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PLANNING COMMISSION

MEETING MINUTES

DATE: DECEMBER 15, 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 Greg Vasquez, Vince Overmyer and Tami Wilhelm

ABSENT: None

Invocation and Flag Salute: Commissioner Overmyer

2. APPROVAL OF MINUTES:

A. Minutes of the Planning Commission meeting of November 17, 2015

It was **MOVED** by Commissioner Perciful and **SECONDED** by Commissioner Wilhelm to **APPROVE** the Minutes of the Planning Commission meeting of November 17, 2015.

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

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

NOES: None

ABSENT: None

3. PUBLIC COMMENTS:

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

PUBLIC HEARING ITEMS

1 **4. CONDITIONAL USE PERMIT NO 15-006 (LES SCHWAB TIRE STORE** – A
2 request for Planning Commission review and approval of a Conditional Use Permit
3 for the construction and operation of a 11,972 square foot retail tire store (Les
4 Schwab) with eight (8) bays on 1.44 acres located on the south side of Florida
5 Avenue, east of Cawston Avenue and west of Sanderson Avenue adjacent
6 environmental exemption pursuant to CEQA Guidelines Section 15332.
7

8 **Project Information:**

9
10 **Applicant:** Andrew Call – SFP-E LLC

11 **Location** South side of Florida Avenue, east of Cawston Avenue and west
12 of Sanderson Avenue and Tractor Supply Company

13 **Planner:** Carole Kendrick, Associate Planner
14

15 (PowerPoint presentation by Planner Kendrick.)
16

17 Commissioner Wilhelm asked if this is a zero lot line, what the distance is between the
18 setback and the motel, and if the overhead power lines will be put underground.
19

20 Planner Kendrick explained that the code doesn't have a setback but they are
21 providing a drive because they have four bays on the east elevation. Also, at present
22 the power lines will remain overhead, but they will have to be protected
23

24 Commissioner Wilhelm then inquired about the parking lot, which is now two separate
25 parcels, one for the tire shop and one for the tractor supply.
26

27 Planner Kendrick answered that there is reciprocal parking existing and an access
28 agreement between the two separate parking lots and the property owners to the
29 south.
30

31 Vice Chair Perciful asked if there would be water retention measures on the property,
32 to which Planner Kendrick replied that there is already recorded water retention on the
33 property under the Tentative Parcel Map. The only thing that wasn't addressed is the
34 southerly portion, so the applicant will have to work with engineering if it is necessary.
35

36 Commission Vasquez referenced the noise barrier and asked if it is just landscaping.
37

38 Planner Kendrick said the existing building wall for the Motel 6 is at property line, so
39 the existing conditions will keep it below the General Plan thresholds. No additional
40 noise mitigation measures are being proposed.
41

42 Chairman Gifford asked for more details concerning the Motel 6 noise barrier, and
43 Planner Kendrick explained that it is the easterly motel wall which is two stories high
44 with no openings on the back of the building.
45

46 Commissioner Wilhelm had questions concerning the lighting of the parking lot, and
47 Planner Kendrick said that some of the lights on the parking area already exist and the
48 conditions of approval require consistency so the new light standards will match the
49 center.
50

1 Chairman Gifford then opened the public hearing for the Conditional Use Permit and
2 asked respondents to give their names and addresses.

3
4 Andrew Call from Glendale, California, the applicant, thanked staff for working with
5 him over the last eight months. He noted that regarding landscaping, they are still
6 working on the design and selection of plants, but the reason it is large is because of
7 water retention. He also explained the Schwab family has owned this business since
8 the 1950s, starting in Oregon and now have 444 stores. They had a desire to come
9 down to Southern California, and there are presently five under construction, and
10 Hemet is one they targeted early on to be one of the first stores to open. They will
11 have a full service tire operation, including tire alignments, some brake work, but 99
12 percent of the business is tire retail. He further explained the company hoped to be
13 hiring locally and that the company had a wonderful employee retention and focus,
14 giving them opportunities to be part owners in some of these stores.

