

REPORT AMENDED BY STAFF 2-26-87
CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Dairy Queen Stores, Inc., 1111 Howe Ave., Sacramento, CA 95825
OWNER Cypress St. Enterprises, 2060 Hilltop, Redding, CA 96001
PLANS BY RJN Associates, 9855 Business Park Dr., Suite G, Sacramento, CA 95827
FILING DATE 1/23/87 ENVIR. DET. Neg. Dec. 2/16/87 REPORT BY SD:kh
ASSESSOR'S-PCL. NO. 025-0071-035

- APPLICATION:**
- A. Negative Declaration
 - B. Special Permit to establish a restaurant in the EA-2 zone
 - C. Special Permit for a drive-up window

LOCATION: 2426 Fruitridge Road

PROPOSAL: The applicant is requesting the necessary entitlements to establish a 2,500 sq. ft. fast-food restaurant with a drive-up window in the General Commercial Executive Airport-2 (C-2, EA-2) zone.

PROJECT INFORMATION:

1974 General Plan Designation: Commercial
1965 Sutterville Heights Community
Plan Designation: Commercial, Shopping
Existing Zoning of Site: C-2, EA-2, EA-4
Existing Land Use of Site: Vacant restaurant

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Commercial; C-2	Front:	50'	48'
South: Church; C-2	Side (East):	0'	45'
East: Church; C-2	Side (West):	0'	44'
West: Shopping; C-2	Rear:	0'	19'

Parking Required: 25 spaces
Parking Provided: 28 spaces
Property Dimensions: 140' x 185'
Property Area: .59± acres
Lot Coverage: 10%
Square Footage of Building: 2,496
Height of Building: One story, 17'
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Stucco
Roof Material: Concrete tile and composition shingle
Number of Seats: 70

BACKGROUND INFORMATION: The subject site was formerly a Burger Chef fast-food restaurant. The use was vacated more than one year ago. A special permit is required to establish a restaurant in the Executive Airport Overlay 2 zone. Also, a special permit is required to establish a drive-through window for the restaurant.

PROJECT EVALUATION: Staff has made the following findings:

A. Land Use

The subject site consists of 0.6± acres of land located in the General Commercial (C-2) zone. The site is designated for commercial uses in the 1974 General Plan. The site is currently developed with a vacant fast-food restaurant which is in a dilapidated state of repair. The site is surrounded by commercial uses to the north, church land to the east and south, and a gas station and vacant land to the west. Surrounding property is zoned C-2.

The subject site is located primarily within the Executive Airport Overlay Zone 2. A small portion of the southeast corner of the site (1,275 square feet) is in the Executive Airport Overlay Zone 4. Because the site is primarily in the EA-2 zone, the applicant must comply with the regulations and restrictions of that overlay zone. A restaurant is allowed subject to issuance of a special permit by the Planning Commission. The applicant is also requesting to establish a drive-up window facility which is an ancillary use to the restaurant. A drive-up window requires special permit approval also.

The previous restaurant was 1,941 square feet in size and sat 58 people at booths, tables and stools. The applicant proposes to add 555 square feet and 12 seats.

~~Staff must make the following findings in order to approve a special permit for a restaurant in the EA-2 zone:~~

~~The Planning Commission must find that the use will not cause a safety or noise problem to either aircraft from Executive Airport or to users of the site, and that the proposed project will not result in any of the following: (staff amended)~~

1. Above ground storage of flammable or explosive material;
2. Height of structure of more than two habitable stories or 30 feet;
3. Structural lot coverage of more than 20 percent if a new building or expansion of an existing structure is proposed as part of the use application.

~~Staff finds that the proposed project will result in none of the above.~~

The structure is existing at one-story in height which is well under the 30' height limit. In addition, there will be no on-site storage of flammable material and the structure does not cover over 20% of the site. The subject site is located at the very end of the EA-2 zone, a portion of the site is actually located in the EA-4 zone. The Airport Land Use Commission cited no specific safety problems related to the site. (staff amended) In order to limit the exposure of people on-site to the level it was at the time the Executive Airport Zone was adopted, staff recommends the seats be limited to 58. Staff has no objection to the additional 555 square feet or to the drive-up window as a logical ancillary use to the primary restaurant use.

