

**REGULAR MEETING
CITY OF WILDOMAR
PLANNING COMMISSION
July 15, 2009**

1.0 CALL TO ORDER

The regular meeting of the Wildomar Planning Commission was called to order by Planning Commission Chairman Devine at 7:05 P.M. at Wildomar City Hall, Council Chambers.

1.1 ROLL CALL OF PLANNING COMMISSION

Present: Robert Devine, Chairman
 Miguel Casillas, Commissioner
 Gary Andre, Commissioner
 Scott Nowak, Commissioner

Absent: Harv Dykstra, Vice-Chairman

Staff Present: David Hogan, Assistant Planning Director
 Thomas Jex, Assistant City Attorney
 Jon Crawford, Supervising Engineer
 Alia Kanani, Planner
 Sean del Solar, Planner

1.2 PLEDGE OF ALLEGIANCE:

Commissioner Nowak led the flag salute.

2.0 COMMUNICATIONS FROM THE PUBLIC:

None.

3.0 APPROVAL OF MINUTES:

Commissioner Andre moved to approve the Minutes of June 3, 2009. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES: Devine, Nowak, Casillas, and Andre.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

4.0 CONTINUED PUBLIC HEARING ITEMS:

4.1 PARCEL MAP NO. 32257, CONDITIONAL USE PERMIT (3403) AND VARIANCE (1757), 08-0179.

Applicant:	Bundy I-15, LP
Location:	Southeast corner of Bundy Canyon Road and Interstate 15 (APNs: 367-100-019 & 367-100-020).
Proposals:	Construct retail space and subdivide 6.64 acres into 7 commercial lots.
Environmental Action:	In accordance with the California Environmental Quality Act (CEQA), a mitigated negative declaration has been recommended for approval.

Assistant Planning Director Hogan made the staff report.

Assistant Planning Director Hogan concluded his staff report by referencing comment letters received from the California Department of Fish and Game, the County Solid Waste Department and the Santa Ana Regional Water Quality Control Board.

Chairman Devine asked if the Planning Commission had any questions for Staff.

Commissioner Andre asked if staff had reviewed the Walmart Conditions of Approval.

Assistant Planning Director Hogan responded that the Walmart Conditions of Approval were not reviewed because the two projects were different.

Commissioner Andre stated that there were flooding issues raised at the County Hearing for the Walmart project and that County staff was directed to create a flood control map of the area. Mr. Andre went on to describe past flooding events that affected Elsinore High School and noted that no actions have been taken to correct the flooding problems. Commissioner Andre concluded by stating that it would not have an impact on this project.

Chairman Devine asked Commissioner Andre if the Walmart project and the current project were reviewed together at the County. Commissioner Andre responded that they were, and in the original proposal that the County reviewed, the Walmart project and the current project shared stormwater infrastructure. Commissioner Andre also noted that because the Walmart was not a part of the current project, the original stormwater issues had changed and stated that flooding issues in the community need to be addressed in the future.

Commissioner Nowak asked if the commission could take an action without the applicant verifying whether or not there was a Jurisdictional waterway on the property, and if the drainage from the proposed project had been reviewed.

Assistant Planning Director Hogan replied in the affirmative and went on to explain that runoff from the site would be treated on site and that stormwater currently flowing through the site would be collected and piped under the site discharging in the same place it does currently. He went on to explain that runoff created by the proposed project was evaluated in the WQMP and the project had sufficient treatment measures and facilities to accommodate stormwater runoff generated by the site. Mr. Hogan then discussed the letters received from the resource agencies. He stated that in the original letters, there was confusion about the location of the project site, but that staff had added a condition of approval which would address jurisdictional water issues on the project site. Mr. Hogan then concluded by stating that if the Commission was comfortable with the condition of approval created to address this issue, then staff recommends the approval of the environmental document for this project.

Commissioner Casillas suggested that further study may be required.

