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PLANNING  **COMMISSION**

MEETING MINUTES

DATE: May 17, 2011

CALLED TO ORDER: 5:59 P.M.

MEETING LOCATION: City Council Chambers
450 East Latham Avenue, Hemet, CA 92543

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners Vince Overmyer, David Rogers and Chauncey Thompson

ABSENT: None

Invocation and Flag Salute: Commissioner Rogers

2. APPROVAL OF MINUTES:

A.Planning Commission Meeting of April 19, 2010

It was **MOVED** by Commissioner Rogers and **SECONDED** by Commissioner Deuber to approve the April 19, 2011 minutes, with the following changes.

1. The sentence starting on Page 3, Line 43 should read:

"Minors are allowed until 10:00 p.m. if unaccompanied by a parent. Entrants over 21 are banded with wristbands. If minors are under 18, they must be accompanied by a parent of at least 21 years of age."

2. Under Community Development Director Reports, starting on Page 11, Line 7 should read:

"Also at the March 22nd meeting was the confirmation of the re-appointment of three Planning Commissioners: John Gifford, Vince Overmyer and Chauncey Thompson."

The MOTION was carried by the following vote:

AYES: Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners David Rogers, Chauncey Thompson and Vince Overmyer

NOES: None

ABSTAIN: None

ABSENT: None

1 **3. PUBLIC COMMENTS:**

2
3 Don Konnick (Lexington Avenue, Hemet) suggested that a "No Entry" sign be placed at
4 the exit from the old Wal-Mart building onto Florida Avenue to avoid an accident.
5
6

7 **PUBLIC HEARINGS**

8
9
10 **4. EXTENSION OF TIME NO. 11-001 FOR CONDITIONAL USE PERMIT NO.**
11 **05-002**

12 **APPLICANT:** Tierra West Commercial
13 **AGENT:** Don Bender
14 **LOCATION:** 3400 West Devonshire Avenue
15 **PLANNER:** Carole Kendrick
16 **DESCRIPTION:** A request for Planning Commission review and approval
17 of a two-year extension of time for the previously approved Conditional Use
18 Permit No. 05-002 to construct and operate a 127-unit senior apartment
19 project and associated site improvements located at the northwest corner of
20 Sanderson and Devonshire Avenues.
21

22
23 Commissioner Rogers recused himself, due to his residence being within 1,000 feet
24 of the project location.

25
26 Assistant Planner Carole Kendrick presented the staff report, providing various
27 details and a PowerPoint presentation.

28
29 Chairman Gifford questioned whether the applicant was aware of any changes in the
30 conditions, to which Planner Kendrick responded that he was and had agreed with
31 them.

32
33 The public hearing was opened by Chairman Gifford.

34
35 Don Bender of Tierra West Commercial Real Estate and Development – 3110 East
36 Florida Avenue, Hemet, California approached the lectern as the applicant's
37 representative. He explained that the reason for the time extension was due to
38 financing.

39
40 Community Development Director (CDD) Elliano mentioned that this two-year
41 extension, if granted, would be the final extension the applicant is allowed under city
42 zoning regulations.

43
44 Mr. Bender commented on several conditions, including driveway entrance from
45 Sanderson, which he noted was in error, as they have entrance only from
46 Devonshire Avenue, which affects Condition Nos. 61 and 62. Also, with regard to
47 Condition No. 70, the underground storm drain has already been installed, so that
48 condition would not apply. He also felt that Condition No. 75 applied to another
49 project, rather than their CUP.
50

1 City Engineer, Jorge Biagioni replied that Condition No. 60 should be remain,
2 Condition No. 70 had already been met but should remain, and that Condition No.
3 75 was a standard condition throughout all the projects and tended to be more of a
4 statement than a condition.

5
6 CDD Elliano agreed that Condition No. 61 could be deleted, but that Condition No.
7 62 would need to apply because there would be handicap ramps at the corners on
8 the crosswalk.

9
10 Mr. Bender agreed with the remaining conditions.

11
12 City Attorney Jex asked for site visit disclosure and Commission members
13 responded as follows: Chairman Gifford – no site visit or applicant contact; Vice
14 Chairman Deuber – drove by the site but no applicant contact; Commissioner
15 Overmyer – site visit, but no applicant contact; Commissioner Thompson – site visit
16 but no applicant contact.

