



MINUTES

PLANNING COMMISSION MEETING

OCTOBER 22, 2007

The meeting of the El Cajon City Planning Commission is called to order at 7 p.m.

PLEDGE OF ALLEGIANCE

COMMISSIONERS PRESENT: William D. WELLS, Chairman
Tony AMBROSE
Tom BLACK
Anthony SOTTILE
Gary WOODS

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Tony SHUTE, Senior Planner
Morgan FOLEY, City Attorney
Dennis DAVIES, Deputy Director, Engineering,
Public Works Department
Noah ALVEY, Associate Planner
Ron Luis 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 10/08/07

Motion by AMBROSE, second by WOODS to approve the Minutes of October 8, 2007, pro forma, correcting a typographical error under Oral Communications, changing "cards" to "cars"; carries 4-0 (WELLS – abstain due to absence at meeting).

PLANNED UNIT DEVELOPMENT 332 –TORRES

*(continued public hearing)
(joint-noticed CC mtg. 11-13-07)
PC mtg. 10-22-07*

The subject property is located on the south side of Marline Ave. between Grape and N. Third Streets, and addressed as 1443 Marline Avenue; APN: 507-283-11; General Plan Designation: Low Density Residential.

Request a three-unit residential development in the R-2-R (Two-Family Residential Zone Restricted) zone.

AND

TENTATIVE PARCEL MAP 636 – Torres

(continued public hearing)

(joint-noticed CC mtg. 11-13-07)

P.C. mtg. 10-22-07

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

SHUTE informs the Commission that the applicant for this project did not submit the revised plans to staff in time to stay on the October 22 agenda. Therefore, the staff is recommending a second continuance of these items to the November 5, 2007 Planning Commission meeting so that the staff will have sufficient time to adequately review the revised proposal.

WELLS announces the public hearings are now open.

No one comes forward to be heard.

Motion by WOODS, second by BLACK to continue Planned Unit Development 332 and Tentative Parcel Map 636 to the Planning Commission meeting on Monday, November 5, 2007; carries 5-0.

AMENDMENT OF CONDITIONAL USE PERMIT 472 -- Planning Commission (Foodmaker – Jack in The Box)

(continued public hearing) Resolution No. 10455

PC mtg. 10-22-07

The subject property is located on the southeast corner of West Main Street and Van Houten Avenue, and addressed as 393 West Main Street; APNs: 487-331-02, -03, -04; General Plan Designation: SDA 9 (Downtown Redevelopment)/General Retail Commercial.

Request to consider revocation of a conditional use permit for drive-through facilities in conjunction with a fast-food restaurant in the C-2 (General Commercial) zone. ***(Continued from the Planning Commission meetings of May 21, 2007 and July 23, 2007).***

FOLEY explains that since this item is a revocation of a conditional use permit, it will need to be handled as an administrative hearing. He administers the oath to accept testimony from the applicant's representative, and two staff members [ALVEY and SHUTE].

ALVEY testifies that the Planning Commission originally initiated this revocation on April 9, 2007 due to problems associated with homeless individuals and a high number of responses by the Police Department to incidents occurring at the subject site and in the vicinity.

The revocation hearing was held on May 21, 2007 and was then continued to July 23, 2007 and was again continued to tonight's meeting. The Planning Commission decided to continue the hearings in order to allow staff to monitor the subject site.

In a memo, Cassandra Haynes of Jack in the Box addressed the concerns about the reduction of the on-site security and decided to continue to employ a security guard between 7 a.m. and 11 p.m. and that if the City denies the revocation, Jack in The Box intend to take immediate steps to renew the existing CUP, along with moving forward with the \$200,000 remodel.

The comments received from the Police Department state that there has been improvement in 2007 as compared to 2006 and that it appears that management's efforts which include on-site security have had a positive impact.

In staff's opinion, conditions at the subject site have steadily improved. Staff recommends that the Planning Commission deny the revocation so that Jack in The Box renew their CUP and move forward with their plans to renovate the existing store.

FOLEY notes that the applicant's representative could now ask any questions, if not they could present their case.

Mr. Ray PEPPER, 4740 La Rueda Drive, La Mesa CA 91941, is the corporate counsel for Jack in The Box, and also notes that in the audience is Camille Hines, Vice President for the Southern California Region and Cassandra HAYNES, a para-legal with Jack in The Box's legal department.

PEPPER agrees with the staff report and affirms that Jack in The Box has taken this matter very seriously. They have several restaurants in El Cajon and their relationship with the City of El Cajon is very important to them. They have been working closely with the Police Department to resolve this problem and will follow recommendations from the staff report. He notes the remodel of the current store will resemble the Jack In The Box restaurant at Greenfield Drive and E. Main Street in El Cajon.

