

Thursday, August 27, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; James Harrison; and Don Campbell

ABSENT: Eric Meyer

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.

Ellen Carroll, staff: updates Commissioners on their near term schedules.

HEARINGS: (Advertised for 9:00 a.m.)

3. Hearing to consider an appeal by JULIE TACKER of the Planning Director's determination that a change in tenancy (from McDonald's to Starbucks) is in substantial conformance with Minor Use Permit DRC2012-00099. DRC2012-00099 was approved by the Board of Supervisors on April 8, 2014 and authorized a change of use from an office (former Bank of America) to a restaurant; in an existing building of 3,978 square feet (3,078 square foot to restaurant and 900 square foot remaining office space). The restaurant was authorized to use the existing drive-thru, and included other modifications to the interior and exterior of the existing building. The project is located on the north side of Los Osos Valley Road, approximately 280 feet (east) of 10th Street at 1076 Los Osos Valley Road, in the community of Los Osos, in the Estero planning area. An environmental determination is not required.

County File Number: DRC2012-00099
Supervisory District: 2
Project Manager: Kerry Brown
Recommendation: Denial

Assessor Parcel Number: 074-301-018

Commissioners: disclose ex-parte contacts.

Ellen Carroll, staff: explains Commissioners' pervue on this item.

Jim Irving: overviews what has been accomplished thus far in this proposal.

Kerry Brown, Project Manager: presents staff report via a Power Point presentation.

Commissioners: begin questioning staff.

Jeff Edwards: representing Julie Tacker: provides reasoning for requesting a partially upheld appeal request.

Carol Florence, agent: requests the appeal be denied and provides reasoning.

Commissioners: begin asking questions of the agent.

Marshall Ochylski, agent: comments on being the representative of the property when McDonalds was approved and discusses original conditions of approval in terms of this being in conformance.

Jeff Edwards, representing appellant: addresses issue of what type of use will be at the location and provides suggestions on requesting a partially upheld appeal.

Commissioners: begin asking questions of Mr. Edwards.

Ken Topping; requests clarification from County Counsel on what should be addressed in the findings.

Whitney McDonald, County Counsel: explains Commission's purview and why findings were made.

Ken Topping: discusses water uses in terms of clarity of language used in the findings.

Don Campbell: provides calculations for allocations of water and confirms the water usage is estimated by staff.

Thereafter on **Motion by:** Jim Irving, **Second by:** Don Campbell, and on the following vote, the Commission denies the appeal based on the findings listed in Exhibit A.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			

Meyer, Eric				
Topping, Ken	x			

Thereafter on **Motion by** Jim Irving, **Seconded by:** Jim Harrison, and on the following vote, the Commission accepts all testimony and correspondence for the record.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric				
Topping, Ken	x			

Thereafter on **Motion by:** Don Campbell, **Seconded by:** Jim Harrison, and on the following vote, the Commission adjourns this meeting to the next regularly scheduled meeting on September 10, 2015.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric				
Topping, Ken	x			

ADJOURNMENT: 9:43

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

Minutes approved at the 12/10/15 Planning Commission meeting.