



MINUTES

PLANNING COMMISSION MEETING

JUNE 7, 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: Barbara RAMIREZ, Principal Planner
Michael REID, Staff Attorney
Dennis DAVIES, Deputy Director of Public Works
Ron Luis Valles, Administrative Secretary

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

CONSENT CALENDAR: Motion was made by BALES, seconded by MROZ, to adopt the minutes of the Planning Commission meeting of May 24, 2010; carried 5-0.

Motion was made by BALES, seconded by CIRCO, to adopt Resolution of Intention No. 10621 – Initiating General Plan Amendment No. 2010-02 to consider revisions to the El Cajon General Plan pertaining to the Zoning Consistency Chart; carried 5-0.

CONDITIONAL USE PERMIT NO. 2129

This was a public hearing on a request for a proposed restaurant with a drive-through, outdoor dining and storage space. The subject property is located on the southwest corner of South Magnolia and West Washington Avenues, and is addressed 101 West Washington Avenue.

APN:	492-160-12
General Plan:	Neighborhood Commercial (NC)
Zoning:	Neighborhood Commercial (C-1)
Applicant:	Hallak Properties, LLC / 619.440.1593
Project Planner:	Noah Alvey / 619.441.1773

RAMIREZ summarized the staff report, and addressed the proposed restaurant's dining area, trash and recycle area, drive-through and parking ratio. She noted that staff believes that the Planning Commission can make the necessary findings to approve this application.

She added that no comments were received from the public hearing notice that was distributed and posted; however, she mentioned that the property owner objected to staff's recommendation of reducing the drive-through hours of operation. The property owner requested the drive-through be permitted 24 hours per day.

Given there were no questions of staff, SOTTILE opened the public hearing and invited any speakers to the podium.

Mr. Duraid HALLAK, 1874 Vista Grande Court, El Cajon, CA 92019, is the applicant. He noted that this project has cost them more than anticipated. He agreed with staff's recommended conditions, except for the proposed reduction of the drive-through operation hours, and recommended 24 hours of operation. He emphasized the restaurant will employ several people in the area.

SOTTILE asked about the proximity of the residential apartment complex, and the applicant replied about 50 feet.

Mr. Martin SAMO, 1681 Lawndale Road, El Cajon, CA 92019, was representing the applicant. He reiterated the previous speaker's comments the project costs were higher than expected. He agreed with all the staff's findings and requested the cooperation of the Planning Commission to make this project work. He addressed staff's concern about drive-through hours by suggesting the speakers be turned off during late night hours; customers could place and pick up their orders at the pick-up window. He noted that this suggestion was discussed with Senior Planner Tony SHUTE.

SOTTILE mentioned that he was also concerned about car engines running, car fumes, and loud radio noise affecting neighboring residents.

SAMO replied that more noise would emanate from the busy streets. He encouraged a win-win solution for all parties.

MROZ suggested that the drive-through be permitted to remain open until 12 midnight or 1 a.m. on the weekends. BALES did not support the 24-hour request.

Mr. RAY JUSTUS, 6560 Golfcrest Drive, San Diego, CA 92119, is a property owner to the south of the proposed restaurant. He appreciated staff taking into consideration the neighboring residents in terms of noise and garbage. He also noted that there is a gap in the wall between the properties. SOTTILE sought clarification, and JUSTUS mentioned that the gap is about three feet wide and it appeared there was once a gate there. He recommended that the gap be closed.

Mr. David HALLAK, 1863 Monarch Ridge Circle, El Cajon, CA 92019, is one of the owners. He noted that when they bought the building it was an eyesore in the area. He sought the cooperation of the Planning Commission to make the project work.

SOTTILE appreciated the owners' attempts to improve the property; however, the Commission needs to respect the surrounding neighbors as well.

HALLAK asked the Chair if they had done business together, and SOTTILE replied affirmatively about one and one half years ago.

MROZ believed the staff's recommended drive-through hours were too limiting.

AMBROSE cautioned against making the public hearing a workshop for the Commission, and recommended a two-week continuance.

Duraid HALLAK approached the podium and noted that the gap in the wall will be filled. Additionally, he mentioned that the restaurant staff would discourage late-night congregation of customers in the parking lot.

In response to SOTTILE, the speaker replied that a continuance should be up to the Commission, but he is willing to accept a decision at tonight's public hearing.

In response to BALES' question on trash, Duraid HALLAK replied that they would have twice a week trash collection which could be modified according to needs. They would do whatever it takes to make this project work.

SAMO re-approached the podium and informed that they have taken many steps to improve the property, which was plagued with drug users and transients.

No other speakers approached the podium.

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

SOTTILE sought information from the Commissioners pertaining to a continuance. CIRCO mentioned that he would like to see the project approved.

RAMIREZ recommended a recess so that staff could craft the conditions and findings in response to Commissioners' discussion. [There was a recess at 7:39 p.m. and the public hearing resumed at 7:55 p.m.]

RAMIREZ recommended modifying and adding conditions to the proposed resolution. She emphasized that if the Commission agreed to these conditions the first motion would amend the resolution, and a second motion would adopt the amended resolution to grant the conditional use permit application, subject to conditions. She read the recommended changes [see motion below].

