

CITY COUNCIL/PLANNING COMMISSION

JOINT MEETING

No New Business will be Considered by the City Council or Planning Commission after the Hour of 11:30 p.m. unless a Majority of the City Council or Planning Commission Determines to Continue beyond that Hour.

**Memorandums:** Memorandums relating to agenda items are on file in Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM

REFERENCE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ORAL COMMUNICATIONS

This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the City Council or Planning Commission (Please do not exceed 5 minutes per topic).

4. PLANNING COMMISSION CONSENT CALENDAR

4a. Minutes of the March 18, 2009 Planning Commission Meeting.

Copy

5. JOINT CITY COUNCIL/PLANNING COMMISSION SCREENING

5a. Screening 09-01 (SCR 09-01), Request to Amend the City of Fillmore Zoning Ordinance to permit off-sale beer, wine and liquor within the Central Business District (CBD) with reduced use standards.

Memo

**Location:** 351 Central Ave. **Zoning:** Central Business District (CBD)

**Applicant:** Gholwan Mechammil, G and Y Market, 351 Central Ave., Fillmore, Ca 93015.

**Purpose:** Discuss the request to amend the Zoning Ordinance.

**Recommendation:** Provide direction to staff and the Applicant regarding the proposed Zoning Ordinance amendment.

**6. PLANNING COMMISSION REPORTS AND COMMUNICATIONS**

**6a.** Community Development Director

**Oral**

**6b.** Planning Commission

**Oral**

**7. PLANNING COMMISSION ADJOURNMENT**

**7a.** The Planning Commission adjourns to the regular scheduled Planning Commission meeting on May 20, 2009, 6:30 p.m. in the City Council Chambers, 250, Central Ave., Fillmore, CA 93015

**8. CITY COUNCIL ADJOURNMENT**

**8a.** The City Council adjourns to the goals setting workshop immediately following the joint meeting.

**PLEASE NOTE:** If you challenge the actions of the City Council/Planning Commission in court, you may be limited to raising issues that you or someone else at the public hearing described in the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6

**In compliance with the Americans with Disabilities Act**, if you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500 ext. 113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.1104 ADA Title II)

PLANNING COMMISSION  
CITY OF FILLMORE  
250 CENTRAL AVENUE  
FILLMORE, CA, 93015

MARCH 18, 2009  
REGULAR MEETING  
6:30 PM

MINUTES

**CALL TO ORDER**

6:33 p.m., Chair Tucker called the Planning Commission meeting to order and led the assembly in the Pledge of Allegiance. Planning Commissioners present were: Chair Douglas Tucker, Vice-Chair Tom Fennell, and Diane McCall. City staff present were: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott, Case Planner Veronica Ortiz-De Anda and Planning Secretary Denise Beauduy. Absent: Commissioner Mark Austin (excused) and Commissioner Vance Johnson.

**ORAL COMMUNICATIONS**

There were no comments.

**CONSENT CALENDAR**

The Consent Calendar consisted of minutes of the February 18, 2009 Planning Commission meeting. It was moved and seconded to approve the Consent Calendar. Motion: McCall; Second: Fennell. Ayes: Fennell and McCall. Abstain: Tucker. Absent: Austin and Johnson. Motion Carried 2:0.

6:35 p.m., Commissioner Johnson is present.

**PUBLIC HEARING**

*Addendum to Program/Project Level EIR for Perry Ranch; Modification #2 to Development Permit 07-01, Located on the SW Corner of "E" Street and SR126, Applicant: Fillmore/Riverview LLC, 660 Newport Center Dr., Suite 930, Newport Beach, CA 92660.*

6:35p.m., Chair Tucker opened the public hearing. Mr. McSweeney presented the staff report with City staff's recommendation for the Planning Commission to recommend the City Council approve Modification #2. Mr. McSweeney stated this is a public hearing, and it was properly noticed. It was published in the newspaper and notices were mailed to all property owners within 300 feet of the project site. Mr. McSweeney said the Perry Ranch project was approved in March 2008, and the first modification to the project was a revision to a mitigation measure for the intersections of SR126 and SR23; the Applicant will have to pay a fee. Mr. McSweeney said the Planning Commission is considering Modification #2 tonight, which consists of adding a half-acre to the Perry Ranch Project site. Mr. McSweeney said the Applicant will use the half-acre along the levee for parking, and then add 16,000 square feet to the building area, which is currently, 468,000 square feet. Mr. McSweeney stated there are no other changes to the project. City staff had gone before the City Council to reconvey the land that was on City property to the

Applicant, and there was lot line adjustment that was done at staff level. Mr. McSweeney said there will be additional modifications as the business park develops.

