

City of Yucaipa  
Planning Commission Minutes  
Regular Meeting of June 2, 2010

A regular meeting of the Planning Commission of the City of Yucaipa, California, was called to order in the Council Chambers, 34272 Yucaipa Boulevard, Yucaipa, California, on June 2, 2010, at 6:30 p.m.

**PRESENT:** David Alban, Planning Commissioner  
Jerry Cape, Planning Commission Vice Chairman  
Kathy Fellenz, Planning Commissioner  
Jeff Lojeski, Planning Commissioner  
Dennis Miller, Planning Commission Chairman  
Jim Ott, Planning Commissioner  
Denise Work, Planning Commissioner  
John McMains, Director of Community Development  
Bill Hemsley, City Engineer/Director of Public Works  
Nikki Moore, Assistant Planner  
Gretchen Charlton, Land Use Technician II  
Tina Leuer, Planning Commission Secretary

**ABSENT:** None

**CONVENE PLANNING COMMISSION:**

The meeting was opened with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Motion was made by Commissioner Ott to approve the minutes of April 21, 2010. The motion was seconded by Commissioner Fellenz. Motion passed 6-0-0-2. (Commissioner Work had not arrived yet and Commissioner Lojeski was absent on April 21, 2010.)

**PUBLIC COMMENTS:**

None

Commissioner Work joined the meeting at 6:36 p.m.

**PUBLIC HEARINGS:**

Commissioners Cape and Alban recused themselves from the following agenda item due to the close proximity of their residences to the project site.

**SUBJECT:** Laura Edwards (Case No. 10-030/HOP); Revision of Home Occupation Permit No. 07-159/HOP, to allow for the addition of Horsemanship "summer school", with a maximum of 12 students for a two week period, Monday through Friday, located at 12842 Holmes Street, APN: 322-632-26

Gretchen Charlton, Land Use Technician II, presented the Agenda Report.

**RECOMMENDATION:**

That the Planning Commission review the revised Home Occupation Permit application for the proposed additional summer school classes, and if it is acceptable, approve Home Occupation Permit No. 10-030/HOP, subject to the attached Conditions of Approval.

Commissioner Lojeski asked what Code Enforcement violations had taken place, and what actions had been taken. Ms. Charlton explained that a couple of years ago the neighbors complained of dust, flies, noise, increased traffic and the lack of clean up of manure. The applicant was cited and the case was resolved.

Laura Edwards, the applicant, made a brief presentation and addressed the letters of support she presented to the Commissioners. Ms. Edwards stated that she did pay the fines to the City. As far as increased traffic, Ms. Edwards explained that several of her students are siblings and would therefore be sharing rides (there would not be an additional 12 vehicles at the site).

**PUBLIC COMMENTS:**

Joan Baxter spoke in favor of the horsemanship classes. Ms. Baxter stated she lived adjacent to the Edwards' on the north, and she explained that the classes did not bother her, and that she hoped the Planning Commissioners would approve the two week summer classes.

Roger Grulke spoke in opposition of the agenda item, and provided sealed correspondence to the Planning Commissioners. Mr. Grulke explained that the wind blows from the applicant's house to his along with the associated odors. Mr. Grulke asked for clarification if this proposal was for a school or a camp. He also stated that there is a big difference between four (4) students and twelve (12) students. Mr. Grulke accused the applicant of not caring about her neighbors – that they were greedy and only cared about the \$200 per person, per day, that they were charging for the classes. Mr. Grulke addressed the Edward's swimming pool and asked if staff visited the site when anyone was in the pool. Mr. Grulke stated that he did not think the pool met safety standards and that he had been an architect for 25 years, and also an inspector, and therefore, spoke with credibility. Mr. Grulke also stated that the applicant had called the Police on him because he was photographing her students. Mr. Grulke stated that he was told by Code Enforcement to document the activities. Mr. Grulke closed by stating that he was now under medication because of this situation.

