

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

**Regular Meeting
6:30 p.m.**

**December 4, 2013
City Council Chambers**

CALL TO ORDER

Vice Chair Motts called the meeting to order at 6:30 p.m. on Wednesday, December 4, 2013, in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, December 12, 2013.

ROLL CALL

Present: Commissioners Pinto, Miller, Baatrup and Westerman
Vice Chair Motts
Absent: Chair Hinojosa
Staff: Senior Planner, Mindy Gentry
City Engineer, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers
Contract Planner, Cindy Gnos

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

1. **Approval of Minutes:** None

END OF CONSENT CALENDAR

CONTINUED HEARING

2. **UP-13-03 – Panda Express** requests a use permit for a 2,230 sf freestanding restaurant building with a drive-thru that would be located on a 29,622 sf site carved out of the northwest corner of the existing Lowe's Home Improvement Warehouse Store parking lot, including a request for a Tentative Minor Subdivision Map, a Use Permit and Design Review for the proposed drive-thru restaurant. The project is located north of State Route 4 at the northeastern corner of the intersection of Somersville Road and Mahogany Way (APN 074-370-029). An Initial Study/Mitigated Negative Declaration is also proposed for adoption.

Contract Planner Cindy Gnos provided a summary of the staff report dated November

26, 2013.

OPENED PUBLIC HEARING

Applicant, Lupe Sandoval, asked the Planning Commission to consider the original site plan layout with modifications closing access to Auto Center Drive to allow better traffic flow. She said that they also provided site alternatives but that there are issues with traffic flow and configuration of each one. When the building is pulled away from the street and the drive thru is placed closer to the Lowes building, it affects the main parking serving Lowes. Also parking frontage creates an open funky area closer to the building.

In response to Commissioner Miller, applicant said that they have been working with Lowes, have worked out the boundaries, and that a representative of Lowes was here tonight.

In response to Commissioner Baatrup's request that applicant better describe the uniqueness of alternatives 1 and 2, Ms. Sandoval said that the drive access through the area is very open but that Lowes is not happy with the layout. Commissioner Baatrup stated that he likes the open feeling, likes the area to maneuver and feels this is less confining.

In response to Commissioner Pinto, applicant said that parking calculations are on the site plan and that on Alternative 2, Lowes would be under parked and Panda would be over parked. Commissioner Pinto stated that he is leaning toward Alternative 1.

Commissioner Motts asked applicant the main difference of the revised from the original, which applicant stated that the closed off access on Auto Center Drive, they have provided four stalls and the trash enclosure, and added additional parking in front of the building where the trash enclosure was located.

Lowes representative Monty Smith spoke to say that their biggest concern is that the building in both alternatives encroaches too much into Lowe's parking lot and that they lose considerable prime parking spaces.

Michael Cadell, construction manager for Panda Express said that they have worked extensively to come up with alternatives and have presented a couple different plans. He said that they were open to the possibility and just needed to get Lowes approval. They were ok with the parking but property lines have to be pulled out so much Panda is taking their prime parking and square footage. He said that they decided that they need to go back to the Planning Commission with the original site plan. Mr. Cadell said that this is their new prototype which is a new look for them, that they are trying to come up with a product that is just not selling food but selling the experience and that he hopes the Planning Commission will consider the submittal.

In response to Commissioner Pinto's question about the square footage with Alternatives 1 and 2, Mr. Cadell said that one of the issues with Alternative 2 is trying to bring the parcel out, which projects more into the Lowes parking lot, but even more

challenging is the side parking on the northwest. Commissioner Pinto said that since there is no fence separating the businesses that people will park anywhere they want and that he is more inclined towards Alternative 2 after the square footages have been explained to him.

CLOSED PUBLIC HEARING

Commissioner Westerman said that the problem he has with both alternatives is that much of the pedestrian traffic has to interact with cars that are in the queue which he doesn't like. He said that he also concerned with putting the drive thru toward the rear. That in most cases in Antioch where there is fast food and large parking lots serving other business, drive thrus are on the street side such as Starbucks on Somersville, restaurants on Lone Tree Way such as Taco Bell, Starbucks and McDonalds which are all on the street side. He said that he thinks the guidelines are looking at those situations where a restaurant is all by itself and it makes sense to put the drive thru in the rear. That he likes the revised original plan on the dais which puts the drive thru queue away from pedestrian traffic, minimizes intrusion into the parking area in front of Lowes and in his opinion is the best of the options

Commissiner Pinto questioned staff about the hash marked area on the plans going across the drive thru to which SP Gentry said that this is the path of travel which allows accessibility access from the restaurant to the street.

Commissioner Baatrup stated that this location is one of the premiere corridors in Antioch and that the guidelines are there to give them the opportunity as a City a way to provide the best customer experience for the long term which he does not think the initial proposal did. Having the drive thru between the road and the building even with the attempted improvements with short walls or detail isn't the best sell to the customers. While he appreciates the compromise by Lowes, having open space on the front side of the building gives an inviting appearance with less congestion. With that he is not sure if he is favoring Alternative 1 or 2 but that he can't support the revised original proposed. That looking down Mahogany, McDonalds, Kentucky Fried Chicken and the pizza place drive thrus go around the back of the building and that the drive thrus on Lone Tree Way don't look attractive.

