

MINUTES
PLANNING COMMISSION MEETING
FEBRUARY 10, 2003

The meeting of the El Cajon City Planning Commission is called to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: HANSON-COX, BURGERT, AGURS, AMBROSE, TURNER

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: RAMIREZ, Senior Planner
LOUGH, Assistant City Attorney
ODIORNE, City Engineer
SHUTE, Associate Planner
O'BRIANT, Admin. Secretary

CITY CLERK MARILYNN LINN administers the oath of office to new Planning Commissioner Jillian Hanson-Cox and reappointed Planning Commissioner Anthony Ambrose.

MINUTES OF 1/27/03 Motion by AGURS, second by AMBROSE to approve the Minutes of January 27, 2003 pro forma; carries 4-0, HANSON-COX abstaining.

AMENDMENT OF SPECIFIC PLAN 335 – KFC National Management for Wiggins
(public hearing) Resolution No. 9760
P. C. Meeting 02/10/03

The subject property is located on the east side of North Second Street between East Madison and Oakdale Avenues, and addressed as 539-555 N. Second Street; APN 489-123-81 & -82; General Plan Designation: General Retail Commercial.

Request to amend existing specific plan for joint-use parking in the C-2 (General Commercial) zone.

AND

AMENDMENT OF CONDITIONAL USE PERMIT 980 – KFC National Management for Wiggins

(public hearing) Resolution No. 9761
P. C. Meeting 02/10/03

The subject property is located on the east side of North Second Street between East Madison and Oakdale Avenues, and addressed as 539-555 N. Second Street; APN 489-123-81 & -82; LUC 5813; General Plan Designation: General Retail Commercial.

Request to rebuild existing restaurant with drive-thru facilities in the C-2 (General Commercial) zone.

SHUTE states these two items are related and the public hearings may be opened at the same time, with separate motions made. The proposal is for the total demo of the existing Kentucky Fried Chicken building on North Second Street and the construction of a new building with an A & W and a 24-hour drive-thru facility. The existing facility already has a 24-hour drive-thru.

Staff sees no problem with the proposal. There are a few minor issues. Staff has already spoken to the applicant about those issues and the applicant sees no problem in working them out.

Staff received no inquiries in response to the public hearing notice to surrounding property owners, and recommends that the Planning Commission grant Amendment of Conditional Use Permit 980 for the fast-food restaurant with a drive-thru and recommend approval of Amendment of Specific Plan 335 for the joint-use parking across the three properties. These items will be forwarded to the City Council because of the specific plan amendment.

AMBROSE refers to condition 2.i. that says the drive-thru service shall cease no later than midnight everyday. They have an existing 24-hour time. Are we recommending a more restrictive condition?

SHUTE responds that staff understood that the facility was to be 24 hours and continues to be, but other staff members believe that a curfew of 12 midnight should be instituted to be consistent with the other drive-thrus that have recently been approved, and because of the residential condominiums, apartments and rest homes directly across the alley to the east of the project.

AMBROSE asks what time the restaurant closes in the evening.

SHUTE replies staff doesn't have that information. The applicant is here tonight; perhaps he could answer that.

The public hearings are now open on Amendment of Specific Plan 335 and Amendment of Conditional Use Permit 980.

Ken BIERLY, 9474 Kearny Villa Road, San Diego CA 92126, representing Shuss Clark, the architectural firm for the design of this restaurant, approaches the podium with their client, who represents the restaurant.

Zola HAMEDANY, 17901 Von Karman, Irvine CA 92614, is the construction manager with KFC Corporation. In response to AMBROSE's question regarding the hours of the existing KFC, she is almost sure they are currently open until midnight. Although the drive-thru is permitted to be open 24 hours, they are not at this time. As far as having the drive-thru close at midnight, she requests to be open on Fridays and Saturdays until 1 AM.

TURNER says there were some questions regarding the stacking capacity and moving the menu board.

