

CITY OF SAN DIMAS PLANNING COMMISSION MINUTES

Regularly Scheduled Meeting
Thursday, January 16, 2014 at 7:00 p.m.
245 East Bonita Avenue, Council Chambers

Present

Chairman Jim Schoonover
Commissioner David Bratt
Commissioner Stephen Ensberg
Commissioner M. Yunus Rahi (arrived 7:06 p.m.)
Senior Planner Marco Espinoza
Planning Secretary Jan Sutton

Absent

Commissioner John Davis

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 Bratt led the flag salute.

CONSENT CALENDAR

1. Approval of Minutes: December 19, 2013 (Ensberg absent)

Approval of the minutes was postponed due to lack of quorum of Commissioners present at the meeting.

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At the conclusion of the public hearing a motion was made by Bratt, seconded by Rahi to approve the Consent Calendar. Motion carried 3-0-1-1 (Davis absent, Ensberg abstain).

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PUBLIC HEARINGS

2. **CONSIDERATION OF MUNICIPAL CODE TEXT AMENDMENT 13-07; CONDITIONAL USE PERMIT 12-07; AND DPRB CASE NO 12-19** - A request to amend Code Section 18.140.090.C.6.b to reduce the 25-foot setback to 15 feet along Arrow Highway within the Creative Growth, Area 3A and 3C Zone. There is also a request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled and expanded but remain in the same location, while the rest of the site will be completely remodeled and re-landscaped, located at 105 E. Arrow Highway. (APN: 8390-018-023)

Staff report presented by **Senior Planner Marco Espinoza** who stated the Commission is reviewing three out of four applications, the fourth one being Conditional Use Permit 12-06 for the off-site sale of beer and wine that the Commission has already recommended approval of and will be contained in the recommendation that goes to the City Council for consideration. As previously discussed, this project is located at the northeast corner of San Dimas Avenue and Arrow Highway, with two driveways on Arrow and one driveway on San Dimas Avenue. The remodel will relocate the attendant building/convenience store to the northeast portion of the property, with the gas pumps and canopy staying in their current location with four drive aisles. The driveway nearest the intersection on Arrow Highway will be reduced in size and made an exit-only driveway, as will be the new driveway added to the north portion of the property. The design of the building will mimic that used at Grove Station with an early-California industrial feel utilizing brick, a clay-tile roof, architectural details on the windows, and a wainscot on the lower portion of the building.

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Commissioner Rahi arrived at 7:06 p.m.

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When this item was presented to City Council in September 2013, they reviewed MCTA 10-06 regarding the requirement for a reverse/turnaround design, along with the other applications. The Council deleted that particular design requirement, and also discussed reducing the required landscape setback from 25 feet to 15 feet. The Applicant introduced an alternate driveway design for the north property line, which Council directed back to the Traffic Safety Committee for review. The Committee reviewed four options and ADA access. They felt the exit-only design was the best and relocated the ADA access along with some other minor site changes.

The City Council had asked Staff to review the possibility of reducing the landscape setback. Staff determined it would improve the project without negatively affecting the other properties in the area and went over the various developments on each of the corners. When Staff took the project back to the Board to review using the reduced setbacks, the Applicant was able to address the main concerns regarding the awkward gas pump and canopy design by accommodating four drive aisles underneath the canopy. The Board then recommended approval of the improved design. Staff is recommending the Planning Commission recommended approval of Municipal Code Text Amendment 13-07, Conditional Use Permit 12-07 and DPRB Case No. 12-19 to the City Council.

Commissioner Bratt asked how the gas station on the south side of Arrow was constructed without being in compliance with the 25-foot setback requirement.

Senior Planner Espinoza stated that gas station was constructed quite some time ago and probably before that standard was put in place.

Commissioner Ensberg asked if this needs to go to the City Council, and when could the Applicant start construction if the Commission approves the project.

Senior Planner Espinoza stated they need to go to City Council for final approval, and stated the Applicant cannot submit construction plans until the Council has approved the code amendment for the reduction of the setback area.

Commissioner Bratt asked how the exit-only driveways would be controlled, and if there was currently a sidewalk along San Dimas Avenue from the corner to the driveway.

Senior Planner Espinoza stated there will be signage installed indicating the two driveways were to be exit-only. He added there is a sidewalk along the project area on San Dimas Avenue.

Commissioner Rahi asked if there will be a sign at the north driveway indicating no-right-turn allowed.

Senior Planner Espinoza stated there will not be a sign prohibiting a right-hand turn.

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

Cris Klingerman, 920 S. Village Oaks Drive, Covina, Attorney for the Owner, stated at the September 2013 meeting they presented their design to the City Council and explained how they were trying to bring a complementary building to the downtown area. The Council indicated they did not like the design of the canopy over the gas pumps and felt having a 15-foot setback with enhanced landscaping would be more attractive and would make the canopy look better. The Council asked that this go back through the Traffic Safety Committee which made some excellent suggestions. When the revised plan was taken to DPRB, they received a positive recommendation, and feel they have presented a wonderful project that will be attractive to the surrounding community. He requested the Commission recommend approval.