Ron Edwards spoke on behalf of his wife, the applicant. Mr. Edwards explained that Mr. Grulke complains about everything. Mr. Edwards stated that his wife thought she was doing the right thing – that when she was cited by Code Enforcement, she went to City Hall and offered to conduct the classes for free.

Laura Edwards, the applicant, addressed the concerns of Mr. Grulke. Ms. Edwards stated that she believes she originally referred to her project as a “Summer camp” – that perhaps staff referred to it as a “Summer school” in the Agenda Report by accident. Ms. Edwards took offense to being called “greedy” by Mr. Grulke, and stated that similar lessons cost \$35 to \$40 and she only charges \$20 – not \$200 as stated by Mr. Grulke. Ms. Edwards explained that she loves to teach and is only covering her expenses. As far as the swimming pool issue, Ms. Edwards stated that the last time she conducted a camp, on the last day, she did allow some of the students to go swimming in her pool – but that was not part of the horsemanship program. Ms. Edwards explained that she did call the Police Department to report that Mr. Grulke was photographing her students – because some of the mothers complained to her. Ms. Edwards stated that she had an issue with Mr. Grulke going on her easement and also going into her neighbor’s yard to photograph her students over the fence. Ms. Edwards stated that she has tried to be a good neighbor to Mr. Grulke – in fact, when he had a stroke recently, her husband went over and mowed Mr. Grulke’s lawn for him. Ms. Edwards closed by stating she feels very uncomfortable because she feels like Mr. Grulke is always watching her and her home. She also feels threatened by him – recently her daughter was riding her scooter down the street and Mr. Grulke asked if that was horsemanship?...and told her that her daughter was not allowed to ride her scooter.

Commissioner Lojeski asked why she picked the number twelve (12) for her class size. Ms. Edward explained that her students work in teams, and the number twelve (12) works well.

Commissioner Fellenz asked when the classes would be held, because the applicant had stated before that she did not wish to have classes during the heat of the Summer. Director McMains explained that the Commissioners could add a condition in the Conditions of Approval to address the timing of the classes.

Chairman Miller asked staff if there was any difference between the terms “class” and “school”. Director McMains explained that it made no difference to the City.

In regards to the swimming pool, Director McMains stated that the applicant’s pool was not an integral part of the horsemanship classes. However, someone that owns a swimming pool could invite people over anytime they wish to go swimming.

Commissioner Work expressed her concern that the applicant had previously been found in violation twice before she ceased her activities. Director McMains agreed that yes – two notices were issued to the applicant prior to appearing before the Planning Commission.

Commissioner Work wished to go on record stating that she struggles with the fact that the City is allowing this activity in a residential area, and she has empathy for the applicant’s neighbors.

Commissioner Lojeski stated that it appeared to him that the speakers tonight did not have specific complaints – it was more “he did this and she did that”.

Chairman Miller agreed and advised the Commissioners to make their decisions based on the facts.

Commissioner Fellenz stated that she thought class sizes of twelve (12) seemed excessive and she also suggested that something be put in the Conditions of Approval which would limit the applicant to conducting this camp for only two (2) weeks during the year.

Chairman Miller stated he did not have a problem with this applicant’s proposal, but he did agree with Commissioner Fellenz that the classes be limited to two (2) weeks. Chairman Miller added that he would like to see the neighbors get along.

Laura Edwards asked if she would be allowed to conduct some private lessons, in case she did not have enough students for the camp? Ms. Edwards also clarified that she did receive two (2) violations but they were issued on two (2) days in a row.

Motion was made by Commissioner Work to deny Case No. 10-030/HOP. The motion died for lack of a second.

Motion was made by Commissioner Fellenz to approve Case No. 10-030/HOP to allow for summer school classes not to exceed two (2) weeks for up to eight (8) students. In addition, no other organized classes shall be allowed during the period of June 15<sup>th</sup> through September 15<sup>th</sup>, and any private lessons (described as one student) shall be limited to 6 lessons per month. The motion was seconded by Commissioner Ott. Motion passed 4-1-0-2.

