



MINUTES

PLANNING COMMISSION MEETING

MARCH 12, 2007

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

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: AMBROSE, BLACK, SOTTILE, WELLS, WOODS

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT:
RAMIREZ, Principal Planner
LYONS, Staff Attorney
GRIFFITHS, Deputy Director, Public Works –
Private Development
VALLES, Administrative Secretary

WELLS explains the mission of the Planning Commission and the proper procedure for speaking before the Commission and asks for proper decorum during the meeting.

MINUTES OF 2-26-07 Motion by WOODS, second by AMBROSE to approve the Minutes of February 26, 2007 pro forma. Motion carries 5-0.

PLANNED RESIDENTIAL DEVELOPMENT 60 R – Ballantyne Development Company, LLC

(public hearing) Resolution No. 10416
PC meeting: 03-12-07
(joint noticed CC mtg 04-10-07)

The subject property is located on the east side of Ballantyne St. between Broadway and Cedar St., APN 483-240-82 & 84; General Plan Designation: Low Density Residential.

Request to construct a 26-unit residential development in the PRD-Low (Planned Residential Development – Low Density) zone.

AND

TENTATIVE SUBDIVISION MAP 547 R – Ballantyne Development Company LLC

(public hearing) Resolution No. 10417

PC meeting: 03-12-07

(joint noticed CC mtg 04-10-07)

The subject property is located on the east side of Ballantyne St. between Broadway and Cedar St.; APN 483-240-82 & 84; General Plan Designation: Low Density Residential.

Request to create a 29-lot common-interest subdivision (26 residential lots, two common area/open space lots, and one private street lot) in the PRD-Low (Planned Residential Development – Low Density) zone.

RAMIREZ summarizes that this request is virtually identical to one that was proposed by a different developer, and approved in 2004 by the City Council. The subject property was effectively rezoned from R-1-6, a conventional single-family residential zone, to PRD-Low, which also allows detached two-story construction, but includes a private street, and shared amenities. The previous applicant satisfied some, and not all, of the conditions of approval for the development of 26 homes on the subject property, therefore, the previous project approvals expired in 2006.

It was evident at that time, from staff's report to the Planning Commission and testimony given at the public hearings, that compatibility of the proposed project was the focus of discussion. The current report echoes the same concerns. The proposed density of about ten units per acre is allowed under the current zoning, and is consistent with the General Plan. It is the relationship of the unit placement to adjacent homes that, in staff's opinion, warrants some adjustment.

Commissioners have received copies of the site plan, tentative map, and building elevations in color. The site plans shows a private street connecting to Ballantyne St. as the only means of vehicular access to the proposed subdivision. Twelve of the 26 units have frontage on the north side of the proposed private street. The other 14 units are on the south side of the private street, and abut the rear yards of existing homes on Cedar St.

RAMIREZ informs that the applicant is proposing two floor plans, namely Plan "A" and Plan "B". All of the proposed homes are two-story and have an attached two-car garage. The southerly 14 units are all Plan A models, and are located 10 ft. from the subdivision boundary. As was done in 2004, staff is recommending that 11 of the southerly units be swapped to the other side of the street, and eight of the northerly units be relocated in their place. This would provide fewer units directly behind the homes on Cedar, with the result of reducing the crowding effect of the proposed two-story units.

RAMIREZ notes that staff is again proposing that the Plan "B" homes on the southerly side of the private street observe a minimum setback of 15 feet, rather than the 10-ft. setback shown on the applicant's site plan for Plan "A" units. At any location where a 10-ft. rear setback is approved, future homeowners will not have the option of installing a patio cover in the setback area.

The open space and recreation area component of this project consists of private yards and common area landscaping, with no amenities shown in the "REC LOT". In 2004, staff recommended a pedestrian walkway connecting to Cedar St., and benches, a barbecue and additional landscaping. The Commission deleted the condition for a walkway.

The subject property is located in the City's Redevelopment Project Area, and as such, is subject to the City's requirement for affordable housing. For this project, at least four of the proposed 26 units will have to be made available at affordable housing prices, according to the guidelines found in Title 15 of the El Cajon Municipal Code. It is noted that this requirement was not in existence at the time of the previous project review.