BLACK notes that there has been a tremendous improvement; however, he notes that if they eliminate the security guard, things might go sour, even though they do have the security camera monitoring system.

In response to a question from WELLS, PEPPER notes that the remote security monitoring system is still in place.

FOLEY notes that there is no need for rebuttal and recommends that the hearing be closed.

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

Motion by BLACK, second by SOTTILE to DENY revocation of Amendment of Conditional use Permit 472; carries 5-0.

The appeal period for this item ends at 5 p.m. on November 5, 2007.

CONDITIONAL USE PERMIT 2053 – Marrokal Construction for Colleen Watkins

(public hearing) Resolution No. 10456

PC mtg. 10-22-07

The subject property is located on the southeast corner of Brookhurst Drive and Granite Hills Drive and addressed as 1943 Brookhurst Drive; APN: 511-500-15-00; General Plan Designation: Low Low Density Residential.

Request to convert an existing detached garage to a recreation room with bathroom facilities in the R-E-20 (Residential Estates, 20,000 sq. ft.) zone.

ALVEY mentions that this is a request to convert an existing 420-square-foot detached two-car garage into a pool house with a full bathroom. The applicant's narrative states that the proposed structure is intended to be a non-habitable pool house and will be used to accommodate recreational use of the existing in-ground pool.

The City does not permit accessory structures with bathroom facilities by right. Historically, there have been instances of such structures being converted to unauthorized dwelling units. Therefore, a conditional use permit is required to allow accessory structures with bathroom facilities and prevent the unauthorized conversions of these accessory structures to illegal dwelling units. Staff has recommended conditions of approval to prevent the unauthorized use of the proposed structure as a dwelling unit if the Planning Commission grants the request.

Staff received one response to the public hearing notice that was distributed for this item. The individual was concerned that the accessory building could be converted into an assisted living quarters. Staff indicated that the structure would only be utilized as a recreation room and that it could not be used as a dwelling. An assisted living quarters or second family unit would be required to conform to the development standards for such a use. If the applicant were seeking to create a second family unit, an easier alternative would be to convert the attached garage into a second family unit and to retain the existing detached garage as the required parking for the single-family home. Staff discussed this alternative with the applicant. The applicant indicated that they would like to proceed with the request as it was originally proposed.

Staff recommends that the Planning Commission grant this request for a detached accessory structure with a bathroom subject to the conditions and for the reasons stated in the staff report.

WELLS announces the public hearing is now open.

Ms. Colleen WATKINS, 1943 Brookhurst Drive, El Cajon, CA 92019, is the applicant. She notes that one neighbor is upset and mentioned that he was going to come to protest this application as they thought she was going to rent out the accessory structure. She emphasizes that there will be no renting and apologizes that she made her neighbor angry. She agrees with staff's recommendations.

No one else comes forward to be heard.

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

Motion by AMBROSE, second by SOTTILE to GRANT Conditional Use Permit 2053, modifying condition # 6 and correcting a clerical error of the term of the life of 20 years from 2028 to 2027; carries 5-0.

The appeal period for this item ends at 5 p.m. on Monday, November 5, 2007.

CONDITIONAL USE PERMIT 2054 – Ferreira for Jackson-Pendo Cuyamaca Street, L.P.

*(public hearing) Resolution No. 10457
P.C. Mtg. 10-22-07*

The subject property is located on the east side of Cuyamaca Street, between Vernon Street and W. Bradley Avenue, and addressed as 1331 Cuyamaca Street (Suites A and B) and 1363 Cuyamaca Street; APN: 482-140-58-18 & -20; General Plan Designation: Light Industrial.

Request a martial arts and personal fitness facility in the C-M (Heavy Commercial/Manufacturing) zone.

SHUTE notes that this request is to establish a martial arts and personal fitness facility inside an existing commercial condominium development is a result of the current facility being displaced. The current location of this business is on North Magnolia and is part of the future Public Safety center, so the need to relocate in a timely manner is important.

The applicant is proposing to operate the martial arts facility at an interim location on the same property of the requested permanent location (different suites). The proposed permanent site is currently occupied by another business whose lease is set to expire in 2008.

The use of the interim site is intended to provide a place for the martial arts facility to operate until the new permanent suite is available.

The proposed martial arts classes and personal fitness training would occur primarily within the enclosed building. However, the applicant has verbally indicated that he wishes to periodically conduct instruction in the parking and loading areas located outside the existing building.