HAMEDANY answers that they clarified with SHUTE as to the location of the menu board. The location that was shown on the plan actually was meant to be a preview board. The menu board is approximately 40 ft. to the north, which was left of the original plan, so there is no problem with having the menu board at the proposed location. They talked about the possibility of a preview board 20 ft. or 40 ft. back, but that gets into the overall square footage allowed for the menu board. They will work with staff on that.

HAMEDANY says they concur with the rest of the recommendations and will work with the Planning staff on the changes to the drawing.

No one else comes forward to speak on these items.

Motion by AGURS, second by BURGERT to close the public hearings.

Under discussion, BURGERT believes the Mexican food restaurant on the corner of Oakdale and Second is open 24 hours.

SHUTE is aware of the Mexican restaurant, but not of its hours.

BURGERT has driven by it and believes it is open 24 hours. For equality purposes, if traffic is going through there already, and they are asking for just for the weekend, he is fine with that. In the summertime, people want to chow down in the middle of the night, particularly high schoolers. This is right in between two high schools, so there is going to be a lot of traffic. He is not in opposition (to 1 AM on Fridays and Saturdays).

AMBROSE is happy with Fridays and Saturdays until 1 AM that the applicant has requested.

TURNER states that will be a change to condition 2.i.

No further comments are offered.

Motion by AMBROSE, second by AGURS to RECOMMEND APPROVAL of Amendment of Specific Plan 335 in accordance with the staff report; carries 5-0.

Motion by AMBROSE, seconded by AGURS to GRANT Amendment of Conditional Use Permit 980 in accordance with the staff report, modifying condition 2.i. to add "and to 1 AM on Fridays and Saturdays"; carries 5-0.

These items will be forwarded to the City Council, where public hearings will also be held.

PLANNED UNIT DEVELOPMENT 199 – Race Enterprises, Inc.

(public hearing) Resolution No. 9762
P. C. Meeting 02/10/03

The subject property is located on the north side of Naranca Avenue between Grape and Third Streets, and addressed as 1442 Naranca Avenue; APN 507-283-28; existing LUC 1111A, proposed LUC 1110B; General Plan Designation: Low Density Residential.

Request three-unit common interest development in R-2-R (Two Family Residential Restricted) zone.

AND

TENTATIVE PARCEL MAP 609 – Race Enterprises, Inc.

(public hearing) Resolution No. 9763
P. C. Meeting 02/10/03

The subject property is located on the north side of Naranca Avenue between Grape and Third Streets, and addressed as 1442 Naranca Avenue; APN 507-283-28; existing LUC 1111A, proposed LUC 1110B; General Plan Designation: Low Density Residential.

Request a four-lot subdivision (including one common lot) in the R-2-R (Two Family Residential Restricted) zone.

RAMIREZ advises because of conversations between staff and the owner's agent, staff is recommending that these applications be allowed to withdraw in accordance with their request.

The public hearings are now open.

No one comes forward to speak on these items.

Motion by AGURS, second by BURGERT to close the public hearings on Planned Unit Development 199 and Tentative Parcel Map 609; carries 5-0.

Motion by AGURS, second by BURGERT to GRANT WITHDRAWAL of Planned Unit Development 199; carries 5-0.

Motion by AGURS, second by BURGERT to GRANT WITHDRAWAL of Tentative Parcel Map 609; carries 5-0.

CONDITIONAL USE PERMIT 1923 – Auto Finance Specialists, Inc.

(public hearing) Resolution No. 9764

P. C. Meeting 02/10/03

The subject property is located on the east side of El Cajon Boulevard between South Johnson and West Lexington Avenues, and addressed as 327-359 El Cajon Boulevard; APN 487-323-03 & -04; General Plan Designation: General Retail Commercial/Special Development Area #10.

Request used car and truck sales with minor repair in the C-2 (General Commercial) zone.

RAMIREZ states the applicant is requesting the sale and repair of used cars and trucks in the C-2 zone. Staff will direct its comments first to the applicant's business operation at another location, then to the proposal for the development of the subject property.

