



## MINUTES

### PLANNING COMMISSION MEETING

**June 11, 2012**

*The meeting of the El Cajon Planning Commission was called to order at 7:00 p.m.*

#### PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

**COMMISSIONERS PRESENT:** Darrin J. MROZ, Chairman  
Paul CIRCO, Vice Chairman  
Star BALES  
Adel DANKHA  
Anthony SOTTILE

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Michael GRIFFITHS, Deputy Director – Public Works  
Manjeet RANU, Planning Manager / Planning  
Commission Secretary  
Eric CRAIG, Assistant Planner  
Tony SHUTE, Senior Planner  
Michael REID, Staff Attorney  
Ron Luis VALLES, Administrative Secretary

MROZ explained the mission of the Planning Commission and welcomed comments under Public Comments.

CIRCO expressed interest in amending the Zoning Code to allow chickens in residential area for personal food production. RANU said he would provide the Planning Commission information from when the City Council recently discussed the issue.

**CONSENT CALENDAR:** Motion was made by MROZ, seconded by CIRCO, to adopt the minutes of the Planning Commission meeting held on May 7, 2012; carried 4-0-1, DANKHA abstained due to absence at meeting).

## **PUBLIC HEARING ITEMS**

### **AGENDA ITEM NO. 2 – CONDITIONAL USE PERMIT NO. 2164 – GARCO INVESTMENTS USED AUTO SALES**

This was a public hearing on a request to conduct used automobile sales with shared parking under a joint use parking agreement. The subject property is addressed as 711 El Cajon Boulevard. This project is exempt from the California Environmental Quality Act (CEQA). *This item was continued from the May 7, 2012 meeting.*

APN: 492-641-09  
General Plan: General Commercial (GC)  
Zoning: General Commercial (GC)  
Applicant: Garco Investments Inc. (Shawn Sagart) /  
619.508.6000  
Project Planner: Eric Craig / 619.441.1782  
Email: [ecraig@cityofelcajon.us](mailto:ecraig@cityofelcajon.us) and include “CUP 2164” in  
Subject Line.

In a PowerPoint presentation, CRAIG summarized the staff report.

MROZ asked if there were any questions from the Commissioners.

SOTTILE asked for an explanation why a two party contract would not be enforceable and couldn't an agreement be made between a landlord and tenant.

REID explained that a two-party contract between the same parties could not legally be enforceable. It would be difficult to enforce an agreement when the two parties to the agreement are the same party. He added that an agreement between a landlord and tenant would not be ideal, especially in this situation. There would need to be a provision for both day and night parking. If the church were to leave then there would be a requirement to replace with a like kind use or another church.

MROZ then opened the public hearing and invited any speakers to the podium.

Wendy KIVETT, representing the applicant, approached the podium and asked for clarification of the parking situation. CRAIG advised the proposed resolution included parking requirements for all businesses and the church on site and that they could operate simultaneously, however, the middle space at 1045 West Washington Avenue would have to remain vacant.

Hector GONZALEZ, representing the owner at 720-744 Grossmont Avenue, spoke next. He advised that the applicant's business was not being conducted during normal business hours. Delivery trucks park on Grossmont Avenue when loading and unloading vehicles, sometimes as early as 2:00 AM. Not only are they extremely noisy, but they also use his driveway to park during the day and block his ingress and egress. He also added that big

rigs park in front of his house and leave the engine running for 20 minutes while they load and unload cars. Other times they also park in the alley blocking his access.

BALES asked the speaker what he would suggest be suitable hours of operation to solve his problem.

GONZALEZ suggested times between 8-9:00 AM to 6:00 PM are more normal business hours.

CRAIG noted that the applicant's proposed hours of operation to be 9:00 AM to 8 PM, seven days a week. He also added that the mustang shop to the south of the subject property might be the business involved in moving cars on off hours.

GONZALES reiterated that he had personally talked to the drivers and they are only shuffling cars for the subject site. The mustang shop is not open Saturday or Sunday and they close by 5:00 PM during the week.

No other speakers approached the podium.

Motion was made by SOTTILE, seconded by BALES, to close the public hearing; carried 5-0.

CIRCO asked staff if the Commission could enforce car delivery times and stipulate car deliveries only be made during normal business operating hours. He added that some grocery stores have similar delivery hours early in the mornings.

CRAIG advised that the Planning Commission could recommend this type of condition, however, traffic on El Cajon Boulevard may make it more difficult to load and unload cars during the day, but possibly the alley in the rear could be used.

RANU added they could also prohibit this type of use on Grossmont Avenue since it is a residential street. He suggested that the speaker contact the City Manager's office and Public Works for other options for control of truck traffic on Grossmont Avenue since it is adjacent to a commercial strip.

MROZ and BALES added this was a good suggestion to pursue, especially since the item will be going forward to the City Council for consideration.

SOTILLE suggested adding hours of operation for deliveries only to the resolution to resolve the situation, such as 9:00 AM to 8:00 PM, except Sundays.

MROZ had concerns on which day the cars were returned from Parkway Plaza after the week end car sales. He subsequently reopened the public hearing to allow the applicant's representative to respond.