Chairman Devine asked how the conditions of approval would be implemented.

Assistant Planning Director Hogan responded that they would be attached to the project so grading could not be conducted until the jurisdictional water issue had been adequately addressed.

Chairman Devine opened the Public Hearing.

Applicant Jack Kofsarali thanked staff and the Commission and discussed his business and the project. Mr. Kofsarali then discussed the sign variance which he had requested, citing several unique challenges posed by the site limiting visibility from the south bound lanes of Interstate 15.

Commissioner Andre asked about the base elevation of the sign and whether relocating it could remedy the visibility challenges.

The Applicant responded that because of the significant structure of the sign, they wanted to locate it in the rear of the property to minimize the visual impact from the ground level and maximize visibility from the freeway level.

Assistant Planning Director Hogan added that the proposed location of the sign was at an elevation of 1,387 feet, and that the building pad was at an elevation of 1,405 feet.

Commissioner Andre clarified the flooding issues for the applicant by explaining that they were not created by the project site but in the area east of the project site, however the floodwaters did pass through the project site.

The applicant responded that when the project is complete, it will collect all the stormwater runoff from the site and detain it, effectively eliminating the stormwater runoff from the project site.

Commissioner Nowak stated that he liked the placement of the sign in the rear of the property.

Chairman Devine asked if the Applicant had received the conditions of approval and if they agreed to them.

The applicant indicated that they did agree to the conditions but had questions pertaining to bonding for the completion of the map.

Supervising Engineer Crawford responded that the Subdivision Map Act allows for bonding in lieu of construction for securing the street improvements, but then providing improvements prior to occupancy.

The applicant responded that he understood and was in agreement with the conditions.

Commissioner Casillas asked about the design of the sign.

The applicant responded that it would be similar to the Stater Brothers sign on Clinton Keith and Interstate 15.

Assistant Planning Director Hogan added that the total sign area would be in conformance with the municipal code.

Resident Martha Bridges addressed the Commission. Ms. Bridges referenced a letter she had distributed to the Commission and then discussed her concerns, beginning with the lack of an Environmental Impact Report and the use of an environmental document prepared by Riverside County. She also expressed concern that the environmental document was not posted with the agenda and she had to request to request a copy. In addition, Ms. Bridges stated that the 20 days provided for public review was not adequate. She concluded by recommending that the Commission delay their decision.

Civil Engineer for the applicant Andrew Koltavary addressed the Commission and described the stormwater runoff capture and detention systems utilized by the project.

Commission Andre asked about how the water would drain to under the freeway.

Applicant Engineer Koltavary described how the project would capture water from Sellers Road and discharge it in the same place it is currently.

Commissioner Andre reiterated his concern that the water that will flow under the freeway, flow across the field and then onto Orange Street where it will flood homes near the High School.

Resident Jeanne Weiler addressed the Commission. She stated that while although the project would not contribute to the flooding problems it may be a good opportunity to try and correct the flooding problems. She then expressed concern over the addition of 3 more drive-through restaurants.

Resident Dana Martin addressed the Commission. He expressed concerns with stormwater issues and the development along the 3 thoroughfares in the City, citing a desire for unique and quality projects in Wildomar.

Applicant Jack Kofsarali again addressed the Commission. He stated that the development of the project would be consistent with all rules and regulations and reiterated the fact the application was under review for 5 years with the County. Mr. Kofsarali also agreed with resident's desires for sit-down restaurants; however he could only provide what the market could support. He then described the hardship the development process had created in attracting tenants for the project.

Chairman Devine closed the Public Hearing.

Assistant Planning Director Hogan responded to concerns raised in the Public Hearing. He began by stating that the City prepared the Environmental Document for the project and that it was available in the lobby of City Hall during the review period. The review process was consistent with State regulations and that the adoption of the document would be lawful.