RAMIREZ concludes that in response to the public hearing notice distributed for this project, staff received two inquiries, one of which expressed opposition to the project. This item, together with the companion subdivision map, will be heard by the City Council on April 10, 2007.

WELLS announces the public hearings are now open.

Mr. Joel WAYMIRE, Polaris Development Consultants, 124 West Main St., #241, El Cajon, CA 92020, is the civil engineer for the project and also handled the previous submittal by the Planning Commission in 2004. He notes that there was a minor change from the previous submittal; a lot line adjustment removed one of the parcels.

WELLS asks if he agrees to the conditions of approval. WAYMIRE responds that they have satisfied the conditions except for two: the 15-foot rear setback requirement and the swapping of the northerly units with the southerly units. WELLS asks if the applicant is seeking that the conditions be waived and WAYMIRE responds affirmatively. He states that they have tried to make those conditions work and have been unable to.

AMBROSE inquires if the elevations are all going to be one color, noting that they are drab and institutional. WAYMIRE replies that it was a prior submittal and notes that the units will have different colors and elevations. [RAMIREZ distributes the color sample board from the file to the Commissioners].

AMBROSE asks what is proposed for the recreational lot or the "little finger" of property along Cedar Street? WAYMIRE replies that it will be a passive open space area with lawn, trees and shrubs.

BLACK is concerned that people outside the community would use the property as a shortcut. WAYMIRE notes that the original submittal had the area as open space; however the intent of most of the neighbors at the previous Planning Commission meeting was to close it off. He notes that they need to have gated access to Helix Water District.

WOODS favors a variety of colors, both in the stucco and also in the roof, to prevent the units from appearing like carbon copies.

Mr. Brian FARRIS, 838 Cherrywood Way, El Cajon, CA 92021, is the property owner of the property that connects to the proposed development on the eastern most edge and is the western most property in the Cherrywood Estates development. He requests additional time as he is representing 15 units at Cherrywood Estates homeowners association. [Five minutes was granted]. He emphasizes and objects that he did not receive a public hearing notice for the 2004 proceeding and tonight's public hearing. [A review of the record notes that the notice was mailed to the speaker's registered mailing address at Kenosha, Wisconsin]. FARRIS is also concerned about the effect that 26 units will have on property values. He also notes lack of privacy through setbacks, and serious traffic issues along Ballantyne Street, especially in the morning.

WELLS asks staff for clarification on the 15-foot and 10-foot setbacks; RAMIREZ replies that the plan shows 10-foot setbacks and the staff report is recommending that a 15-foot setback be established. WELLS asks if a traffic study was completed. RAMIREZ notes that a traffic analysis was not accomplished because the project is considered a low traffic generator.

Ms. Kareen FOSSE, 522 Cedar Street, El Cajon, CA 92021, is the property owner adjacent to the driveway that will be turned into a passive recreational area with a six-foot block wall. She complains of persistent problems with the property and predicts an increase in drug usage, prostitution and homelessness. She would like to purchase that property to prevent that from happening. About three months ago, she called the police department as six or eight men climbed over the wall, went into her yard and destroyed property on her lawn.

Mrs. Edie HANSON, 769 Catalpa Way, El Cajon CA 92021, also representing two property owners: Paul & Sheila Leary at 773 Catalpa Way and Jay and Candy Ellis at 760 Catalpa Way, El Cajon CA. She likes the staff's recommendation of switching the north and south homes and does not want a walkway coming out onto Cedar Street. She recommends that the gate be allowed with only Helix Water having access to it.

Mr. Kirby MOULTON, 448 Cedar Street, El Cajon CA 92020, is a property owner and mentions that most concerns were covered by previous speakers; however, he seeks clarification regarding the 10 and 15-foot setbacks. He also objects to windows on the second floor of the proposed project overlooking the back yards. RAMIREZ responds that the units would be swapped, north to south, and the ones on the south side would have a setback from the back of those homes to the southerly project boundary line of 15 feet. RAMIREZ adds that Commissioners might want to add a condition to stipulate that the wall be six feet high, as the testimony contradicts the site plan notes. MOULTON reiterates that he is not six feet tall, yet he could see over the fence.