B. Design

Plans for the project were routed to the Traffic Engineer for comment on the drive-up window. The following were received:

1. Drive-up window lanes will block departing vehicles from the six side stalls when storage lane is full.
2. Full size stalls to be a minimum of 18 feet in depth. Compact stalls to be a minimum of 16 feet in depth.

Fifty-eight seats require 19 parking spaces. There are 28 on-site. Staff believes the parking can be restriped to meet the concerns of the Traffic Engineer.

The parking lot does not require resurfacing so the 50 percent parking lot shading requirement does not require compliance. The applicant proposes to re-landscape and add shade trees to existing planters.

The applicant shall submit detailed landscaping and irrigation plans for staff review and approval prior to issuance of building permits.

There is a 50-foot setback required on Fruitridge Road. Plans shall be redesigned to increase the front setback from 48 feet to 50 feet.

The applicant proposes building materials of stucco, tinted glass, and concrete tile, and composition-shingle roofing. Staff finds the building materials and elevations compatible with surrounding development. ~~If a detached sign is proposed, staff recommends that a monument sign with maximum height of 12 feet be provided. This will improve the visual appearance of the streetscape.~~

There is an existing pole sign on the site which the applicant proposes to repair and use. The top portion of the sign has moving lights which the applicant proposed to remove. Staff has no objection to this proposal. (staff added)

C. Conclusion:

Staff finds that the project will not result in storage of flammable material, a height exceeding 30', or lot coverage exceeding 20% of the site. In addition, the project will not cause a safety or noise problem for aircraft from Executive Airport or to users of the site. (staff added)

Staff finds that the project will not increase the exposure of people using the facility beyond the number using it at the time the Executive Airport Overlay Zone was adopted. ~~Furthermore,~~ the non-conforming use section of the Zoning Ordinance states that non-conforming uses which are discontinued over one year shall terminate all non-conforming rights. However, a strict application of the regulation would present a hardship to the applicant in that the structure was erected for restaurant purposes and would be difficult to alter to suit another use. (staff amended)

D. Other Agency Comments:

Plans for this project were routed to Engineering, Traffic, Building Inspections, Police and the Airport Land Use Commission. The following was received from the ALUC:

Safety - According to the Executive Airport CLUP (March 1982) eating establishments which provide table service or serve meals are an inconsistent land use within Approach Zone 2 and a compatible land use within the Overflight

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has reviewed the project and determined that it will not have a negative effect on the environment. A Negative Declaration has been filed.

RECOMMENDATION: Staff recommends that the Commission take the following actions:

- A. Ratify the negative declaration.
- B. Approve the special permit to establish a restaurant subject to conditions and based on findings of fact which follow:
- C. Approve the special permit for the drive-up window for the restaurant subject to conditions and based on findings of fact which follow:

Conditions

1. Seating shall be limited to 58.
2. The applicant shall submit detailed landscaping and irrigation plans for staff review and approval prior to issuance of building permits.
3. The applicant shall redesign the parking lot striping to comply with the Zoning Ordinance dimension requirements and eliminate conflict with the drive-up window stacking space.
4. The site plan shall be redesigned to reflect a 50-foot setback on Fruitridge Road.
5. ~~No/pole sign/shall/be allowed./~~ A monument sign with a maximum height of 12 feet shall be allowed/
5. The applicant shall remove the top illuminated portion of the existing pole sign and repair the remaining portion for use with the current project (staff added)

Findings of Fact

1. The project, as conditioned, is based upon sound principles of land use in that:
 - a. seating capacity will be restricted to the number of seats existing at the time of Airport Land Use Plan was adopted;
 - b. the existing structure is designed for restaurant use and it would pose a hardship to the applicant to alter it for another use;
 - c. the drive-up window is a logical ancillary use to the primary restaurant use;
 - d. the site is located at the very end of the EA-2 zone; (staff added)
 - e. the Airport Land Use Commission staff cited no specific safety problem-related to the site. (staff added)
2. Granting the special permit, as conditioned, will not be detrimental to public health, safety or welfare or result in a nuisance in that:
 - a. adequate parking is provided;

