

RESOLUTION NO. 11725

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND APPROVING A CONDITIONAL USE PERMIT FOR A DRIVE-THROUGH RESTAURANT FOR YOGURT TIME CENTER LOCATED AT 3093 MARLOW ROAD, ASSESSOR'S PARCEL NO. 036-011-054, FILE NO. MJP15-006

WHEREAS, an application was submitted requesting the approval of a Conditional Use Permit for a drive-through facility, to be located at 3093 Marlow Road, also identified as Sonoma County Assessor's Parcel Number 036-011-054;

WHEREAS, the Planning Commission held a duly noticed public hearing on the application at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the application, the staff reports, oral and written, the General Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the drive-through has been reviewed and, as conditioned, meets the drive-through development criteria set out in City Code Section 20-42.064 (drive-through facilities); and

NOW, THEREFORE, BE IT RESOLVED, that after consideration of the reports, documents, testimony, and other materials presented, and pursuant to City Code Section 20-52.050 (Conditional Use Permit), the Planning Commission of the City of Santa Rosa finds and determines:

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
- B. The proposed use is consistent with the General Plan and any applicable specific plan in that the site is one of several contiguous parcels designated in the General Plan Land Use Diagram as a Community Shopping Center, an area that is intended to provide a mix of residential and commercial uses. The drive-through facility, along with the other retail uses proposed that make up Yogurt Time Center, will meet the needs of the surrounding residential neighborhoods;
- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity in that it has been designed with adequate parking located behind the commercial buildings; it will provide a mix of retail and commercial uses to surrounding neighborhoods; the drive-through aisle is separated from the circulation routes necessary for ingress or egress from the property; and the design includes a well-designed seating area at the corner of Piner Road and Marlow Road;

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and
- F. The Yogurt Time Center project has been reviewed and found in compliance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 in that it is consistent with the City of Santa Rosa General Plan and complies with Zoning Code requirements. Pursuant to Section 15332, the project is also categorically exempt from CEQA as it meets the criteria for in-fill development.

BE IT FURTHER RESOLVED, that this Conditional Use Permit is subject to all applicable provisions of the Zoning Code, including Section 20-54.100 (Permit Revocation or Modification).

BE IT FURTHER RESOLVED that a Conditional Use Permit for a drive-through facility for Yogurt Time Center, to be located at 3093 Marlow Road, is approved subject to each of the following conditions:

DEPARTMENT OF COMMUNITY DEVELOPMENT

GENERAL:

1. Comply with the Development Advisory Committee Report dated August 5, 2015.
2. Compliance with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
3. The drive-through exit shall be signed and striped for left turn only. The east-west drive aisle at the drive-through entrance shall be painted "KEEP CLEAR".

EXPIRATION AND EXTENSION:

4. This Conditional Use Permit shall be valid for a two-year period. If construction has not begun or if an approved use has not commenced within two (2) years from date of approval, this approval shall automatically expire and shall be invalid unless an application for extension is filed 30 days prior to expiration.
5. If implemented within the initial approval period in accordance with all conditions of approval, this Conditional Use Permit shall be valid for the duration of use.

PLANNING DIVISION:

6. Plans submitted for Design Review shall include appropriate screening along the north end of the drive-through aisle to prevent headlight glare from impacting vehicular traffic along Piner Road.

7. The proposed project must obtain Preliminary and Final Design Review from the Design Review Board.
8. The site shall remain in compliance with City Graffiti Abatement Program Standards for Graffiti Removal (City Code 10-17.080).
9. Once the drive-through restaurant is open, the site and surrounding street frontages shall be monitored daily for trash pick-up.
10. Street trees along Piner Road shall be evaluated and replaced as necessary while site improvements are being implemented. Selection will be made from the City's approved Master Street Tree Plant List in coordination with the City Parks Division. Planting shall be done in accordance with the City "Standards and Specifications for Planting Parkway Trees."
11. LIGHTING:
 - A. All exterior lighting shall be shown and specified on the plans submitted for issuance of a building permit in accordance with the Design Review approval.
 - B. Light sources shall be concealed from public view.
 - C. All lighting shall be directed toward the subject property and away from adjacent properties.
 - D. The mounting height of lighting fixtures in parking areas shall not exceed 14-feet in height. Lower mounting heights are encouraged.
12. PARKING:
 - A. The parking lot shall be provided with concrete curbing around all planter areas unless specifically approved by the Department of Community Development in some other fashion.
 - B. The parking lot shall be striped according to City standards; accessible and compact spaces shall be identified and marked accordingly.
 - C. Bicycle parking shall be provided in accordance with Zoning Code requirements. The location and number of spaces shall be shown on the site plan submitted for issuance of a building permit.
13. SIGNING:
 - A. No exterior signs, banners, or the like are approved with this permit. A planning sign permit application is required for all signs.
 - B. An entitlement sign permit application is required for all signs.

- C. Sign permit approval shall be obtained prior to application for a building permit.
- D. Building permits for sign installations shall be separate permits from other building permits issued for construction.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds and determines this entitlement to use would not be granted but for the applicability and validity of each and every one of the above conditions and that if any one or more of the above said conditions are invalid, this entitlement to use would not have been granted without requiring other valid conditions for achieving the purposes and intent of such approval.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 10th day of September, 2015 by the following vote:

AYES: (7) Chair Cisco, Vice-Chair Stanley, Commissioners Crocker, DeRezendes-Claiche, Dippel, Duggan and Groninga

NOES: (0)

ABSTAIN: (0)

ABSENT: (0)

APPROVED: 
CHAIR

ATTEST: 
EXECUTIVE SECRETARY