REQUEST:

To permit retail sales of pre-owned motor vehicles in conjunction with wholesale internet sales of motor vehicles to be conducted within a +/- 11,424 square foot industrial building, located at 725 Hundley Way in the Manufacturing District.

INTRODUCTION:

The purpose of the Manufacturing (M) District is to provide for industrial uses and their related facilities while maintaining an environment free from objectionable noise, odor, dust or other nuisances. The applicant/business owner for Ideal Transportation obtained a City Business License in January of 2010 in order to conduct wholesale internet sales of motor vehicles within the proposed lease area. Wholesaling is a use permitted by right within the Manufacturing District; however, the City recognizes that certain uses, although consistent with the purpose of the “M” District, have special characteristics that have the potential to adversely affect adjoining businesses and/or property owners. Therefore, pursuant to Section 23.47.040(11) of the Placentia Municipal Code, the addition of the proposed small scale retail sales of motor vehicles within this business requires use permit approval. A use permit is required to evaluate the potential impacts the business may have on adjacent businesses and/or residences; impacts on existing parking; impacts on City services and concentrations of similar uses.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2010-03, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.
DISCUSSION:

Subject Site and Surrounding Land Uses:

Ideal Transportation is located within a free-standing industrial building, adjacent to the Don-A-Vee Jeep Dealership. The building is located west of the 57 Freeway, north of Orangethrope Avenue and on the west side of Hundley Way.

According to the County Assessor’s Map Book, the subject property is approximately 23,000 square feet, or 0.52 net acres. On-site improvements include a concrete industrial building that is approximately 11,424 square feet. Records indicate that this structure was constructed in 1974.

Additionally, the subject property is improved with an asphalt parking lot located immediately to the north of the industrial building that is striped with ten (10) parking spaces along the north property line. The north property line is secured with a chain link fence with barbed/razor wire above. There is a second parking lot located on the south side of the industrial building with a total of ten (10) striped parking spaces. The west property line is improved with a 6’-0” to 8’-0” high solid block wall. The south property line is secured with a chain link fence with barbed/razor wire above and the east property line, securing the south parking lot, is delineated with a chain link fence and rolling gate, both with barbed/razor wire above.

Based on an on-site inspection conducted by City staff, the overall condition of the subject property and existing physical improvements, appear to be in average condition.

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<tr>
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<th>Existing Land Use</th>
<th>Land Use Element General Plan Designation</th>
<th>Zoning Map Designation</th>
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<td>Existing</td>
<td>Ideal Transportation: Wholesale internet sales of pre-owned motor vehicles conducted within industrial building</td>
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<td>Proposed</td>
<td>Ideal Transportation: Small scale retail sales of pre-owned motor vehicles in construction with wholesale internet sales of pre-owned motor vehicles conducted within industrial building</td>
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<td>West</td>
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Operational Characteristics:

Ideal Transportation is a family owned business that has been in operation for over 24 years. In January of 2010, the owner, Michael VanRiette obtained a City of Placentia Business License to operate his wholesale business at 725 Hundley Way, within the City of Placentia, moving from his previous location at 1365 Dynamics, Unit C within the City of Anaheim. In his submittal Statement of Use, Mr. VanRiette states that retail traffic for the sale of automobiles is driven by internet sales rather than walk-by traffic on a traditional car lot. This business will provide pre-owned wholesale cars at auction prices to the public via various internet sites. They are proposing an indoor showroom that will display vehicles for retail sales. Retail and wholesale sales will be conducted via the internet. Their current business processes approximately 25 wholesale vehicle sales per week and Mr. VanRiette anticipates a 25% increase in sales with the addition of retail sales.

All vehicles for wholesale and retail sales will be housed within the existing industrial building and will not be displayed outdoors at any time.

Ideal Transportation will operate during the following hours:

Monday – Friday: 10:00 a.m. to 6:00 p.m.
Saturdays and Sundays: By appointment only

The existing business has four (4) full time employees, but will increase to six full time employees with the addition of retail sales.

Floor Plan:

The submittal floor plan indicates that the tenant space is approximately 11,424 square feet, with a main entrance/exit located on the east side of the building and a roll-up garage door entry/exit on the north and south sides of the industrial building. There are two offices, one conference room and two restroom facilities. The remainder of the space is a large open warehouse that will be used for car storage and as a car showroom.

Access/Parking:

The subject site can be accessed via two driveway approaches off of Hundley Way. There is a fenced parking area with eleven (11) parking spaces located on the south side of the existing building and an additional parking lot with ten (10) parking spaces located to the north of the industrial building. A total of twenty - one (21) parking spaces were provided at the time of construction of this industrial building. Because all vehicles will be stored within this industrial building and there will be a total of six (6) employees, it is not expected that the addition of limited retail sales of motor vehicles will impact the available parking at this site.
Environmental Review

The proposed use is not expected to create a negative impact on the physical environment. It is City Staff’s opinion that the use is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15305 and City Environmental Guidelines.