- b. stacking space will not conflict with parking space;
 - c. parking lot shading will be increased over what was previously provided;
 - d. *there is no above-ground storage of flammable material; (staff added)*
 - e. *the height of the structure does not exceed the limit of the EA-2 zone (staff added)*
 - f. *the structure does not cover more than 20% of the site. (staff added)*
3. The proposed project is consistent with the City's Discretionary Interim Land Use Policy in that the site is designated for commercial purposes in the 1974 General Plan and the proposed restaurant and drive-up window conform to the plan designation.

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see amended report

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The previous restaurant was 1,941 square feet in size and sat 58 people at booths, tables and stools. The applicant proposes to add 555 square feet and 12 seats.

Staff must make the following findings in order to approve a special permit for a restaurant in the EA-2 zone:

The proposed project will not result in any of the following:

1. Above ground storage of flammable or explosive material;
2. Height of structure of more than two habitable stories or 30 feet;
3. Structural lot coverage of more than 20 percent if a new building or expansion of an existing structure is proposed as part of the use application.

Staff finds that the proposed project will result in none of the above.

In order to limit the exposure of people on-site to the level it was at the time the Executive Airport Zone was adopted, staff recommends the seats be limited to 58. Staff has no objection to the additional 555 square feet or to the drive-up window as a logical ancillary use to the primary restaurant use.

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C. Conclusion:

Staff finds that the project will not increase the exposure of people using the facility beyond the number using it at the time the Executive Airport Overlay Zone was adopted. Furthermore, the non-conforming use section of the Zoning Ordinance states that non-conforming uses which are discontinued over one year shall terminate all non-conforming rights. However, a strict application of the regulation would present a hardship to the applicant in that the structure was erected for restaurant purposes and would be difficult to alter to suit another use.

D. Other Agency Comments:

Plans for this project were routed to Engineering, Traffic, Building Inspections, Police and the Airport Land Use Commission. The following was received from the ALUC:

Safety - According to the Executive Airport CLUP (March 1982) eating establishments which provide table service or serve meals are an inconsistent land use within Approach Zone 2 and a compatible land use within the Overflight Zone. If, however, the building has been used as a restaurant within the last year, the restaurant use may continue within Approach Zone 2.

Height - Height restrictions at the project site are approximately 100 feet above the airport elevation. It is unlikely that any use associated with the proposed restaurant would exceed this height.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has reviewed the project and determined that it will not have a negative effect on the environment. A Negative Declaration has been filed.

RECOMMENDATION: Staff recommends that the Commission take the following actions:

- A. Ratify the negative declaration.