17
18 It was **MOVED** by Commissioner Overmyer and **SECONDED** by Commissioner
19 Thompson to **ADOPT** Planning Commission Resolution Bill 11-012 **APPROVING**
20 Extension of Time No. 11-001 for Conditional Use Permit No. 05-002, with the
21 deletion of Condition No. 61.

22
23 The MOTION was carried by the following vote:

24
25 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,
26 Rogers and Thompson

27 NOES: None

28 ABSTAIN: Commissioner David Rogers

29 ABSENT: None
30

31 ***Adopted Resolution No. 11-005.***

32
33 **5. CONDITIONAL USE PERMIT NO. 10-008 (INLAND VALLEY BAPTIST**
34 **FELLOWSHIP)**

35
36 **APPLICANT:** Inland Valley Baptist Fellowship

37 **AGENT:** Dale Dieleman

38 **LOCATION:** 2700 West Johnston Avenue □

39 **PLANNER:** Carole Kendrick

40 **DESCRIPTION:** A request for Planning Commission review and approval
41 of a conditional use permit to modify the existing Conditional Use Permit No.
42 12-88 and add a 2,560 square-foot classroom building to an existing church
43 campus on a 5.00 acre parcel, with consideration of an environmental
44 exemption pursuant to CEQA Guidelines Section 15332.
45

46
47 Assistant Planner Kendrick presented the staff report, which included details and a
48 PowerPoint presentation, indicating that the only changes to the project would be
49 modifying the phasing and adding the classroom building and a playground.

50
Chairman Gifford reported that he had neither visited the site, nor met with the
applicant; Vice Chairman Deuber indicated no site visit or meeting with the applicant;

1 Commissioner Overmyer indicated a site visit, but no meeting with applicant;
2 Commissioner Rogers indicated no site visit or meeting with applicant;
3 Commissioner Thompson indicated that he had visited site but had not met with
4 applicant.

5
6 Chairman Gifford opened the public hearing and invited the applicant to the lectern.
7

8 Chris Engel, lead pastor of the Inland Valley Baptist Fellowship Church, commented
9 that both the Planning and Fire Department staff had been helpful in moving their
10 requests through the City. He indicated the need for more classroom space, and he
11 accepted the addition of Condition No. 21. In answer to a question by Chairman
12 Gifford concerning landscaping, he indicated that there was irrigation to only some of
13 the trees, others not being part of the original plan.
14

15 Mr. Engel advised the Commission that the neighbors had been contacted, that the
16 building was far from the borders of the property, lighting was directed downward,
17 the setback from the houses was over 150 feet, and the use of the classroom
18 building would be primarily weekend mornings and occasionally Tuesday or
19 Wednesday evenings, but not past 10 p.m.
20

21 Planner Kendrick noted that there was adequate parking to accommodate this phase
22 of their project.
23

24 Jim Calkins (1631 Calathea Road, Hemet) indicated that he had been on the
25 Planning Commission when this project was originally approved, and that there had
26 been concerns about school-age children on-site because of the flight patterns and
27 proximity to the airport. He wondered if those conditions had changed.
28

29 CDD Elliano said that the City had overruled the Airport Land Use Commission's
30 determination regarding children because of the adjacent park and surrounding
31 single-family homes, noting that since the property was designated for church
32 purposes, Sunday school classrooms are an ancillary use and consistent with the
33 original approvals.
34

35 Chairman Gifford notified the audience that Condition No. 21 mandated that as
36 future phases were implemented they would have to be reviewed by the Planning
37 Department.
38

39 Don Konnick (Lexington Avenue, Hemet), approached the lectern as a resident
40 directly behind the walls of the church property. He questioned where the future
41 playground would be situated and what other phases were planned. He was invited
42 to check the city website and get the details in the staff report, as well as from
43 Planner Kendrick.
44

45
46 Chairman Gifford closed the public hearing and asked for a motion.

47
48 It was **MOVED** by Commissioner Rogers and **SECONDED** by Commissioner
49 Overmyer to **ADOPT** Planning Commission Resolution Bill No. 11-009 **APPROVING**
50 Conditional Use Permit No. 10-008 as presented.

