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PLANNING  *COMMISSION*

MEETING MINUTES

DATE: MAY 19, 2015

CALLED TO ORDER: 6:00 P.M.

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

1. CALL TO ORDER:

PRESENT: Chairman John Gifford, Vice Chairman Michael Perciful, and
Commissioners Vince Overmyer, Tami Wilhelm, and Greg
Vasquez

ABSENT: None

Invocation and Flag Salute: Chairman John Gifford

2. OATH OF OFFICE FOR NEW COMMISSIONER WILHELM

CDD Elliano administered the oath of Office to Commissioner Tami Wilhelm, and Chair Gifford welcomed her, noting the work she has done in the community.

3. APPROVAL OF MINUTES:

A. Minutes for the Planning Commission Meeting of April 7, 2015

It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chairman Michael Perciful to approve the Minutes of Planning Commission Meeting of April 7, 2015.

The **MOTION** was carried by the following vote:

AYES: Chairman John Gifford, Vice Chair Michael Perciful, Commissioners
Vince Overmyer, Tami Wilhelm and Greg Vasquez

NOES: None

ABSTAIN: Wilhelm

4. PUBLIC COMMENTS:

There were no members of the public who wished to address the commission regarding items not on the agenda.

PUBLIC HEARING ITEMS

5. **EXTENSION OF TIME NO. 15-001 TTM 32511** - A request for a one (1) year extension of time for a previously approved Tentative Tract Map No. 32551 the subdivision of 7.27 acres into 10 single family residential lots with a minimum lot size of 20,000 square feet, located on the south side of Charlton Avenue between Hemet Street and Soboba Street.

Project Information:

Applicant/Agent: Kyle Openshaw - Keylon Construction
Property Owner: DFI Properties LLC
Project Location: South side of Charlton Avenue between Hemet Street and Soboba Street
APN: 551-160-005 and 551-160-006
Site Area: 7.27 acres
Presented by: Deanna Elliano, CDD

Recommended Action:

That the Planning Commission:

1. *Approve Planning Commission Resolution Bill No. 15-009 approving Extension of Time No. 15-001 for Tentative Tract Map 32551 subject to the Conditions of Approval and;*
2. *Direct staff to file a Notice of Determination with the County Clerk.*

(CDD Elliano gave a PowerPoint presentation.)

Chair Gifford wanted to know if the applicant had requested a one-year extension or two years.

CDD Elliano noted the applicant requested one year, but she felt it could be extended to two years if the commission desired.

Commissioner Vasquez said that the applicant has had five years of extensions already and wondered why the recordation hadn't already been done. He felt reticent to continue with extensions, as he wants to see Hemet move forward. He wished to have the applicant reply.

CDD Elliano mentioned that this current owner just purchased the property and when the public hearing began, the applicant could be asked to respond.

Commissioner Wilhelm stated that she liked this property because of the large lot sizes. She was in favor of the extension.

Chair Gifford opened the public meeting and invited the applicant to the podium.

1 Kyle Openshaw of Keylon Construction, 248 South Cusignee, Glendale, California,
2 stated that the owners took over the property about a year and a half ago. It was put
3 up as collateral against a loan. In order to get it through all the environmental resource
4 agencies they must deal with, it would be November before they would have the
5 permits in place, possibly December or January. The goal is to start building next
6 summer.

7
8 Vice Chair Perciful asked what would happen if the extension were denied, and Mr.
9 Openshaw stated that the project wouldn't happen and that nobody else is going to
10 take over because right now the dirt is worth nothing.

11
12 Vice Chair Perciful also asked if 12 months was enough time and stated lower density
13 is obviously more water-efficient than high density.

14
15 Mr. Openshaw explained that it would actually be 12 months from November, 2015
16 before the map expired. They need six to nine months to get through the various
17 agencies before construction can begin. He said he presently has 17 different projects
18 going from San Diego to Bakersfield, and water is one of the biggest issues.

19
20 As there were no members of the public who wished to speak on this item, Chairman
21 Gifford closed the public hearing and asked for Commission comments.

22
23 Commissioner Vasquez stated he felt that the owner needed the time, and possibly the
24 Planning staff could also use additional time.

25
26 CDD Elliano explained that whenever there is an extension of time request, it's an
27 opportunity for staff to review the project and consider if the project has merit to
28 continue to move forward or is it inconsistent with the General Plan, the zoning, the
29 design guidelines, and the density. They have determined that this project is in
30 conformance with all the documents as it was when it was originally approved.

31
32 Commissioner Overmyer said it is frustrating to see extensions, but he is for approving
33 what is in front of the Commission for this application.