15
16 Commissioner Overmyer referred back to the issue of noise abatement and
17 referenced the Motel 6 wall. He also mentioned that the store is trying to increase
18 their closing hour from 6 p.m. to 7 p.m. He had concerns regarding hotel guests who
19 work at night and sleep during the day.

20
21 Mr. Call said that increase was something Schwab liked to have, but most stores close
22 at 6 p.m., close at 5 p.m. on Saturdays and are also closed on Sundays.

23
24 Chairman Gifford, after asking for other interested speakers, closed the public hearing
25 and asked for staff comments.

26
27 Commissioner Vasquez indicated he thought it was a good project, Chairman Gifford
28 felt it was in the right spot, and Vice Chair Perciful noted it is increasing commercial
29 development in Hemet, which is needed. Commissioner Wilhelm still had concerns
30 about the power lines, but felt the noise abatement issue was properly handled.
31 Planner Kendrick said that a 500-foot public notice which was sent out generated no
32 public comment. She also indicated that the property to the south is being planned for
33 commercial development.

34
35 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Vice Chair
36 Michael Perciful to **ADOPT** Planning Commission Resolution Bill 15-023 approving
37 CUP 15-006 subject to the Conditions of Approval.

38
39 The **MOTION** was carried by the following vote:

40
41 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, Commissioners
42 Tami Wilhelm, Vince Overmyer and Rick Vasquez

43 **NOES:** None

44 **ABSENT:** None

1 **5. SITE DEVELOPMENT REVIEW (SDR) NO. 15-004 (KPC TOWNE CENTER)** – A
2 request for Planning Commission review and approval of a Site Development
3 Review for the remodel of an existing 124,877 square-foot building (former
4 Walmart) and the construction of an additional 39,223 square feet on
5 approximately 1.6 acres of the overall 12.45-acre site for the operation of a
6 commercial shopping center located at 2171 West Florida Avenue.
7

8 **Project Applicant Information:**

9
10 **Applicant:** Latham Management & Consulting Services, Inc.
11 **Location:** 2171 West Florida Avenue
12 **Planner:** Carole Kendrick, Associate Planner
13

14 Chairman Gifford noted that Commissioner Vasquez was recusing himself from this
15 item because his property was within the sphere of influence of this project.
16

17 (PowerPoint presentation by Planner Carole Kendrick.)
18

19 Chairman Gifford asked if there had been a review of traffic impacts regarding this
20 project.
21

22 Steve Latino, city engineer, said he thought the daily overall trip change from the
23 Walmart use was less than a thousand vehicles within a 24-hour period, which is quite
24 nominal when distributed within a full day.
25

26 CDD Elliano indicated there is one condition that requires the traffic analysis to be
27 updated based on the current square footage. It's staff's opinion that the traffic change
28 is minimal and not consequential.
29

30 Chairman Gifford referred to the elevation slide and noted that in terms of buildings and
31 structures also in that area, staff feels these are consistent and typical with the kinds of
32 structures in the area and fit into the scheme.
33

34 Planner Kendrick agreed that staff found it consistent with commercial design
35 guidelines set by the city. As far as façade enhancements, they will be in conformity
36 with those design guidelines.
37

38 Commissioner Wilhelm had concerns regarding truck traffic coming into the site and
39 asked if signage would be posted to keep that traffic from interfering with the theater.
40

41 CDD Elliano explained that this is traditionally handled through the lease agreement,
42 but staff wouldn't have any objection to putting the signage in to clarify the route. She
43 doubted trucks would go through the theater area because it is a circuitous route.
44 Chairman Gifford then opened the public hearing.
45

46 John Petty, 216 Marmalade Lane, Hemet, approached the lectern and Chairman
47 Gifford reported that he had spoken to Mr. Petty concerning the CC&Rs and other
48 issues. Commissioner Overmyer noted that he had also spoken with Mr. Petty.
49
50

1 Mr. Petty expressed his appreciation to staff for their expedited treatment of this major
2 project and stated he was appearing to answer any questions Commission members
3 had. He had a question about the language of Condition 18, requesting a change from
4 "prior to the issuance of building permit" to "prior to occupancy."
5