1 The MOTION was carried by the following vote:

2
3 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,
4 Rogers and Thompson

5 NOES: None

6 ABSTAIN: None

7 ABSENT: None

8
9 ***Adopted Planning Commission Resolution No. 11-006***

10
11 **6. SITE DEVELOPMENT REVIEW / DOWNTOWN PROJECT REVIEW NO. 11-**
12 **001**

13
14 **APPLICANT:** Salwa Greco

15 **AGENT:** James Calkins

16 **LOCATION:** 222 – 228 East Florida Avenue

17 **PLANNER:** Carole Kendrick

18 **DESCRIPTION:** A request for Planning Commission review and approval
19 of a Downtown Project Review application for the construction of a 7,204
20 square-foot building to replace a building destroyed by fire on the northwest
21 corner of Florida Avenue and Carmalita Street, with a consideration of an
22 environmental exemption pursuant to CEQA Guidelines Section 15302.
23

24 City Planner Ron Running presented the staff report, which included details and a
25 PowerPoint presentation, indicating that the only changes to the conditions were
26 Nos. 2, 76 and 77 and that the tenants would likely be a combination of office, retail
27 and restaurant uses.
28

29 Chairman Gifford asked about adequacy of parking if a restaurant were to be sited
30 there, to which Planner Running responded that downtown zones have the flexibility
31 that they can credit the private properties with city-provided parking if located
32 adjacent to the site. He felt the scale of this building would not overwhelm the
33 parking and that the added lighting on the north would improve the parking safety to
34 the adjacent lot.
35

36 Vice Chairman Deuber asked about the possibility of a plaza for outdoor dining, to
37 which Planner Running responded that the owner was proposing a shell, with
38 allocation of space dependent upon the requirements of the future tenants. He
39 explained that the Commission was being asked to approve the elevation for the
40 exterior of the building.
41

42 Commissioner Overmyer questioned the positioning of a trash enclosure at the back
43 of the building, which would result in the elimination of potential parking spaces.
44

45 Planner Running responded that there was a landscaped area where a trash
46 enclosure could be sited with no adverse effect on the parking.
47

48 Chairman Gifford inquired regarding who would be maintaining the landscaping and
49 what sized trees were allowed.
50

1 Planner Running answered that the applicant was responsible for maintenance of
2 the landscaping. He added that the tree sizes were 24-inch box, and that street
3 furniture would include a tree well, a tree guard grate, and probably a couple of
4 benches.

5
6 All Commissioners indicated that they had been by the site, but none had been in
7 contact with the applicant.

8
9 Chairman Gifford opened the public hearing and Shareik Isa approached the lectern.

10
11 Mr. Issa (1085 Living Water Way, Hemet), introduced himself as project manager
12 and brother of the owner, Salwa Greco. He stated that the plaza area would be
13 decided depending on the number and what kinds of tenants would utilize the
14 building. He explained that they had already lost rentable space due to landscaping
15 and planters every 20 feet, so he felt some footage should come from the sidewalk
16 area.

17
18 Chairman Gifford reiterated the need for a pedestrian-friendly downtown and
19 commended the planning staff on the speed at which the rezoning and change of the
20 downtown plan had been accomplished. An extended discussion followed between
21 the applicant and the Commission members concerning the plaza idea, interior
22 plaza, terrace dining, marketing ideas, and design changes depending on early
23 tenant sign-up.

24
25 CDD Elliano explained that Condition No. 30 did not specify a plaza, but requested
26 architectural relief along Carmalita Street, providing some inset and interest.

27
28 Chairman Gifford suggested that staff and the applicant be allowed to work out the
29 actual design features, but that the Commission could approve the concept.

30
31 Vice Chairman Deuber agreed.

32
33 CDD Elliano further explained that no matter how many tenants the space would
34 facilitate, the outside design would look the same in order to be consistent with the
35 downtown scale and context. Further details like signage, lighting and planters
36 would then be part of the working plans.

37
38 Mr. Isa agreed to working with CDD Elliano on Condition No. 30 and inquired about
39 Condition No. 76.

40
41 City Engineer Biagioni explained that the intention of Condition No. 76 was to
42 resurface the parking lot in the back – the portion covering the frontage on the north
43 side up to the middle of the parking lot – by grinding three inches of an overlay to the
44 centerline of the parking lot

45
46 Mr. Isa agreed to the condition and asked that Architect James Calkins answer any
47 further questions about design.

48
49 Mr. Calkins (1631 Calathea Road, Hemet) said he had not seen Exhibit B – the
50 conditions of approval for the project – so he could not comment on them as yet. He
suggested delaying discussion until he and Mr. Isa had an opportunity to review

1 Exhibit B.

2
3 Chairman Gifford agreed and closed the public hearing, stating that they would
4 continue with one item and then return to the public hearing.