Since 1996, the owner of Auto Finance Specialists, Mr. Khoroshi, has operated a used car and truck dealership at 385 El Cajon Blvd., just south of the subject property. Mr. Khoroshi took over the property after it had already been granted approval of a conditional use permit (CUP 1628) for used cars to be conducted by McClellan Buick. The original operator never fulfilled the City's requirement to install permanent landscaping, and was facing possible revocation in March 1996. Based upon testimony provided at the Planning Commission meeting of March 11, 1996, staff recognizes it may have been Mr. Khoroshi who saved CUP 1628 from revocation by personally completing the required landscape improvements at 385 El Cajon Blvd. However, there has not been a consistent record of compliance with the approved CUP plan for that location, as indicated in staff's October 1996 letter to Mr. Khoroshi, and as noted during more recent site visits.

Aside from the issue of noncompliance at its current location, Auto Finance Specialists has presented yet another challenge to City staff by using the subject property of this conditional use permit, together with an adjacent parcel to the south, for the long-term storage of vehicles. The applicant was given written notice in November 2002 that the

subject property must remain vacant until a conditional use permit is approved for a used car dealership. Another business was previously allowed to use this same property in an unimproved state for employee parking. This same use was offered to the applicant and, instead, they have chosen to keep the lot nearly full of vehicles to be sold without CUP approval.

RAMIREZ states given the circumstances, staff is very uncomfortable with the idea that this applicant wishes to operate a business at another location, knowing that he has not consistently demonstrated full compliance with the CUP conditions at his current business location.

Regarding the applicant's request to develop the subject property, the posted site plan shows that a small existing office building is located near the front property line. Vehicle display occurs at the front and goes beyond, with employee and customer parking along the side property lines. A 2400-sq. ft. service building is shown in the rear where the applicant would perform minor repairs only on vehicles to be sold there.

The proposed use is consistent with the subject property's General Plan designation, which includes the special development overlay for auto-oriented uses. In staff's opinion, the proposed use can be compatible with adjacent uses if the work to be performed in the service building is minor in nature and if the night lighting is reduced in intensity when the business closes.

RAMIREZ advises that, with some minor changes to the applicant's plan, the proposal will comply with Zoning Ordinance development standards.

Staff believes it is appropriate for the Planning Commission to grant this applicant's request subject to conditions, only if those conditions include a requirement for immediate compliance at 385 El Cajon Blvd. and the immediate discontinuing of the unauthorized use of the subject property and the parcel adjacent.

The public hearing is now open.

Tom FREDRICKSON, 14216 Legacy Lane, El Cajon CA 92021, states they understand and agree with the conditions in the staff report.

HANSON-COX says she noticed in the staff report that the service bays in the back will be insulated to reduce noise. Can that be made a condition to be sure it is done?

RAMIREZ thinks that occurs sort of by default because the note on the site plan indicates insulation and the applicant's written statement, that is part of the application itself, indicates the same. If the Planning Commission wishes, it can add another condition that is so specific, but she believes it is not necessary.

HANSON-COX is concerned because of the apartments in the back. She just wants to be sure that is going to happen.

Alan AUSTIN, 1622 Pioneer Way, El Cajon CA 92020, is the preparer of the site plan, and speaks on behalf of his client. AUSTIN knows FREDICKSON said they agree with the conditions, but he would like to address some issues in regard to some of the conditions. Regarding condition 2.b., these are not required parking spaces. Director of Community Development Jim Griffin has already approved a smaller size. Display spaces need not comply with the parking ordinance or space sizes. He believes that should be removed from the conditions.

RAMIREZ responds that recent examples of similar uses did comply with the 9'x20' standard parking space size. Director of Community Development Jim Griffin is the last person to review these reports, and he made no change in that recommended condition.

TURNER advises that will have to be worked out with Planning, or the applicant could work it out with Planning once this goes through.

AUSTIN asks if he could put the cars anywhere he wants if he decides not to put any striped lines in the parking area, and it is a display area.

