The proposed reduction in setback is on the rear yard setback – that portion adjacent to Cannon Street.

Staff recommends approval of this application.

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

Public testimony was given by the applicants, Dann and Sandy Froehlich.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to adopt Resolution No. 2004-2747, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0586 for a detached workshop and feed, tack and horse stall encroaching into the required rear yard setback, with conditions (Location: 19366 Mesa Drive; Applicants: Dann and Sandy Froehlich):

AYES:	COUNCILMEMBERS:	Fautuex, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

Mayor Bortle requested a brief recess at 9:27 p.m.

7. Consideration of Conditional Use Permit No. 0587 to construct a fourth garage addition – Location: 18225 Pamela Place; Applicant: Dan Wood .

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to add a fourth car garage space to the property.

The subject property is located at 18225 Pamela Place and is in the E-4 Small Estate zoning district.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

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

Public testimony was made by the project architect, Kevin Love.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2748, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0587 for a fourth car garage addition, with conditions (Location: 18225 Pamela Place; Applicant: Dan Wood):

AYES:	COUNCILMEMBERS:	Fautuex, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

8. Consideration of Conditional Use and Variance Permit No. 0588 to construct a master bedroom addition that encroaches 2 feet into the required 10 foot side yard setback, a fourth car garage addition, and an increase in the maximum allowable lot coverage from 24% to 27% - Location: 9681 Dodson Way (Robert Brumleu).

Mayor Bortle opened the Public Hearing.

City Manager reported that the applicant is requesting permission to construct a master bedroom addition that encroaches 2 feet into the required 10 foot side yard setback, a fourth car garage addition, and a second story over the proposed garage.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of garage spaces totaling four or more.

A Variance is required for any reduction in the required setback area and for an increase in lot coverage over the maximum allowable.

The subject property is located at 9681 Dodson Way and is in the E-4 Small Estate zoning district.

The applicant is proposing the addition of an attached garage at the rear of the property bringing the total garage spaces to four or more. The applicant is also proposing a master bedroom addition that encroaches 2 feet into the required side yard setback of 10 feet. The Villa Park Code also allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application does not exceed a 25% reduction in the required setback.

The applicant is also requesting a reduction in the required lot coverage of 24% for a two-story structure. The applicant is proposing an addition above the proposed garage that would be considered a second story. Based on the City's zoning codes, this second

story addition would change the maximum allowable lot coverage from 32% to 24%. The applicant is proposing lot coverage at 27%. An increase in the maximum allowable lot coverage from 24% to 27% requires a Variance approval.

Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code and there are no extraordinary circumstances applicable to the property.

Staff recommends approval of the garage addition under the Conditional Use Permit; however, cannot recommend approval of the Variance requests.

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

Public testimony was given by the applicant, Robert Brumleu.

Mayor Pro Tem MacAloney requested an explanation from the applicant for the placement of the second story game room addition.

Mr. Brumleu explained that most of the addition would be shielded from public view due to the foliage growing along that part of the property.

Councilmember Bell stated that being located close to a school does present a problem with noise. He expressed his desire for staff to study the planning issue of needing a Variance if you are adding a second story and thereby changing the maximum allowable lot coverage from 32% to 24%.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Bortle, and carried by the following roll call vote to adopt Resolution No. 2004-2749, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0588 for a fourth car garage addition, with conditions (Location: 9681 Dodson Way; Applicant: Robert Brumleu):

AYES:	COUNCILMEMBERS:	Bell, Bortle
NOES:	COUNCILMEMBERS:	Fauteux, MacAloney
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

The motion failed.

After discussion with City Attorney Hampel, Mayor Bortle re-opened the Public Hearing.

City Attorney Hampel addressed the possible need for an Ordinance that would deal with floor area and foot print issues and create a more equitable solution for any applicant in a similar situation. Moving from a single to a second story creates a more challenging situation for the Council to consider.

Mayor Bortle and Councilmember Bell concurred that this Variance situation needs further study.

Mayor Bortle instructed City Attorney Hampel to have this matter taken up in the Community Development and Public Safety Committee (members, Councilmembers Bell and Fauteux).

It was moved by Councilmember Bell, seconded by Mayor Bortle, and carried by the following roll call vote to continue Conditional Use and Variance Permit No. 0588 to May 25, 2004 (Location: 9681 Dodson Way; Applicant: Robert Brumleu):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

9. Consideration of Variance Permit No. 0589 for bedroom extension into the required side and front yard setbacks – Location: 9432 Brynmar Lane; Applicants: John and Barbara Themios.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a bedroom extension that encroaches into the required setback area of 30 feet by 3 feet 1 inch and into the required side yard setback of 14 feet by 4 feet.

A Variance is required for any reduction in the required setback area.

The subject property is located at 9432 Brynmar Lane and is in the E-4 Small Estate zoning district.