Mr. John MARTIN, 535 Cedar Street, El Cajon, CA 92021, he lives across from the driveway. He notes that the previous developer, Mr. Daryl PRIEST, indicated he would place a fence across the end of it and provide landscaping in that area. He supports the recommendation that the developer be able to sell FOSSE that piece of property to prevent

any future problems.

Commissioners request that the applicant return for further questioning.

AMBROSE foresees continuing problems with the “finger” property and recommends that the developer sell it. WAYMIRE cautions that if the sale of the property does not affect the yield or lot count, he believes the developer would be pleased to sell the property to Mrs. FOSSE. Should that not go forward, the applicant is willing to work with the neighbors and the City on an alternative. AMBROSE asks staff if selling the property affect the open space requirement. RAMIREZ believes that it might and does not have the figures on the size of that area.

AMBROSE asks if trees will be placed between the wall and the new residents. WAYMIRE notes that they don't have anything laid out in the plan; however, an agreement was reached with the homeowners on the south that the developer would install additional landscaping to help buffer and screen out the homes. Additionally various window treatments will be utilized so that the new homeowners aren't looking into the rear yards of the existing homeowners. The new developer is willing to comply with these conditions, in addition to the six-foot high wall requirement.

RAMIREZ refers to previous Planning Commission meeting minutes and the City Council's resolution #241-04 that reference fence height and the landscape buffer between properties.

No one else comes forward to be heard.

Motion by SOTTILE, second by BLACK to close the public hearings; carries 5-0.

SOTTILE, BLACK and WOODS support the City Council additional requirements, as referenced by RAMIREZ. AMBROSE is still concerned about the “finger” property and would like a plan on how that is going to be treated. Even if it is fenced off, it would be a nuisance.

RAMIREZ notes that in 2004, staff took some time to discuss the “finger” property. Staff recommended that the first 20 feet from Cedar Street be low-maintenance, low-profile landscaping, followed by a six-foot high solid wood fence. The next length of property would have enhanced landscaping, open to view to the north of the recreation area, but with no active uses next to Mrs. FOSSE's property. The next element could be a wrought iron fence, 36 or 42 inches high which would be intended to keep people and dogs out of the landscaped area. She asks if the Commissioners would see this an appropriate solution for the “finger.” SOTTILE favors RAMIREZ' suggestions. WOODS mentions that he prefers a wrought iron fence or masonry wall, but not a wood fence at the setback location.

Motion by SOTTILE, no second. Motion was withdrawn at staff's request in order to further discuss possible new conditions of approval.

WELLS believes staff will be able to work out a solution before it goes to City Council. AMBROSE has reservations, but would like this item to go forward. He believes staff will do a good job in working out the details. BLACK likes the wrought iron fence, but he wonders about the possibility of selling the “finger” property to FOSSE. He is also concerned if the property is sold how it would affect the development. RAMIREZ believes that it would affect the development and thinks that WAYMIRE would concur. She recommends that the next motion include any modified conditions.

Motion by WOODS, second by AMBROSE to RECOMMEND APPROVAL of the Planned Residential Development 60 R for the 26-unit residential condominium project in the PRD – Low Zone, subject to the conditions and for the reasons stated in the staff report, adding conditions as follows:

“2.q. Note that the project boundary block wall shall be six feet high, except in the exterior setbacks where the wall height shall not exceed 42 inches.”

“2.r. At the 20-foot setback line from the Cedar Street property line, indicate an eight-foot high wrought iron fence with security gate for exclusive access by Helix Water District.”

“5.g. The applicant shall offer to each of the owners of properties immediately adjacent to the south of the subject property, additional landscaping, consisting of trees or tall-growth shrubs, to be planted in the back yards of their respective properties in a manner to provide landscape buffering from the new development, all at applicant’s sole cost and expense “; and

“6.h. Completion of off-site landscape planting in back yards of properties immediately adjacent to the south of the subject property”;

motion carries 5.0.

Motion by AMBROSE, second by WOODS to RECOMMEND APPROVAL of Tentative Subdivision Map 547 R requesting a 29-lot subdivision in the PRD-Low zone, subject to conditions; carries 5-0.