Hari Alipuria, 105 E. Arrow Highway, Owner, stated he concurred with Mr. Klingerman and that he appreciates all the comments from the City Council, Planning Commission, DPRB and Traffic Safety Committee that have improved the project. He thanked them for their time and hoped they would approve his project.

Commissioner Bratt asked if the building had a second story.

Cris Klingerman, Attorney, stated because of the elevation change from their property to Grove Station they wanted to blend in so added a second-story façade to their one-story building.

Chairman Schoonover stated it was addressed at DPRB that this would not be used as occupied space.

Richard Nassar, stated he was here with his father Fred Nasser, and wasn't sure if the Commission was aware of their issue from previous meetings.

Commissioner Ensberg stated he believed they had an ongoing dispute with Mr. Alipuria that some contractual obligation from many years ago has not been met so they wanted to appear and preserve whatever right they believe they have and that is why they come to the meetings to have it put into the record.

Richard Nassar stated the Commission seems to be aware of their issue. He stated they tried to do the same type of project in the past and enlarge the business when they owned the property but were made to comply with the 25-foot easement, and asked why they are allowing it to be changed to 15 feet now and why other businesses in San Dimas have to comply with the larger setback.

Commissioner Ensberg asked when they sold the property.

Richard Nassar stated they sold the property in 2004.

Commissioner Ensberg stated it has been 10 years and that the surrounding area has changed, and sometimes when circumstances change, the development standards can change. What is acceptable now may not have been then, and vice versa. He stated they do not have any ownership in the property except for the purported claim they have, and why they were not allowed to do something in 2004 is not before the Commission tonight.

Richard Nassar stated it seemed like they have already made their decision and whether it was ten years or five years ago, they were very strict on the setback requirement. He added they were also not allowed to use the easement in the back when there was a lot less traffic but now it is being considered.

Commissioner Ensberg stated they are not making the final decision tonight, that the City Council will have the final approval.

Fred Nassar, 11090 Seven Pines Drive, Rancho Cucamonga, stated he owned the property for 28 years and when they tried to redevelop the property they were told no because he could not comply with the 25-foot setback. Now he felt they were making everything very easy for Mr. Alipuria. He stated he lost a lot of money when he sold the property, and that he couldn't reduce the setback but now they are allowing it. He wanted to be informed of any other meetings regarding this property.

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

Commissioner Ensberg felt this project has been laboriously studied and the Applicant has moved through the process over a long period of time. Changes have been made to harmonize with the surrounding development in the best interest of the community, and stated he was in support.

Commissioner Rahi stated he was in support last time, and felt what was presented tonight was even better than before, so he also was in support.

Chairman Schoonover stated this proposal has been ongoing for several years now, but the changes in the Code and changes in the design have made it a much better project and he was in support.

RESOLUTION PC-1498

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 13-07, TO REDUCE THE 25-FOOT SETBACK TO 15 FEET ALONG ARROW HIGHWAY WITHIN THE CREATIVE GROWTH, AREA 3A AND 3C ZONE

RESOLUTION PC-1499

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-1500

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN DIMAS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF DEVELOPMENT PLAN REVIEW BOARD CASE NO. 12-19, A REQUEST TO DEMOLISH THE EXISTING 1,568 SQ. FT. GAS STATION ATTENDANT BUILDING/CONVENIENCE STORE AND CONSTRUCT A NEW 2,561 SQ. FT. ATTENDANT BUILDING AND CONVENIENCE STORE WITH A TAKE-OUT RESTAURANT. THE GAS PUMP CANOPY WILL BE REMODELED AND EXPANDED BUT REMAIN IN THE SAME LOCATION. THE REST OF THE SITE WILL BE COMPLETELY REMODELED AND RE-LANDSCAPED. PROPERTY ADDRESS: 105 E. ARROW HIGHWAY (APN: 8390-018-023)

MOTION: Moved by Ensberg, seconded by Rahi to adopt Resolutions PC-1498, PC-1499 and PC-1500 recommending the City Council approve Municipal Code Text Amendment 13-07, Conditional Use Permit 12-07 and DPRB Case Number 12-19 as presented tonight. Motion carried 4-0-1 (Davis absent).

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The Commission returned to the Consent Calendar for consideration.

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ORAL COMMUNICATION

3. Assistant City Manager for Community Development

Senior Planner Espinoza asked if any of the Commissioners were interested in attending the 2014 Planning Commissioners Institute. Commissioners Bratt, Rahi and Schoonover stated they might possibly be interested.

4. Members of the Audience

No communications were made.

5. Planning Commission

In response to Commission questions, *Senior Planner Espinoza* named the tenants that will occupy the shops building at the Costco center, and stated that they have not received any complaints about parking conflicts between the Bank of the West and Olive Garden. He stated Staff is meeting next week with a developer who is looking at adding more restaurants on the undeveloped pad.

ADJOURNMENT

MOTION: Moved by Ensberg, seconded by Rahi to adjourn. Motion carried 4-0-1 (Davis absent). The meeting adjourned at 7:38 p.m. to the regular Planning Commission meeting scheduled for Thursday, February 6, 2014, at 7:00 p.m.

Jim Schoonover, Chairman
San Dimas Planning Commission

ATTEST:

Jan Sutton
Planning Commission Secretary

Approved: February 6, 2014