Commissioner Tucker said there was a recommendation for a sidewalk in the agenda packet and asked Mr. McSweeney to comment on the issue. Mr. McSweeney stated there is no sidewalk on the north side; it is a 15-foot landscape area. Mr. McSweeney stated the Applicant is not required to install a sidewalk and City staff cannot demand the Applicant to install one. Mr. McSweeney said there is a 10-foot wide sidewalk on the south side, which is also a bike path, but people who walk on the north side have no sidewalk for the full length of River Street. Mr. McSweeney said the City Council made the decision about the sidewalk prior to the adoption of the Business Park Master Plan. Mr. McSweeney said if a sidewalk was installed, it would be on private property, and it would have to be an easement or the Applicant could dedicate the sidewalk to the City.

Commissioner McCall stated there is no sidewalk on the entire length of the north side and there could be problems in the future if there is no agreement with all of the property owners to provide an easement over their property. Commissioner McCall considered the sidewalk as piecemeal and did not support the concept, and said it was not cohesive with the Business Park Master Plan that was adopted.

Commissioner Johnson said he concurred with Commissioner McCall's comments and said the south side has a sidewalk and bike path and he would rather see the landscaping on the north side. Commissioner Johnson stated his concern with easements on private property and said the sidewalk easements could open Pandora's Box in the future.

Rod MacDonald, Developer, KDF Communities and Fillmore/Riverview LLC, 660 Newport Center Dr., Newport Beach, CA. Mr. MacDonald stated there were discussions about the sidewalk during the review of the Business Park Master Plan, the consensus was the master plan, and guidelines were laid out like this. Mr. MacDonald said the plan was approved, and it is too late to be speaking about this. Mr. MacDonald said the reason that a sidewalk was not proposed for this side of the street is due to the engineering for the gray water line. Mr. MacDonald said the dry utilities had to be installed behind the curb because there was not enough room in the street for all of the utilities. Mr. MacDonald said Fillmore/Riverview would not be in favor of adding the sidewalk at this point. Mr. MacDonald said the land was given to the City for the levee, and the levee was not designed, so we worked with the City to take the land back and add it to the project.

There were no other comments.

6:45 p.m., Chair Tucker closed public hearing.

#### **ACTION**

**Planning Commission Resolution 09-834, Recommending the City Council Approve an Addendum to the Program/Project Level EIR for Perry Ranch was Adopted.**

There was a motion and a second to adopt Planning Commission Resolution 09-834, Recommending the City Council approve an addendum to the Program/Project Level EIR for

Perry Ranch. Motion: McCall; Second: Johnson. Ayes: Fennell, Johnson, McCall and Tucker. Absent: Austin. Motion Carried 4:0.

### **ACTION**

#### **Planning Commission Resolution 09-835 Recommending the City Council Approve Modification #2 to DP 07-01, subject to Conditions of Approval was Adopted.**

There was a motion and a second to adopt Planning Commission Resolution 09-835, recommending the City Council approve Modification #2 to Development Permit 07-01, subject to Conditions of Approval. Motion: McCall, Second: Johnson. Ayes: Fennell, Johnson, McCall and Tucker. Absent: Austin. Motion Carried 4:0.

### **BUSINESS ITEM**

#### *Review Overall Goals of the Downtown Specific Plan.*

Chapter 3, Downtown Specific Plan Document.

