



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
April 16, 2009**

CALL TO ORDER: Vice Chair Zacuto called the meeting to order at 6:30 p.m.

FLAG SALUTE: Commissioner Nouzille

ROLL CALL: Vice Chair Curtis Zacuto, Commissioners Cyrena Nouzille and Steve Rishoff.

Also, present were Community Development Director Mike Kamino, Assistant Community Development Director Doug Hooper, Associate Planner Valerie Darbouze, Assistant Planner Renee Madrigal, Civil Engineer Jay Patel, Planning Consultant Dave Tabor, and Recording Secretary Sheila Keckhut.

Vice Chair Zacuto stated that the Commissioners had received notification of Chair O'Meara's and Commissioner Buckley Weber's requests for an excused absence from the meeting due to scheduling conflicts. There were no objections to excusing the absences.

APPROVAL OF MINUTES

1. Minutes – April 2, 2009 Planning Commission Meeting

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Minutes of the April 2, 2009 Planning Commission Meeting. Motion carried 2-0-1. Vice Chair Zacuto abstained. Chair O'Meara and Commissioner Buckley Weber were absent.

PUBLIC COMMENTS: None

CONTINUED PUBLIC HEARING

2. REQUEST: Request for approval of a Conditional Use Permit to construct a new 2,002 square foot, retail mini-mart and an additional fuel dispenser for an existing Chevron gasoline station; and a request for a Variance from Zoning Ordinance Section 9393.11 to construct the building on the rear (west) and south side property lines instead of providing the minimum building setback require of 18 feet.

APPLICANT: Parviz (David) Natanzi
5134 Kanan Road
Agoura Hills, CA 91301

CASE NOS.: 08-CUP-006 and 08-VAR-005

LOCATION: 5051 Kanan Road
(A.P.N. 2061-004-040)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15301.

RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 08-CUP-006 and Variance Case No. 08-VAR-005, subject to conditions, based on the findings of the draft Resolution.

PUBLIC COMMENTS: Vice Chair Zacuto opened the Public Hearing.

The following person spoke on this agenda item:

Patrick Fiedler, Fiedler Group representing the applicant.

Vice Chair Zacuto closed the Public Hearing.

ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Conditional Use Permit Case No. 08-CUP-006, subject to conditions. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve Variance Case No. 08-VAR-005, subject to conditions. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.

NEW PUBLIC HEARING

3. REQUEST: Request for the Planning Commission to conduct a public hearing and provide a recommendation to the City Council regarding a proposed ordinance to require a Conditional Use Permit for the commercial on-sale and off-sale of alcoholic beverages by amending Zoning Ordinance Sections 9120.1 and 9120.15 (Definitions), Sections 9312.2 and 9312.3 (Commercial Use Table), Sections 9396.1, 9396.2, and 9396.3 (Standards for Specific Uses), and Section 9542.1 (Freeway Corridor Overlay District), and Section 9710 (Nonconforming Alcoholic Beverage Establishments); and amending Chapter 4 (Permitted Uses and Prohibited Uses) of the Agoura Hills Specific Plan.

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: 09-ZOA-002

LOCATION: Citywide

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15061.B.3

RECOMMENDATION: Staff recommended that the Planning Commission adopt the draft Resolution, recommending that the City Council adopt draft Ordinance Case No. 09-ZOA-002.

PUBLIC COMMENTS: Vice Chair Zacuto opened the Public Hearing.

There were no speakers on this item.

Vice Chair Zacuto closed the Public Hearing.

COMMISSIONER NOUZILLE STATED THE 21ST AMENDMENT OF THE UNITED STATES CONSTITUTION HAS A PERSONAL SIGNIFICANCE TO HER AND SHE ABSTAINED FROM PARTICIPATING IN THE PUBLIC HEARING FOR THIS ITEM.

ACTION: On a motion by Commissioner Rishoff, seconded by Vice Chair Zacuto, the Planning Commission moved to adopt the Resolution, recommending that the City Council adopt draft Ordinance Case No. 09-ZOA-002. Motion carried 2-0-1. Commissioner Nouzille abstained. Chair O'Meara and Commission Buckley Weber were absent.

