CITY OF SAN DIMAS
PLANNING COMMISSION
MINUTES

Regularly Scheduled Meeting
Thursday, July 18, 2013 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 (arrived 7:03 p.m.)
Senior Planner Marco Espinoza
Planning Secretary Jan Sutton

CALL TO ORDER AND FLAG SALUTE

Chairman Schoonover called the regular meeting of the Planning Commission to order at 7:00 p.m. and Commissioner Ensberg led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: June 6, 2013 (Rahi, Schoonover absent)

MOTION: Moved by Bratt, seconded by Ensberg to approve the Consent Calendar. Motion carried 3-0-1-1 (Rahi absent, Schoonover abstain).

PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 10-06; AND CONDITIONAL USE PERMITS 12-06 AND 12-07** - A request to demolish the existing 1,568 square foot gas station attendant building/convenience store and construct a new 2,561 square foot attendant building and convenience store with a take-out restaurant, located at 105 E. Arrow Highway. (APN: 8390-018-023) ***Associated Case: DPRB Case No. 12-19*** **(CONTINUED FROM JUNE 20, 2013)**

Staff report presented by ***Senior Planner Marco Espinoza*** who stated that at the June 20, 2013 meeting, after hearing the presentation and taking comments from the public, the Commission directed Staff to bring back Resolutions recommending approval of the above applications.

* * * * * * * *
Commissioner Rahi arrived at 7:03 p.m.
* * * * * * * *

Senior Planner Espinoza stated the DPRB decision of denial has been appealed to the City Council and will be heard by them at a later date.

Commissioner Davis asked about Condition No. 15 in Resolution PC-1488, and what it meant. He also asked about Condition 10 in Resolution PC-1489 prohibiting advertisement of alcoholic beverages visible to the exterior.

Senior Planner Espinoza stated Condition No. 15 is a standard condition that would allow Staff to consider and approve a minor deviation without it having to come back to the Commission. This probably would not reduce the parking count required though. In regards to Condition No. 10, that condition is no longer valid with the adoption of the new sign code and will be deleted.

Commissioner Rahi asked if there was anything new regarding obtaining an easement to the property on the north for access.

Senior Planner Espinoza stated he spoke with the leasing agent for the property owner to the east, and it is his understanding the owner will not grant any type of access easement; however, Staff is still trying to contact the property owner directly to confirm.

Chairman Schoonover stated the recommendation of approval from the Commission will be in conflict with the recommendation of denial from DPRB, and the DPRB decision is being appealed by the Applicant. He asked what will be the process at Council with two conflicting recommendations.

Senior Planner Espinoza stated the Commission is not making a recommendation in regards to the DPRB case, and while all the applications are interrelated, and one or more of the other applications may be dependent upon approval of the DPRB case, they are different and separate applications.

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

Cris Klingerman, Attorney for the Owner, stated they are available to answer any questions.

Commissioner Rahi asked if they had considered leaving one of the end parking spaces open to provide space for a vehicle to back into and turn around in if they are unable to obtain access for an exit to the north.

Cris Klingerman, Attorney, stated after they receive the Commission's final determination this evening they will attempt to speak to the owner of the property directly to see if they can change his mind about allowing access for their project, and offer a reciprocal maintenance agreement. If they do not receive that and they can eliminate a parking spot to accommodate a turn around, they will do what they can to make the site customer friendly.

Hari Alipuria, Owner, in response to Commission Rahi stated he operated a similar restaurant for 10 years in Rosemead and it was very successful.