6:46 p.m., Mr. McSweeney reviewed the land use goals of the Downtown Specific Plan document. Mr. McSweeney said the focus of the downtown is tourism, and there are antique shops, but there are also residents in the downtown who also need services such as a market and a hardware store. Mr. McSweeney said several of the goals outlined in the Downtown Specific Plan have been accomplished: there is a lively pedestrian shopping district at the street level; there are special events in the downtown; we have established a central park and the immediate surrounding area as the center of the CBD; we have retained historic landmarks: the Fillmore State Bank located on the corner Central Ave. and Main St.; the Merchants Bank located on the corner of Central and Sespe Avenues. Mr. McSweeney said the City administrative services, which were housed in several separate buildings, were relocated to City Hall on Central Ave.; we have mixed use commercial and residential buildings downtown and 2-story buildings adjacent to the railroad property. Mr. McSweeney touched briefly on signage for the downtown and said the design criteria is strict for signage, but businesses in the CBD are able to do much more with signage than businesses along the highway. All new signs in the CBD shall be designed in accordance with the design guidelines outlined in Chapter 4 of the Downtown Specific Plan. Mr. McSweeney stated the Downtown Specific Plan is a long-range plan for the downtown; there is no sunset. In closing, Mr. McSweeney said residents who live in the downtown are customers who support the businesses downtown.

Commissioner Tucker commented the Maggie Apartments turned out very nice. Commissioner Tucker said the Planning Commission reviewed the project when a stop work order was issued because of architectural design issues.

### **REPORTS and COMMUNICATIONS**

6:53p.m., Mr. McSweeney provided an update for the following projects:

Sespe Saloon – Mr. McSweeney said the project was approved with a Conditional Use Permit, and as part of the permit, conditions were imposed for business operations. Mr. McSweeney stated the business has gone through several ownership transfers and the Police have been

involved with the ABC and each new owner. Mr. McSweeney said business is nearly compliant with the Conditions of Approval.

Commissioner Johnson said he recalled a sunset clause for the business. Mr. McSweeney replied there was no sunset clause for the business.

The signs at Delores Day Park – Mr. McSweeney said the signs were vandalized. The Public Works Dept. removed one sign, and they are working on replacing the signs.

City Manager's resignation – Mr. McSweeney said City Manager Tom Ristau submitted his resignation to the City Council and his last day will be March 28, 2009. Mr. McSweeney said the City Council appointed Mr. Bill Bartels as the transitional City Manager until the City Council appoints an interim City Manager. Mr. McSweeney said the recruitment process to hire a new City Manager could take up to nine months.

The Perry Ranch project – Mr. McSweeney said the project is in its third plan check for grading and public improvements. Mr. McSweeney said a grading permit could be issued as early as next week. Grading could begin in April.

Community Pool – Mr. McSweeney said the pool is complete; the high school swim team had their first meet this afternoon. Mr. McSweeney said Manuel Minjares was the construction manager for the pool project.

Central Ave. Clock - Mr. McSweeney said the clock was installed today; the time is accurate, and the electricity will be installed so the clock will be lit at night.

Kentucky Fried Chicken – Mr. McSweeney said the project is in its fourth plan check. Because the project is less than 10,000 square feet, it will be reviewed at staff level. Mr. McSweeney said the project is located on the south side of the gas station in the Balden Plaza along "A" Street. Mr. McSweeney said the applicant for KFC also owns the Taco Bell restaurant, and he has submitted plans for a demo/rebuild of Taco Bell.

The Groves Shopping Center – Mr. McSweeney said the project is located next to McDonalds and is under construction. There are signs for Jack in the Box, but Jack in the Box has not submitted an application. Mr. McSweeney said he had met with representatives for Jack in the Box approximately a year ago, and they talked about a restaurant proposal with a drive-thru. Mr. McSweeney said a drive-thru would eliminate 15 parking spaces and the project is already short three parking spaces.

Skate Board Park – Mr. McSweeney said the construction of the park is complete and there will be a grand opening this Saturday. The grass should be in by the summer.

