

**CITY OF WILDOMAR  
PLANNING COMMISSION REGULAR MEETING MINUTES  
OCTOBER 7, 2009**

**1.0 CALL TO ORDER**

The regular meeting of the Wildomar Planning Commission was called to order by Chairman Devine at 7:00 p.m. at the City of Wildomar City Hall Council Chambers.

1.1 Roll Call showed the following:

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

Absent:       None

Staff Present:     David Hogan, Planning Director  
                      Debbie Lee, City Clerk  
                      Thomas Jex, Assistant City Attorney  
                      Jon Crawford, Supervising Engineer  
                      Alia Kanani, Planner

1.2 Pledge of Allegiance

Commissioner Nowak led the flag salute.

**2.0 PUBLIC COMMENT**

None

**3.0 APPROVAL OF MINUTES**

Chairman Devine inquired about the Minutes.

Planning Director Hogan stated the last meeting was quite lengthy and Staff has not completed the Minutes of that meeting as of yet.

#### **4.0 CONTINUED PUBLIC HEARING ITEMS**

None

#### **5.0 PUBLIC HEARING ITEMS**

- 5.1 CHANGE OF ZONE, PLOT PLAN AND TENTATIVE PARCEL MAP 35938 (08-0166):** The project proposes a Tentative Parcel Map, Change of Zone from Rural Residential to General Commercial for the development of two commercial retail buildings totaling 20,894 square feet and a 9,305 square foot daycare facility on a 4.16 acre site located at the intersection of Clinton Keith Road and Stable Lanes Street, APNs: 380-120-012, & 380-120-013.

Environmental Determinations: In accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative declaration has been recommended for adoption.

Chairman Devine stated he has visited both sites and has not spoken with anyone associated with this project at either site.

Vice Chairman Dykstra and Commissioner Andre stated they had also visited the sites.

Planner Kanani presented the staff report.

Vice Chairman Dykstra stated, regarding the removal of dirt, where is the haul route.

Engineer Crawford answered it is standard operating procedure that a haul route permit will be required before a grading permit is issued. At this time they do not have a haul route.

Vice Chairman Dykstra inquired if the Planning Commission needs to see that before they can approve a project.

Planning Director Hogan stated that is a ministerial procedure, however they can inform the Planning Commission when the permit is issued.

Vice Chairman Dykstra stated that bicycle lanes are not included, and he sees this on all projects. He inquired how to get bike lanes included in projects.

Engineer Crawford stated the City would have to change the standards. Presently the major arterials do not require them, nor does the General Plan.

Vice Chairman Dykstra inquired if the Planning Commission can request this of the City Council.

Planning Director Hogan answered that Staff can bring this to the City Council. Ultimately the final decision is with the City Council.

Assistant City Attorney Jex stated this is best addressed under general business.

Discussion ensued regarding the difference in elevations between the two buildings in front and the day care center; and the removal of the eucalyptus trees.

Chairman Devine opened the public hearing.

Jim Bach, Markham Development, representing the applicant, stated they agree with the conditions of approval. He addressed the haul route issue stating the dirt will be hauled to a location on Palomar by the Murrieta border. It is the same location that the renaissance plaza dirt was hauled to.

Chairman Devine inquired if there are any retail tenants proposed.

Mr. Bach answered they do not have any at this time. They are not looking for much retail as they are for upscale fast food type of services.

Discussion ensued regarding the trees and plants to be used in the landscaping, specifically changing the brazilian pepper with coast live oak.

There being no speakers, Chairman Devine closed the public hearing.

Vice Chairman Dykstra stated he would like to see the City put together some design standards that are different from the other cities. He would like to see the Mediterranean look of houses change to something else.

A MOTION was made by Vice Chairman Dykstra, seconded by Commissioner Andre, to recommend that the City Council adopt Mitigated Negative declaration #08-0166. Motion carried, 5-0.

A MOTION was made by Commissioner Andre, seconded by Commissioner Casillas, to recommend that the City Council approve the change of zone from Rural Residential to General Commercial. Motion carried, 5-0.

A MOTION was made by Vice Chairman Dykstra, seconded by Commissioner Nowak, to recommend that the City Council approve plot plan 08-0166; and condition the Brazilian peppers be replaced with Coast live oak. Motion carried, 5-0.

A MOTION was made by Commissioner Nowak, seconded by Commissioner Casillas, to recommend that the City Council approve parcel map 35935. Motion carried, 5-0.