Supervising Engineer Crawford responded to concerns raised in the Public Hearing. He distributed flood maps to the Commission and discussed the map. After discussing the drainage patterns in the area, Mr. Crawford explained that the stormwater from Sellers Road would be collected in the northeast corner of the project and discharged in the same place on the west side of the project adjacent to the Bundy Canyon off ramp. He went on to explain that while although major improvements to the system at large are needed, there must be a nexus and the proposed project is making improvements to the system at large.

Chairman Devine asked if the flooding issues would continue to occur if the project is not built.

Supervising Engineer Crawford responded in the affirmative.

Chairman Devine then asked if the flooding issues would be improved if the project was built.

Supervising Engineer Crawford responded that if flooding issues improved, it would be minimal. He explained that the project would only eliminate stormwater runoff created by the site. Mr. Crawford went on to describe the Sedco drainage basin system.

Chairman Devine asked about the blue line channel which is located near Wesley Street.

Supervising Engineer Crawford responded that the channel in question was not a part of this watershed, but rather in the Santa Margarita Watershed.

Commissioner Andre again described the flooding problems which occur near the High School.

Chairman Devine begged the question if the project was built, would it change the issues being described.

Commissioner Andre responded in the affirmative, adding that it would divert drainage to the west side of the property.

Commissioner Nowak asked for confirmation that the stormwater created by the project would be retained on the site.

Supervising Engineer Crawford responded in the affirmative.

Commissioner Nowak then asked if the diversion of water from a trench along Bundy Canyon into a pipeline under the project would change the direction, quantity or velocity of the water.

Supervising Engineer Crawford responded that it would not change the point of crossing under the freeway, the volume of water, nor the constituents contained in the water when it enters the project site from Sellers Road.

Commissioner Nowak then asked for confirmation that the point at which the water enters the project site on the east, the outlet point from the project site, and the quantity would all be the same.

Supervising Engineer Crawford replied in the affirmative.

Commissioner Andre disagreed.

Commissioner Nowak asked if the proposed project should be required to correct the area's flooding problems.

Commissioner Andre described flooding problems in the area and the lack of proper maintenance of flood control devices and suggested that if the project is approved, there needs to be a major flood plan developed to address flooding issues in the area.

Chairman Devine asked if there would be a difference in the flow through the property if the proposed project was not built.

Supervising Engineer Crawford responded that there would be no change. Mr. Crawford also explained that the position of staff was based upon the information provided in the preliminary plans created for this project. Staff would continue to review the information as more detailed plans were created by the applicant.

Commissioner Nowak asked if there were easements for the drainage shown on the flood map provided to the Commission.

Supervising Engineer Crawford responded that there were no easements and that the drainage patterns shown on the map were all naturally occurring drainages across private properties. Mr. Crawford went on to explain some of the challenges of the stormwater drainage system in the community.

Assistant City Attorney Jex clarified that the City has the ability to require the applicant to deal with the water which comes onto its property. The City does not have the ability to require this project to address flooding problems not on the property; those issues must be addressed by those property owners.

Commissioner Nowak asked if the applicant needed to get permission from property owners downstream before development of the project could occur.

Assistant City Attorney Jex responded that the applicant did not because the project would not change the amount or direction of the water as it currently interacts with the project site.

Commissioner Nowak asked when the last study occurred on the drainage basin.

Supervising Engineer Crawford responded that the map given to the Commission was from 1956.

Chairman Devine asked about the involvement of outside agencies in the preparation of the environmental document.

Assistant Planning Director Hogan responded that the City of Wildomar was the lead agency in the creation of the document. The California Environmental Quality Act establishes guidelines for the creation of environmental documents but the implementation of the act is left to communities. Mr. Hogan went on to describe the role of CEQA documents in the public decision making process.

Commissioner Nowak asked if County Flood Control would be consulted when the City approved the street improvement plans.

Supervising Engineer Crawford responded that County Flood Control is consulted whenever pipes in excess of 48 inches are used and would be consulted for this project.