Implementation of Measure I – Mr. McSweeney said City staff will bring this item to City Council Tuesday night. Mr. McSweeney said Measure I reduced the number of units in the North Fillmore Specific Plan to 350 units. Mr. McSweeney said the effect of Measure I will cause revisions to the North Fillmore Specific Plan; the Zoning Ordinance; General Plan in the

Land Use Element; the Housing Element and quiet possibly the Circulation Element. Measure I also has an effect on the projects that are currently being processed in the North Fillmore Specific Plan area, such as; the Steiger project; the application was submitted in October. Mr. McSweeney said City staff is seeking direction to change the text in the General Plan and begin the RFP process for consultants to prepare a new specific plan and the environmental document.

The Station, next to Margaret's Cocina – Mr. McSweeney said revised construction plans were resubmitted for plan check #2

The Shah project – Mr. McSweeney said the building was shipped and will be installed. Mr. Shah will remodel the house and landscaping.

City Attorney Schneider said Council Member Conaway expressed his appreciation to the Planning Commissioners and he hopes to see them at the grand opening of the skate park.

**ADJOURNMENT 7:02 PM**

There being no further business to come before the Planning Commission, the meeting was adjourned to the joint City Council/Planning Commission Meeting scheduled for April 22 , 2009, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

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Denise Beauduy  
Planning Secretary

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## CITY OF FILLMORE

CENTRAL PARK PLAZA  
250 Central Avenue  
Fillmore, California 93015 -1907  
(805) 524-3701 • FAX (805) 524-5707

Item 5a.

April 22<sup>nd</sup>, 2009

TO: Planning Commission/City Council

FROM: Manuel Minjares, Assistant Planner

SUBJECT: Screening 09-01, 351 Central Ave., Central Market Request for Zone Text Amendment.

### RECOMMENDATION

The Planning Department Staff recommends that the Planning Commission/City Council take the following action:

- Provide comments to staff and applicant on the proposal to amend text in Section 6.04.0615(3.A.4) of the Zoning Ordinance.

### BACKGROUND

The applicant, Gholwan Mechammil, requests feedback from the Planning Commission & City Council on a potential future proposal to submit a application for a zoning text amendment to the zoning ordinance. Mr. Mechammil is presently in possession of a Type 20 ABC License for off-sale beer & wine and would like to expand that use to an off-sale General Type 21 License to allow for the sale of hard liquor.

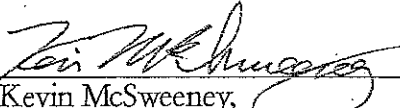
Section 6.04.0615(3.A.4) of the Zoning Ordinance contains specific standards for business within the Central Business District (CBD). His present license is legal, however non-conforming to current standards for businesses in the CBD for the following reasons:

1. Located within 1,000 ft. of another structure/ use with a valid "ABC" license (except a restaurant); *Per Exhibit "A", Central Market is approximately 275' from another use with a valid "ABC" license, Estrella Market.*
2. Located within 500 ft. of any public park, religious institution or school within the City (except a restaurant); *Per Exhibit "A", Central Market is within approximately 385 ft. of Central Park.*
3. Located within 200 ft. of any property designated for residential use or used for residential purposes, including mixed use residential developments (except a restaurant). *Per Exhibit "A", Central Market is approximately 70 ft from the newly constructed Majic Apartments and is approximately 80 ft from the apartments above Ballard's Furniture Store.*

The applicant is requesting these standards be amended or removed to bring the use into conformance and allow his business to expand their ABC license to include the sale of hard liquor.

ANALYSIS

Staff does not support the idea of amending the Zoning Ordinance to reduce or remove standards for businesses requiring the issuance of an ABC license in the CBD zone in that the potential for an over-saturation of businesses with off-sale of alcoholic beverages is likely and would be detrimental to the surrounding area.

  
Kevin McSweeney,  
Community Development Director

Attachments:

1. Exhibit "A" - Distance between subject property and other structures with an ABC license, public park, religious institution or school, or any residential use map .

**Legend**

- Conflicting CBD Businesses/Uses
- Parcels

**Zoning**

- <all other values>
- CBD
- CH
- CN
- CO
- M-1
- OS
- PF
- R-H
- R-L
- R-M
- R-MH
- RR
- HVPSP
- U

Proximity of 351 Central Ave Property  
to Schools, Parks & Non-Restaurant Businesses  
w/ ABC Licenses



Exhibit "A"