**5.2 CHANGE OF ZONE AND CONDITIONAL USE PERMIT/PLOT PLAN 09-0265:**

The project proposes to change the zoning from Rural Residential (R-R) to General Commercial (C-1/C-P) for three parcels and locate a 5,280 square foot modular building and outdoor wholesale nursery on a 1.54 acre site on the northwest corner of Almond Street and Bundy Canyon Road, APNs: 366-210-052, 366-210-053, & 366-210-054.

Environmental Determinations: In accordance with the California Environmental Quality Act (CEQA) a Mitigated Negative declaration has been recommended for adoption.

Planning Director Hogan stated this project is an interim project and is clearly not the ultimate use of the site. Given the current economic conditions nationally and locally, this project would most likely not occur.

Commissioner Nowak inquired if this is an interim use, why do the zone change would could potentially be changed again with a permanent use.

Planning Director Hogan stated the zone change is consistent with the General Plan and is for all three parcels. The zone change is the only permanent part of this proposal.

Discussion ensued regarding consistent zone changes.

Commissioner Andre stated the Commission does not know what is going to be put on the other two lots.

Planning Director Hogan stated it is within the Commission's decision to not change the zone on the other two parcels.

Planner Kanani presented the staff report.

Vice Chairman Dykstra inquired if there are structures on the other two parcels.

Planner Kanani answered there are some temporary modular units there.

Planning Director Hogan stated the two units on the front will stay for the duration of the project, however they will be removed once the permanent use is in place.

Vice Chairman Dykstra stated he does not care for the road issues. He would like to see the applicant develop Almond Street to Bundy Canyon.

Planning Director Hogan stated they are not currently conditioned to do so, however, the Commission can request this.

Commissioner Andre stated the trees need to go around the property. There are residents there and the buffers are needed. He would like to know what buffers are to be put in place.

Planner Kanani stated there are limited hours of operation, with no evening hours.

Chairman Devine opened the public hearing.

Larry Markham, Markham Development, representing the applicant, gave an overview and history of the project. At some point in the future, when the economic climate and finance markets are better, they will come forward with a permanent project. They are anticipating a mix of office and retail on the entire site. The nursery will be relocated elsewhere when this occurs. He stated there will be approximately 12 employees on site, and workers who will come in the morning for assignments, leave the site, and return in the late afternoon. There will be no dump trucks, or trucks of that nature. There will be pickup trucks that will come from time to time to get material. He described what the property currently has on it, landscaping, and drainage. He also stated that in the staff report it states their front setback is 6' and it is actually 16'.

Commissioner Andre inquired if this project could have a timeline on it, such as it will only be for two years, etc. Additionally, on the north end there needs to be some buffering for the residents.

Mr. Markham agreed.

Discussion ensued regarding the 5200 square foot building on the property; putting a time frame on the this interim use; and if the property is located in the RDA.

At 8:20 p.m. the Planning Commission recessed.

At 8:32 p.m. the Planning Commission reconvened with all Commissioners present.

Planning Director Hogan stated that the property is within the RDA.

Discussion ensued regarding the building and the use of the building and property; putting a five year cap on the interim use; if the trailers are to be vacant, then they need to be removed.

Mr. Markham agreed that the empty modular buildings will be removed.

Commissioner Andre asked if the building can be reduced in size.

Mr. Morales, owner, stated the size is needed as an office space. They do not have a great deal of foot traffic and the space will be used for office, a conference room, break room, and a showcase to display their materials.

Vice Chairman Dykstra inquired if Mr. Morales would finish Almond Street to Bundy Canyon.

Mr. Morales agreed that he would. Additionally, he agreed to remove the dilapidated houses that are there as well. They will have to get the Bank to approve that.

Mr. Markham stated the reasons they are developing where they are is because of the substantial expense on Bundy Canyon.

Commissioner Nowak asked what the timeline is for the facade improvements that are shown in the exhibits.

Mr. Markham answered it would all be done in the building permit process, which would be approximately six months.

**SPEAKERS:**

Richard Garcia, resident, presented a petition and stated they are not in favor of the project as it stands. The traffic on Almond is very busy. If there were changes, such as using Bundy Canyon, they would be more open to it. He feels there should be some kind of wall around the property to keep the noise level down.