KIVETT came back to the podium and advised that sales are over on Sundays at Parkway Plaza and the cars are moved back on Mondays between 8:30 AM and 9:00 AM. The

same schedule is maintained for QUALCOMM whereby the cars are moved to the location on Wednesdays and picked up on Monday mornings, not usually before 8:00 AM. No cars are moved on Sundays.

No other speakers approached the podium.

Motion was made by SOTTILE, seconded by BALES, to close the public hearing; carried 5-0.

SOTTILE suggested that after the applicant explained the delivery schedule, the Commission should recommend defining the delivery hours and add to the resolution.

Motion was made by MROZ, seconded by SOTTILE, to adopt the proposed revised Resolution No. 10689, approving Conditional Use Permit No. 2164; subject to conditions and amended to include delivery hours of vehicles between 9:00 AM and 8:00 PM, Monday through Saturday, with no Sunday deliveries; carried 5-0.

This item is tentatively scheduled for the City Council meeting on June 26, 2012 at 7 p.m.

**AGENDA ITEM NO. 3 – CONDITIONAL USE PERMIT NO. 2167 – 1676 VANN COURT DETACHED ACCESSORY STRUCTURE**

This was a public hearing on a request for an 832 square foot detached accessory structure (garage) with bathroom facilities. The subject property is addressed as 1676 Vann Court. This project is exempt from the California Environmental Quality Act (CEQA).

APN:	481-500-38
General Plan:	Low Density Residential (LR)
Zoning:	Residential, Single-Family, 9,000 square foot (RS-9)
Applicant:	Justin Time Permits (Grey Vugrin) / 619.992.6592
Project Planner:	Eric Craig / 619.441.1782
Email:	ecraig@cityofelcajon.us and include "CUP 2167" in Subject Line.

RANU advised the applicant requested a continuance and staff recommends that the Commissioners continue the item to a date uncertain and that it would be re-noticed.

MROZ opened the public hearing and invited any speakers to the podium.

No speakers approached the podium.

Motion was made by CIRCO, seconded by MROZ, to continue the public hearing to a date uncertain; carried 5-0.

**AGENDA ITEM NO. 4 – CONDITIONAL USE PERMIT NO. 2161 – 7-ELEVEN BEER AND WINE SALES**

This was a public hearing on a request for beer and wine sales for off premises consumption and site improvements. The subject property is addressed as 393 Chase Avenue. This project is exempt from the California Environmental Quality Act (CEQA).

APN: 492-522-23  
General Plan: Low Density Residential (LR)  
Zoning: Neighborhood Commercial (C-N)  
Applicant: 7-Eleven, Inc. (Stefanie Brooks) / 982.828.5536  
Project Planner: Eric Craig / 619.441.1782  
Email: ecraig@cityofelcajon.us and include “CUP 2161” in Subject Line.

In a PowerPoint presentation, CRAIG summarized the staff report.

MROZ asked if there were any questions from the Commissioners.

SOTTILE asked staff if the applicant had acquired the two licenses. CRAIG was not aware they had, but the applicant could answer that question during public comment.

MROZ opened the public hearing and invited any speakers to the podium.

Bill ADAMS, attorney representing 7-11, presented a PowerPoint. Key points from the presentation were:

- 7-11 Alcohol sales from stores in downtown San Diego were below estimated projections
- Extensive training programs and security in place regarding alcohol sales at 7-11 stores
- Taxes from sales for the community
- New license requirements are more strict

He added that their emphasis is to sell to residents and gainfully employed people who drink responsibly.

ADAMS concern was over the requirement to purchase two licenses, transferring one for 7-11 and cancelling the other. Their location is in a census tract with a low crime rate and no other off sale licenses are within the tract. If they purchase only one license it would be an upgraded version based upon the new license requirements. He requested a modification to the conditions of approval to mitigate the requirement with one license only. All other conditions in the agreement were agreed to.

SOTTILE asked the applicant if the license they intended to purchase would be from a high-crime area.

ADAMS answered it would be up to the City, but that it would come from within the City limits from a high-impacted census tract. He also wanted to clarify that they did have one license already that they are not currently using and would like to transfer to the new location in El Cajon and not purchase an additional license, thus relieving them of this condition of approval. Its location is 2990 Jamacha Road.

MROZ confirmed with CRAIG that this location is in the unincorporated area of San Diego County, not within the City of El Cajon. CRAIG also clarified the condition stems from an over concentrated census tract not from a high-crime rate area. Also, the Police Department comments indicated that both licenses would have to come from over concentrated census tracts within the city.

BALES added that this 7-11 is close to an elementary school and across from the site is a high-crime area and the Police Department was not in favor of beer and wine sales at this location. She did thank the applicant for their interest in our city and added that other 7-11 stores do practice clean business standards and run their businesses to our standard.

SOTTILE asked the applicant if they would be willing to purchase a license from an over-concentrated area and transfer it over.

ADAMS answered they would, however, their only objection would be to purchasing two licenses, however, 7-11 is actively looking for the two licenses. If they are unable to find two licenses the decision has not been made yet to go forward with the project.