4. REQUEST: Request for the Planning Commission to conduct a public hearing for a recommendation to the City Council to amend Zoning Ordinance Section 9312.2 (Commercial Use Table) to allow daytime dog care, including overnight care in the Business Park Manufacturing zone (BP-M), subject to the issuance of a Conditional Use Permit.

APPLICANT: Paul Berkovitz
24400 Highlander Road
West Hills, CA 91307

CASE NO.: 09-ZOA-003

LOCATION: Citywide

ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15061.B.3

RECOMMENDATION: Staff recommended that the Planning Commission adopt a motion to approve a Resolution recommending that the City Council adopt draft Ordinance Case No. 09-ZOA-003.

PUBLIC COMMENTS: Vice Chair Zacuto opened the Public Hearing.

The following persons spoke on this agenda item:

Paul Berkovitz, applicant

Gary Klein, representing the applicant

Eleanor Ramirez, resident

Nina Lopez, resident

Moe Sherif, business owner

Rafael Herrera

Orlando Ortiz

Kassie McMenamin-Torres, Agoura Self Storage

Roger Ebrahimi

- REBUTTAL: Paul Berkovitz, applicant, gave rebuttal regarding the project and answered additional questions of the Planning Commission.
- Vice Chair Zacuto closed the Public Hearing.
- ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Resolution, recommending that the City Council adopt draft Ordinance Case No. 09-ZOA-003. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.
5. REQUEST: Request for a Site Plan/Architectural review to replace a self-serve car wash and lube/smog-check facility with a new 4,169 square-foot car wash, lube and smog check facility; a Tentative Parcel Map to adjust lot lines of three parcels for the proposed construction; a Sign Permit for the facility signage; and a Variance from Zoning Ordinance Sections 9383.4, 9606.2.E and 9383.1 to provide a 7.5-foot rear (south) yard building setback instead of a least 20 feet, to construct a 13-foot high retaining wall instead of a maximum height of 6 feet, and to provide for a parcel smaller than the minimum requirement of three acres.
- APPLICANT: Mohammed Sherif for Mr. Gu
29338 Roadside Drive
Agoura Hills, CA 91301
- CASE NOS.: 07-SPR-012, 07-VAR-003, 07-SP-024 &
TPM 70808
- LOCATION: 29338 Roadside Drive
(A.P.N. 2061-004-038, 039 and 027)
- ENVIRONMENTAL DETERMINATION: Exempt from CEQA per Section 15301
- RECOMMENDATION: Staff recommended the Planning Commission adopt a motion to approve Site Plan/Architectural Review Case No. 07-SPR-012, Sign Permit Case No. 07-SP-024, Variance Case No. 07-VAR-003, and Tentative Parcel Map Case No. TPM 70808, subject to conditions, based on the findings of the draft Resolutions.

RECESS: Vice Chair Zacuto called for a recess at 8:20 p.m.

RECONVENE: Vice Chair Zacuto reconvened the meeting at 8:37 p.m.

PUBLIC COMMENTS: Vice Chair Zacuto opened the public hearing.

The following persons spoke on this agenda item:

Moe Sherif, representing the applicant

Mark Hardy, HMK Engineering, Civil Engineer
representing the applicant.

Ryan Braddock, L. Newman Design, Landscape Architect
representing the applicant.

Uber Ortiz

Ken McLean

Orlando Ortiz

Rafael Herrera

Kassie McMenamin-Torres, Agoura Self Storage

Roger Ebrahimi

REBUTTAL: Moe Sherif, representing the applicant, gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Vice Chair Zacuto closed the public hearing.

ACTION: On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to adopt a motion to approve Site Plan/Architectural Review Case No. 07-SPR-012, and Sign Permit Case No. 07-SP-024, subject to conditions. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to adopt a motion to approve Variance Case No. 07-VAR-003, subject to conditions. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.

On a motion by Commissioner Rishoff, seconded by Commissioner Nouzille, the Planning Commission moved to adopt a motion to approve Tentative Parcel Map No. TPM 70808, subject to conditions. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.

ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

None

ADJOURNMENT

At 9:45 p.m., on a motion by Commissioner Nouzille, seconded by Commissioner Rishoff, the Planning Commission adjourned the meeting to the next scheduled Planning Commission meeting on Thursday, May 7, 2009, at 6:30 p.m. Motion carried 3-0. Chair O'Meara and Commission Buckley Weber were absent.