6 CDD Elliano said they had no problem with "prior to occupancy." She also noted that
7 in the updated version, which was just completed, Condition 18 is now Condition 19.
8 Condition 21, which is hours of operation, is now Condition 23.
9

10 Mr. Petty indicated that they would like the hours of operation to be 7 a.m. to 11 p.m.
11

12 Commissioner Wilhelm opined that the longer they are open, the more activity there is
13 and the less security the City would need to provide. She asked the City Attorney if it
14 would be possible to change the process so the applicant wouldn't have to go through
15 the Conditional Use Permit procedures to accomplish this change.
16

17 City Attorney Jex indicated that the Commission can change the condition tonight to
18 meet those hours. Staff can do some research on the code requirements and discuss
19 that with everybody regarding whether they need to come back and also do a CUP at a
20 later time to change that.
21

22 Chairman Gifford and Vice Chairman Perciful had no problem with the change.
23

24 Mr. Petty also asked for a change in the loading dock hours to bring consistency with
25 other food stores which get night deliveries.
26

27 CDD Elliano noted that Stater Brothers and many other of these operations are getting
28 deliveries at any time during a 24-hour period. Sometimes issues have to do with the
29 time period of the idling of the trucks. But there are really no restrictions.
30

31 Mr. Petty suggested that the condition be crafted along the lines of 24/7 with some kind
32 of planning director review of noise complaints after a 12-month period and adjusting
33 from there, which gives the planning director some latitude in terms of granting access.
34

35 Commissioner Wilhelm didn't think there should be a problem if it's screened well as
36 far as noise complaints and liked the idea of a review.
37

38 Chairman Gifford said there were no residences next to the facility and the theater is
39 closed, so he saw no reasons to not adopt the proposal. He felt the CDD review was
40 appropriate.
41

42 Vice Chair Perciful asked about Item 60 and the sub-categories of docks and if this
43 would be applicable to all docks or just those for the grocery stores.
44

45 Mr. Petty indicated that at present they do not have a user for Major D, but it probably
46 wouldn't be a food store. Major C is the existing loading dock for the Walmart, and
47 they are not changing that.
48

49 CDD Elliano noted that the super Walmart on Sanderson, which is closer to residential,
50 has not had complaints registered from the loading activity there.

1 Commissioners discussed further the noise abatements and routing, with Mr. Petty
2 clarifying they would not route trucks in front of the theater. He also indicated the
3 landscape architect was here and available for questions.
4

5 Commissioner Overmyer asked if Ulta, Major A, is new construction.
6

7 Mr. Petty responded that it is. He also noted that the 30,000-square-foot pad to the
8 west of the building was always intended to be a food store expansion of Walmart.
9 The pad is 90 percent compacted, and only 10,000 square feet of it will be used for the
10 Ulta beauty store. It is anticipated that all of the stores will be open by the fourth
11 quarter of 2016.
12

13 Regarding a traffic light, their engineers studied the traffic patterns and indicated a
14 signal was warranted at the intersection of the driveways and Florida Avenue. They
15 are still willing to do that if an arrangement to arrive at some fair cost-sharing can be
16 achieved.
17

18 Mr. Todd Bagley, landscape architect, explained in detail the tree scheme proposed,
19 including strawberry trees trimmed to eight feet in height and date palms.
20

21 CDD Elliano indicated the need for additional lighting in the back area and security
22 cameras. She also provided the language revision for Condition 60 as follows:

23 "In the event that noise complaints from sensitive uses occur related to truck deliveries
24 to the loading dock areas between the hours of 9 p.m. to 7 a.m., the Community
25 Development Director may request a review and limitation on the loading dock hours to
26 address the nuisance complaints."
27

28 Chairman Gifford asked for further comments from the audience and receiving none,
29 closed the public hearing, asking for final thoughts from the Commissioners.
30