34
35 Vice Chair Perciful stated that California has a shortage of housing and water issues
36 are important. It also has to be financially feasible. Time is money for a lot of
37 developers. Every year now developers are trying to make their products more
38 efficient and are taking into consideration using less water, using more drought-tolerant
39 landscaping.

40
41 Chairman Gifford stated that working with the various agencies takes up to a year to
42 get things accomplished. Therefore, he is a little worried that this might not be
43 accomplished in a year, but if progress is made on the resource agencies permits so
44 that the project can move forward, it should be safe.

45
46 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chairman
47 Michael Perciful to **APPROVE** Planning Commission Resolution Bill No. 15-009
48 approving Extension of Time No. 15-001 for Tentative Tract Map No. 32551 subject to
49 Conditions of Approval and to direct staff to file a Notice of Determination with the
50 County Clerk.

1
2
3 The MOTION was carried by the following vote:
4

5 **AYES:** Chairman John Gifford, Vice Chair Michael
6 Perciful, Commissioners Vince Overmyer, Tami Wilhelm and Greg
7 Vasquez
8 **NOES:** None
9

10
11 **6. CONDITIONAL USE PERMIT NO. 15003 (PLANET FITNESS)** - A request for
12 Planning Commission review and approval of a Streamlined Conditional Use
13 Permit for the operation of a 20,034 square foot fitness center located in the
14 commercial shopping center on the northeast corner of Florida Avenue and San
15 Jacinto Avenue, with consideration of an environmental exemption pursuant to
16 CEQA Guidelines Section 15301.
17

18 **Project Information:**
19

20 Applicant: Clayton Przekof - Burnham Nationwide
21 Owner: J. Allen Radford
22 Project Location: 1390 East Florida Avenue
23 APN: 445-240-022
24 Presented by: CDD Deanna Elliano
25

26 **Recommended Action:**
27

28 That the Planning Commission:
29

- 30 1. *Adopt Planning Commission Resolution Bill No. 15-010*
31 *recommending APPROVAL of Zoning Ordinance Bill No. 15-020 to*
32 *the City Council, and;*
33
34 2. *Direct Staff to file a Notice of Exemption with the County Clerk.*
35

36 (PowerPoint presentation by CDD Elliano.)
37

38 Chairman Gifford opened the public hearing after the presentation, and receiving no
39 requests for comments, closed the public hearing. He stated he felt the project was a
40 good one for the location with no parking conflicts since their peak time was 6:00 to 10
41 p.m.
42

43 Vice Chair Perciful said the main reason he is comfortable with this project is that it will
44 eliminate a vacant building. He felt it was a good use for that location.
45

46 Both Commissioners Wilhelm and Vasquez voiced support for the use, but
47 Commissioner Vasquez cautioned that the location at night was not the safest and
48 worried about public safety.
49

50 Chairman Gifford re-opened the public hearing and asked the Applicant to answer
some questions.

1
2 Cicely Kelly, an employee of Burnham Nationwide, 515 South Figueroa Street, Los
3 Angeles, said that these facilities have been very successful and people do come late
4 at night to use the facilities. She said she agreed with the conditions of approval.
5

6 Robert Carvello, 27876 Vista Del Valle, Hemet, CA, a trainer for another business, said
7 that he understood the concerns about nighttime operation, but indicated that if the
8 business is proactive, as this applicant seems to be, it will be a benefit to the valley.
9

10 It was **MOVED** by Vice Chair Michael Perciful and **SECONDED** by Commissioner
11 Vince Overmyer to **ADOPT** Planning Commission Resolution Bill No. 15-008 approving
12 CUP 15-003 subject to the Conditions of Approval and direct staff to file a Notice of
13 Exemption with the County Clerk.
14

15 The **MOTION** was carried by the following vote:
16

17 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, Commissioners
18 Vince Overmyer, Tami Wilhelm and Greg Vasquez

19 **NOES:** None
20
21

22 **7. CONDITIONAL USE PERMIT NO. 15-002 (HOUSE OF GRACE)** - a request for
23 Planning Commission review and approval of a Streamlined Conditional Use
24 Permit for the operation of a 4,344 square foot church located in an existing
25 commercial shopping center on the northwest corner of Florida Avenue and
26 Meridian Street, with consideration of an environmental exemption pursuant to
27 CEQA Guidelines Section 15301.
28

29 **Project Information:**

30
31 Applicant: Troy Vanderwende - House of Grace
32 Property Owner: LJRB Investments, LLC
33 Location: 4000 East Florida Ave.
34 APN: 438-102-055, 056, 057
35 Presented by: H.P. Kang, Principal Planner
36

37 **Recommended Action:**

38
39 That the Planning Commission:
40

- 41
42 1. *Adopt Planning Commission Resolution Bill No. 15-011 approving*
43 *CUP 15-002 subject to the Conditions of Approval, and;*
44
45 2. *Direct staff to file a Notice of Exemption with the County Clerk.*
46

47 (PowerPoint presentation by H.P. Kang.)
48

49 Vice Chair Perciful inquired about the safety conditions for the indoor pool, and Planner
50 Kang said that all access points are identified and need to be blocked before they can
start operations. He stated there won't be any issues with that.

