

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Wednesday, June 4, 2008 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner John Davis
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi
Planning Manager Craig Hensley

CALL TO ORDER

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:06 p.m. and Commissioner Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: April 16, 2008

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried unanimously, 5-0.

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 08-02; CONDITIONAL USE PERMIT 08-01 AND DPRB 08-25** – A request to amend Specific Plan No. 17 to permit convenience stores as accessory uses to a service station; operate an accessory convenience store with shared parking on an adjacent property; and a 200 square foot addition to an existing service station, located at 1790 South San Dimas Avenue

Staff report presented by *Planning Manager Craig Hensley*, who outlined the prohibition of convenience stores in the original Specific Plan adopted in 1985 and the Council policy adopted in 1992 which defined snack shops and convenience stores. There have been several requests in the past to amend SP-17 to allow convenience stores which have been denied; however, earlier this year the Council voted to allow consideration of a code amendment.

The first item under consideration is the proposed amendment to SP-17 which would add a section to allow convenience store uses as an accessory use and limit the sales floor area to 1,000 square feet. Stand-alone convenience stores will still be prohibited. He outlined other

zones that allow convenience stores as accessory to gas stations, and which allow snack shops only. The additional applications are for a 200 square foot addition to the existing building and enclosure of two of the four service bays to be used as part of the convenience store.

Manager Hensley went over the proposed language which would allow the sale of beer and wine with a conditional use permit, though that is not a part of this current application. Subsequent to the adoption of the Specific Plan, the state amended the law so that cities can no longer prohibit the sale of beer and wine with gasoline sales. He felt that if they did not clean up the code sections that deal with this topic, they would not be able to require a conditional use permit if someone wished to add alcohol sales in the future. This will also require an amendment to the CC&R's.

The design was presented to DPRB for preliminary review. They felt the design was appropriate but did not want to make a final determination until after the City Council hearing. He said in regards to the parking, it appears that the requirements for SP-17 are unreasonably low so Staff analyzed the proposal against the general parking code. That analysis prompted the shared parking requirement; however, the adjacent property owner is amenable to executing a reciprocal parking agreement. He stated a letter was received from a resident dated June 3, 2008 which expressed concerns in regards to the parking, which was distributed to the Commission to review and will be made part of the permanent record.

Commissioner Ensberg asked if there was a demand for convenience stores in San Dimas and do we want to encourage more convenience stores in town. He was also concerned that the layout of the gas station was based on having only a snack shop and this new proposal could create circulation problems. He also wanted to know if there was an issue with security with the gas station being so close to the freeway.

Manager Hensley stated this proposal was for this location only and was a need expressed by the property owners; this is not an in-depth review by Staff to determine if there is a need throughout the City. If the Commission felt it was an issue, they could make a recommendation to the City Council to consider. Each gas station is designed differently and the proposal for this location does not change the parking layout at all. The additional square footage is minimal and should not intensify the use.

Commissioner Bratt asked what the purpose was for the 200 square foot addition.

Manager Hensley stated the applicant could best answer that question but he believes it will address the architectural issue of closing up the two service bays and allow for better visibility and interior circulation with the remodel.

Commissioner Rahi asked for clarification of the 1992 definitions of convenience stores and snack shops, and if all service stations could have a snack shop.

Manager Hensley stated all service stations can have a snack shop. In 1992 the thought at the time was that it was reasonable to have snacks available and a square footage limitation was set that was considered minor.

Commissioner Bratt stated the list of prohibited uses seemed limited.

Manager Hensley stated Staff deleted the wording related to convenience stores and left the rest. He stated the Commission could consider if they wanted to strike the whole section or leave as proposed.

Chairman Schoonover asked why they were considering this code amendment only at this gas station and not Citywide.

Manager Hensley explained the process for initiating a Municipal Code Text Amendment and stated it was Council's direction to address only SP-17.

