



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

Regular Meeting of May 21, 2015 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Chair Lisa Figueroa

PLEDGE OF ALLEGIANCE

Commissioner Dunstan

ROLL CALL

Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Vice Chair Foster Reif and Chair Lisa Figueroa

REORDERING OF AGENDA

PRESENTATIONS

None

APPROVAL OF MINUTES

- 1. Minutes of the regular Planning Commission meeting of April 16, 2015**

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

2. Discussion of Fast Food Restaurant Locational Restrictions

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, June 4, 2015 at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of April 16, 2015 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Chair Figueroa called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Reif led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Brian Dunstan, Art Mercado, Joe Padilla, Vice
Chair Foster Reif and Chair Lisa Figueroa

Staff: City Manager Marc Bierdzinski
Public Works Director Rose Hess
Contract Planner Irma Tucker
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

The Agenda was reordered to allow the Planning Director Report at this time.

PLANNING DIRECTOR REPORT

City Manager Marc Bierdzinski updated the Commission on recent City Council actions and the status of various projects and reminded the Commission to forward their definitions of fast food restaurants to him via email.

PRESENTATIONS

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of April 2, 2015

MOTION:

Commissioner Mercado moved and Commissioner Padilla seconded the motion to approve the Minutes of April 2, 2015.

VOTE:

Motion passed by 4-0 voice vote with abstention by Vice Chair Reif due to his absence from the meeting.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

2. **Resolution No. 15-05 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Final Development Plan (14-FDP-05) for the Terravant Annex Storage Facility, Construction of a New 54,000 Square Foot Building on a 128,857 Square Foot Parcel Located at 80 Industrial Way, Assessor’s Parcel Number 099-690-053, and Making Findings in Support Thereof”**

Commissioner Padilla recused himself from the Dais due to his employment with the Applicant.

STAFF REPORT:

Contract Planner Irma Tucker presented the staff report with a PowerPoint presentation.

SPEAKERS/DISCUSSION:

This Public Hearing is continued from the March 19, 2015 Planning Commission meeting.

Vice Chair Reif declared ex parte communications with Randy Pace, Terravant Wine Company.

Lew Eisaguirre, Terravant Wine Company, explained recent changes to the project including moving the asphalt area 20 feet further from the southern setback, modifying the building truck bays, providing off-site trash enclosures, and reducing the number of parking spaces to 22.

Mr. Eisaguirre presented a hand out of the modified design and site plan and explained conditions including the riparian habitat restoration in the setback area and also the existing retention pond at the Terravant building, provide a parking agreement for at least 17 off-site parking spaces at the adjacent properties, and moving the trash enclosures to an off-site location.

City Manager Bierdzinski clarified that the only noticeable changes are the decrease in building size and the reduction in the number of parking spaces. He stated that off-site parking is allowed by the Municipal Code.

Ron Anderson 374 Kendale Road, Buellton, spoke in favor of the project and gave a brief history of the site.

Peggy Brierton, 225 Teri Sue Lane, Buellton, spoke in favor of the project but expressed concerns in regards to parking and trail construction. She suggested additional landscaping along the east side of the proposed building.

Larry Bishop, 511 Sycamore Dr., Buellton, read a statement to the Commission expressing concerns regarding the routing of the bike and pedestrian trail and proper waste storage. He suggested adding solar panels on the building and signage to identify the public access trail.

Pete Robertson, 1376 Calzada Ave., Santa Ynez, spoke in favor of the project.

Randy Pace, Terravant Wine Company, addressed parking concerns and the decision not to use pervious paving as it does not hold up under heavy truck traffic.

Chair Figueroa closed the Public Hearing at: 7:10 p.m.

The Commission discussed the following issues:

- adding a condition for an agreement for off-site parking
- adding a condition for an agreement for off-site trash enclosures
- updating the landscaping at the existing Terravant building
- Vice Chair Reif was not in support of the off-site parking.