The applicant is also proposing a bedroom addition that encroaches 4 feet into the required 14 foot side yard setback and 3 feet 1 inch into the required 30 foot front setback. Based on a review of the project application, the proposed project meets the objectives of the Code with respect to floor area, lot coverage, and height requirements, however, exceeds the Code requirements with respect to required setbacks.

The Villa Park Code also allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application exceeds a 25% reduction in the required side yard setback by 6 inches, but does not exceed a 25% reduction of the front setback.

Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code. However, the property is a uniquely shaped lot that, due to its size and configuration, dictates a large side yard setback using the 10% of the average lot width calculations. The required setback of 14 feet is more than the minimum 10 foot setback required on normal rectangular 100 foot by 200 foot parcels. In addition, a large portion of the rear yard of the parcel is sloped thereby limiting the developable area of the parcel. These are sufficient findings for the Variance request to encroach into the required side yard setback.

Staff can recommend approval of this application.

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

Public testimony was given by the applicant, John Themios.

Councilmember Fauteux stated that he questioned the neighbor to the south and believed there was no issue with him.

Mr. Themios confirmed that this neighbor had no objections to his plans.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2750, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0589 for a bedroom extension into the required side and front yard setbacks, with conditions (Location: 9432 Brynmar Drive; Applicants: John and Barbara Themios):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

10. Consideration of Conditional Use Permit No. 0590 for an attached garage addition bringing the total garage spaces to four or more – Location: 10112 Workman Circle; Applicant: John Elliot.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to add a fourth and fifth garage space to the property through the addition of an attached garage of 480 square feet.

The Villa Park Municipal Code requires a Conditional Use Permit for all garage additions bringing the total number of garage spaces to four or more.

The subject property is located at 10112 Workman Circle and is in the E-4 Small Estate zoning district.

The applicant is proposing to add an attached 480 square foot garage addition to the property bringing the total garage spaces to five. Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

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

Public testimony was given by the project architect, Lane Curtis.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2004-2751, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0590 for an attached garage addition bringing the total garage spaces to four or more, with conditions (Location: 10112 Workman Circle; Applicant: John Elliot):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

11. Consideration of Conditional Use Permit No. 0591 for a detached garage addition bringing the total garage spaces to four or more – Location: 18152 Charter Road; Applicant: Peter Evanow.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to add a 789 square foot detached garage at 15 feet in height.

The Villa Park Municipal Code requires a Conditional Use Permit for all detached structures over 7 feet in height and for all garage additions bringing the total number of garage spaces to 4 or more.

The subject property is located at 18152 Charter Road and is in the E-4 Small Estate zoning district. The applicant is proposing to add a detached 789 square foot garage addition to the property. The plans as originally submitted depict a structure at 16 feet 3 inches in height; however, the applicant has withdrawn this portion of the application and is proposing the structure at 15 feet in height.

Detached structures are limited to a height of 15 feet. Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

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

Public testimony was given by the applicant, Peter Evanow.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2752, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0591 for an attached garage addition bringing the total garage spaces to four or more, with conditions (Location: 18152 Charter Road; Applicant: Peter Evanow):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

12 Consideration of Conditional Use and Variance Permit No. 0592 for a detached Recreational Vehicle (RV) garage and pool house addition exceeding 15 feet in height – Location: 18172 Abbott Lane; Applicant: Jeff Krolosky.

Mayor Bortle opened the Public Hearing.

The subject property is located at 18172 Abbott Lane and is in the E-4 Small Estate zoning district.

City Manager Rodericks reported that the applicant is requesting permission to construct a detached 750 square foot Recreational Vehicle (RV) garage and pool house exceeding 15 feet in height to a maximum height of 16 feet 6 inches.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of garage spaces totaling 4 or more and for any detached structure exceeding 7 feet in height. Detached structures are limited to a height of 15 feet.

Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code and there are no extraordinary circumstances applicable to the property.

A Variance is required for any increase in the maximum allowable height.

Staff can recommend approval of the detached structure at a height of 15 feet, but cannot recommend approval of the Variance request to allow the structure to be constructed at 16 feet 6 inches.

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

Public testimony was given by the applicant, Jeff Krolosky.

Councilmember Fauteux questioned the need for a garage height above 15 feet.

Mr. Krolosky replied that he needed this much height to accommodate his RV, boat and other vehicles. He also stated that his neighbors, the Singermans (18221 Evergreen Circle), were opposed to a height above 15 feet and that he would like to conceal the garage with foliage which these neighbors could help choose.

Councilmember Fauteux asked the City Manager whether other structures in the City exceed 15 feet in height.

Councilmember Bell agreed that 15 feet was the maximum height and that he would require this height restriction.

Mayor Bortle suggested that the application be continued to the next Council meeting, May 25, 2004.

Mayor Pro Tem MacAloney stated that he was opposed to a height exceeding 15 feet.