Chairman Schoonover opened the meeting for public hearing. Addressing the Commission were:

Sam Goshn, Applicant, passed out an article to the Commissioners explaining how profits are made at gas stations. He stated their volume of gas sales and auto repairs has gone down. They are just trying to stay alive and requesting what every gas station has in order to stay profitable. He said this change is supported by their customers and the assisted living facility. Because the building is reverse design, this change will not have any negative design impacts from the street; in fact they will be adding more landscaping. He did not feel there would be an impact on traffic; even when they have held charity events there has been adequate circulation in the parking lot. In regards to security, with a larger store they will be able to have two employees so it should make it safer.

Commissioner Bratt asked what additional items they were planning to carry.

Sam Goshn, Applicant, stated they wanted to add items related to boating and picnics for people visiting Bonelli Park, and that they do not intend to compete with the supermarket.

Chairman Schoonover asked what the current hours of operation are for the snack shop and would they be willing to keep the same hours.

Sam Goshn, Applicant, stated currently they close at 11:00 p.m. and re-open at 5:00 a.m. for security purposes. He would like the convenience store to be open 24 hours and felt the additional employee would add security for the extended hours.

John Margis, 2215 Calle Liseta, stated he is in support of this request. He lives approximately one mile away and frequents the station for gas and drinks, but has never used the garage space, so he felt it would be better to have the convenience store. He liked the proposed design and stated he has never had a problem with parking.

Sid Maksoudian, 1156 Camino del Sur, stated this business has been safe thus far and felt the proposed expansion was fair. Von's closes at 11:00 p.m. so this would be convenient for residents when they need something late at night. He has spoken with his neighbors and hasn't heard any negative comments.

Marlene, Calle Solana, stated she was in favor of expanding the store and felt it would be convenient for everyone living in the area.

Gary Enderle, 2044 Via Esperanza, stated he lives near Von's but frequents both locations. He felt times have changed from when this Specific Plan was first adopted; less gas is being sold and very little repair work is done. If this amendment is approved, the station will look better because the two empty bays will be closed off. Gas station uses have changed to survive; many have restaurants in them. Some of the items the owners want to sell are targeted to users of Bonelli Park and not available nearby.

Mike Mohajer, P.O. Box 3334, San Dimas, asked for clarification on the language change for alcohol sales.

Manager Hensley stated State law does not allow cities to prohibit sales of beer and wine at gas stations, but it does allow cities to have an approval process. The language for that approval process is what is included in tonight's action even though there currently is no application for alcohol sales.

Mike Mohajer felt the staff report was deficient in its analysis and inadequate in its conclusion. He felt the expansion was significant and should not be found categorically exempt under CEQA. He did not think staff had proven this would enhance the public health and welfare. He disagreed about the parking analysis because whenever there was a special event being held at surrounding facilities, visitors have parked on San Dimas Avenue. He thought the needs of the residents should take precedent over the needs of freeway travelers.

Vladimir Budilo, resident for 21 years in Regency Hills, stated he was on the Board and representing the homeowners of the Association. He supported Mr. Mohajer 100%. The other residents who spoke in favor live a mile or more away, not across the street. When something goes on in Bonelli Park, people park on San Dimas Avenue. He stated he only found out about the hearing today and didn't think the residents of Regency Hills had been notified. He requested the Commission deny the project.

Commissioner Davis asked if he was speaking as an official representative of the HOA or if his statements were his personal opinion.

Vladimir Budilo stated he was on the Board. They did not talk about this at a Board meeting, and that most residents didn't know about the hearing.

Marv Ersher, 1312 Paseo Alamosa, presented his background with the original Via Verde Homeowners Association and as an elected official of the City. He outlined the history of development in Via Verde and the contentious relationship between the homeowners, developer and City Council. He stated the list of prohibited uses was written specifically for this area and that they were not interested in having a convenience store. He felt circulation was difficult on this property, and this was an expansion, not just a conversion of existing property. While he was sympathetic about the owner's financial situation, he did not feel it was in the City's regulatory power to enhance the value of someone's property. He did not want to see alcohol sales at this location and felt it would have a negative effect on neighboring values. He urged the Commission to oppose the project.