The items are jointly noticed for a City Council hearing on April 10, 2007.

Recess called at 8:00 p.m.; Meeting resumes at 8:07 p.m.

AMENDMENT OF ZONING ORDINANCE RE: SIGN REGULATIONS – Planning Commission

(public hearing) Resolution 10418
PC meeting: 03-12-07
(joint noticed CC mtg 04-10-07)

Request consideration to amend certain regulations regarding signs.

RAMIREZ notes that the Amendment to the Sign Ordinance, initiated by the Planning Commission and requested by the City Attorney. This new ordinance will resolve a situation where an urgency ordinance that was adopted in 2003 was later found to be not in effect by a court of law. The second reason for the amendment is to clarify some language in the ordinance regarding regulating of signs within 660 feet of freeway right-of-way; that was basically a clerical or typographical error. The attached Exhibit "A" reflects the changes by showing additions in the underline format and deletions in the strike-out mode.

Staff recommends approval of this amendment. The City Council will hold a public hearing at its April 10, 2007 meeting.

The public hearing is now open.

No one comes forward to speak.

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

AMBROSE commends staff on a great job on the ordinance and reflects about the controversial "Sign Wars of the 80s".

Motion by AMBROSE, second by SOTTILE to RECOMMEND APPROVAL of Amendment of Zoning Ordinance Re: Sign Regulations as shown in Exhibit "A"; carries 5-0.

The item was jointly noticed for a City Council meeting on April 10, 2007 at 7 p.m.

AMENDMENT OF CONDITIONAL USE PERMIT 1797 – AKC Services, inc. for Rudolph Bragg (Walgreens)

(public hearing) Resolution # 10419

PC meeting: 03-12-07

The subject property is located on the east side of N. Second St., between E. Madison Ave. and E. Main St., and addressed as 215 N. Second St.; APN 489-180-15-00; General Plan Designation: General Retail Commercial.

Request addition of an electronic message display sign to an existing pole sign in the C-2 (General Commercial) zone.

RAMIREZ explains that this is an application for a conditional use permit to install an electronic message display sign for the existing Walgreens drive-through pharmacy. The City Council in 2002 amended the sign ordinance to allow electronic message display signs subject to the granting of a conditional use permit. This will be the second such application pursuant to that ordinance amendment. Electronic message display signs may be authorized as part of any permitted sign display subject to the same height, sign area and location restrictions of the permitted sign.

RAMIREZ notes that the applicant has provided staff with a proposed site plan and elevations that indicate conformance with the height and square footage limitations for a pole sign in this zone. One issue that was discussed with the amendment of the sign ordinance was the intensity and frequency of the electronic message.

Staff recommended, and the City Council approved, the standards that Caltrans enforces, which are a minimum of four-second message display, followed by a minimum of one second interval between messages. The applicant's written narrative indicates that the message display will change every 30 seconds and this frequency will be acceptable.

The intensity issue is one that is more subjective and one that staff did not find a standard for. Staff recommends an ongoing condition of approval that requires sign intensity not to be a nuisance to adjacent properties. In order to avoid a potential legal issue with the City's settlement agreement with the billboard industry, the electronic message sign must be considered an on-premise sign and must only advertise products, services or events which are available or occur on the subject site.

RAMIREZ notes that staff did not receive any inquiries in response to the public hearing notice that was distributed for this item. Since the electronic message display sign has already been installed at the subject property and approved by the Building Division, this conditional use permit would only need to authorize the frequency and intensity of the messages that are displayed. It is recommended that the Commission grant amendment of CUP 1797 for an electronic message sign as part of an existing pole sign, subject to the conditions and for reasons stated in the staff report.

The public hearing is now open.

Mr Chris POLSTER, AKC Services, Inc., 31681 Riverside Dr., Suite B, Lake Elsinore, CA 92530, is the applicant. He notes that in addition to automatically switching over to Amber Alert notifications, Walgreens will occasionally offer useage of the sign to promote civic events and charitable causes.

WELLS asks if there was some sort of emergency, could the city contact the store and they would disseminate that information to the public? POLSTER replies affirmatively.