RAMIREZ thinks the best thing to do is to agree to work with the staff on this specific item. There may be a concern for fire lanes and minimum driveway width if there is no designated striping for the display area.

AUSTIN says that is fine with him. He refers to conditions 3.a. & 3.b. and states the application of a condition on another person's property seems unfair [in reference to CUP 1628 for 385 El Cajon Blvd.]. He believes that a violation stays with the owner of the property and doesn't travel with the tenant of the property. It seems he is being held hostage for the owner's lack. He knows the Planning Commission can't do anything right now; he just wants it on record. Regarding condition 3.c., they would like to continue their business on the proposed property right now. They will move there eventually anyway. They have to stay in business in order to generate revenue to continue the project.

Regarding 5.h., they wish to keep the pole sign and put a new sign of their own on it.

TURNER asks staff to respond to condition 3.a. & 3.b. and 5.h.

RAMIREZ replies with regard to AUSTIN's comment on 3.a. and 3.b., the conditional use permit for the property at 385 El Cajon Blvd. is actually granted to the land. There is no proprietary aspect to the owner of the property or the business owner, tenant or any person; it is not granted to an individual, a company or an entity. It is not unusual to have a conditional use permit handed off to another party as the operator; it is either abandoned or someone buys the business or the business and the property. The City staff's expectation is that the conditions that were established for the original applicant still apply.

With regard to condition 3.c., RAMIREZ says staff would not want to see the business allowed to continue on the subject property because it was never authorized by a formal application. The applicant received written notice long ago and took a very long time to bring this complete application and formally ask for permission to use that site.

Regarding condition 5.h., there seems to be a question as to whether that pole is actually located on public or private property. Even if it is on private property, it appears that putting a new sign on the existing pole may overhang into the public right of way, and that is not automatically allowed.

TURNER asks if the applicant could work that out with staff.

RAMIREZ defers to the Public Works Dept. representative for the answer.

ODIORNE advises Public Works is asking that the applicant dedicate an additional 5 ft. of right of way right behind the existing sidewalk. It appears from the photos that the pole sign will still be back on private property. He is not sure of the dimensions of the overhang up above, but it can always be approved under an encroachment permit to allow it to remain, if the City would like.

RAMIREZ recalls the pole looks to be abandoned. The Building Division would probably need some specifics on what kind of foundation that pole has and, absent any engineering for the pole itself, it may be impossible to have a permit issued to put a sign on the pole that is there.

LOUGH advises if the Planning Commission wants to approve that, just make it subject to typical building rules to make sure it is structurally sound, and that it complies with the Sign Ordinance. If it fits the criteria, the Planning Commission has discretion. He advises putting those caveats in so the applicant will know where they are going.

AUSTIN understands. He says the granting of the CUP will remove the business from the corner and move it onto the proposed project, which will be in full compliance. The violation of the other project, all the storage of vehicles, will be gone.

TURNER thinks that is what staff is hoping for.

AUSTIN thinks staff is hoping for that a lot quicker than they are prepared to do it.

TURNER thinks staff will be as patient as they can because the applicant is finally here to discuss some of the issues.

AGURS notes condition 3 says the deadline is March 1. What kind of time frame did AUSTIN have in mind?

AUSTIN would imagine a month in Planning and a couple of months in Building, and then they have to build it. He imagines the Engineering Dept. takes the longest with their plan check of drainage, grading and dedication. He guesses nine months or a year to finish the project completely.

TURNER states that seems a little lengthy, and asks staff to comment.

AUSTIN says if they can move to their site now---the whole thing hinges on Public Works.

RAMIREZ replies staff is open to some flexibility on the date, but certainly is not in support of extending it six or nine or twelve months.

TURNER asks if they would have to come back after a year, if it is not done, and get a continuance.

RAMIREZ states the situation here is that the property has been used for an extended period of time without meeting the City's development standards. The applicant has been given specific direction to vacate the property, and was offered the use of the property for employee parking only. Staff hasn't heard the applicant ask for a compromise or offer some resolution.