5
6 (A ten-minute recess was taken.)

7
8 **7. CONDITIONAL USE PERMIT NO. 10-014 (EUOPRECAST CONCRETE)**

9
10 **APPLICANT:** Walt Kurczynski – Europrecast Concrete, LLC
11 **AGENT:** Mike Medofer, Medofer Engineering
12 **LOCATION:** 170 East Oakland Avenue
13 **PLANNER:** Carole Kendrick
14 **DESCRIPTION:** A request for Planning Commission review and approval
15 of a conditional use permit to allow the operation of a manufacturing facility to
16 produce precast concrete building products entirely within an existing
17 industrial building located at 170 East Oakland Avenue, with consideration of
18 an environmental exemption pursuant to CEQA Guidelines Section 15332.
19

20 Assistant Planner Kendrick presented the staff report, which included details and a
21 PowerPoint presentation.

22
23 Chairman Gifford posed the following questions: (1) Will there be equipment other
24 than manufacturing equipment in the storage area; (2) Is the concrete wet or dry that
25 comes into the precast form, as it makes a difference in air quality.
26

27 Planner Kendrick responded that the concrete was wet when it comes into the plant.
28

29 Vice Chairman Deuber inquired about the location of the Bridges Daycare Center,
30 with Planner Kendrick responding that there was a portion of the back and the north
31 side of the property that Bridges Daycare leases to Genesis, who has provided a
32 lease agreement to Europrecast Concrete for parking. She advised that the
33 operating hours would be Monday through Friday, from 6 a.m. to 5 p.m.
34

35 Commissioner Rogers inquired about the noise levels of the mixers and equipment,
36 to which Planner Kendrick responded that they would not exceed 65 decibels, which
37 was the General Plan requirement for noise.
38

39 All Commissioners reported no contact with the applicant, and only Commissioner
40 Rogers reported having visited the site.
41

42 Chairman Gifford opened the public hearing and invited the applicant, Mike Medofer,
43 to approach the lectern.
44

45 Mike Medofer of Medofer Engineering (28610 Midsummer Lane, Menifee) advised
46 the Commission that the applicant had reviewed the conditions of approval and was
47 in agreement with them, as written.
48

49 In answer to Chairman Gifford's questions, Mr. Medofer outlined the procedure for
50 the manufacture of the Denmark-originated product, enumerating the equipment as
cement truck delivery, forklift, small duty crane or cherry picker, with maintenance

1 type equipment within the building, such as welders and grinders. Cement delivery
2 would occur once per day for two to three days a week. There may be a small
3 amount of mixing on-site for special jobs, but the norm would be ready-mix.
4

5 Commissioner Rogers asked about the casting, and Mr. Medofer responded that the
6 molds were premade, and the product was used for screening and retaining walls.
7

8 Vice Chair Deuber questioned the facility's impact on traffic, to which Mr. Medofer
9 indicated that they had only one flatbed truck for delivery at this time.
10

11 Commissioner Rogers asked about impact on air quality and whether cleaners or
12 sealants would be used.
13

14 Mr. Medofer responded that they would be utilizing just the standard products for
15 cleaning and sealing, all done inside, and for which they have a condition in the
16 permit that requires adherence to all air quality regulations.
17

18 Chairman Gifford asked if they had done this type of operation anywhere else, to
19 which Mr. Medofer responded that this was the first one they had been involved with.
20

21 Walt Kurczynski (Temecula) approached the lectern as the project applicant, and
22 indicated that when the operation was up and fully running, one ready-mix delivery
23 per day would fulfill their needs. He noted that the delivery truck for the finished
24 product was a stake-bed truck. If a larger delivery were needed, they would hire a
25 larger truck.
26

27 Commissioner Rogers asked for a number of specifics.
28

29 Mr. Kurczynski responded that a small order would be about two yards, which would
30 be the equivalent of ten 90-pound bags. They would be loading the panels inside
31 the yard, where they would be stored in cradles. They would be making four to six
32 panels a day, and the cement truck would be there for approximately half an hour.
33 He further indicated that the noise level for the delivery would not be as loud as a
34 backhoe.
35

36 Chairman Gifford indicated that a comfortable level for a concert was about 100
37 decibels.
38

39 Allen Qui (no address given), representing the vacant property to the north, voiced
40 his parents' concerns over the air pollution, traffic, and property values, particularly in
41 the C-2 area, and how air pollution might affect the children in the child care facility
42 next door.
43

44 Vice Chairman Deuber asked what use had occupied the building previously.
45

46 Bill Carole from Genesis Construction indicated that Banks Lumber had operated
47 within the building prior to Genesis taking possession in 1989, and that since then
48 they have been the sole tenant. They have condensed their operation from 150
49 employees to 20. It has been an industrial site since they took possession, with 15
50 to 20 of their own trucks coming and going, and four to five delivery trucks per day,
as well as 10 to 20 customers per day in the store. They also had forklifts and other

1 equipment.