31 Commissioner Wilhelm noted that she would be happy to see this site occupied. She
32 indicated a wish for more creative design than flat roofs, but she was very pleased
33 there is something happening here.
34

35 Chairman Gifford said he was hoping for a Nordstrom's Rack, but would be happy with
36 a "Burlington's Rack." Overall, he didn't see any particular problems with the project.
37 He thought the traffic light is a good idea and something that should be considered.
38

39 Vice Chairman Perciful agreed and noted that he had seen the homeless camping
40 there and having this opening will eliminate that problem.
41

42 Chairman Gifford asked for a motion, including changes to Conditions 16, 19, 21, 23,
43 28, 29, 60 and 77, proposed new language for Condition 60, plus a modified resolution.
44

45 It was **MOVED** by Commissioner Vince Overmyer and **SECONDED** by Commissioner
46 Tami Wilhelm to **ADOPT** Planning Commission Resolution Bill 15-024 approving SDR
47 15-004 subject to the Conditions of Approval with changes to Nos. 16, 19, 21, 23, 28,
48 29, 60, with verbiage dictated by the Community Development Director starting with
49 "In the event" and then No. 77, plus the one modified resolution.
50

1 The **MOTION** was carried by the following vote:
2

3 **AYES:** Chairman John Gifford, Vice Chair Michael Perciful, Commissioners
4 Tami Wilhelm and Vince Overmyer

5 **NOES:** None

6 **ABSENT:** Commissioner Greg Vasquez
7

8 *Note: Commission Vasquez returned to the meeting*
9

11 DEPARTMENT REPORTS

13 6. CITY ATTORNEY REPORTS:

14 City Attorney Jex noted a case pending before the California Supreme Court dealing
15 with the Public Records Act. Generally speaking, an e-mail from a city e-mail account
16 for city business can be public record. But what about e-mails or even text messages
17 that are sent from a private e-mail account, gmail or yahoo that discuss city business
18 but were never stored on a city server? Are they public record?
19

20 He cited a case regarding a request for public records to the City of San Jose including
21 e-mails from the mayor and, city council members sent from private electronic devices
22 regarding a downtown project. The city responded that they had nothing on the city
23 servers and had no ability to search private e-mail accounts. A group of residents
24 making the request sued and the court judge said, "Even though you don't have the
25 ability to reach into these private accounts, you have a responsibility to do it and you
26 have to search anyway."
27

28 The city appealed to the Court of Appeals, who reversed the decision and said that
29 there is no way the city and city staff can be required to go into private e-mail accounts
30 to search and determine responsiveness. The residents have appealed again and are
31 at the California Supreme Court, which has as yet not ruled.
32

33 This ruling will have a significant effect on public agencies throughout California, and
34 they have submitted briefs to the Supreme Court. Oral arguments have not been
35 scheduled, and when the ruling comes, he will bring them the results. But it will be an
36 extremely interesting and far-reaching decision.
37

38 Chairman Gifford asked if the Brown Act already covers that issue and there was
39 subsequent conversation between Commissioners and City Attorney.
40

41 7. COMMUNITY DEVELOPMENT DIRECTOR REPORTS:

42 A. Review of Inland Empire Quarterly Economic Report

43 CDD Eliano referred to the end-of-the-year report and directed the Commission's
44 attention to two tables which show all the 52 cities in the IE, highlighting the City of
45 Hemet. Overall, Hemet is ranked 17 out of 52 in population, which indicates that
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1 Hemet is not a small city but one of the larger in the IE. The rates show steady
2 development in the residential sector as far as the property tax component and
3 improvements and reinvestment in the commercial sector. The reason these are
4 important figures is our sales tax and property tax, are the primary drivers to pay for
5 city services.

6
7 In terms of poverty level, Hemet has a lot of lower cost housing and many seniors on
8 fixed income. In terms of medium income level for existing homes, Hemet is ranked 42
9 out of 52 cities. The median price for new homes is ranked at 31, a 6.2 percent
10 increase. Overall income never shows well for Hemet due to our lower cost housing
11 and predominance of senior population. Hemet needs to keep focusing on a brighter
12 picture in terms of economic development, and the two projects proposed this evening
13 will improve that picture.