Commissioners Cape and Alban re-joined the meeting.

**SUBJECT:** US Bank (Case No. 09-139/FDP/MNV); Final Development Plan to construct a 6,275 square foot restaurant, and a separate structure of 7,200 square feet for both retail and restaurant uses, with a Minor Variance for the stand alone restaurant to increase the number of wall signs from two to three, on approximately 2.5 acres, located generally between 6<sup>th</sup> and 7<sup>th</sup> Streets, on the north side of Yucaipa Boulevard; APN: 303-131-76

Nikki Moore, Assistant Planner, presented the Agenda Report, and added that although the property is currently in escrow, it is currently “bank owned”.

**RECOMMENDATION:**

That the Planning Commission conduct a public hearing; and:

- A. Approve Final Development Plan and Minor Variance No. 09-139, subject to the Conditions of Approval as contained in the Agenda Report;

- B. Adopt the Findings as contained in the Agenda Report; and
- C. Direct staff to file a Notice of Exemption.

**PUBLIC COMMENTS:**

None

Commissioner Alban asked about signage. Ms. Moore explained that the applicant would be bound by the signage package that was previously approved, and that currently the City does not know who the tenants will be.

Commissioner Cape asked staff to explain why the signage would not be appearing before the Commission. Director McMains explained that the applicant is bound by the master sign plan for Chapman Heights. The signage would be channel letters and internally lit. Director McMains added that if the applicant wishes to change the previously approved signage, they would have to come back to the Planning Commission for approval. However, Director McMains reminded the Commissioners that they cannot regulate the content of the sign (for example – a tenant's Corporate Logo).

Commissioner Alban asked if the restaurant site was going to include a drive-through feature. Director McMains explained that the site is not designed to include a drive-through feature.

Motion was made by Commissioner Ott to approve Case No. 09-139/FDP/MNV. The motion was seconded by Commissioner Cape. Motion passed 7-0-0-0.

**SUBJECT:** Western Heights Water Company (Case No. 09-176/CUP); Conditional Use Permit to construct a two (2) million gallon water storage reservoir on approximately 4.04 acres within the RS-10m District, located between Oak Glen Road and Washington Drive, approximately 500 feet east of 10<sup>th</sup> Street; APN: 318-041-52, 53 and 59

Nikki Moore, Assistant Planner, presented the Agenda Report.

**RECOMMENDATION:**

That the Planning Commission conduct a public hearing; and:

- A. Approve Conditional Use Permit No. 09-176, subject to the Conditions of Approval as contained in the Agenda Report; and
- B. Adopt the Findings as contained in the Agenda Report; and
- C. Find that due to the mitigation measures incorporated into the Conditions of Approval that the project will not result in a significant impact upon the environment and adopt a Mitigated Negative Declaration.

**PUBLIC COMMENTS:**

None

Chairman Miller asked if there would be trees required on this site. Ms. Moore explained that yes there would be trees and complete landscape plans would be required of the applicant. Ms. Moore assured the Commissioners that the Conditions of Approval did include the ones added previously by the Commission.

The applicant's representative, Ben Kelly, made a brief presentation. Mr. Kelly explained that he is one of the Directors of Western Heights Water Company. Mr. Kelly stated that the reason for the reservoir is that his Engineer has advised Western Heights that they need more above ground storage to service their customers – specifically to provide increased fire flow for the area. Mr. Kelly added that they typically pump at night for the lowest electrical rates.

Commissioner Work asked how many customers they currently service. Mr. Kelly responded that Western Heights Water Company currently has approximately 2,300 connections.

Motion was made by Commissioner Cape to approve Case No. 09-176/CUP. The motion was seconded by Commissioner Lojeski. Motion passed 7-0-0-0.

