



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DATE: May 18, 2006

APPLICANT: Soon Ok Gu and Hong In Gu
1659 Feather Avenue
Thousand Oaks, CA 91360

TO: Planning Commission

CASE NO.: 05-VAR-007

LOCATION: 28338 Roadside Drive
(A.P.N. 2061-004-025 and 026)

REQUEST: Request for approval of a Variance from Zoning Ordinance Section 9383.2 to reconfigure two lots, one of which would be less than the 3-acre minimum size required of the Business Park Manufacturing (BP-M) zone.

ENVIRONMENTAL DETERMINATION: Exempt from CEQA under Section 15305

RECOMMENDATION: Staff recommends the Planning Commission adopt a motion to approve Variance Case No. 05-VAR-007, subject to conditions, based on the findings of the attached Draft Resolution.

ZONE DESIGNATION: BP-M-FC (Business Park – Manufacturing - Freeway Corridor Overlay District)

GENERAL PLAN DESIGNATION: Business Park - Manufacturing

PROJECT BACKGROUND AND DESCRIPTION

The applicants, Soon Ok and Hong In Gu, on behalf of the Agoura Self Storage, LP, have applied for a Variance that is required for a Lot Line Adjustment that is currently being reviewed administratively by the City Engineer. The Lot Line Adjustment request is to

adjust the property lines of two developed parcels with frontage on both Agoura Road (29301 Agoura Road) and Roadside Drive (28338 Roadside Drive). The existing uses include the Agoura Self Storage facility which takes its access from Agoura Road and the Agoura Lube and Smog Car Wash which takes its access from Roadside Drive. As indicated on the attached aerial photograph, the storage facility extends into the northerly parcel and the car wash occupies the remainder of the site. The parcels are currently 1.89 and 1.87 acres in size. The southerly parcel boundary bisects the storage facility and, as such, the applicants are seeking to adjust the parcel boundaries to more accurately reflect the area used by each business in an attempt to separate the ownerships. Currently, both parcels are under the same ownership but it is the owner’s desire to adjust the property boundaries with the goal to sell the northern parcel to the car wash/lube facility business owner.

Both lots are non-conforming in size in that they are smaller than the 3-acre minimum lot sizes required in the Business Park – Manufacturing (BP-M) zone. Thus, the applicant is requesting a Variance since one of the reconfigured lots would be less than 3 acres in size (0.62 acres) to allow for new parcel sizes. The Variance will apply to only one lot that will become smaller than the minimum requirement.

STAFF ANALYSIS

The existing parcels are 81,560 square feet or 1.87 acres and 82,330 square feet or 1.89 acres. The lots are physically separated by a difference in topographic elevation and vehicular access between the two is not possible at this time. The proposed lot line adjustment will change the size to increase the parcel to the south to a conforming size (over 3 acres) and will reduce the parcel to the north to less than its original size. Both parcels were non-conforming in size and the adjustment reduces the non-conformity status to one parcel only. Included in the proposed square footage of the larger parcel is a 15-foot access strip that is being preserved along the west side of the smaller parcel to the north.

The following is a summary of the proposal relative to City requirements.

Pertinent Data for the Proposal:

	Existing Conditions	Proposed	Required
<u>Lot Size</u>			
Lot 1:	1.89	3.38	3 acres min.
Lot 2:	1.87	0.62	3 acres min.
<u>Building Setbacks:</u>			
Car Wash:			
Front:	39 feet	N/A	20 feet min.
Rear:	30 feet	N/A	20 feet min.
Side (west):	45 feet	N/A	70 feet combined min.
Side:(east):	69 feet	N/A	70 feet combined min. (15 ft. min. on 1 side)

	Existing Conditions	Proposed	Required
<u>Storage Facility:</u>			
Front:	278 feet	N/A	20 feet
Rear:	20 feet	N/A	20 feet
Side (both):	0 feet	N/A	70 feet combined (15 ft. min. on 1 side)
<u>Landscape Coverage</u>			
Car Wash:	17%	N/A	20% min.
Storage Facility:	9.7%	N/A	20% min.
<u>Building Lot Coverage</u>			
Car Wash:	11.8%	N/A	30% min.
Storage:	15.7%	N/A	30% min.

The new lot line configuration would allow for the uses to be entirely within their own parcel and would allow for the existing property owner to retain ownership of a billboard located near the northwest corner of the property near Roadside Drive. There are no plans that staff is aware of to redevelop or make changes to the uses on either site at this time, and not to remove the billboard. The existing standards as shown on the table above will remain the same, with the exception of the parcel sizes. The proposed parcel boundaries would not impact the non-conforming characteristics of the uses however.

The Kanan Interchange improvements to the local arterial system have been taken into consideration. Despite the approved closure of the Roadside Drive on the west side of Kanan Road, the parcels with frontages on Roadside Drive would not be landlocked. The City is undertaking the construction of a new connector road between Roadside Drive and Agoura Road in order to maintain access to the rest of the circulation system. The entry point to the storage facility would remain on Agoura Road and no secondary access in the rear of the parcel is proposed given the topographic constraints of the property. The car wash entry point would remain on Roadside Drive and, therefore, the business would retain access by way of the new connector road between Roadside Drive and Agoura Road that is currently being built.

In order for the Planning Commission to grant the Variance, the Zoning Ordinance requires that the following five (5) findings be made. Staff has analyzed the applicant's request per the required findings and recommends that the Variance be approved. The following are the required findings and staff's analysis as they apply to this case.

1. Required Finding:

That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Zoning Ordinance deprives the property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.

Staff Analysis:

The combined square footage of the parcels would not be sufficient to make both parcels conforming. The existing uses operate independently from one another and can only be accessed from either Roadside Drive or Agoura Road. The newly proposed boundaries would reflect the existing locations of the uses. The realignment of the parcel boundaries will merely encompass the area necessary to operate the car wash and the storage facility without providing additional acreage.

2. Required Finding:

That the granting of the Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.

Staff Analysis:

The existing parcels were created prior to City incorporation. There are at least three other parcels in the BP-M zone in the vicinity of the property that are also non-conforming in size. The proposed Variance reduces the non-conformity to only one lot instead of two.

3. Required Findings:

That the strict interpretation and enforcement of the provisions of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.

Staff Analysis:

The strict enforcement of the development standards of the BP-M zone would not allow for the reconfiguration of either non-conforming parcel, one of which bisects an existing use, thus creating a situation of having two separate uses on one parcel. The proposed Variance would allow for the reconfiguration of the two lots to allow one of 3-acres size, as required of the Zoning Ordinance, and for each use to be on its own parcel.

4. Required Findings:

That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements of the aesthetic value in the vicinity.

Staff Analysis:

The change in parcel boundaries will not require physical improvements to either parcel. The redesigned parcels will provide access to both parcels. All public utilities would remain accessible to both parcels.

5. Required Findings:

That the granting of the Variance will be consistent with the character of the surrounding area.

Staff Analysis:

The Variance would allow for one of the two non-conforming lots to meet the 3-acre minimum size requirement of the BP-M zone and would eliminate dual uses within one of the parcels.

RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission adopt a motion to approve Variance Case No. 05-VAR-007, subject to conditions, based on the findings of the attached Draft Resolution.

ATTACHMENTS

- Draft Resolution and Conditions of Approval
- Exhibit A: Vicinity/Zoning Map
- Exhibit B: Lot Line Adjustment Exhibit
- Exhibit C: Applicant's Burden of Proof
- Exhibit D: Environmental Determination