TURNER states March 1 is not that far away. It sounds like the applicant can't make that date.

AUSTIN suggests putting a time schedule together after he consults with Public Works and the contractor and then proposing that to Planning. It is really going to be based on that time frame. Depending on how fast the engineers work, and Building and Planning. If they are given 90 days, they might be back here in 90 days saying it is still in plan check.

TURNER thinks a lot of the issue has to do with the use not having prior authorization.

LOUGH states the Planning Commission can do several things: leave it the same, pick a date certain itself, or delegate staff to pick a date, and to work with the applicant. He would make sure that is in the motion specifically so staff has specific direction. If the applicant has a problem, they can come back.

AMBROSE says there may be another alternative: just leave the March 1 date as it is and insert "or to the satisfaction of the Director of Community Development". That would put it back on staff to develop a date.

AGURS agrees with Commissioner Ambrose. Obviously the applicant doesn't have a realistic time period. He thinks if City staff is involved, they can come up with a date that makes sense, not giving the applicant a free ride but, at the same time, supporting one of our local businesses so it is a "win-win" for both the City and the applicant.

TURNER agrees.

ODIORNE refers to Public Works' comment regarding the grading plan and says they are not sure what the applicant is proposing there. It may be that there is not sufficient cut and fill proposed. It may not even require a grading permit. The applicant does need to comply with the other condition regarding storm water management program. That could take a little time for the applicant to propose. By the State requirements, he is not permitted to even wash cars and let the water run off onto the streets any more. That [water] needs to be managed on site.

In response to TURNER, AUSTIN says staff has always been very reasonable. He doesn't see why they wouldn't be now.

No one else comes forward to speak on this item.

Motion by AGURS, second by AMBROSE to close the public hearing; carries 5-0.

Under discussion, AGURS thinks Commissioner Ambrose had the language for the motion the Commission would like to see.

Motion by AMBROSE, second by AGURS to GRANT Conditional Use Permit 1923 in accordance with the staff report, modifying conditions 2.b. & 2.c. to add "to the satisfaction of the Director of Community Development"; modifying condition 3 to read "...than March 1, 2003 or to the satisfaction of the Director of Community Development"; and modifying condition 5.h. to remove the word "Remove", making it read "The abandoned sign pole located near the front property line", and adding the words "shall comply with the City's Sign Ordinance and the applicant shall provide structural calculations for safety reasons"; carries 5-0.

This item will be forwarded to the City Council since it is in Specific Plan 462.

CONDITIONAL USE PERMIT 1948 – Razooky
(public hearing) Continue to February 24, 2003
P. C. Meeting 02/10/03

The subject property is located on the southeast corner of East Main and First Streets, and addressed as 1107 E. Main Street; APN 489-380-01; existing LUC 5412B, proposed LUC 5412A; General Plan Designation: General Retail Commercial.

Request off-sale alcoholic beverages in conjunction with an existing convenience market in the C-2 (General Commercial) zone.

P. C. Minutes
02-10-03

RAMIREZ states the applicant's representative has requested a continuance to have time to discuss some adverse comments that were received very late last week from the Police Dept. The next available date is February 24, 2003.

The public hearing is now open.

No one comes forward to speak.

Motion by AGURS, second by BURGERT to CONTINUE the public hearing on Conditional Use Permit 1948 to the meeting of February 24, 2003, in accordance with the staff report; carries 5-0.

There will be no further notice of this continued public hearing.

AMENDMENT OF SITE DEVELOPMENT PLAN 1275 – Collins

(discussion) Letter to applicant; forward to City Council
P. C. Meeting 02/10/03

The subject property is located on the west side of North Magnolia Avenue between West Park and Wisconsin Avenues, and addressed as 396 N. Magnolia Avenue; APN 487-172-49; LUC 6142; General Plan Designation: General Retail Commercial/Special Development Area #9.

Request addition to existing office building in C-2 (General Commercial) zone.