MOTION: Commissioner Nowak motioned to adopt mitigated negative declaration 08-0179 with resolution PC09-007. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES: Devine, Nowak, and Casillas.
NOES: Andre.
ABSENT: Dykstra.
ABSTAIN: None.

MOTION: Commissioner Casillas motioned to approve Conditional Use Permit number 08-0179, a request to construct and operated a commercial retail center on a 6.64 acre site with resolution PC09-008. The motion was seconded by Commissioner Andre. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

MOTION: Commissioner Andre motioned to approve Tentative Parcel Map number 32257, a request to subdivide a 6.64 acre site into 6 parcels with resolution PC09-009. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

Commissioner Nowak discussed postponing the decision on the variance until more information could be made available on the proposal.

Assistant Planning Director Hogan clarified the information the Commission wanted and also obtained authorization from the Commission to work with Commissioner Nowak to ensure that sufficient information would be provided.

MOTION: Commissioner Nowak motioned to continue Variance number 08-0179 to the August 19, 2009 Planning Commission meeting and to authorize staff to work with Commissioner Nowak on a complete submittal. The motion was seconded by Commissioner Andre. Motion carried, the following vote resulted:

AYES: Devine, Andre, Nowak, and Casillas.
NOES: None.
ABSENT: Dykstra.
ABSTAIN: None.

5.0 PUBLIC HEARING ITEMS:

5.1 CONDITIONAL (PUBLIC) USE PERMIT NO. 08-0214.

Applicant: Ann Sullivan Nursery School
Location: 21776 Palomar Street (APN: 380-050-005).
Proposals: The project proposes the addition of 8,048 square feet of floor area to an existing facility, including the addition of three new classrooms and other minor facilities, and the conversion of existing space to create a new multipurpose room and new administrative facilities.

Environmental
Action: In accordance with the California Environmental Quality Act (CEQA), a categorical exemption has been recommended for approval.

Chairman Devine made a statement that he lived next to the School for 18 years prior to recently moving, visited the site and viewed preliminary plans for the project.

Commissioner Andre also made a statement that he had met with the applicants and visited the site.

Planner Alia Kanani made the staff report.

Commissioner Andre read a letter received from the project Architect Christopher Campbell which discussed the inclusion of a multiuse trail in the project.

Chairman Devine opened the Public Hearing.

Applicant Walt Allen addressed the Commission. Mr. Allen raised questions about conditions of approval numbers 41 & 42 and asked staff for clarification.

Supervising Engineer Crawford explained that condition of approval number 41 addressed improvements to the parkway. Mr. Crawford went on to explain that because the school had already completed some street improvements, they had met the requirements for the street portion of the improvements but that parkway improvements were different. He also explained that condition of approval number 42 is a standard fail safe condition.

Applicant Allen indicated that he understood the purpose of the conditions.

Commissioner Andre stated that the trail runs on the northeast side of Palomar Street from Corydon Street to the Creek bed, and then the trail switches sides.

Resident Gina Castanon addressed the Commission. She stated that she was in favor of the proposed project.

Chairman Devine closed the Public Hearing.

Commissioner Andre stated his support for the project.

Chairman Devine expressed content with the project.

MOTION: Commissioner Nowak motioned to approve Conditional Use Permit number 08-0214, a request to construct and operated a nursery school expansion with resolution PC09-010. The motion was seconded by Commissioner Casillas. Motion carried, the following vote resulted:

AYES:	Devine, Andre, Nowak, and Casillas.
NOES:	None.
ABSENT:	Dykstra.
ABSTAIN:	None.

5.2 CONDITIONAL USE PERMIT NO. 09-0374.

Applicant: Andonian Investments/Discount Tire
Location: 23885 Clinton Keith Road (APN: 380-240-046).
Proposals: The project proposes the installation and operation of a tire sales and repair facility in an existing commercial space designed for an automotive use.