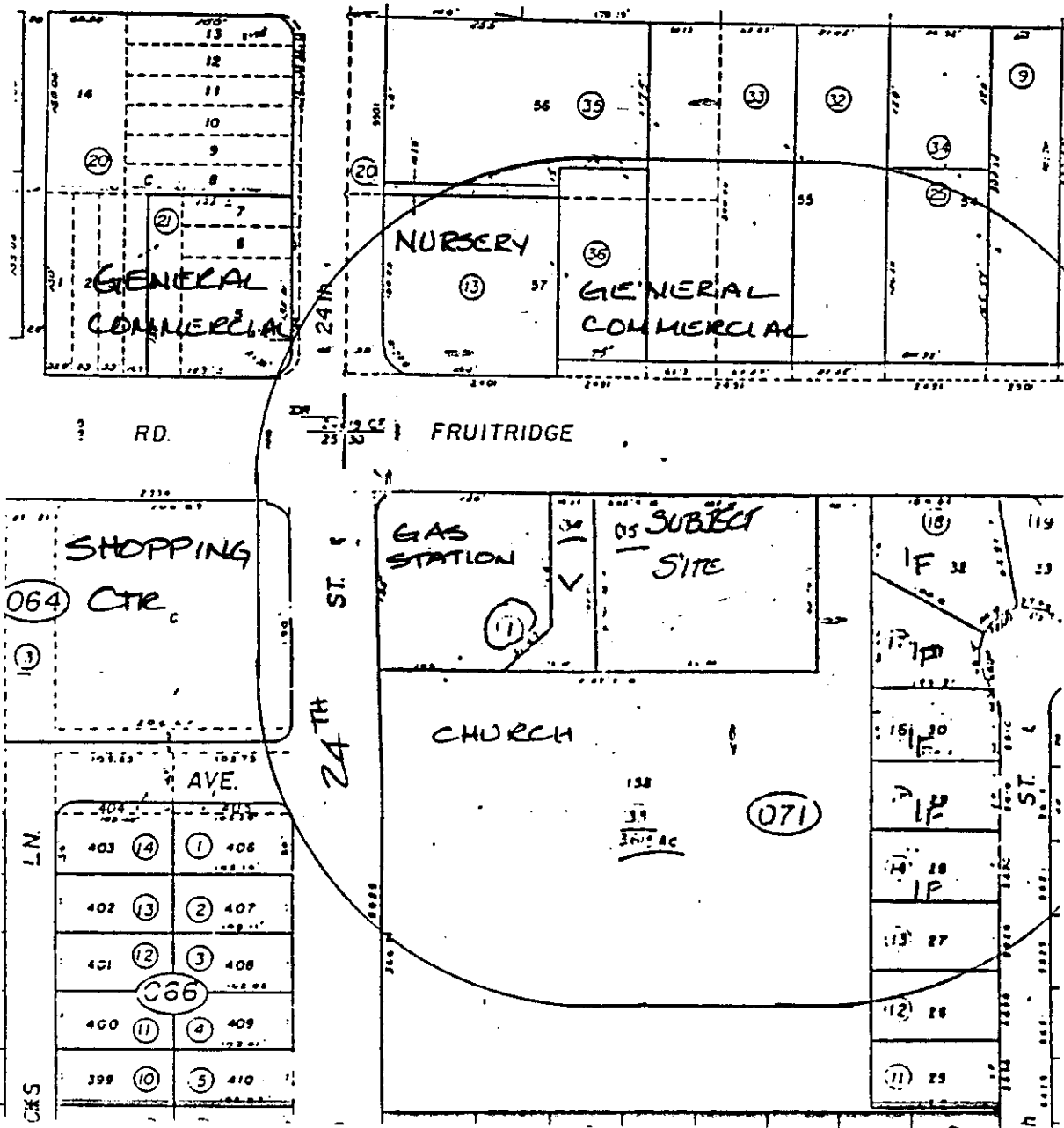
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Findings of Fact