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

RESOLUTION PC-1487

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 10-06, A REQUEST TO AMEND CODE SECTION 18.140.090.C.4.a.iv TO ALLOW AN EXCEPTION TO THE REVERSE/TURN AROUND STATION DESIGN WHEN A STORM DRAIN AND/OR EASEMENT INTERFERES WITH THE SITING OF THE PROPOSED BUILDING

RESOLUTION PC-1488

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-07, A REQUEST TO CONSTRUCT A 2,561 SQ. FT. GAS STATION ATTENDANT BUILDING AND CONVENIENCE STORE WITH A TAKE-OUT RESTAURANT ON THE PARCEL LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

RESOLUTION PC-1489

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT 12-06, A REQUEST TO ALLOW FOR OFF-SALE GENERAL OF BEER AND WINE (TYPE 20 LICENSE) AT GAS & GO LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

MOTION: Moved by Davis, seconded by Rahi to adopt Resolution Nos. PC-1487, PC-1488, and PC-1489 with the deletion of Condition No. 10. Motion carried 3-1-0-1 (Schoonover no, Bratt abstain).

ORAL COMMUNICATION

3. **Assistant City Manager for Community Development**
No communications were made.

4. **Members of the Audience**
No communications were made.

5. **Planning Commission**
Commissioner Ensberg stated he was disappointed with the outcome of the recent hearing on the Code Amendment for NJD since it had come to the Commission on three different occasions for analysis. He felt the Commission's decision was appropriate, but of course would defer to the Council's decision.

Commissioner Bratt concurred that of course they would always defer to the Council's decision, but wondered why it had not been brought up earlier in the process that there was a legal issue that would ultimately overturn their recommendation.

Chairman Schoonover stated it would have been helpful to have the legal opinion prior to their decision making and going through three public hearings on the matter.

Commissioner Davis felt the outcome may have partially been driven by the Commission adding extra conditions on the Applicant, and if they had accepted the Applicant's proposal for a 50% pad coverage amount, which he had thought was reasonable and the Applicant stated they would be happy with, the City would have more than what they ended up with.

Commissioner Bratt stated he would argue that the Applicant still would have pushed to extend the 50% limitation as well. He stated that there have been times that Ken Brown has attended their meetings and has reviewed their minutes, and he also was disappointed that this legal opinion wasn't rendered earlier in the process.

Commissioner Rahi asked about a proposal for an indoor playground at the old Levitz building.

Senior Planner Espinoza stated Jumping Jacks is exploring the possibility of expanding their business by another 10,000 square feet to include laser tag, but there is no application for it at this time.

Commissioner Davis asked about the appeal that was submitted regarding the Classification of Use for the rehab facility. He stated he visited the Garden Grove facility and would encourage them to go see it. He didn't think the Applicant did a good job presenting the program and felt having visual displays would have been helpful to the residents.

Senior Planner Espinoza stated a resident contacted Councilman Bertone, and he filed the appeal on their behalf. The Applicant held a community meeting on the 15th which was attended by approximately 100 people. A few people were in support but most were opposed. The Applicant had elevations and floor plans at the meeting, but the main concern for a lot of residents is that they don't like the nature of it and think it will reduce their property values and bring in undesirable people. Staff has received letters regarding this, and they have heard that someone is circulating a flyer with inappropriate information around the neighborhood.

Chairman Schoonover asked if the classification is approved by the City Council, would it then come back to the Planning Commission, and what would the notification to the residents be.

Senior Planner Espinoza stated it would first go to DPRB, possibly for just a quick review where Staff will be recommending changes to the architecture and layout. After it receives a formal review by DPRB, it will be brought to the Commission and Council for approval of the DPRB application and Conditional Use Permit. He stated we will continue to notify the residents using the expanded mailing list which is almost 500 addresses.

Commissioner Davis asked if they were still trying to classify it as a hospital use. He stated that from the outside it does not look like a hospital, but the people inside are in beds and are receiving therapy and treatments. He felt the process of classification may be what is causing the problem because people think a traditional hospital is going to be built there.

Senior Planner Espinoza stated they are saying it is similar to a hospital but not any more intense.

ADJOURNMENT

MOTION: Moved by Bratt, seconded by Ensberg to adjourn. Motion carried unanimously, 5-0. The meeting adjourned at 7:32 p.m. to the regular Planning Commission meeting scheduled for Thursday, August 8, 2013, at 7:00 p.m.

_____
Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

_____
Jan Sutton
Planning Commission Secretary

Approved: August 15, 2013