Section 15305 of the CEQA Guidelines exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Actions:

Adopt Resolution No. PC-2010-04 approving Use Permit (UP) 2010-03, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by: Reviewed and Approved by:

________________________________________  ______________________________________
Monique B. Schwartz Raynald F. Pascua
Associate Planner Development Services Manager

Reviewed and Approved by:

__________________________________
Kenneth A. Domer
Assistant City Administrator

Exhibits:

Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Floor Plan
Exhibit 4: Statement of Use

Attachments:

Attachment A: Resolution No. PC-2010-04
Attachment B: Special Conditions of Approval and Standard Development Requirements of Use Permit (UP) 2010-03
Attachment C: Placentia Police Department Standard Development Requirements
Attachment D: Orange County Fire Authority Special Conditions of Approval
RESOLUTION NO. PC-2010-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2010-03 PERTAINING TO PROPERTY LOCATED AT 725 HUNDLEY WAY AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. Michael VanRiette, business owner of Ideal Transportation AND Mr. Marshal Brecht, property owner of 725 Hundley Way ("Applicant" hereinafter) heretofore filed an application for approval of Use Permit No. 2010-03, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On March 9, 2010 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

(iii) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

1. The Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed use will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachments “B, C and D”), this use complies with
all applicable code requirements and development standards of the “M” Manufacturing District. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements, it is not anticipated that the proposed small scale retail sales of motor vehicles conducted at Ideal Transportation will generate any negative impacts on this industrial area and the adjacent neighborhood. All business operations shall be completed within this enclosed building, while maintaining an environment free from objectionable noise, odor or other nuisances.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is “Industrial”, and the proposed use does not involve any change in the land use of the subject site. Small scale retail sales of motor vehicles are permitted in the “M” Manufacturing District, subject to Use Permit approval.

c. The proposed use, activity or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted use in the “M” Manufacturing District in the City of Placentia. Approval of the Use Permit for the small scale retail sales of motor vehicles would be consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the “M” Manufacturing District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments “B, C and D” contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2010-03 to ensure compliance with the Placentia Municipal Code.

3. Section 15305 of the CEQA Guidelines exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20% which will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines.
4. The Planning Commission hereby directs that, upon approval of Use Permit 2010-03, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2010-03 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:
   a. Certify to the adoption of this Resolution; and
   b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 9th day of March, 2010.

_____________________________
Chairman

I, Raynald F. Pascua, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 9th day of March, 2010, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 9th day of March, 2010, by the following vote:

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<td>ABSTAINED:</td>
<td>COMMISSION MEMBERS:</td>
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ATTEST:

_____________________________
Secretary to the Planning Commission
SPECIAL CONDITIONS

If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions listed below and the Standard Development Requirements attached.

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2010-03 is valid for a period of twelve (12) months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.

2. Use Permit (UP) 2010-03 shall expire and be of no further force or effect if the use is discontinued or abandoned for a period of one (1) year.

3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.

4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant’s project. The applicant shall pay the City’s defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.
5. Prior to any changes in the days and hours of operation of Ideal Transportation, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

Monday – Friday: 10:00 a.m. to 6:00 p.m.
Saturday and Sunday: By appointment only

6. There shall be no additional modifications to the floor plan without approval from the Director of Development Services or his/her designee. Any additional changes to the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Use Permit.

7. Prior to any modification of the floor plan that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.

8. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.

9. No outside storage or displays shall be permitted at any time. Applicant/business owner shall remove any inoperable vehicles, car parts, recreational vehicles, damaged cars, pallets, boxes debris or other materials stored in outdoor parking lots.

10. There shall be no deliveries to or from the premises before 6:00 a.m. and after 10:00 p.m. Monday through Friday. There shall be no deliveries on Sundays.

11. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

12. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be done on a regular basis.

13. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.

14. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.
Prior to issuance of a building permit, the applicant shall submit a sign plan for the design of all proposed signage on the site for review and approval by the Director of Development Services or his/her designee. The sign plan shall comply with the criteria and requirements set forth in Chapter 23.90, Signs-Advertising Structures, of the Placentia Municipal Code.

15. This establishment shall conduct wholesale internet motor vehicle sales at all times with the addition of small scale retail sales of motor vehicles. All activities shall be conducted wholly within this enclosed tenant space, while maintaining an environment free from objectionable noise, odor, or other nuisances.

16. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.

17. The applicant/business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business.

18. There shall be no special promotional events held on the property, unless a written request for such is received and approved by the City of Placentia Development Services Director and the Police Department’s Administrative Lieutenant at least 14 days in advance.

19. There shall be no storage or display of motor vehicles in the parking lot areas or outside of the proposed industrial building at any time, except for immediate customer drop-off or pick-up. Vehicles shall not be parked or stored within the City’s public right of way at any time.

20. There shall be no repairs, or maintenance work performed on any of the applicant’s vehicles on the exterior of the subject property, or within the City’s public right-of-way at any time. All vehicle maintenance and repairs shall be conducted completely within the industrial building.

21. Washing vehicles is prohibited within the industrial building or outside of the industrial building at all times with the exception of such washing occurring in a designated and approved location and in compliance with all State Water Resources Control Board stormwater permit requirements, to include, but not be limited to, utilization of Best Management Practices (BMP). The business owner is responsible for conducting such activities in compliance with BMPs found at [http://www.ocwatersheds.com/BMP.aspx](http://www.ocwatersheds.com/BMP.aspx) to include, but not limited to, Industrial/Commercial Activity sheets IC19, IC20, and IC24.

22. All razor wire, concertina wire or similar barbed wire shall be removed from perimeter fencing on the property site and shall not be installed atop any fence or building. Security fencing, to include wrought iron fencing with angled top bars, is
a recommended alternative. A final fencing plan shall be submitted to the Development Services Department within thirty (30) days of use permit approval.

23. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.47, “M” – Manufacturing District.

**CITY BUILDING DIVISION:**

24. All future tenant improvements shall require City Building Division review and approval, prior to any construction. Failure to comply with applicable Building Codes may result in revocation of the Use Permit.

25. Applicant/business owner shall obtain Orange County Fire Authority approval for Use Permit (UP) 2010-03.

**CITY POLICE DEPARTMENT:**

26. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).

**ORANGE COUNTY FIRE AUTHORITY:**

27. Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) (See Attachment D).
Attachment “C”
Placentia Police Department Standard Development Requirements
Attachment “D”
Orange County Fire Authority (OCFA) Special Conditions of Approval