



MINUTES

PLANNING COMMISSION MEETING

JANUARY 11, 2010

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

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

ROLL CALL:

COMMISSIONERS PRESENT: Anthony SOTTILE, Chairman
Anthony AMBROSE
Star BALES
Paul CIRCO
Darrin J. MROZ

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Tony SHUTE, Senior Planner
Michael T. REID, Staff Attorney
Dennis DAVIES, Deputy Director – Public Works
Ron Luis VALLES, Administrative Secretary

SOTTILE briefly explained the mission of the Planning Commission. SOTTILE welcomed comments under Public Comments. No one came forward.

CONSENT CALENDAR: Motion was made by AMBROSE, seconded by BALES to adopt the Planning Commission minutes of December 14, 2009; carried 5-0.

SHUTE noted that the applicant's representative for the third item on the agenda had an early airline flight and requested that the Amendment of Conditional Use Permit No. 2085 be heard before Variance No. 954. There were no objections by the Chair and Commission.

AMENDMENT OF CONDITIONAL USE PERMIT NO. 2085 (MINOR)

This was a public hearing on a request to erect an 80-foot high flagpole in the parking lot of an existing automobile dealership. The subject property is located on the southeast corner of Arnele and North Marshall Avenues, and is addressed 965 Arnele Avenue.

APN: 482-250-26
General Plan: Regional Commercial (RC)
Zoning: Regional Commercial (C-R)
Applicant: K Motors, Inc. dba Toyota of El Cajon / 619.270.3003
Project Planner: Eric Craig / 619.441.1782

SHUTE summarized the staff report. He informed that a 55-foot flag pole is permitted by right; however, any height higher than 55 feet requires a conditional use permit. He noted that Toyota of El Cajon took over the former Home Depot site at Arnele and commended them for the great job in transforming the property. He noted that staff had no objections to this request and noted that staff recommended the Commission grant this request.

AMBROSE sought clarification on the site of the flag pole. SHUTE replied that the flag pole would be located in the landscape planter and would not use any of the parking area. He also informed that the applicant's representative was in the audience and could address this further during the public hearing.

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

Mr. Richard CARTELL, 7459 East De La O Road, Scottsdale, AZ 85255, was the applicant's representative. He commended the Commission for moving his item earlier to accommodate his travel arrangements. He also praised Planning Division staff for working with him on this request.

He noted that the Toyota of El Cajon building is 45 feet high, and with the standard stipulation of 55 feet, the flag would be obscured from the freeway side of the building. It would also be located in a planter area and would emphasize the flag itself and not focus on the 6- to 8-inch cylindrical and tapered pole.

AMBROSE asked if there would be any detailing around the base of the pole and the applicant replied that there would be a three-foot diameter concrete base around the pole, but nothing to call attention to the pole.

In reply to questions by SOTTILE, the speaker mentioned that they would maintain the flag. The applicant's representative agreed to the conditions of approval.

BALES thanked the applicant for displaying the American flag.

No other speakers approached the podium.

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

CIRCO asked how high the flag pole is at the De La Fuente automobile dealership and SHUTE replied that it is approximately 200 feet high.

Motion was made by BALES, seconded by CIRCO to adopt the proposed Resolution No. 10592 granting Conditional Use Permit No. 2085 (Minor), subject to conditions; carried 5-0.

The appeal period for this item ends at 5 p.m., Monday, January 25, 2010.

VARIANCE NO. 954

This was a public hearing on a request to exceed the 42-inch height limitation within the exterior yard area of a single-family dwelling. The subject property is located on the west side of Nothomb Street between Dumar and Markerry Avenues, and is addressed 530 Nothomb Street.

APN:	511-461-13
General Plan:	Low Density Residential (LR)
Zoning:	Residential One-Family (R-1-6)
Applicant:	Debbie Barker / 619.442.6383
Project Planner:	Noah Alvey / 619.441.1773

SHUTE outlined the staff report. He noted that a variance is a unique procedure where five findings must be satisfied.

SOTTILE announced the public hearing is open and invited any speakers to the podium.

Mrs. Shirley JOHNSON, 1526 Norran Avenue, El Cajon, CA, noted that she has lived there since 1960. She said that the previous owner, Bill Day, installed the fence. She emphasized that they collected 30-35 signatures on a petition and there were no objections to the fence. The only complaint is from a neighbor (Mrs. Dottie MORRIS).