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 - a. seating capacity will be restricted to the number of seats existing at the time of Airport Land Use Plan was adopted;
 - b. the existing structure is designed for restaurant use and it would pose a hardship to the applicant to alter it for another use;
 - c. the drive-up window is a logical ancillary use to the primary restaurant use.
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 - b. stacking space will not conflict with parking space;
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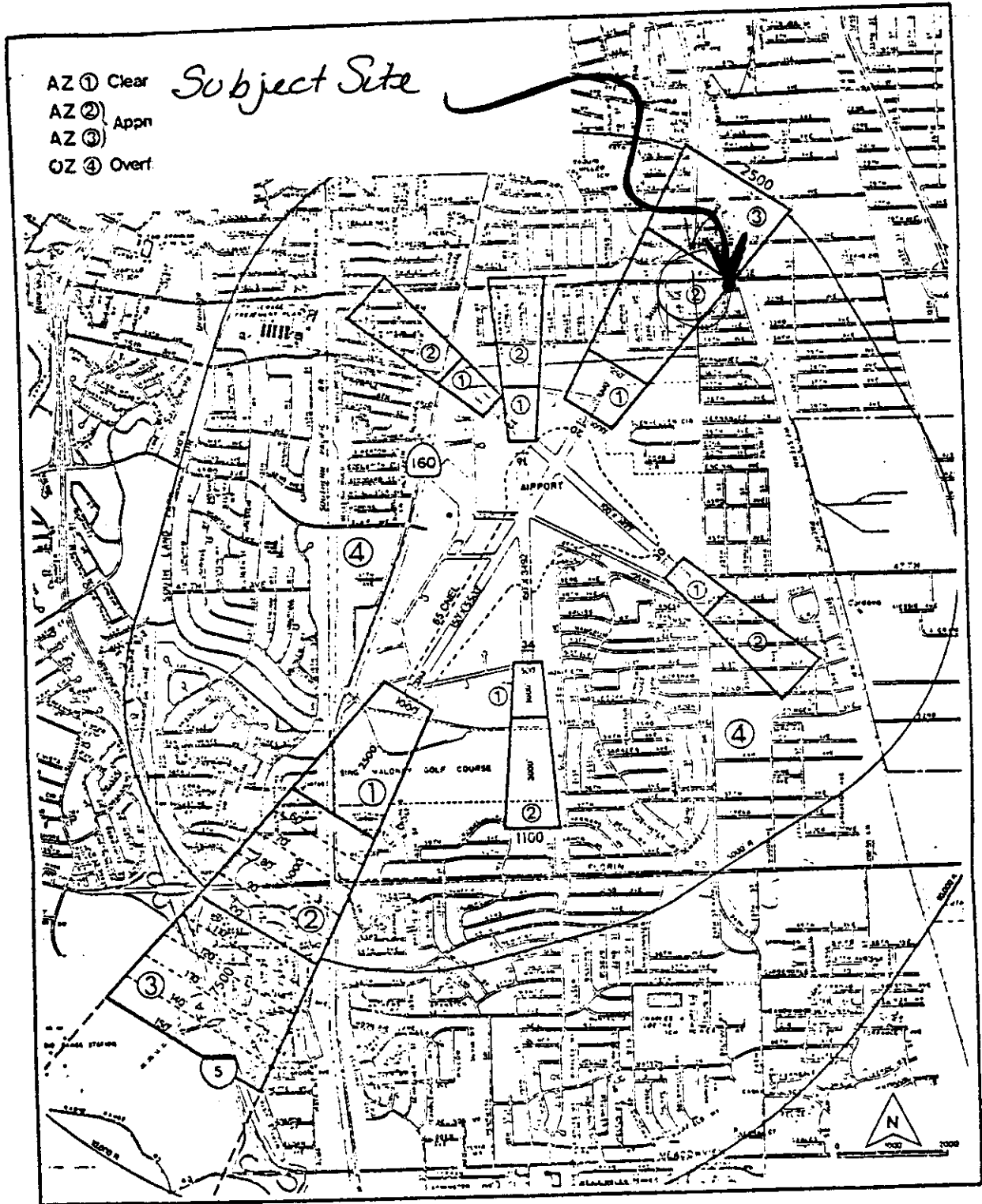