**SUBJECT:** City of Yucaipa (Case No. 10-025/CUP); Conditional Use Permit for the importation of 115,000 ± cubic yards of fill dirt to a 10 acre parcel; located at the southwest corner of Yucaipa Boulevard and 18<sup>th</sup> Street; APN(s): 0300-191-01, 02 and 18

Nikki Moore, Assistant Planner, presented the Agenda Report.

**RECOMMENDATION:**

That the Planning Commission conduct a public hearing; and:

- A. Approve Conditional Use Permit No. 10-025, subject to the Conditions of Approval as contained in the Agenda Report; and
- B. Adopt the Findings as contained in the Agenda Report; and
- C. Adopt the Mitigated Negative Declaration; and
- D. Direct staff to file a Notice of Determination.

**PUBLIC COMMENTS:**

None

Ms. Moore clarified for Commissioner Alban – that yes there was a similar item recently heard by the Commission; however, that Conditional Use Permit was for the lot further east of this site.

Motion was made by Commissioner Work to approve Case No. 10-025/CUP. The motion was seconded by Commissioner Ott. Motion passed 7-0-0-0.

#### **ANNOUNCEMENTS:**

Director McMains announced that the next regularly scheduled Planning Commission meeting is June 16, 2010.

Director McMains addressed the Draft Environmental Report that was left at their seats this evening. He explained that the Commissioners would have 30 days to review the report and that the item would appear on their July 7<sup>th</sup> agenda for recommendation to the City Council.

Commissioner Work asked what had changed. Director McMains explained that there is a project description in the front of the report that provides a summary. Commissioner Work asked if the other agencies involved had been notified. Director McMains responded that the other agencies had all been provided a copy, as well as the Yucaipa Library. In addition, the information is available on the City's website and a Notice of Preparation has been advertised in the local newspaper.

Director McMains announced that if any Commissioners would like to participate in the upcoming bus trip to Temecula and La Jolla to look at high-density housing developments and traffic roundabouts, please contact him by this coming Friday, June 4<sup>th</sup>. The bus will leave City Hall's parking lot at 8:00 a.m. on Friday, June 18, 2010 and would return by about 4:00 p.m. or 5:00 p.m. the same day. Director McMains stated that sack lunches would be available for \$10.00 each, or they could provide their own lunch. Director McMains added that any Planning Commissioners unable to attend would receive handouts and a full report after the trip. Commissioner Cape noted that the City of Claremont had roundabouts and chose to remove them. Director McMains indicated that the City of Yucaipa is currently in communication with other Cities on the negatives and positives of traffic roundabouts.

Commissioner Alban asked about the timeline for the improvements to the Uptown District. Director McMains explained that the second phase of the Yucaipa Boulevard street improvements was just recently approved; however, there is additional drainage work to be done, so realistically it will be April of 2011 before the street improvements from 2<sup>nd</sup> Street to Bryant Street begin. Additional funds will be available July 1, 2010, for the Façade Improvement Program.

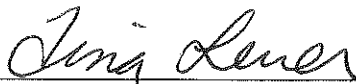
In response to a letter the Commissioners recently received from Bill McEwen, Commissioner Alban asked staff about the diesel trash trucks. Director McMains explained that it was his understanding that about one-half of Burrtec's fleet had already been converted to Compressed Natural Gas (voluntarily) and he was unsure as to how the City Council would pursue the issue of the remaining vehicles.

**ADJOURNMENT:**

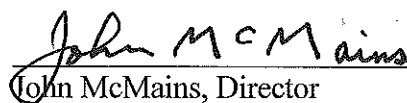
The Planning Commission meeting of June 2, 2010, adjourned at 8:09 p.m.

Submitted by:

Approved by:



\_\_\_\_\_  
Tina Leuer, Planning Commission Secretary



\_\_\_\_\_  
John McMains, Director