14
15 **B. Update Report on the public improvements or the Sun Edison Solar facility**
16 **on Sanderson Avenue.**

17
18 CDD Elliano reported that the Southern Edison Project is under operation. They were
19 required to have Acacia Avenue and Sanderson Avenue improvements completed, as
20 part of the Conditional Use Permit. There is also an agreement that was approved by
21 the City Council for payment of a solar fee yearly with an escalator clause. There was
22 a concession that they could apply for a temporary certificate of occupancy if they
23 posted a bond for the improvements, and they would have a six-month window to finish
24 them.

25
26 They have put up a letter of credit for over \$2 million. Right now they have completed
27 everything except for relocating poles and doing landscaping and street improvements.
28 All other requirements have been met. Their temporary occupancy permit is up
29 January 14th and the City Council has to approve any extension of the agreement. At
30 this point, it is looking as if they would need another six-months minimum extension for
31 their temporary certificate of occupancy.

32
33 If an agreement on time extensions cannot be met, they would be in default and the
34 city would be able to utilize the funds to do the project themselves. The preference is
35 to have the developer finishing the construction as opposed to the city taking it on, so
36 there is merit in granting them additional time if the city can get a set schedule.

37
38 There was additional discussion between City staff and Commissioners regarding
39 details of the design and schedule.

40
41 **C. Report on actions from the December 8, 2015 City Council Meeting**

42
43 CDD Elliano reported that Council Member Wright was appointed as Mayor.

44
45 Council Member Raver is now Mayor Pro Tem. Also presented were a number of
46 consultant service agreements that the Community Development Department had for
47 the work they are doing, such as Americans with Disabilities Act self-evaluation and
48 transition plan and a Caltrans audit. Then there were public hearings on two zoning
49 ordinance amendments, with the metal storage container one approved, as well as the
50 medical marijuana facilities modifications. The Council noted that the ordinances were
a real accomplishment and congratulated the Planning Commission for their work.

1 The last item was the lead and asbestos abatement and demolition of the Potato Shed,
2 to be completed the middle of February. Because of the fire, all but \$5,000 of the cost
3 will be covered by the city's insurance.
4
5

6 **8. PLANNING COMMISSIONER REPORTS:** *Commissioner reports on meetings*
7 *attended, future agenda items, or other matters of Planning interest.*
8

- 9 A. Chairman Gifford reported that the new car wash on Sanderson and Acacia
10 is nearing completion and looks very nice.
11 B. Vice Chair Perciful wished everyone Merry Christmas and Happy New Year.
12 C. Commissioner Overmyer (Nothing to report.)
13 D. Commissioner Wilhelm reported on a meeting she had with Council Member
14 Krupa regarding educating landlords about rent increases, changes to their
15 ROI's and other improvements to their properties.
16 E. Commissioner Vasquez (Nothing to report.)
17
18

19 **9. FUTURE AGENDA ITEMS:**

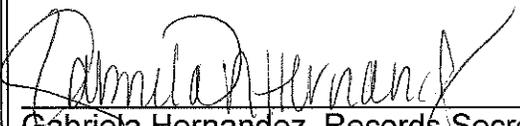
- 20 A. CZ and TPM for Habitat for Humanity
21 B. Work Study: Drought tolerant landscape requirements
22 C. Zoning Ordinance Amendments
23
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25

26 **10. ADJOURNMENT**

27
28 It was unanimously agreed to adjourn the meeting at 7:47 p.m. to the regular meeting
29 of the City of Hemet Planning Commission scheduled for January 5, 2016 **at 6:00 p.m.**
30 to be held at the City of Hemet Council Chambers located at 450 E. Latham Avenue,
31 Hemet, CA 92543
32
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39 _____
40 John Gifford, Chairman
41 Hemet Planning Commission
42
43

44 ATTEST:

45
46
47 
48 _____
49 Gabriela Hernandez, Records Secretary
50 Hemet Planning Commission