2
3 Chairman Gifford closed the public hearing and asked for a motion.

4
5 It was **MOVED** by Commissioner Thompson and **SECONDED** by Commissioner
6 Rogers to **ADOPT** Planning Commission Resolution Bill No. 11-010, **APPROVING**
7 Conditional Use Permit No. 10-014, including modified Condition Nos. 14 and 39 as
8 presented by staff.

9
10 The MOTION was carried by the following vote:

11
12 AYES: Chairman Gifford, Vice Chairman Deuber, and Commissioners Overmyer,
13 Rogers and Thompson

14 NOES: None

15 ABSTAIN: None

16 ABSENT: None

17
18 ***Adopted Planning Commission Resolution No. 11-008.***

19
20 **6. (Continued) SITE DEVELOPMENT REVIEW / DOWNTOWN PROJECT**
21 **REVIEW NO. 11-001 (Continued Public Hearing)**

22
23 Chairman Gifford re-opened the public hearing for Item No. 6 and invited the
24 applicant to the lectern.

25
26 Mr. Calkins expressed agreement with Exhibit B pertaining to the 75 conditions of
27 approval, but indicated that No. 36 should be stricken because the memo
28 supercedes it.

29
30 CDD Elliano agreed.

31
32 Council Member Larry Smith commended the Commission for expressing their valid
33 concerns pertaining to the project, and staff for anticipating the issues. He stated
34 that he did not want to minimize the important review process of the Commission,
35 but would like to encourage them to move the project forward, and put it in the hands
36 of the City Council so that it could receive final approval and passersby would no
37 longer have to look at the remnants of what was once there.

38
39 It was **MOVED** by Commissioner Thompson and **SECONDED** by Commissioner
40 Overmyer to **ADOPT** Planning Commission Resolution Bill No. 11-011,
41 **RECOMMENDING APPROVAL** to the City Council of Site Development Review /
42 Downtown Project Review No. 11-001 with the revised Condition No. 2, the new
43 Condition No. 76, the amendment of Carmalita Street to parking lot, the addition of
44 Condition No. 77 and the removal of Condition No. 36.

1 The MOTION was carried by the following vote:

2
3 AYES: Chairman John Gifford, Vice Chairman Sharon Deuber, and
4 Commissioners David Rogers, Chauncey Thompson and Vince Overmyer
5 NOES: None
6 ABSTAIN: None
7 ABSENT: None
8

9 ***Adopted Planning Commission Resolution No. 11-007.***

10
11 **8. CONDITIONAL USE PERMIT NO. 11-001 (VERIZON @ APPLE URGENT**
12 **CARE)**

13
14 **APPLICANT:** Los Angeles SMSA LP dba Verizon Wireless
15 **AGENT:** Randi Newton – Spectrum Surveying & Engineering
16 **LOCATION:** 1001 South State Street
17 **PLANNER:** Carole Kendrick
18 **DESCRIPTION:** A request for Planning Commission review and approval
19 of a conditional use permit to install and operate a ground-mounted wireless
20 facility and associated equipment, consisting of a 60-foot pole camouflaged
21 as a monopalm tree, and equipment.
22

23 Assistant Planner Kendrick presented the staff report and gave a Power Point
24 presentation, indicating the R-3 property was currently vacant, but that an
25 application for apartments was pending.
26

27 CDD Elliano further clarified that in the wireless code, if you have existing residential
28 uses, the setback is 200 feet. If it is in a residential zone but the land is vacant, you
29 have to mirror the setback standards of the R-zone, which would be 15 feet. So the
30 minimum separation between a structure on the new property and the tower would
31 be 30 feet. She said staff would be looking at it when the application came forward,
32 and perhaps an access way could expand that separation.
33

34 Commissioner Overmyer asked if the towers put off radio frequencies that are
35 harmful.
36

37 City Attorney Jex clarified that radio frequency emissions are not considered harmful
38 by the experts, and federal law says you can't base your decision on these
39 emissions, so that cannot be part of the discussion and deliberations that you have.
40