1
2 Commissioner Vasquez asked how they are blocking the pool area, and Planner Kang
3 said they are going to blockade the wall so it doesn't look like a door so no one can
4 access it. He stated that there is discussion that as the church grows and additional
5 space is needed, the pool will be filled in, but that's long-term and not a part of this
6 review.

7
8 Commissioner Overmyer asked if there was an entrance to the pool area so the police
9 or fire department could enter if there were an emergency. Planner Kang indicated
10 there is access from the rear of the building.

11
12 Commissioner Wilhelm inquired if the City has any specifications about churches in
13 commercial zones, and is there a cap on the number of parishioners accommodated
14 before being asked to move to another site.

15
16 Planner Kang explained that current zoning does not say or specify under what
17 circumstances a church can or cannot be in a commercial corridor, and there is no
18 limitation on number of members. All that's required is a Conditional Use Permit to
19 consider the specific components of each application and location.

20
21 Chairman Gifford opened the public hearing.

22
23 Robert Carvello, 27876 Vista Del Valle, Hemet, CA, grew up in Hemet and went to
24 Pastor Vanderwende's church. He stated that the pastor had been with the church for
25 over 20 years and had been a blessing to all the parishioners. He said he was glad to
26 see that Hemet was advancing physically (with another gym), psychologically and
27 spiritually. He felt the project was a win-win for Hemet.

28
29 Pastor Troy Vanderwende, 53519 Marian View, Idyllwild, CA, addressed the pool
30 issue, assuring that no child could enter. He also shared how many people from that
31 community are waiting for the church to open, and that his plan is to work with the
32 underserved, providing food, clothing and spiritual comfort. He also mentioned that the
33 owner wants to improve the building exterior and is looking at water conservation land-
34 scaping.

35
36 Chairman Gifford closed the public hearing and asked for the Commissioners'
37 thoughts.

38
39 Commissioner Overmyer said it's an empty building and a church, indicating his
40 agreement with the plan.

41
42 Chairman Gifford explained that Planning Commission's job is to implement the
43 General Plan and facilitate the desires of the City Council to make the community as
44 functional as possible, to allow development that makes sense and to limit
45 development that doesn't. He indicated the church is a good neighbor and a good
46 member of the community and essential for community health. He would much rather
47 have a vibrant church that can help the community than an empty building.

48
49 Commissioner Wilhelm agreed and said she was thrilled to hear that they were doing a
50 facelift on the building. She thought it would be a help in revitalizing that area of the
community.

1
2 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Tami Wilhelm
3 to **ADOPT** Planning Commission Resolution Bill No. 15-011 approving CUP 15-002
4 subject to the Conditions of Approval and direct staff to file a Notice of Exemption with
5 the County Clerk.

6
7 The **MOTION** was carried by the following vote:

8
9 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, Commissioners
10 Vince Overmyer, Tami Wilhelm and Greg Vasquez

11 **NOES:** None

12
13 **8. ZONING ORDINANCE AMENDMENT (ZOA) NO. 15-004** – A city-initiated
14 ordinance amending Section 90-77 (Animal Regulations and Keeping
15 Requirements) of Chapter 90 (Zoning Ordinance) of the Hemet Municipal Code to
16 update the regulations on chicken keeping.

17
18 **Project Information:**

19
20 Applicant: City of Hemet
21 Location: Citywide
22 Presented by: Nancy Gutierrez, Contract Planner
23

24 **Recommended Action:**

25
26 That the Planning Commission:

27
28 A. *Adopt Planning Commission Resolution Bill No. 15-010*
29 *recommending APPROVAL of Zoning Ordinance Bill No. 15-020 to*
30 *the City Council, and;*

31
32 B. *Direct Staff to file a Notice of Exemption with the County Clerk.*

33
34 (PowerPoint presentation by Planner Nancy Gutierrez)

35
36 Chairman Gifford asked if roosters would be allowed in the residential zones and if the
37 eggs could be sold as a cottage business.