Vice Chair Motts said that the limiting factor is placement within existing business and while he liked Alternative 1, he agrees with Commissioner Baatrup that it has a nice open feeling. He said that he is concerned that pedestrians have to maneuver through the drive thru. There are restaurants in Pittsburg where drive thrus come up to Century Boulevard. He said it is nice to see Alternative 1 but he is not sure it is the safest for people and it does cause traffic flow problems for Lowes.

Vice Chair Motts said that the Planning Commission needs to consider options on elevations for design review and the need to specify which one the commissioners liked.

Commissioner Baatrup said that his opinion about architecture is that it will be changed with whichever alternative they select and that it is more practical to consider the alternatives chosen to approve and then what might be chosen to enhance the view.

He said that people going from Lowes to Panda would have to go through the parking lot and that he is more fearful of traffic maneuvers than someone waiting in the drive thru.

In response to Commissioner Pinto's question to staff about main entrances into Lowes, SP Gentry directed this to the applicant.

REOPENED PUBLIC HEARING

Mr. Cadell said that they have been at this for a year and a half and that there are things to consider such as location, visibility, and working with traffic flow. That they have done carve outs on different lots but with this one is different having two side streets and pushing it back does not give it an inviting feel. He said that there has been some changes internally with Lowes, that they have presented ten or fifteen possibilities but that this is the only one they agreed to move forward with.

Vice Chair Motts asked Mr. Cadell if he feels these options are game changers to which he said that while he was unable to make the last meeting, it was suggested that they come up with alternatives which work better with the guidelines. He said that they came up with alternatives but that this is possibly a game changer as he is not sure what Lowes is prepared to do, that Panda is prepared either way but that Lowes is their partner in this.

In response to Commissioner Miller, Mr. Cadell said that Lowe's concern was customers coming in to turn into the drive thru which would inhibit people entering into Lowes. That going back to the original plan, they integrated Lowe's considerations. He said that part of the conditions is to beef up the landscaping screening between the drive thru and the street.

Rod Scaccalosi, landscape architect, said that there is quite a bit of landscape area between the drive thru aisle and the right of way on the revised original, that he is confident that they can provide screening to any level required, and that there is a lot more area to work with on this project.

In response to Vice Chair Motts, Mr. Scaccolosi said that the landscaping will screen lights and vehicle height.

RECLOSE PUBLIC HEARING

Commissioner Westerman said that his first choice would be the revised original and that his second choice would be Alternative 1.

Commissioner Miller said he likes the revised as his first choice and Alternative 2 as his second choice.

Commissioner Pinto clarified with staff that on the revised plan, the length of the drive thru is approximate 200 feet. Commissioner Pinto said that with the maximum number of cars in view if driving on Somersville would be approximately 4 to 5 cars, he is

beginning to like the revised original. He said his first preference is Alternative 2 and second is the revised original plan.

Vice Chair Motts stated that the first motion would be needed for approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and there is not much of a change by way of environmental impact on any of these options.

RESOLUTION NO. 2013-21

On motion by Commissioner Pinto and seconded by Commissioner Miller, the Planning Commission approves and adopts the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.

AYES: *Motts, Pinto, Miller, Baatrup, and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Hinojosa*

Vice Chair Motts stated that his preference is the revised original and Alternative 2 for design review.

CA Nerland said that the Planning Commission resolution and findings were for minor subdivision, use permit and design all together and that those are not separate. She said perhaps a straw poll could be made on the site plan if they are not ready to make a motion on the entire thing.

SP Gentry clarified that when a motion is made, it would help staff to add conditions of approval for site plan and elevations stating the option selected.

Commissioner Baatrup pointed out and clarified Standard Condition 2.

A straw poll was conducted.

CA Nerland stated that four votes are needed and she is not sure there is a consensus.

Commissioner Pinto stated that he is willing to change his alternative to the revised original which was his second choice given that it has become clear to him that not all 10 cars will be visible.

Commissioner Baatrup clarified that this is not going on to City Council but would be decided tonight unless it is appealed to the City Council.

RESOLUTION NO. 2013-22

On motion by Commissioner Pinto and seconded by Commissioner Westerman, the Planning Commission approves a minor subdivision, use permit and design review for the Panda Express project on an approximately 11.2 acre parcel

located at 1951 Somersville Road (Auto Center Drive) (APN 074-370-029), approving the revised original site plan date stamped December 3, 2013, approving option 2 elevation, subject to all conditions.

AYES: Motts, Pinto, Miller and Westerman
NOES: Baatrup
ABSTAIN: None
ABSENT: Hinojosa

ORAL COMMUNICATIONS

SP Gentry Mindy said that the next two Planning Commission meetings are cancelled and the next meeting will be January 15th.

CA Nerland said that City Council approved the computer gaming ordinance, that City Council introduced the zoning ordinance for fortunetelling uses which will be considered Tuesday night, and that the Pointe project that Planning Commission heard will be heard by City Council this Tuesday as well.

CA Nerland explained the voting process dealing with the state wide law.

SP Gentry said that given the ongoing annexation process, the Planning Commission seat may not be filled for awhile to allow applications from that area.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Motts adjourned the Planning Commission at 7:45 p.m.

Respectfully Submitted,
Cheryl Hammers