SHUTE advises that a site development plan typically does not come before the Planning Commission. Because the subject property is within the boundaries of Specific Plan 182, there is language in that document that states that these items be brought before the Planning Commission and City Council as discussion items. This process also includes the architectural review of the project by El Cajon Community Development Corp. (ECCDC). The subject property is the Collins Insurance Building, which is a very well maintained building and property. The proposal includes the addition of more than 3,000 sq. ft. of new office floor area to the existing building. The new addition is to be added on the west and south portions of the existing building. This same proposal was granted in April 1995, but the applicant did not go through with it so here they are again with pretty much the same request. The architecture is consistent with the existing building. Staff thinks this is a great addition to this building and to the downtown as a whole, and recommends the Planning Commission recommend approval.

TURNER invites the applicant to speak on this discussion item if he wishes.

Michael COLLINS, 396 N. Magnolia Ave., El Cajon CA 92020, comes forward with some questions. On their first pass through, they were doing minimal changes to the landscape and at this time staff is asking for a full landscape architectural change. He wonders if it is possible to have that reviewed and waived. There is really minimal change to the landscape.

SHUTE states staff understands from reviewing the site plan that there are some new areas that are to be landscape planters in the parking area. Their architect, who is not a landscape architect, can present those plans to staff. Staff can work with him on that.

COLLINS says two additional things that were added that were not in the 1995 review is that he has two solid concrete driveways. They have minimal traffic; this used to be a bank with lots of drive-thru traffic. They have 25 cars a day, total. That is their employees coming on and then leaving. There is no requirement for egress and entering with two lanes open. The staff is asking him to tear out a 22-foot-wide concrete driveway and restore it with a 24-foot-wide concrete driveway. He asks if there is some flexibility there.

ODIORNE responds there are actually two requirements regarding those driveways. The first is to make them fully ADA compliant, which would require their removal. The second requirement, which addresses the dimensions, requests that the driveways be constructed to have two 12-ft. travel lanes (which is common) coming in and out for easier access. Those are conditions of the building permit and, as ODIORNE mentioned to the applicant, those can be appealed directly to the City Manager for consideration.

No one else comes forward to speak on this discussion item.

Motion by AMBROSE, second by AGURS to RECOMMEND APPROVAL of Amendment of Site Development Plan 1275 in accordance with the staff report; carries 5-0.

This item will be forwarded to the City Council as a discussion item.

PREDRAFTED RESOLUTIONS

To reflect the actions of the Planning Commission on tonight's agenda items.

Motion by HANSON-COX, seconded by BURGERT to adopt Resolution Nos. 9760, 9761, 9762, 9763 & 9764 pro forma; carries 5-0.

ORAL COMMUNICATIONS

RAMIREZ states the Planning Commissioners were given some information inviting each one of them to the League of California Cities Planners Institute, which will be held

in San Diego this year. At almost the same time, the Director of Community Development received an invitation for two commissioners to attend those sessions at no charge with the support of the Institute for Local Self Government. RAMIREZ asks for those who are interested in attending to let her know after the meeting tonight. TURNER says this is a good experience for new commissioners.

RAMIREZ states there is also an invitation to send two Planning Commissioners to a series of three one-day workshops in San Diego, tentatively set for April 5, May 3 and June 21. This is also sponsored by the Institute for Local Self Government. Any commissioners desiring to attend should let her know at the end of tonight's meeting.

RAMIREZ states a third local meeting date that the commissioners may be interested in is the City of El Cajon's hosting of one of SANDAG's community meetings on the Regional Comprehensive Plan. Staff would like to see the Planning Commissioners' support by attending if they are able to, at the Community Center on Wednesday, February 19, 2003, from 6:00 to 8:30 PM.

RAMIREZ reminds the Commission that the election of officers is scheduled for the next meeting on Monday, February 24, 2003.

CORRESPONDENCE

There was none.

ADJOURNMENT

The meeting of the El Cajon City Planning Commission adjourned at 7:53 PM this 10th day of February, 2003.

Debra TURNER, Chair

ATTEST:

James S. GRIFFIN, Secretary