Mr. Markham stated eventually there will be an access on Bundy Canyon and Almond. They will take the petition into consideration, however, there are items they have no control over, such as the High School students parking on the street. In regards to the wall, there will be one along the North, however to go any further would not be feasible. It would have to come down in the future for

visibility reasons when they develop the site for the permanent use. In the interim they will shield the area so it is not visible.

Discussion ensued regarding the access issues.

There being no further speakers, Chairman Devine closed the public hearing.

Assistant City Attorney Jex stated he would like to comment on this being an interim use and that it would only be such for a limited amount of time. There is a phrase that states "entitlements run with the land". In this case it would be "conditional use permits run with the land". If this CUP is granted it will stay with the land and remain valid forever, even if sold. The process to take away a property right is enormous and can only occur if there is a violation of City codes. If you want to put that condition in, you need to know that it is most likely not enforceable.

Commissioner Andre stated that he objects to an interim use and there are seven other landscape material locations in that area. He feels that the City needs as much Commercial property as possible.

Vice Chairman Dykstra stated he feels Mr. Morales should be able to use his property as he wants. He feels the Commission should make sure that it is the best business for the site within the constraints of a small business budget. He would like to put some conditions on the project, such as extending Almond Street to Bundy Canyon Road, but other than that, he is grateful the business is coming to the City. He agrees it is not the ultimate use of the property, but this is a good start for a small business.

Commissioner Nowak stated he is appreciative that the business is coming to Wildomar. The renderings of the modular building that will be staying look nice and feels this is a good interim use.

Chairman Devine stated he has several reservations. Bundy Canyon is a major arterial and will bring some good businesses along there as the City builds. He does not like temporary uses and he is concerned that there will not be a way to reverse an approval once it is made. The renderings look fine, but in the long run it does not fit into the vision of Wildomar.

Discussion ensued regarding zoning on the property and surrounding properties; and the repercussions of granting an interim use.

Vice Chairman Dykstra stated the County promised consistency zoning back in 2005. They never did it. Mr. Morales should have had his zone change done for

free if the County had kept their word. If we have consistency zoning it would stimulate development in Wildomar. Rezoning is not the issue.

A MOTION was made by Commissioner Nowak, seconded by Vice Chairman Dykstra, to recommend that the City Council adopt Mitigated Negative declaration #09-0265. Motion carried, 4-1, with Commissioner Andre dissenting.

A MOTION was made by Vice Chairman Dykstra, seconded by Commissioner Andre, to recommend that the City Council approve the change of zone from Rural Residential to General Commercial. Motion carried, 5-0.

A MOTION was made by Commissioner Nowak, seconded by Commissioner Casillas, to continue to November 4, 2009, the approval of the conditional use permit for #09-0265 until such time as an agreement can be reached regarding a condition for the length of time the approval is in place. Motion carried, 4-1, with Vice Chairman Dykstra dissenting.

## **6.0 GENERAL BUSINESS ITEMS**

### **6.1 City Attorney Report on the Tracy First v. City of Tracy court case.**

Assistant City Attorney Jex stated there was a case that was decided regarding environmental impact reports. He then outlined the case. The Court stated that if the Council had made changes to the project, then it must go back to the Planning Commission, however if they only modify the EIR then it does not have to go back to the Planning Commission.

Vice Chairman Dykstra inquired who monitors that at the Council level.

Assistant City Attorney Jex answered, the City Attorney, the Planning Staff and Engineering Staff.

Vice Chairman Dykstra asked if Commissioners can attend the meetings.

Assistant City Attorney Jex answered yes.

## **7.0 ADMINISTRATIVE HEARINGS REPORT**

None

## **8.0 PLANNING DIRECTOR'S REPORT**

Planning Director Hogan thanked City Clerk Lee for filling in for Planner del Solar.

## **9.0 PLANNING COMMISSION COMMENTS**

Vice Chairman Dykstra stated he would like the bike lanes and consistency zoning addressed to the City Council.

Planning Director Hogan stated there are two ways to approach this; one is at the General Plan level where we can amend the cross section; the second way is to set up an alternate engineering standard that would allow for the bike lane to be striped on the six lane roads.

Discussion ensued regarding bike lanes.

It was the consensus of the Commission to have Staff take up with the City Council and City Manager the idea of cross section of existing roadways for bike lanes.

## **10.0 ADJOURNMENT**

There being no further business, Chairman Devine adjourned the meeting at 9:50 p.m.

Respectfully submitted,

David Hogan  
Commission Secretary