Motion was made by SOTTILE, seconded by CIRCO, to amend the proposed Resolution No. 10620 per staff suggestions, including:

- Modify finding D, adding the following to the end of the paragraph, "...Sunday through Thursday and also closed between midnight and 7 a.m., Friday and Saturday. Additionally, if the gap in the existing wall on the southerly property line is filled, it would result in enhanced security by making it more difficult to enter onto the adjacent residential property.";
- Correct the error at the beginning of Condition #1, substituting, "Planning Commission" for "City Council";
- Add condition #3.f. to read: "The construction drawings shall provide details to show how the gap in the existing wall will be filled or closed with like materials and painted to match with appropriate trim cap or top course.";
- Modify condition #4.c., adding the following to the end of the sentence, "Sunday through Thursday and also closed between midnight and 7 a.m., Friday and Saturday."; and,
- Add condition #10 to read, "The Planning Commission shall review this use permit for compliance with conditions of approval approximately six months after the business is in full operation."

The motion carried 5-0.

Motion was made by SOTTILE, seconded by CIRCO, to adopt the amended Resolution No. 10620, subject to conditions; carried 5-0.

The appeal period for this item ends at 5 p.m., Monday, June 21, 2010.

AMENDMENT OF CONDITIONAL USE PERMIT NO. 2101

This was a public hearing on a request for a nine-foot-high wrought iron fence around the perimeter of the subject property including a 10-foot-high pedestrian gate. The property is

located on the north side of Broadway between North First and North Anza Streets, and is addressed 1068 Broadway.

APN: 484-293-34
General Plan: Office/Non Retail (O/N-R)
Zoning: Office Professional (O-P)
Applicant: Scantibodies Biologics (Scantibodies Laboratory, Inc.)
619.258.9300
Project Planner: Eric Craig / 619.441.1782

RAMIREZ summarized the staff report. Staff would like to add two conditions to the proposed resolution, including: (1) condition #1.l. to read, "Indicate a 16-ft. minimum width for pedestrian gates which provide access to the drainage channel, and also indicate a position for those gates which is acceptable to the Public Works Department;" and (2) condition #1.m. to read, "Indicate location of front property line."

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

Mr. Dan DE LA RIPPA, Four Cities Property Management, 1150 Broadway, Suite 200, El Cajon, CA 92021, is the manager of a shopping center across the street from the subject property. He was concerned about a congregation of Scantibodies' customers before the hours of operation, especially lining up outside the proposed fence.

Additionally, he emphasized that a nine-foot-high fence would look offensive, and would convey a negative message that the area was unsafe, or there must be something of value inside the building. He suggested alternatives to the fence such as stucco exterior wall, climbing roses on a standard height fence, and an infrared security system. DE LA RIPPA mentioned that they have successfully implemented these measures on other properties he manages.

He is concerned about the congregation of customers negatively impacting the businesses across the street from Scantibodies.

Mr. Tom CANTOR, 11149 Shining Light Way, El Cajon, CA 92020, is the owner of the building. He responded to the previous speaker's comments and emphasized that Scantibodies is an appointment-only type of business. They will not have people lining up outside the building. He invited the Commission to see the fence at their Santee location which works well. He noted that the proposed fence will not have a prison-like appearance and it would be very attractive. Their business, which is proposed to will be a research laboratory in a professional building, will conduct important life-saving research.

In response to a question from SOTTILE, CANTOR informed that the proposed nine-foot-high fence was prompted by the need for security.

No other speakers approached the podium.

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

AMBROSE recalled that he was skeptical at first when the Commission considered the first application on April 20, 2009; however, he was persuaded this would be a truly needed facility and supported the applicant's request.

BALES noted that she is not pleased with having a tall fence and sought attractive alternatives, such as the use of colorful plant materials to break up the look of a long fence.

Motion was made by MROZ, seconded by AMBROSE, to adopt the proposed Resolution No. 10624, granting Amendment of Conditional Use Permit No. 2101, subject to conditions; motion withdrawn.

Motion was made by SOTTILE, seconded by CIRCO, to amend Resolution No. 10624, adding condition 1.l. to read, "Indicate a 16-ft. minimum width for pedestrian gates which provide access to the drainage channel, and also indicate a position for those gates which is acceptable to the Public Works Department;" and also adding condition #1.m. to read, "Indicate location of front property line.;" carried 5-0.

Motion was made by MROZ, seconded by BALES, to adopt the amended Resolution No. 10624, granting Amendment of Conditional Use Permit No. 2101, subject to conditions; carried 5-0.

The appeal period for this item ends at 5 p.m., Monday, June 21, 2010.

OTHER ITEMS FOR CONSIDERATION:

There were none.

STAFF COMMUNICATIONS

There were none.

COMMISSIONER REPORTS/COMMENTS

Commissioner BALES informed she was very excited that her art piece was accepted and would be displayed in the landscape section of the fairgrounds during the upcoming Del Mar Fair season.

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ADJOURNMENT

Motion was made by MROZ, seconded by AMBROSE, to adjourn the meeting of the El Cajon City Planning Commission at 8:35 p.m. this 7th day of June, 2010 until June 21, 2010 at 7:00 p.m.; carried 5-0.

Anthony SOTTILE, Chairman

ATTEST:

Melissa AYRES, Secretary