

**PLANNING COMMISSION MINUTES  
OF THE OCTOBER 10, 2005 MEETING  
HELD IN THE COUNCIL CHAMBER  
OF THE MONTCLAIR CIVIC CENTER  
5111 BENITO STREET, MONTCLAIR**

**CALL TO ORDER**

Chairman Lenhert called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Chairman Lenhert led those present in the salute to the flag.

**ROLL CALL**

Present: Chairman Lenhert, Vice Chairman Flores, Commissioners Johnson, Sahagun and Vodvarka, Director of Community Development Clark, City Planner Lustro, Associate Planners Lai and Frazier-Burton, and City Attorney Robbins

**MINUTES**

The minutes of the September 26, 2005 Planning Commission meeting were presented for approval. Commissioner Johnson moved to approve, Vice Chairman Flores seconded, there being no opposition to the motion, the minutes were approved 5-0.

**ORAL AND WRITTEN COMMUNICATIONS**

**AGENDA ITEMS**

1. CASE NUMBER 2005-16  
9750 Central Avenue  
Montclair Town Center LLC  
Request for a Time Extension for an approved Conditional Use Permit

Associate Planner Frazier-Burton reviewed the staff report.

Director Clark commented that the letter from the applicant also requests clarification from the Commission that the original approval recognizes that the proposed fitness center intends to operate 24 hours a day, seven days a week. That has been staff's understanding and we assume that was made clear to the Planning Commission also, but we need an affirmative on that issue to put into the minutes.

Commissioner Vodvarka moved to accept the time extension, affirming the original approval that the proposed fitness center will operate 24 hours a day, seven days per week and

subject to following conditions of approval, seconded by Vice Chairman Flores, there being no opposition to the motion, the motion passed 5-0.

1. The approval for Conditional Use Permit under Case No. 2005-16 is hereby extended until April 25, 2006. If building permits for the project are not obtained by that date, then the approval will automatically expire without further City action.
  2. All 15 conditions of the April 25, 2005 Planning Commission approval of the Conditional Use Permit are valid and shall remain in effect.
2. 4396 Orchard Street  
Clement Ziroli, Jr.  
Request for review of staff decision denying subdivision of property

City Planner Lustro commented that, over the past several months, staff has fielded a number of inquiries over the phone and at the counter regarding the potential subdivision of an approximately .80-acre parcel on the north side of Orchard Street between Ramona Avenue and the San Antonio Wash. In each case, subdivision of the property involved creation of one flag lot and one lot with no public street frontage. Staff discussed this proposal after receiving the first inquiry several months ago and responded to each inquiry the same – that staff would not support the proposed development pattern. The applicant acquired the subject property in August of this year and presented his proposal to staff shortly thereafter. It is not known whether the applicant inquired with the City about the potential of subdivision of the property prior to acquiring it. The applicant is requesting that staff's decision be reviewed by the Planning Commission. Except in cases where all surrounding properties are already configured to meet minimum development standards or those where it is reasonably expected that redevelopment of the surrounding area will occur in the near future, it is not City policy to support or encourage the development of flag lots or lots without public street frontage in any of the City's R-1 zones. Staff does not support the applicant's request not only because it would create lots with little or no public street frontage, but also because it is not consistent with the prevailing development pattern in the neighborhood. Further, staff believes it would create a dangerous precedent for development of other properties on this block. Staff feels that if a subdivision occurs on the block, it should include multiple parcels and be of a similar configuration to the surrounding development. Staff has attached three exhibits to the staff report.

Vice Chairman Flores commented that if the Commission supports allowing the applicant to submit the project as proposed, it would create two flag lots.

Commissioner Johnson inquired if it were developed, would it have parking?

Clem Ziroli, Jr., 271 E. Workman Avenue, Suite 100, Covina, stated that Exhibit "C" shows this lot is 50% wider than any other lot on the street and he could understand how it doesn't fit the general plan in that area, but being that most lots there are 64 feet wide, they would be unable to subdivide other lots in the neighborhood in a similar fashion. The tentative plan is only one proposal; there is plenty of width on the side of the house that would allow for two

individual driveways at 12 feet that would enable each house to be serviced by street frontage. He did not know how that was inconsistent with what he has read. He was one of the three individuals that made the inquiry initially as to the development of this property. There is nothing that precludes it in the Code that he has seen. The street frontage would be adequate. Each lot would have a 12-foot driveway that has street frontage. He spoke with Mr. Clark who said that that was unacceptable. To do what staff is suggesting is cost prohibitive. If you look at the diagram on Exhibit C, Lot 5 at the end of the cul-de-sac does not have much street frontage and he did not know what the requirement for street frontage is. It seems to be an arbitrary question. Where could he look to see how he could comply with the Code?

Commissioner Johnson inquired about whether the driveway would be utilized for parking.

Commissioner Vodvarka moved to affirm staff's denial of the applicant's request to subdivide the property at 4396 Orchard Street, seconded by Commissioner Sahagun, there being no opposition to the motion, the motion passed 5-0.

## **INFORMATION ITEMS**

Director Clark commented that things have been very active in the North Montclair area. There is going to be another workshop on November 7 focusing on parking and development standards.

The improvements on the Sam's Club property have been demolished and they have had two developers in escrow on it. Staff has spent a lot of time answering questions about the property, but it's back on the market.

Commissioner Johnson expressed her concerns about the mural of the scantily clad woman on the east side of the Déjà Vu building. City Planner Lustro stated that he would call County Land Use Services and discuss it.

Commissioner Vodvarka asked if the Transcenter is going to be sold. Director Clark said it's more complicated than that and will take a long time.

Chairman Lenhert adjourned the meeting at 7:49 p.m.

Respectfully submitted,

Laura Berke  
Recording Secretary