VICINITY - LAND USE - ZONING

Figure 2

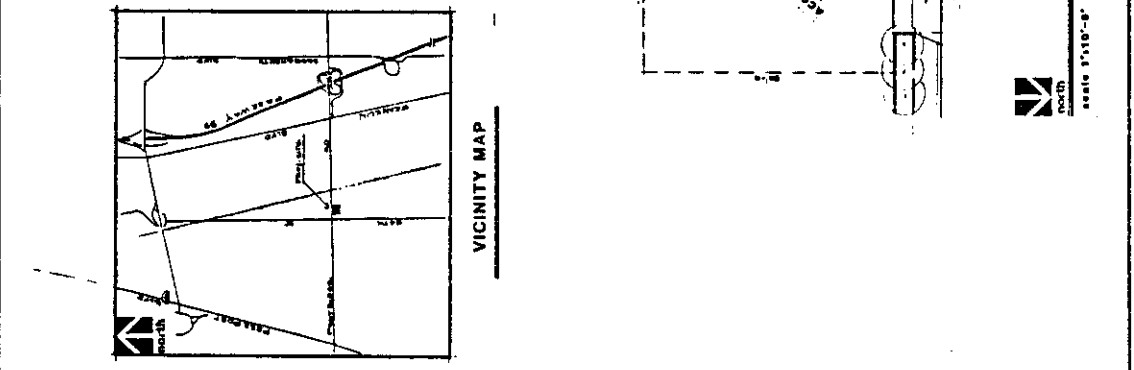
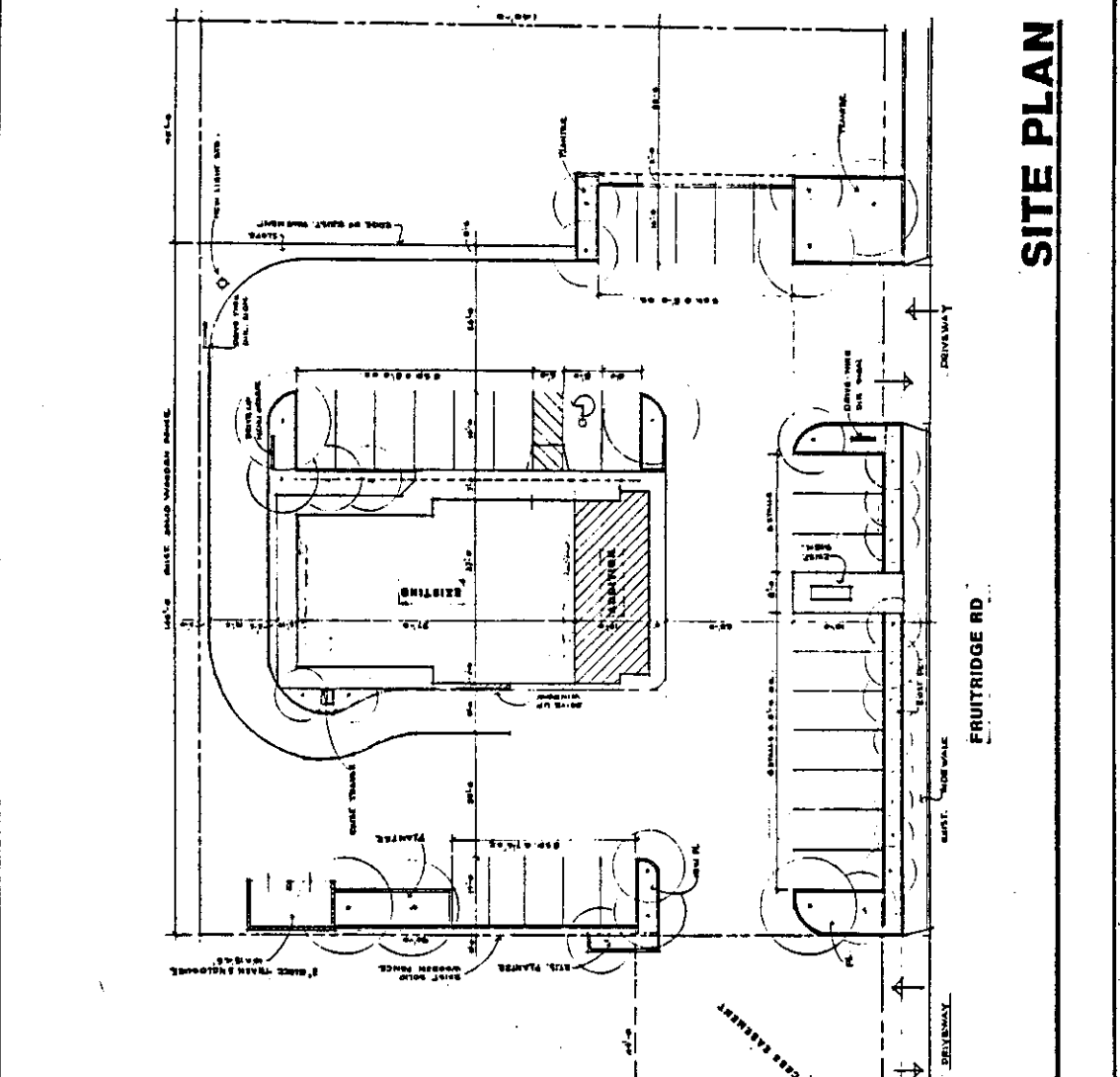
Sacramento Executive Airport Safety Zones