Mr. John PEACE, Walgreens, 215 North Second Street, El Cajon, CA 92020, is the store manager and he reiterates their participation in the nationwide Amber Alert notification program. They will comply with the intensity requirements.

BLACK asks staff if the Amber Alert or promotion of community events is prohibited. RAMIREZ believes that staff could not support the use of this sign for advertising charitable events.

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

BLACK supports the advertising of community-sponsored events. LYON mentions that they would need to research that item to see if the request would be legal. BLACK asks that this be brought as a discussion item at a future Planning Commission meeting. SOTTILE notes that Amber Alert is a good thing; however, he notes possible discrepancies regarding charitable and non-charitable events. RAMIREZ notes that because of pending litigation regarding signs, she recommends that the applicant's request be approved as is and a discussion item be considered at a future meeting.

Motion by BLACK, second by AMBROSE to GRANT Amendment of Conditional Use Permit 1797; carries 5-0.

The appeal period ends at 5 p.m. on Monday, March 26, 2007.

MAJOR / MINOR CHANGE TO CONDITIONAL USE PERMIT 1849 – Artimex Iron Co., Inc. (Jose Padilla)

(discussion)

PC meeting: 03-12-07

The subject property is addressed as 315 Cypress Lane.

Request for a minor change to the conditional use permit for outdoor manufacturing to add a roof to existing outdoor crane way in the M (Manufacturing) zone.

RAMIREZ explains that due to the nature of his request to add a large metal roof to an existing outdoor work area, Mr. Jose Padilla, President of Artimex Iron Co., Inc., was directed by staff to seek Planning Commission approval. Commissioners will recall that the staff has limited ability to authorize site plan changes to an approved project. Whenever such a change is of a magnitude that concerns staff, the request is referred to the Planning Commission.

Artimex uses an overhead steel crane way for the manufacturing of large structural steel components at its Cypress Lane location. Mr. Padilla wishes to construct a roof over the crane way to provide shade and rain protection for the outdoor work area and to comply with OSHA requirements regarding heat-related injuries. The addition of a roof over the crane way would not lead to an expansion or intensification of use on the subject property.

RAMIREZ adds that staff has determined that the proposed roof will comply with M zone requirements for maximum height and building setbacks. As part of the Commission's decision on this request, the applicant will not, however, be receiving approval of the "future five-ton crane" that is indicated elsewhere on the applicant's site plan. That consideration would have to be done as a formal amendment of the conditional use permit.

As a matter of information, the Storm Water staff in the Public Works Dept. has indicated that adding a roof to the outdoor operation would improve storm water management at the site by keeping the area dry, thereby reducing the amount of dust and industrial pollution

being washed into the storm drain system.

RAMIREZ notes that if the Commission finds the addition of a roof to be a minor change, there will be no revisions to the conditions of approval that were established when the Planning Commission approved CUP 1849 in 2000 for the continuing operations of the existing business on the subject property. Staff's report to the Commission lists the reasons that staff supports this request as a minor change.

WELLS invites the applicant to come forward.

Mr. Jose PADILLA, Artimex Iron Co., Inc. 315 Cypress Lane, El Cajon CA 92020, is the applicant. He gives a brief overview of the project and notes that the OSHA regulations address heat-related injuries of employees. Additionally, they will comply with storm water requirements by sweeping particles and placing them in the trash.

AMBROSE commends the applicant for this project.

Motion by AMBROSE, second by SOTTILE to RECOMMEND that the proposed metal roof be considered to be a MINOR CHANGE to Conditional Use Permit 1849; carries 5-0.

The appeal period ends at 5 p.m. on Monday, March 26, 2007.

ORAL COMMUNICATIONS

There is no oral communications.

PRE-DRAFTED RESOLUTIONS

Motion by WOODS, second by SOTTILE to adopt Resolution Nos. 10416 through 10419, pro forma; carries 5-0.

CORRESPONDENCE

No correspondence.

ADJOURNMENT

Motion by WOODS, second by AMBROSE to adjourn the meeting of the El Cajon City Planning Commission at 8:31 p.m. this 12th day of March, 2007 until March 26, 2007 at 7:00 p.m.; carries 5-0.

William D. WELLS, Chair

ATTEST:

James S. GRIFFIN, Secretary