Mr. Humbert CABRERA, 8701 Golf Drive, Spring Valley CA, is the architect representing the owners. He recalled the Planning Commission meeting that addressed this issue several years ago. He noted the orientation of the property and noted that the Commission said there is not to be a fence built within more than 42 inches high in the front yard setback. He emphasized their request meets the rules of the Commission and they do not have a fence that is more than 42 inches in the front yard setback.

[He requested additional time and the Chairman granted one additional minute.] He addressed safety concerns and mentioned that there is not a problem with this property because when someone drives out of their driveway they could see oncoming traffic or pedestrians. He hoped that the Commission takes into consideration the neighbor's repercussion when it makes its decision.

AMBROSE recalled when the Commission approved it before they recommended a 15-foot (front) exterior yard setback and that the location of a fence was an issue. He did not support a fence along the property line.

CABRERA noted that he didn't know why the building inspector approved it. SHUTE noted that from evidence of the photos you could tell the fence had been there for some time and staff does not know when it was erected. He said that it was not probably present at time of final inspection as a planning staff member would have had to final the project after a building inspector's review.

BALES asked what was his major reason to support the variance, and CABRERA replied that in other jurisdictions if a neighbor does something illegal, there is usually retaliation from the other, and the cycle continues. Other jurisdictions usually provide some leeway in these instances.

Mrs. Debbie BARKER, 530 Nothomb Street, El Cajon, CA 92019, was the applicant. She noted that she is the fourth owner of the house and the fence was there since 1994. Thirty-six of her neighbors don't object to the fence. She addressed the concerns of visibility and safety and mentioned there is hardly any traffic on the street. She asked that the Commission grant the variance and permit the fence.

SOTTILE noted that the Commission was upholding the code and believed they should comply with code.

MROZ asked if the applicant could move the fence back 15 feet to comply with the code. She replied that it would significantly diminish the size of her yard. She initially bought the house for the rather large back yard. The yard gives her privacy and safety. She stated that crime statistics and burglaries have increased in her neighborhood.

Mrs. Dottie MORRIS, 500 Nothomb Street, El Cajon, CA 92019, is the neighbor on the north side of the subject property. She noted that she objects to the fence. She had to take her fence down because the driveway was part of an easement. She noted disputes between both her sons and the applicant's sons. She objected to the original fence when it was expanded to the sidewalk from the previous property owner and would not allow her children to play there due to safety concerns. She emphasized that there are small children that go to a neighboring school and is concerned about their safety.

No other speakers approached the podium.

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

CIRCO addressed safety concerns that a large fence diminishes visibility drastically.

AMBROSE reiterated his previous comments. He sympathized with the applicant but couldn't support this request. SOTTILE noted that the applicant could appeal to the City Council.

Motion was made by MROZ, seconded by CIRCO, to adopt the proposed Resolution No. 10591 denying Variance No. 954; carried 5-0.

SHUTE informed the audience that the appeal period for this item ends at 5 p.m., Monday, January 25, 2010.

OTHER ITEMS FOR CONSIDERATION:

RESOLUTION OF INTENTION – AMENDMENT OF ZONING ORDINANCE NO. 415

This was a request to approve a Resolution of Intention to initiate the Amendment of Zoning Ordinance (Title 17 of the El Cajon Municipal Code) to add Section 17.64.253 and Chapter 17.94 regarding water-efficient landscaping and set to a public hearing on Monday, January 25, 2010 at 7 p.m.

Motion was made by AMBROSE, seconded by BALES to adopt the proposed Resolution No. 10593 setting the public hearing date for Amendment of Zoning Ordinance No. 415 as Monday, January 25, 2010 at 7 p.m.; carried 5-0.

STAFF COMMUNICATIONS

There were none.

COMMISSIONER REPORTS/COMMENTS

There were none.

ADJOURNMENT

Motion was made by CIRCO, seconded by MROZ to adjourn the meeting of the El Cajon City Planning Commission at 8:07 p.m. this 11th day of January, 2010 until January 25, 2010 at 7:00 p.m.; carried 5-0.

Anthony SOTTILE, Chairman

ATTEST:

Melissa AYRES, Secretary