41 CDD Elliano further elucidated that what is left for communities to consider is
42 aesthetics and reduction of the number of towers by co-location, separation
43 distances, and stealth design, such as different faux tree structures, or as part of
44 buildings. The code requires that setbacks have to be equivalent to the minimum
45 setback that is in the zone. Setbacks in commercial zones are essentially zero, and
46 the minimum setback within the R-3 zone for a side-yard is 15 feet.
47

48 Chairman Gifford cautioned that the Commission was not here to consider the R-3
49 property, since that application has yet to be submitted.
50

1 City Attorney Jex stated that he had given a lot of thought to the question regarding
2 the standard of existing residential property versus vacant property that is
3 residentially zoned. He explained that the way the ordinance is written, the 200-foot
4 setback is a guideline for a site that is adjacent to a residentially zoned property,
5 rather than a hard and fast rule. If the residentially zoned property is vacant, there is
6 no specific distance. Both instances are simply guidelines for the Commission to
7 consider when making their decision.

8
9
10 Vice Chair Deuber stated that she felt a fiduciary responsibility to both sides, the
11 applicant and the potential residential site. Where is the line of detriment drawn for
12 the residential public? She felt that there was more time needed for research of
13 alternative sites and to see what the R-3 applicant was proposing, and suggested a
14 continuance of the matter.

15
16 City Attorney Jex stated that the R-3 zone property site had received mailed notice
17 10 days in advance of this hearing, and had the opportunity to to comment.

18
19 Vice Chair Deuber asked if they were not permitted to move to continue the matter.

20
21 City Attorney Jex said that's always an option on any project if the majority of the
22 Planning Commission agrees.

23
24 Vice Chair Deuber felt the Commission was in the 11th hour of a potential R-3 site
25 being developed within 15 feet of a cell tower when other space could be
26 considered.

27
28 CDD Elliano reminded the Commission that they were not deciding the relative
29 safety in terms of radiation. This has been determined by the FCC. They are
30 deciding the aesthetic issues. She stated, however, that there is a coverage gap in
31 this area. Towers can be located in commercial zones, not in residential zones. In
32 this particular area, most of the commercial properties are built, so there is limited
33 area for cell towers to be placed. As this is a narrow commercial corridor, residential
34 zones are going to be very close. The applicant stated that property owners in the
35 adjacent areas were nonresponsive to their inquiries. Questions concerning
36 alternative sites can be asked of the applicant, but if the continuance would be
37 based on waiting to see the plans of the adjacent property, federal law mandates we
38 have a duty to act on this within 150 days from the time the application was
39 complete, so it's already in that time frame. She added that she was not sure it was
40 reasonable to hold this applicant up if the reason for the continuance pertained to
41 the plans of the R-3 applicant.

42
43
44 Vice Chair Deuber stated that her reason for wanting a continuance did not have so
45 much to do with the other project as it did with taking more time to research
46 alternative sites. She suggested that the commercial use may or may not be a
47 detriment to the adjacent residential area, and indicated that another important factor
48 was that they should be considering the excessive number of vacancies in the valley
49 due to the downed economy. There is an applicant willing to potentially build an
50 apartment complex, there is a cell tower already in place, and it's a proven statistic
that people do not want to live in proximity to high wire telecommunications
structures of any kind. The City is desperately trying to turn around when it comes

1 to real estate, and a brand new apartment complex is proposed, with an existing 90
2 percent vacancy factor. She stated that, as a Planning Commissioner, this was not
3 something that she wanted to see happen in the City.
4

5 Chairman Gifford opened the public hearing and asked the applicant to approach the
6 lectern.
7

8 Todd Fisher (Painted Hills, California) approached the lectern as a representative for
9 the applicant and responded to Chairman Gifford's question concerning alternative
10 sites by saying that after site visits and letters being sent, the only owner who
11 responded was the site they were proposing. The owner of the R-3 property where
12 the apartment complex is proposed responded, but it is residential property and not
13 zoned for cell towers.
14

15 He also explained that the gap was between three cell sites, so there is little wiggle
16 room. The other sites are at capacity, so they need some place to offload them.
17 Meeting any additional setback requirements would be almost impossible.
18
19

20 Discussion ensued amongst the Commission and Mr. Fisher regarding other sites,
21 such as alternative 3, which is the Kmart shopping center.
22