SHUTE states staff is willing to support limited outdoor instruction as long as classes are conducted after normal business hours when most of the other businesses in the complex are closed. The applicant currently conducts outdoor instruction in the evening behind the North Magnolia site, within earshot of City Hall. The activity has never been a nuisance and has not generated any citizen complaints. If the outdoor instruction does not interfere with the conduct of business in the surrounding area, staff is willing to support the request.

Staff recommends that the Planning Commission grant Conditional Use Permit 2054, for a martial arts and personal fitness facility in the C-M zone, subject to conditions and for the reasons contained in the staff report.

WELLS announces the public hearing is now open.

Mr. Steve FITCH, 3465 Camino del Rio South, San Diego, CA 92108, is the attorney for the applicant and apologizes that the applicant could not attend the meeting as he was evacuated due to fires. They have reviewed the staff report and agree with conditions, yet sought clarification on meeting the building permit requirement. Since the applicant will be using a temporary location, the applicant would like the Condition #2b to be waived since it is a temporary facility. SHUTE and FOLEY clarify that no modifications of the conditions are required; however, they recommend that the applicant check with the Building Division to ensure that no building permits are necessary.

No one else comes forward to be heard.

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

Motion by SOTTILE, second by BLACK to GRANT Conditional Use Permit 2054; carries 5-0.

The appeal period for this item ends at 5 p.m. on November 5, 2007.

FOLEY announces that WOODS will abstain from the hearing for Conditional Use Permit 2055 due to a conflict of interest. WOODS leaves the Council Chambers at 7:30 p.m.

CONDITIONAL USE PERMIT 2055 – Seitel (dba RV Super Center) for Fabulous 7 Partners L.P.

(public hearing)

PC mtg. 10-22-07

The subject property is located on the east side of E. Main Street between N. Third St. and Broadway, and addressed as 1523 – 1527 E. Main Street; APNs: 507-310-28 & -29; General Plan Designation: General Retail Commercial.

Request R.V. sales and rentals in the C-2 (General Commercial) zone.

SHUTE explains that the subject property has been used as a transition service center since 2004. The transition service center operates in three former motel buildings. The motel buildings are used as transitional housing for those in the Alpha Project program and also as legitimate “motel” rooms to the general public. There is also a former restaurant building on the property, that at one time had been used as a training restaurant. The restaurant is no longer open to the public and is instead now used as a conference center and for food preparation for the Alpha Project residents.

This applicant is requesting that an RV sales and rental lot be granted in an unimproved and underutilized area of the subject property between the most southerly motel building and the I-8 freeway. The applicant is proposing to pave this area.

The proposal includes a small 220-square-foot office addition to the rear of the conference center building and a small display area in front of the restaurant with table, umbrella and stand near the front of the same building.

According to SHUTE, the transition service center and the proposed RV sales are intended to operate on the same properties at the same time by different entities.

The staff has concerns with the proposal and had listed them in the staff report. The proposal to add the majority of the RV sales lot behind an existing building used for the transition service center and a small display area in front of the same building conflicts with General Plan Policy 9.4.1. that states: “Commercial areas shall be designed as a comprehensive unit subject to strict standards governing building arrangement, appearance, street access, through access, parking, signs and landscaping.” The separation of the sales display area and the mixing of a transition service center with a vehicle sales use does not represent a “comprehensive unit” nor does it indicate a logical combined use of the subject property. The proposal, in staff’s opinion, compounds the incompatibility of land uses (transition service center and vehicle sales). In staff’s opinion, this proposal is an example of site overcrowding, which also makes the proposal incompatible with the subject property and the surrounding area. Separating incompatible land uses from one another is a fundamental principle of good land use planning.

SHUTE adds that the proposed on-site circulation appears difficult to manage for the proposed RV sales. The majority of RVs would be displayed and stored at the rear of the site. In order for the RVs to be brought from the display and storage area to the front of the property, the drive would have to either go through a 12-foot separation between the existing conference center building and the southerly property line or in the opposite direction of the one-way driveway (15 feet wide) on the north side of the conference building. This appears very awkward and an impractical circulation configuration.

Finally, in staff's opinion, the proposed use would not complement nor be compatible with the surrounding uses; it would not contribute to, enhance, or promote the general welfare and convenience of the subject site; and most importantly, it would establish a new standard by which other development in the immediate area would be measured in the future.

Staff recommends that the Planning Commission deny Conditional Use Permit 2055 for the proposed RV sales and rentals.

WELLS announces the public hearing is now open.