Bill FISCHBECK, owner of 250 and 260 East Chase Avenue, approached the podium next. His property is directly across the street from the subject site and he employs a person who each morning deals with the fallout from the AM/PM market including trash pick-up with empty liquor bottles to sleeping transients and graffiti. He said the proposed use is a high-impact use that adversely impacts vehicle traffic, pedestrian traffic and the surrounding area. FISCHBECK opposed this application. There is also the additional issue of the close proximity to an elementary school.

Greg SPOUNIAS, a resident, spoke next in favor of the application and cited a corporate tenant such as 7-11 would bring an upgrade to the image of the corner.

Mike HABIB, a resident, also spoke in favor of the application, stating that 7-11 provides effective training to its employees and promotes clean business practices that would benefit the area.

No other speakers approached the podium.

MROZ confirmed with CRAIG there is an AM/PM across the street from the subject site. CRAIG added there is also a Vons store across Avocado Avenue to the east that sells alcohol, but was not aware of other off-site alcohol sales in the vicinity.

SOTTILE asked if the elementary school was within the city limits and what was the distance from the subject site to the elementary school. Also, he asked if staff took into consideration the close proximity to the school.

CRAIG responded he did not know off hand the distance between the two sites.

MROZ asked if there were any other 7-11 stores that do not have Type 20 licenses.

CRAIG responded the 7-11 on El Cajon Boulevard and West Washington Avenue does not because the distance restriction at that time applied to convenience markets. This 7-11 was established without beer and wine sales. The rules have changed since then and they have not requested beer and wine sales at this store.

BALES sought clarification from CRAIG on the zoning inconsistencies in the area. He explained in 1980 a number of properties were rezoned for consistency with the general plan. A handful of properties the City felt were too small or isolated and did not wish to change the zoning. So the general plan includes language that the City Council can find a commercial use of residentially designated property to be not inconsistent with the general plan subject to three considerations.

SOTTILE advised he is in support of establishing a 7-11 store at this location, however could not approve the application with the beer and wine sales; especially so close to the school.

Motion was made by SOTTILE, seconded by BALES, to close the public hearing; carried 5-0.

Motion was made by SOTTILE, seconded by MROZ, to adopt Resolution No. 10693, denying Conditional Use Permit No. 2161 with findings to be prepared by staff emphasizing incompatibility; carried 5-0.

**AGENDA ITEM NO. 5 – CONDITIONAL USE PERMIT NO. 2168 – MOSSY VOLKSWAGEN**

This was a public hearing on a request for a Volkswagen automobile dealership (automobile sales) in an existing facility with minor improvements. The subject property is addressed as 300 El Cajon Boulevard. This project is exempt from the California Environmental Quality Act (CEQA).

APN:	487-321-01 thru 04 & 18 thru 26
General Plan:	General Commercial (GC)
Zoning:	General Commercial (C-G)
Applicant:	Mossy Automotive Group El Cajon, Inc. (John Epps) 858.581.7942
Project Planner:	Tony Shute / 619.441.1705
Email:	tonys@cityofelcajon.us and include "CUP 2168" in Subject Line.

In a PowerPoint presentation, SHUTE summarized the staff report. He noted the Planning Commission, applicant and staff were provided a revised resolution prior to the meeting.

MROZ asked if there were any questions from the Commissioners.

MROZ opened the public hearing and invited any speakers to the podium.

Mr. John EPPS, the applicant, spoke and was in agreement with all the conditions of approval. He emphasized that the goal was to start business no later than July 2, 2012.

Mr. Kerry SCHIMPF, the listing broker of the subject property, noted that there were many firms interested in the project site since it was listed in 2009. Ideas included a car storage lot, community center, banquet hall, apartment complex, swap meet and church. He commended the Mossy group for their professionalism and commended city staff for their assistance with this expedited processing.

No other speakers approached the podium.

Motion was made by BALES, seconded by CIRCO, to close the public hearing; carried 5-0.

Motion was made by MROZ, seconded by SOTTILE, to adopt the revised proposed Resolution No. 10692, as presented recommending City Council approval of Conditional Use Permit No. 2168, subject to conditions; carried 5-0.

This item is tentatively scheduled for the City Council meeting on June 12, 2012 at 7 p.m.

### **OTHER ITEMS FOR CONSIDERATION**

There were none.

### **STAFF COMMUNICATIONS**

RANU reminded the Commissioners that every two years they are to complete a free two hour Ethics Training course. Training must be completed before September 30, 2012. Some commissioners were wondering about the date that they completed the previous course. Staff will obtain the information and forward it to the Commissioners.

### **COMMISSIONER REPORTS/COMMENTS**

BALES invited guests to attend an East County Art Association reception that is scheduled for Friday, June 15, 2012 from 5:00 to 8:00 PM at Sophie's Gallery in El Cajon.



**ADJOURNMENT**

Motion was made by BALES, seconded by CIRCO, to adjourn the meeting of the El Cajon Planning Commission at 9:00 p.m. this 11th day of June, 2012 until June 25, 2012 at 7:00 p.m.; carried 5-0.

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Darrin J. MROZ, Chairman

ATTEST:

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Manjeet RANU, AICP, Secretary