23 Mr. Fisher stated that a site further west on Stetson was a little too far south than
24 they needed for offloading the three sites. He said they may revisit that site later to
25 continue the network for that area, but it would not suffice for their gap coverage
26 needs.
27

28 Commissioner Overmyer asked if there was any benefit to the city from these
29 towers.
30

31 CDD Elliano replied that there was no revenue to the city when the towers are sited
32 on private land. If on city-owned property or a public facility, there is a lease right.
33 The benefit to the city in this instance is equivalent to that with other cell providers in
34 terms of emergency services and cell phones when there is no gap.
35

36 Commissioner Rogers had questions about the 200-foot setback dealing only with
37 aesthetics or with health risks also.
38

39 City Attorney Jex reiterated that it is just aesthetics, not health risks.
40

41 Chairman Gifford outlined that the Commission's role is one of gatekeepers for the
42 people of the city, so the issues to consider are aesthetics and property values. The
43 City of Hemet has less latitude in cell towers than in just about anything. He didn't
44 think it was unreasonable to continue the hearing for one meeting. He also didn't
45 think it unreasonable to approve the application at this time because it's going to
46 come back, as far as design and build for a CUP for the residential portion.
47 Therefore, they don't have to feel restricted by the 200 feet, as it is only a guideline.
48

49 Chairman Gifford asked if there were any comments from the public.
50

1 Paul Wutzler (296 North Cornell, Hemet) asked about the limits of the 200 feet, and
2 CDD Elliano explained that when there is an existing residential use, the guideline
3 proposes 200 feet from the structure of the home to the center point on the tower. If
4 referencing just the zone, the measurement is from that common property line,
5 which would be 15 feet. If there had been an existing structure that had been taken
6 down and there was no existing use, it would be back to the 15 feet.

7
8 Vice Chair Deuber asked about the size of the R-3 property, and Planner Running
9 responded that it was 25 acres with 400 units, therefore many structures.

10
11 Mr. Fisher noted that the timing of the site request letters was October of 2010, and
12 that the letters were a last attempt after phone calls, e-mails and site visits. He
13 added that they had not received any callbacks on alternative sites. They prefer
14 multiple sites because it is less costly when you have a choice. But they have
15 invested money for drawings, photo simulations and revisions, and to go back to
16 landlords who did not respond previously and who had received notice seemed
17 fruitless. He requested that the project be approved tonight.

18
19 There was lengthy discussion amongst the Commissioners as to a continuance for
20 30 or 60 days or for approval tonight.

21 CDD Elliano indicated that if a continuance were approved, the purpose of the
22 continuance would be to provide the applicant with additional time to develop
23 alternative site scenarios or demonstrate why they wouldn't work, or to allow the
24 Commission time to research more information, limiting the search to the gap area
25 alone.

26
27 It was **MOVED** by Vice Chair Deuber and **SECONDED** by Commissioner Overmyer
28 to **CONTINUE** Resolution Bill No. 11-013 to the June 21st Planning Commission
29 meeting for the purpose of giving the applicant additional time to exhaust all
30 resources of additional or alternative sites, and to give the Commission more
31 opportunity to do their own research and potential findings.

32
33 The MOTION was carried by the following vote:

34
35 AYES: Chairman John Gifford, Vice Chairman Sharon Deuber, and Commissioners
36 David Rogers, Chauncey Thompson and Vince Overmyer

37 NOES: None

38 ABSTAIN: None

39 ABSENT: None

40
41 ***Continued to Planning Commission Meeting of June 21, 2011.***

42
43 **DEPARTMENT REPORTS**

44
45 **9. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**

46
47 **A. May 10th City Council Meeting**

48
49 CDD Elliano reported three appointments to the Parks Commission: Jeff Slepski,
50 Joyce Thibodeaux, and Kenneth Gengler. There was also a second reading of an

1 ordinance on the E-Verify program. Also, a bid was awarded to Genesis
2 Construction for a wall and wrought-iron fencing surrounding a well site. She was
3 grateful to the city manager and public works department for stepping up and using
4 savings from another project to implement the upgrade on the block wall for the well
5 site, as previously only chain-link fencing had been utilized.

6
7 Also approved was a five-year deferment for the Sanderson Avenue improvements
8 at the Spirit of Joy Church on Johnston Avenue.