38
39 Planner Gutierrez stated no roosters would be permitted in any residential zone. The
40 proposed ordinance amendment does not address the selling of eggs in a residential
41 zone, but the Planning Commission could offer an amendment to clarify the prohibition.
42

43
44 Vice Chair Perciful expressed his opinion that the city is moving in the right direction by
45 rolling back some of the regulations. The concerns expressed about chickens are the
46 same as for dogs and cats, which are permitted by right. Animal cruelty should be less
47 of an issue because people who own chickens do so for egg production so have a
48 vested interest in their wellbeing. He also felt the maximum number of chickens should
49 be increased from four to six.
50

1 Commissioner Wilhelm asked if there is a restriction on distance between neighboring
2 residential dwellings and chicken coops and if there is a restriction on containers for
3 feeding, not just food storage.

4
5 Planner Gutierrez said the proposed distance restriction is the setback requirement for
6 the zone for accessory structures. The amendment only addresses food storage
7 containment.

8
9 Commissioner Wilhelm also asked about provisions for administrative changes and
10 how complaints are handled.

11
12 CDD Elliano explained that the administrative provisions in the proposed amendment
13 would allow her to impose additional requirements like additional setbacks for those
14 areas where they're asking for more than the minimum number of chickens. If people
15 have complaints, they have the ability to call us and Code Enforcement will check out
16 what the situation is and what needs to be done to correct it.

17
18 Commissioner Wilhelm also wanted to know if free-ranging would be permitted in the
19 Ag zone.

20
21 Planner Gutierrez stated that there are no restrictions in the Ag zone regulating free
22 range chickens. CDD Elliano further explained as to free-ranging, the owner has to
23 have a fenced yard so they can't be in the street or loose in the front yard, but they
24 don't have to be in the coop the entire time.

25
26 Commissioner Vasquez questioned why this issue was back to the Planning
27 Commission as a previous zone ordinance amendment had been approved recently
28 that updated the standards on raising chickens.

29
30 Ms. Gutierrez stated that the City Council had requested that staff to reexamine this
31 issue and directed staff to initiate the Zoning Ordinance Amendment. In addition, there
32 had been about half a dozen inquiries in the past year about the City's chicken keeping
33 policies. The City has received complaints about roosters, but not chickens.

34
35 Commissioner Vasquez questioned the General Plan land use goals and policies that
36 were referenced in the Planning Commission resolution (LU-15.9) to support approval
37 of the proposed ordinance amendment. He didn't think they were applicable and
38 presented other goals and policies that in his mind would prohibit approval of the
39 proposed zone ordinance amendment, and suggested General Plan policies LU-3.2,
40 LU-3.3. LU-3.9, and LU-6.7.

41
42 He also asked about the State Proposition dealing with cruelty to animals and concerns
43 about manure that brought in rodents and became a safety hazard.

44
45 CDD Elliano explained that the State Prop had to do with commercial production and
46 the space allocated to chickens within enclosures. She felt that the proposed
47 regulations regarding coops and pens in residential zones are in alignment with the
48 State proposition. The proposed ordinance states that waste has to be disposed of in
49 a manner outlined by the waste management company and could not be a nuisance.
50

1 Commissioner Vasquez had questions about how the proposed 6,000 square foot lot
2 minimum was determined and expressed his opposition to proposed amendment. He
3 also recommended eliminating the section that gives the Community Development
4 Director flexibility in administering the development standards.
5

6 Chairman Gifford opened the public hearing.
7

8 Dianne May, 1020 Madison Place, Hemet, CA has been a chicken keeper for 20 years
9 and outlined what needs to be done to prudently raise chickens. She said most people
10 don't realize that you don't have to have a rooster to have eggs. She stated there are
11 more pros than cons to raising chickens.
12

13 Commissioner Vasquez reiterated that his concern was the size of the lots being
14 allowed and the number of chickens.
15

16 Brian Ruben (no address given) said he felt that 6,000 square feet was too small a lot
17 and there needs to be more restrictions as to distance from neighboring houses. He
18 stated he was at the City Council meeting where the issue was sent back to staff and
19 he said he thought one of the City Council members wanted to raise chickens.
20

21 Chairman Gifford closed the public hearing seeing no other audience participants
22 wanting to speak. He then stated that the Commission needs to come up with
23 recommendations to the City Council and cite remedies to the nuisance issues.
24

25 Vice Chair Perciful reminded Commissioners that the proposed ordinance states that
26 these regulations do not supersede any covenants, conditions or restrictions
27 established by an active Homeowners Association. He then asked for the City
28 Attorney to opine on the Community Development Director's ability to grant exceptions
29 to the adopted development standards.
30