MOTION:

Commissioner Mercado moved and Chair Figueroa seconded the motion to adopt Resolution No. 15-05 by title only and waive further reading incorporating the new site plan, off-site landscape restoration, off-site trash enclosures and parking, and adding the Fire Department conditions.

VOTE:

Motion passed with a 3-1 roll call vote with Vice Chair Reif voting no.

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

Chair Figueroa adjourned the meeting at 7:19 p.m. to the next regular scheduled meeting of the Planning Commission to be held May 7, 2015 at the City Council Chambers, 140 West Highway 246, Buellton.

Lisa Figueroa, Planning Commission Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request.

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPRB
Planning Commission Agenda Item No: 2

To: The Honorable Chair and Commission Members
From: Marc P. Bierdzinski, City Manager
Date: May 21, 2015
Subject: Discussion of Fast Food Restaurant Locational Restrictions

BACKGROUND

On February 5, 2015, the Planning Commission reviewed possible locational restrictions and definitions for fast food restaurants. At that meeting, the item was continued to allow Planning Commission members to provide their idea for a definition of a fast food restaurant. Lisa Figueroa, Brian Dunstan, and Joe Padilla provided their definitions as noted below:

Lisa Figueroa

An establishment selling pre-made or quickly prepared food that is served in disposable packaging.

Brian Dunstan

I think it would be wise to have any restaurants which are borderline to our definition of a fast food restaurant to be brought to the commission or council for a vote. What a fast food restaurant is seems to be under constant change and to lock down a specific or exact definition would be imprudent. Adding some type of flexibility would be preferred.

Here is my definition of a fast food restaurant:

A fast food restaurant, also known as a quick service restaurant (QSR), is characterized both by food cooked in bulk in advance, kept warm or reheated to order that can be served quickly, and by minimal table service and/or drive-through window service. This type of restaurant is typically part of a restaurant chain or franchise operation, which provisions standardized ingredients and/or partially prepared foods and supplies to each restaurant through controlled supply channels.

Joe Padilla

Fast Food Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either on or off premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.

And where Two (2) of the following criteria are met:

- 1. Any establishment that uses drive through windows as a regular means of ordering and delivering food and beverages.*
- 2. The Brand of the establishment has more than 20 locations*

3. *Less than 20 seats available for dining*

Text From February 5, 2015, Staff Report

In late 2014, the City Council directed staff to investigate restricting the locations of fast food restaurants. A consensus of the City Council did not want fast food restaurants to start locating outside of the main Highway 246 corridor, and also restricting locations on Highway 246 itself. Preliminary direction was to limit the fast food restaurants to the area shown on Attachment 1.

In order to move forward with an ordinance amendment regarding this issue, staff needs input from the community and direction from the Planning Commission on two items: locational restrictions and a definition of a fast food restaurant.

Locational Restrictions

As noted above, Attachment 1 is the draft boundaries as identified by the City Council. Staff is seeking direction of whether to expand or contract the boundaries as shown.

Definitions

The most difficult aspect of this project will be defining what constitutes a fast food restaurant. Our economic consultant, Kosmont Companies, has indicated that the restaurant industry is ever changing and a definition of fast food in the past may now preclude a restaurant that you would not have considered fast food. For example, if you define fast food as a restaurant having a drive-through lane, then you will now preclude Panera Bread from locating in other areas of the City. Panera Bread now requires drive-through lanes in all of their restaurants whereas in the past they did not. Therefore, the definition developed needs to take into account a myriad of factors.

The following are a few fast food restaurant definitions from other cities and sources:

Santa Maria

Restaurant, fast-food. "Fast-food restaurant" means a place that is primarily designed and used for the sale of prepared foods to be consumed off the premises.