9
10 Senate Bill 444 was also discussed, and the City Council authorized the city
11 manager to send a letter in support of it. The bill clarifies existing state language
12 regarding mobile home parks (Title 24), and provides for local control in
13 consideration of mobile home subdivisions, public hearing processes, and bringing
14 the process more into alignment with how local government typically processes and
15 reviews a subdivision within the city.

16
17 Another discussion item was the Tri Buick building at 101 West Florida, vacant since
18 the dealership left. It is in the D-1 zone in which auto-related uses are not allowed.
19 Because of the economy and the fact that the property owner doesn't have the
20 resources to convert to retail, the property owner asked for a five-year amortization
21 agreement, allowing him to continue to have auto-related uses, because the
22 buildings are suited for auto rather than retail at this point in time. The City Council
23 directed staff and the City Attorney to prepare the agreement.

24
25 **B. Verbal report on Conditional Use Permit compliance status for Gas
26 Plus, Great Shot Billiards, and Medi-City**

27
28 **GAS PLUS:** CDD Elliano reported that Gas Plus has not been compliant with the
29 CUP regarding check-cashing facilities and practices. In conversation with the
30 manager, he said it's a minor part of the business and they do it maybe once or
31 twice a month. They also have a Western Union service. She suggested that the
32 Commission and Council might think in terms of distinguishing between what really
33 constitutes a check-cashing facility that requires a CUP, or where it is an ancillary
34 part of their business.

35
36 Vice Chair Deuber felt the issue was one of safety and the Commission has a
37 fiduciary responsibility to its citizens to proctor these issues.

38
39 CDD Elliano stated that the Planning Department would follow up on the compliance
40 issue, and that it would be up to the property owner, if they want to come back and
41 ask for some modification to the CUP or cease the operation.

42
43 Chairman Gifford suggested that a better definition of this kind of operation and
44 levels of operation was prudent.

45
46 CDD Elliano stated that there was perhaps some gradient to this use, such as
47 percentage of their total operation devoted to the check-cashing. Gas Plus noted
48 that significantly less than one percent of their business was devoted to that
49 endeavor.
50

1 **GREAT SHOT BILLIARDS:** They were a pre-established business, having been
2 established in 1994 before the requirement for a CUP was implemented, and have a
3 valid certificate of occupancy.
4

5 **MEDI-CITY:** Their approval will be expiring in October, but in checking with the
6 owners, they are planning to ask for an extension of time.
7

8 **C.** Upcoming events and informational items – No report given
9

10 **D.** Cancellation of June 7, 2011 meeting
11

12 Since there were no items ready for the June 7th meeting, she was recommending
13 cancellation of that meeting.
14

15 The Commission concurred.
16

17 **10. CITY ATTORNEY REPORTS:** (None)
18
19

20 **11. PLANNING COMMISSIONER REPORTS:**
21

22 **A.** Chairman Gifford – (None)
23

24 **B.** Vice Chairman Deuber – (None)
25

26 **C.** Commissioner Overmyer – (None)
27

28 **D.** Commissioner Rogers – Expressed thanks to EMWD for the invitation to the
29 Solar Cup Competition at Lake Skinner. He stated that the students were
30 energetic and that he hoped they did well.
31

32 **E.** Commissioner Thompson – (None)
33

34 **12. FUTURE AGENDA ITEMS:**
35

36 **A.** Tres Cerritos SPA
37

38 CDD Elliano stated there would be a specific plan amendment and draft EIR for
39 consideration.
40

41 Commissioner Rogers indicated that he would have to recuse himself from that
42 issue.
43

44 **B.** World Harvest Church CUP
45

46 CDD Elliano advised that the former athletic club on Latham Avenue was the
47 proposed site for the World Harvest Church, so providing that it is ready, it will be
48 considered at the next meeting.
49
50

1 C. Report on "Human Signs" in the City
2

3 Commissioner Overmyer had requested a report on the human signs in the city, and
4 if the agenda did not end up being too long, that item would be considered.
5

6 **13. ADJOURNMENT:** It was the consensus of the Planning Commission that the
7 meeting be adjourned at 10:02 p.m. to the regular meeting of the City of Hemet
8 Planning Commission scheduled for **June 21, 2011 at 6:00 p.m.** to be held at the
9 City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet,
10 California 92543.
11

12
13
14 
15 _____
16 John Gifford, Chairman
17 Hemet Planning Commission

18 ATTEST:

19 
20 _____
21 Nancie Shaw, Records Secretary
22 Hemet Planning Commission
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