31 City Attorney explained that the Commission could add clarifying language for
32 determining when it is appropriate to grant exceptions.
33

34 Commissioner Overmyer stated he's the guy to stand up for the chickens. He
35 applauded the farm-to-table movement in the United States now, not only for health
36 reasons but also for energy savings because of the reduced need to truck food
37 products. He said he would like to see a comparison of dog complaints to chicken
38 complaints and thinks there would be a huge disparity.
39

40 Commissioner Wilhelm stated she tends to lean on the side of less regulation and she
41 is siding with the chickens. She does think, however, there needs to be regulation
42 about how far the coops should be from neighboring houses. This would help chicken
43 keepers be good neighbors by giving them parameters on where to place their coops.
44 She felt raising chickens was a wonderful way to teach children about agriculture.
45

46 Commissioner Vasquez restated his concern about reducing the minimum lot size and
47 his opposition to reconsidering an issue that he felt was appropriately decided last
48 year.
49

50 Chairman Gifford stated he would like more information before he's prepared to make
a recommendation to the City Council and would like staff to do more research. He

1 would like to have staff discuss the options and conditions under which the Community
2 Development Director would have the the flexibility to make changes to the
3 development standards and to provide data on the average sized development lot in
4 the City. Therefore, he wanted to make a motion to continue this item.
5

6 It was **MOVED** by Chairman John Gifford and **SECONDED** by Commissioner Greg
7 Vasquez to **CONTINUE** this item to the next Planning Commission meeting and direct
8 staff to address the issues brought up by the Commission.
9

10 The **MOTION** was carried by the following vote:

11
12 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, Commissioners
13 Vince Overmyer, Tami Wilhelm and Greg Vasquez

14 **NOES:** None
15
16

17 DEPARTMENT REPORTS

18
19
20
21 **9. CITY ATTORNEY REPORTS:** (Nothing to report.)
22

23 **10. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:**
24

25 **A.** Report on actions from the April 14, April 28 and May 4, 2015 City Council
26 Meetings.
27

28 CDD Elliano reported that at the April 14th meeting an at-will agreement for the interim
29 City Manager, Gary Thornhill was approved. The Fire chief, Chief Brown, was
30 promoted to the permanent position. Over the course of the following two meetings,
31 there was considerable discussion about the city's water system, rates, and the
32 governor's new orders and recommendations. An efficiency study on the water
33 department was recommended.
34

35 There was a May 4th meeting relating to an issue that needs a General Plan
36 consistency finding which will be coming to the Commission at the next meeting. The
37 April 28th meeting had nothing directly related to planning, but the Council had a work
38 study on the budget which will continue to the June 9th and June 23rd meetings.
39

40 **B.** Inland Empire Quarterly Economic Report
41

42 CDD Elliano reported that included in their packet was an article by John Husing, who
43 reported on a more stable economic condition for the Inland Empire. There is also an
44 article by Rick Bishop relating to issues that come before the local government in
45 different venues, which include big public policy issues such as gas tax and allocation
46 of funds. There were also updates from SCAG on the Regional Air Quality Plan, the
47 Regional Transportation Plan and the Sustainable Community Plan. Finally, the
48 California drought and what that mandates from a local planning perspective.
49
50

1 **11. PLANNING COMMISSIONER REPORTS:**

- 2
3 A. Chairman Gifford wanted to formally thank Rick Crimeni for his service to
4 the Planning Commission.
5 B. Vice Chair Perciful (Nothing to report)
6 C. Commissioner Overmyer (Nothing to report)
7 D. Commissioner Wilhelm (Nothing to report)
8 E. Commissioner Vasquez (Nothing to report)
9

10
11 **12. FUTURE AGENDA ITEMS:**

- 12
13 A. Capital Improvement Program (CIP) Consistency Determination
14 B. Work Study: Introduction to the Downtown Specific Plan
15 C. Work Study: Drought tolerant landscape Requirements
16 D. ZOA 15-006: Proposed Regulations for Metal Storage Containers
17
18

19 **13. ADJOURNMENT**

20
21 It was unanimously agreed to adjourn the meeting at 8:27 p.m. to the regular meeting of
22 the City of Hemet Planning Commission scheduled for **June 2 at 6:00 p.m.** to be held at
23 the City of Hemet Council Chambers located at 450 E. Latham Avenue, Hemet, CA
24 92543.
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John Gifford, Chairman
Hemet Planning Commission

41 ATTEST:
42 
43 _____
44 Cathy Davis, Records Secretary
45 Hemet Planning Commission
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