Cotati

Formula-Based Fast Food Restaurant. A national, regional, or local formula food service establishment that uses a Trademark, Logo, Service Mark or other mutually identifying name or symbol that is shared by 150 or more similar establishments within the United State, and which maintains a standardized array of merchandise, or standard service, décor, color scheme, business methods, architecture, layout, uniform apparel, signage or similar standardized feature; and is dedicated to food service where food is consumed on or off site and exhibits three or more of the following characteristics:

1. *Food is pre-made and wrapped before customers place orders;*
2. *Food is served with disposable tableware for on-site food consumption;*
3. *Food is ordered from a wall menu at a service counter;*
4. *Food is consumed on the premises is ordered while customers are standing;*
5. *Payment is made by customers before food is consumed; and*
6. *The service counter is closer to an entry/exit than is the seating/dining area.*

Seaside

Definition of "Restaurant, Fast Food"

A retail business that sells ready-to-consume food products for on or off-premise consumption and whose design or operation includes three or more of the following characteristics:

- 1. Foods are usually served in paper, plastic or disposable containers;*
- 2. Foods can be served directly to the consumer in a motor vehicle either by a carhop or by other means which eliminate the need for a customer to exit the motor vehicle;*
- 3. The consumption of food within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed or encouraged;*
- 4. The facilities for on-premises consumption of food are insufficient for the volume of food sold in the restaurant;*
- 5. Table service is not provided; and/or*
- 6. A restaurant that has as its principal business the sale of prepared and/or ready-to-eat food or beverage for consumption on or off the premises, and that is affiliated with three or more other restaurants with a similar name, trademark, trade name, trade style or type of food service, by commonality of ownership, control or contract arrangement, or which is advertised to give the appearance of affiliation.*

Los Angeles

Fast Food Restaurant. Any establishment which dispenses food for consumption on or off the premises, and which has the following characteristics: a limited menu, items prepared in advance or prepared or heated quickly, no table orders, and food served in disposable wrapping or containers.

Solvang

Restaurant, Formula: A restaurant devoted to the preparation and offering for sale of food and beverages for consumption either on or off the premises, which is required by contractual or other arrangements to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms or similar standardized features, and where there are five (5) or more similar locations nationwide. Notwithstanding the foregoing, a full service restaurant, where there are less than twenty five (25) locations nationwide does not meet the definition of a formula restaurant and "uniforms" do not include Northern European ethnic garb.

The Latest Illustrated Book of Development Definitions (2004)

An establishment where food and/or beverages are sold in a form ready for consumption, where all or significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Santa Barbara

Fast Food Restaurant. Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.

City of Arroyo Grande

An establishment whose principal business is one that offers quick food service primarily for take out, which is accomplished through a limited menu of items already prepared and held for service, and that is characterized by high automobile accessibility, self service, short stays by customers and having late or long hours of operation (e.g., open six a.m. to eleven p.m. or outside of those hours).

City of Alameda

Businesses that offer quick food service which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

City of Glendale

An establishment which is engaged primarily in the business of preparing food and purveying it on a self serve or semi-self serve basis, and with more than eight (8) seats. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

City of Irvine

An establishment whose principal business is the sale of prepared, "take-out" or rapidly pre-prepared food served in disposable packaging directly to the customer, for consumption either within the restaurant or off the premises.

City of Pacifica

An eating establishment whose primary use is the quick selling of food in ready-to-consume individual servings. Such food is typically served over-the-counter in pre-packaged disposable containers. Fast food restaurants have more than one seat per one hundred fifty (150') square feet gross leasable floor area.

As you can see, the definitions run from simple to complex. One suggested way to proceed would be to craft a definition based on the best portions of several of the definitions.

Once direction is provided, staff will prepare an ordinance amendment amending Title 19 (Zoning) based on that direction.

RECOMMENDATION

That the Planning Commission receive public input and provide direction to staff on locational restrictions for fast food restaurants and the definition of a fast food restaurant.

ATTACHMENTS

Attachment 1 – Map of Proposed Fast Food Restaurant Locations