Environmental
Action: In accordance with the California Environmental Quality Act (CEQA), a categorical exemption has been recommended for approval.

Assistant Planning Director Hogan made the staff report.

Chairman Devine opened the Public Hearing.

Applicant Steve Warfield addressed the Commission.

Commissioner Nowak noted the presence of a message clinic adjacent to the proposed tire store and asked the applicant what was being done to address potential sounds that would emanate from the tire store.

Applicant Warfield explained that in addition to insulation, the facility was originally designed to place the office in between the repair bays and wall of the message clinic to minimize any nuisance sound.

Commissioner Andre stated he spoke with the applicant.

Business Owner Larry Ferguson addressed the Commission. He described the operations of the Message Clinic and also requested that the doors between the repair bays and the office could remain closed to minimize sound. Mr. Ferguson also asked where used tires would be stored.

Commissioner Andre described building materials that could be used to dampen sound.

Applicant Warfield agreed that the office door would be kept closed. He also stated that the storage of all tires would be within the tenant space.

Commissioner Andre asked if a pneumatic gun could be tested in the space to determine if the sound would be a problem.

Applicant Warfield explained that keeping both tenants happy was in his best interest and that he would be working with both tenants to ensure compatibility.

Chairman Devine closed the Public Hearing.

Commissioner Andre stated that he wanted to ensure that Message Envy was satisfied with the Project.

Assistant Planning Director Hogan noted that there is a condition of approval which would allow staff to reopen the conditional use permit should there be any problems.

MOTION: Commissioner Casillas motioned to approve Conditional Use Permit number 08-0374, a request to construct and operated a tire sales facility in the Oak Creek Shopping Center with resolution PC09-011. The motion was seconded by Commissioner Nowak. Motion carried, the following vote resulted:

AYES:	Devine, Andre, Nowak, and Casillas.
NOES:	None.
ABSENT:	Dykstra.
ABSTAIN:	None.

6.0 GENERAL BUSINESS ITEMS:

None.

7.0 ADMINISTRATIVE HEARINGS REPORT:

7.1 REPORT ON ACTIONS TAKEN AT DIRECTORS HEARING

Assistant Planning Director Hogan reported on the approval of Extension of Time No. 2 for application number 09-0344 at a Director Hearing on July 1, 2009.

8.0 PLANNING DIRECTOR'S REPORT:

8.1 REPORT ON GENERAL PLAN UPDATE STATUS

Assistant Planning Director Hogan informed the Commission that the City Council would like to proceed with a General Plan update; however the Council cited a lack of funds inhibiting work on an update. Mr. Hogan went on to report that the Council provided direction to staff to explore grant and funding opportunities which could pay for an update.

Chairman Devine asked where funding may come from for the work.

Assistant Planning Director Hogan explained that there are agencies and foundations which provide funding for several elements of the general plan. He went on to state that the Council understood the importance of an update and wanted to move forward.

8.2 PLANNING COMMISSION CONFLICT OF INTEREST RADIUS MAPS

Assistant City Attorney Jex explained that the maps contained a 500 foot radius around each of the commissioners' homes and that the maps were provided to help Commissioners decide if an item up for a decision could pose a conflict of interest.

9.0 PLANNING COMMISSION COMMENTS:

Commissioner Andre asked if local contractors could review projects taking place in the City so that they could bid on them.

Chairman Devine asked the City Attorney if it would be possible to list Contractors.

Commissioner Nowak asked when a permit would become public record so a potential contractor could bid on a private project.

Supervising Engineer Crawford responded that the Planning Commission agendas are the best sources of information on upcoming private building projects.

Commissioner Andre noted that in 1987, the County had a trailer located in Murrieta that contractors could go and view plans and collect information.

10.0 ADJOURNMENT:

The July 15, 2009 regular meeting of the Wildomar Planning Commission adjourned at 8:30 P.M.

Respectfully submitted:

David Hogan
Commission Secretary