Mr. Steve PHARR, 2160 Greenfield Drive, El Cajon, CA 92020, is the applicant's representative. As General Manager of Set Free Ministries, he is aware of the day-to-day operations and emphasizes that there was strong opposition to the original conditional use permit application. Many thought the project was going to be a disaster, and it ended up being a good thing for the community. Even though this is not a traditional application, he believes that it would be a successful project.

PHARR notes that they have not had sufficient time to work through the issues with staff, as they only received the staff report and recommendations a few days ago. He would like to work out the differences with staff and requests a continuance. He emphasizes that the City would receive tax revenue generated from the sale of the motor homes, and adds that any negative impacts of traffic and hours of operation are minimal.

BLACK asks staff about the incompatibility and notes that across the street is an RV sales lot.

SHUTE explains that staff does not object to the RV sales, but it's the fact that trying to incorporate RV sales mixed with a transition service center on the same property, making it incompatible with itself.

AMBROSE agrees with PHARR that the applicant and staff need to work through some of the issues. He is concerned about traffic circulation issues on the subject property. BLACK, SOTTILE concur with AMBROSE.

Mr. David SEITEL, 426 Vernon Way, El Cajon, CA 29020, is the applicant. He is willing to work with the church on this project that will also supply jobs to some of the people. He notes that the dealership in Temecula brings in over \$30 million dollars in revenues. Being freeway close, he anticipates that this project would also garner \$30 million.

In a response to a question from AMBROSE, SHUTE notes that at least four weeks would be necessary for a continuance and recommends the Planning Commission meeting of November 19, 2007.

Motion by AMBROSE, second by SOTTILE to CONTINUE Conditional Use Permit 2055 to the Planning Commission meeting of November 19, 2007; carries 4-0 (WOODS – abstain).

REQUEST FOR EXTENSION OF TIME FOR AMENDMENT OF CONDITIONAL USE PERMIT 470 – Bob Baker Enterprises, Inc. for Cory Properties El Cajon, LLC

(discussion) Resolution No. 10459

PC mtg.10-22-07

The subject property is located on the north side of Arnele Ave. between N. Marshall Ave. and Jackman St., and addressed as 900 and 1000 Arnele Avenues, APNs: 482-240-04 and –32; General Plan Designation: Regional Retail Commercial.

Request an extension of time to remodel and expand an existing automotive dealership in the C-R (Regional Commercial) zone.

SHUTE reviews some history when on October 23, 2006, the Planning Commission granted an Amendment to Conditional Use Permit 470 approving the remodel and reconfiguration of the Chevrolet/Subaru & Lexus dealerships at the corner of N. Marshall and Arnele Avenues. The applicant has requested an extension of time to evaluate the final scope of the project. If a one-year extension of time is granted, the applicant must obtain a building permit and begin construction by October 23, 2008 or the Amendment of CUP 470 will expire. No further extensions of time are permitted.

Thus the staff recommends that the Planning Commission grant a one-year extension of time to October 23, 2008.

WELLS invites any speakers to the podium.

No one comes forward to be heard.

Motion by BLACK, second by WOODS to GRANT a one-year extension of time for Amendment of Conditional Use Permit 470 to October 23, 2008; carries 5-0.

The appeal period for this item ends at 5 p.m. on November 5, 2007.

2008 PLANNING COMMISSION MEETING SCHEDULE

(discussion)

PC mtg. 10-22-07

Request approval of the 2008 Planning Commission meeting schedule.

SHUTE announces that the proposed Planning Commission meeting schedule was made to keep to the routine of "first and third Monday of the month," but City holidays and the avoidance of two meeting dates in a row made that almost impossible. The proposed schedule includes 23 meetings – two per month except in December.

WELLS announces the public hearings are now open.

Motion by BLACK, second by WOODS to accept the proposed 2008 Planning Commission Calendar; carries 5-0.

PRE-DRAFTED RESOLUTIONS

Motion by AMBROSE, second by WOODS to adopt Resolution Nos. 10455 through 10457 and 10459; pro forma; carries 5-0.

ORAL COMMUNICATIONS

There are no communications.

CORRESPONDENCE

A copy of the SANDAG Board Actions Report dated September 28, 2007 was received by the Planning Commission.

ADJOURNMENT

Motion by WOODS, second by BLACK to adjourn the meeting of the El Cajon City Planning Commission at 7:48 p.m. this 22nd day of October, 2007 until Monday, November 5, 2007 at 7 p.m.; carries 5-0.

William D. WELLS, Chair

ATTEST:

Barbara K. RAMIREZ , Acting Secretary