24th & Fruitridge





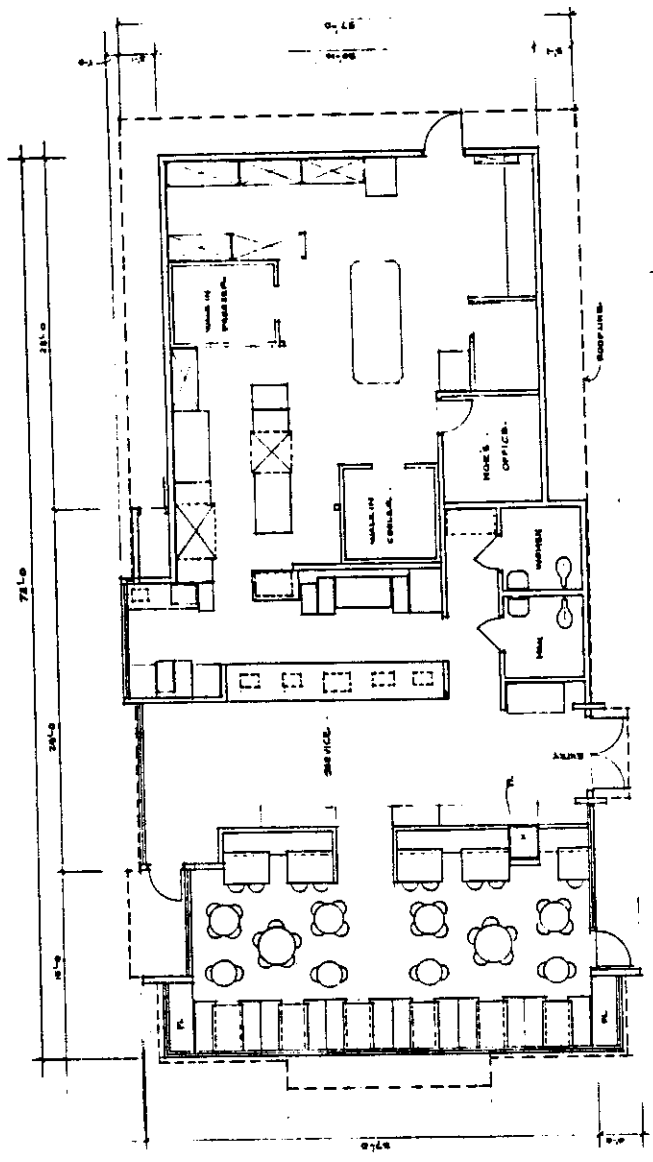
SITE PLAN



P87-069

2-26-87

Item 14



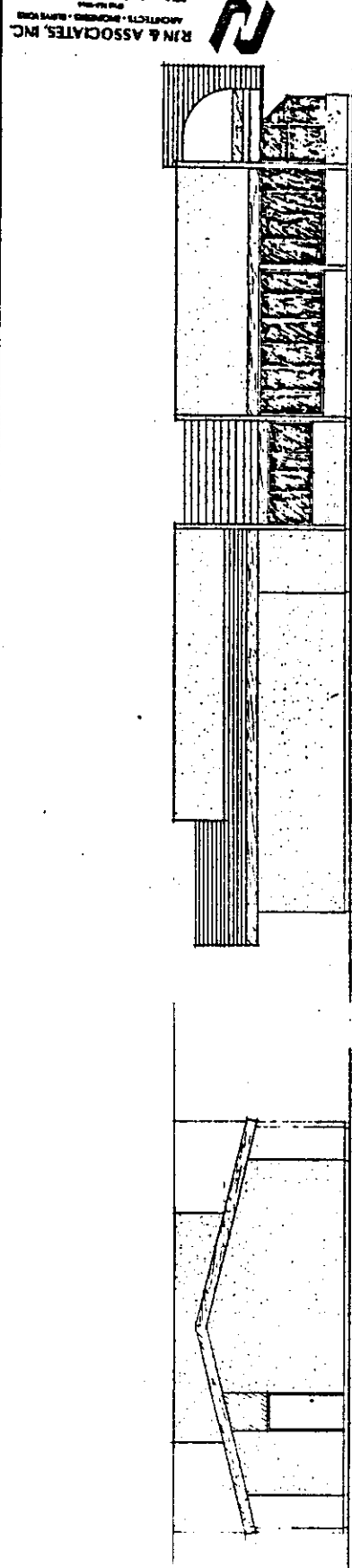
FLOOR PLAN



P87-069

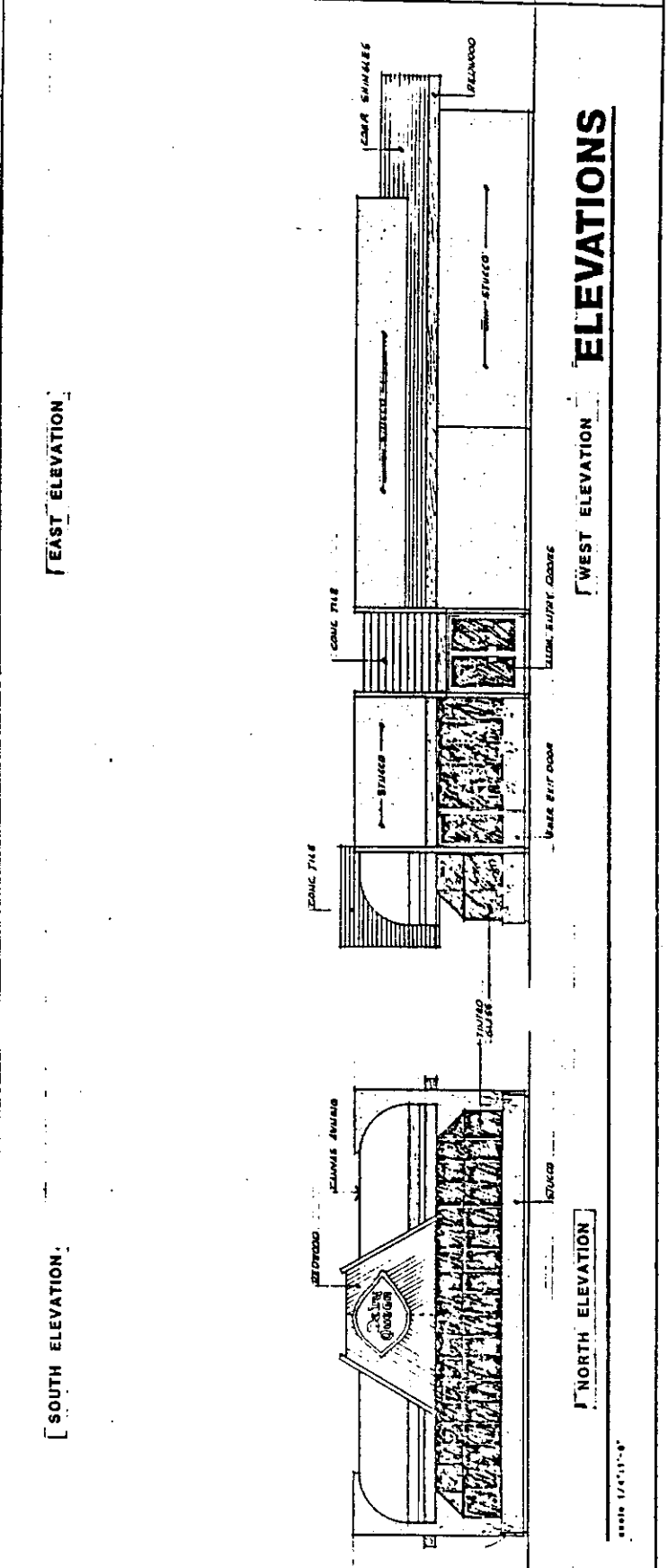
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Item 14



[EAST ELEVATION]

[SOUTH ELEVATION]



[WEST ELEVATION]

[NORTH ELEVATION]

SCALE 1/4"=1'-0"

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