Sid Maksoudian, 1156 Camino del Sur, stated if the owners were to sell beer and wine, paraphernalia or disregard the regulations set by the City, then he would be opposed to this proposal. If they follow the guidelines set by the Commission, then he is in support.

Bill Goshn, Applicant, felt this has been blown out of proportion. He said their intention was to provide things that boaters need in order to enter the park, such as fire extinguishers, floating jackets, flares, etc., along with other items for park-goers and residents. Truckers have told them their entrances are the easiest to get in and out of because you don't have to turn around. He stated their volume has decreased by 20% in the last two years so he did not think traffic was going to be a problem and has never seen anyone parked on San Dimas Avenue. He stated there has been a sign on their corner for thirty days advertising the public hearing so he doesn't understand how someone can say they didn't know about it.

There being no further comments, the public hearing was closed.

Commissioner Davis asked what the noticing requirements are.

Manager Hensley stated a notice was placed on the website, in the newspaper, on-site and mailed to property owners within 300 feet of the property. In terms of number it was low because there are not that many owners within the 300 foot radius. Staff will look at increasing the radius for the City Council hearing.

Commissioner Ensberg asked about the CEQA requirements.

Manager Hensley felt they were within the guidelines for an exemption.

Commissioner Rahi stated while he has heard concerns about traffic, with the loss of two service bays he did not think it would be a problem. He would be in favor of the application.

Commissioner Bratt stated that while he appreciates why things were established the way they were initially, he felt they needed to be willing to change with the times. He felt it was a sound project and the owners have made the effort to put together an attractive plan and worked with the neighboring business in arriving at an amicable agreement for parking.

Commissioner Ensberg stated that while he was sympathetic to the store owner and the economics of the current time, he felt there were existing stores in the area that satisfy existing needs and this would be opening the barn door for convenience stores all over the City. He didn't think this expansion would improve quality of life in the area and did not support the proposed change.

Commissioner Davis agreed that the larger issue is whether to have convenience stores with every gas station, and felt more will apply if this is approved. He felt the business model has changed and a station cannot survive on gas sales alone. He did not think this was a major change in use and would be convenient for local residents.

Chairman Schoonover stated this station cannot be seen from the freeway and is used by local residents. He felt they should be supportive of a local business owner and that it will not be detrimental to the neighbors.

RESOLUTION PC-1380

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 08-02, TO AMEND SECTIONS OF CHAPTER 18.528 (SPECIFIC PLAN NO. 17) TO CONDITIONALLY PERMIT ACCESSORY CONVENIENCE STORES UP TO 1,000 SQUARE FEET AND SALES OF BEER AND WINE

RESOLUTION PC-1381

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 08-01, A REQUEST BY SAM GHOSN (VIA VERDE 76) FOR AN ACCESSORY CONVENIENCE STORE AND SHARED PARKING ON THE PROPERTY LOCATED AT 1790 SOUTH SAN DIMAS AVENUE

MOTION: Moved by Davis, seconded by Bratt to approve Resolutions PC-1380 and PC-1381. Motion carried 4-1 (Ensborg voted no).

Chairman Schoonover called a recess at 8:55 p.m. The meeting reconvened with all Commissioners present at 9:02 p.m.

ORAL COMMUNICATION

3. Planning Manager

No communications were made.

4. Members of the Audience

No communications were made.

5. Planning Commission

Commissioner Davis felt the report completed by the USC students was well done and asked what the next step in the process will be.

Manager Hensley stated the General Plan Update has been budgeted but it is a very expensive process and is very time consuming. He thought they might see some activity on it in several months.

Commissioner Davis asked the status of the Downtown project.

Manager Hensley stated a consultant has been hired and has completed a preliminary review. There will be public meetings scheduled in the near future.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Bratt to adjourn. Motion carried 5-0. The meeting adjourned at 9:06 p.m. to the regular Planning Commission meeting scheduled for June 16, 2008 at 7:00 p.m.

James Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Craig Hensley
Planning Manager

Approved: July 2, 2008