Public testimony was also given by Robert Brumleu, 9681 Dodson Way, who spoke in favor of allowing the garage to exceed 15 feet in height. He mentioned a property adjacent to his with a detached garage 10 feet off the rear property line with a height exceeding 15 feet.

Further public testimony was given by Karen Boiseau, 18201 Abbott Lane, spoke in support of the project. She is all in favor of his wanting to house all his vehicles so that they are not parked in the driveway and on the street. She lives directly across the street and felt the garage would be somewhat hidden from the street.

Final public testimony was given by Jim Andrea, 18142 Dorchester Circle, who spoke in favor of the project.

Mayor Bortle closed the Public Hearing.

Mayor Bortle re-opened the Public Hearing.

Mayor Bortle expressed her desire that the applicant come back to the Council with a plan for a height of 15 feet, if possible.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Fauteux, and carried by the following roll call vote to continue Conditional Use and Variance Permit No. 0592 to the May 25, 2004 City Council meeting (Location: 18172 Abbott Lane; Applicant: Jeff Krolosky):

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

STAFF REPORTS:

City Manager: No report.

City Attorney: No report.

City Clerk:

The selection of a date for the annual budget presentation was made for Tuesday, June 15, 2004 at 7:30 p.m.

City Engineer: No report.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

1. Consideration of First Reading of Ordinance No. 2004-500 Amending Section 23-7.3 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Uses Permitted Subject to Conditional Use Permit.

It is recommended that the City Council accept for second reading and adoption Ordinance No. 2004-500, an Ordinance of the City Council of the City of Villa Park amending Section 23-7.3 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Uses Permitted Subject to Conditional Use Permit.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to accept for second reading and adoption of Ordinance No. 2004-500, an Ordinance of the City Council of the City of Villa Park amending Section 23-1.3 of Chapter XXIII of the Villa Park Zoning Ordinance relating to uses permitted subject to conditional use permit:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

2. Consideration of Second Reading of Ordinance No. 2004-501 Amending Section 23-6.10 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Accessory Uses: R Zones.

It is recommended that the City Council conduct a Public Hearing and accept for second reading and adoption Ordinance No. 2004-501, an Ordinance of the City Council of the City of Villa Park amending Section 23-6.10 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Accessory Uses: R Zones.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to accept for second reading and adoption Ordinance No. 2004-501, an Ordinance of the City Council of the City of Villa Park amending Section 23-6.10 of Chapter XXIII of the Villa Park Zoning Ordinance relating to accessory uses: R Zones:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

3. Consideration of First Reading of Ordinance No. 2004-502 Amending Sections 23-19.1, 23-19.10, 23-19.10, 23-19.16, 23-19.22 of Chapter XXIII of the Villa Park Municipal Code Relating to Variances, Conditional Use Permits, and Zone Changes.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that currently the City's Zoning Code prescribes a process for zone changes as part of the Variance and Conditional Use Permit planning

process. It is recommended that the City adopt the attached changes to bring this process into conformance with State law requiring an Ordinance for zone changes.

It is recommended that the City Council conduct a Public Hearing and introduce for first reading Ordinance No. 2004-502, an Ordinance of the City Council of the City of Villa Park amending Sections 23-19.1, 23-19.10, 23-19.16 and 23-19.22 of Chapter XXIII of the Villa Park Municipal Code relating to Variances, Conditional Use Permits and Zone Changes.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to introduce for first reading Ordinance No. 2004-502, an Ordinance of the City Council of the City of Villa Park amending Sections 23-19.1, 23-19.10, 23-19.16 and 23-19.22 of Chapter XXIII of the Villa Park Municipal Code relating to Variances, Conditional Use Permits and Zone Changes:

AYES:	COUNCILMEMBERS:	Fauteux, Bell, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Freschi
ABSTAIN:	COUNCILMEMBERS:	None

RESOLUTIONS: None.

Mayor Pro Tem MacAloney asked City Manager Rodericks to give an update on the Sheriff's recent crime reports. March was an active month.

A Neighborhood Watch Quarterly Captain meeting is scheduled for May 26, 2004. A presentation will be made by the Sheriff's Department that will highlight car theft.

Investigator Chris Dunn of the Sheriff's Department addressed Council about unlocked cars being burglarized in the City. He stated that the month of March was particularly bad for automobile break-ins. The majority of the cases are due to the cars being unlocked. This is unfortunate, since it is a preventable crime.

Mayor Pro Tem MacAloney inquired about the speed trailers. He was assured that they are being placed on the streets on a regular basis.

Councilmember Fauteux requested that Villa Park's representative of the Orange County Vector Control District, Bill Oliva, be asked to give a presentation on the Red Ant, vermin situation, and the District's proposed benefit assessment proposition. There will be a presentation at the May 25, 2004 City Council meeting.

CLOSED SESSION: None.

ADJOURNMENT:

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 10:42 p.m. in memory of Joy Freschi and deceased volunteer fireman Jim Rollins.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park