

**CITY OF FONTANA
PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 5, 2013**

A regular meeting of the City of Fontana Planning Commission was held on Tuesday, February 5, 2013, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California. Chairperson Garcia called the meeting to order at 6:03 p.m. Following the Invocation given by Commissioner Cothran, the Pledge of Allegiance was led by Commissioner Hall.

ROLL CALL

Present: Chairperson Garcia and Commissioners Cothran, Hall, Lee and Meyer

Absent: None.

Also Present: Director Don Williams, AICP; Attorney Parish Knox; Senior Planner, Shannon Casey; Senior Planner Orlando Hernandez; Assistant Planner Salvador Quintanilla; Kathy Raasch; City Clerk Tonia Lewis; and Planning Commission Secretary Ysela Aguirre

MINUTES:

The approval of December 18, 2012 minutes were deferred to the February 19, 2013, Planning Commission meeting in order for recording secretary to review comments made by Commissioner Meyer on page 8 of 11.

PUBLIC FORUM:

Fontana Middle School Travel Club students spoke on their planned trip to Washington, D.C, Philadelphia and Virginia.

The Fontana Middle School Travel Club members invited the Planning Commissioners to participate in the hamburger challenge fundraiser Wednesday, February 13, at 6:30 p.m. at the McDonalds on Citrus and Foothill.

Daniel Quiroga thanked the community of Fontana for their support over the past seven years to make this trip possible for the students. Mr. Quiroga invited the Planning Commissioners to participate. People currently participating are: City Council Member Tahan vs. former City Council Member Matthew Slowik and Fire Department staff vs. Police Department staff. Parks and Community Services and Fontana Unified School District Board members may also participate.

MINUTES:

**DEFERRED TO
FEB 19, 2013**

PF

NONE

Contributions can be made directly to the Fontana Middle School Travel Club by contacting Mr. Quiroga at 909.357.5370 x346 or checks can be mailed to Fontana Middle School Travel Club, 8425 Mango Ave, Fontana, CA 92336 ATTN: Daniel. Quiroga.

CONSENT CALENDAR:

None.

AGENDA INFORMATION:

The Planning Commission reviewed an update of future City Council Agenda items for the February 12, 2013, and February 26, 2013, meetings for the Planning Commission's information; and an update of future Planning Commission items for the February 19, 2013, meeting for the Planning Commission's information.

PUBLIC HEARINGS:

1. A Public Hearing was opened regarding: **Conditional Use Permit No. 06-027R1/Planning Case No. PLN 12-021:** Filed by Ms. Beth Aboulafia, Hinman & Carmichael LLP, to request review and approval of a revision to an existing Conditional Use Permit (CUP No. 06-027) for Target (an existing discount, department store), currently operating with a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) license, to up-grade the ABC license to operate in conjunction with a new ABC Type 21 (Off-Sale General) license, and allow the establishment to sell beer, wine, and distilled spirits. The project site is an irregularly-shaped property consisting of one parcel (APN: 0254-221-53) of approximately 10.8 adjusted gross acres, located on the northeast corner of the intersection of Slover Avenue and Sierra Avenue, excluding the four (4) out-parcels, and having a frontage of approximately 500 feet on the north side of Slover Avenue and a second frontage of approximately 1000 feet on the east side of Sierra Avenue. The site is further identified as 16964 Slover Avenue. Staff requests that the Planning Commission continue the public hearing for Conditional Use Permit No. 06-027R1 to the February 19, 2013, Planning Commission meeting, at the request of the applicant. No staff presentation was made.

A motion was made by Commissioner Meyer and seconded by Commissioner Cothran to accept staff's recommendation to continue this item to the February 19, 2013, meeting. Motion carried by a vote of 5-0.

CC

NONE

AGENDA INFO

CC

FEB 12, 2013

FEB 26, 2013

PC

FEB 19, 2013

PH

PH 1

CUP NO.

06-027R1

PC CASE NO.

PLN 12-021

CONTINUED

VOTE: 5-0

2. A Public Hearing was opened regarding: **Administrative Site Plan No. 12-024/Conditional Use Permit No. 12-020/Master Case No. 12-034:** Filed by New Legacy Corporation, Jose Carcelen, to request an Administrative Site Plan (ASP) for site and architectural review of an existing 930 square foot office building and a Conditional Use Permit (CUP) to allow truck/tractor sales on site. The project is a rectangularly-shaped property consisting of one parcel (APN: 0237-043-12) of approximately 2.3 adjusted gross acres and is located at the northwest corner of the intersection of Slover Avenue and Poplar Avenue with a frontage of 177 feet on the north side of Slover Avenue and a frontage of 581 feet on the west side of Poplar Avenue. The site is further identified as 15666 Slover Avenue. Staff presentation was given by Project Planner Salvador Quintanilla.

PH 2
ASP NO. 12-024
CUP NO. 12-020
MC NO. 12-034
VOTE: 5-0

One phone call was received by staff from a surrounding property owner reporting activity on the site prior to entitlement approval.

Discussion was held on the different approval time frames for the ASP and CUP applications. Code states that ASP approvals are for two years and CUP approvals are for 18 months.

Discussion was held on the ancillary property not being paved. Gravel is permitted in the Freeway Industrial District within the Southwest Industrial Park Specific Plan. The ancillary use must be related to the main use. On this project, sale of trucks is the main use and the truck parking staging on the ancillary property is related to the sale of trucks. There is no requirement to eventually pave the area.

The parking of vehicles on gravel is in support of the sales. The space cannot be rented out, but must be used to prepare trucks for sale; trailers are not permitted on the site.

Speaking for the applicant Jose Carcelen. Applicant stated that the activity on the site prior to approval was preparation work; Code Enforcement visited the site and everything has been removed pending approval.

Applicant read, understood, and agreed to the conditions of approval.

Discussion was held on future paving of the gravel area.

The public hearing was closed.

Discussion was held on lighting in the gravel area for security of truck

inventory and providing more visibility for officers driving by.

Discussion was held on the landscaping and entrance on Poplar.

Discussion was held on the gravel providing on-site draining and dust control.

Discussion was held on applicant cleaning up any run off.

Discussion was held on gravel being allowed in the SWIP and the area is not being licensed as a storage area. If the area is used as a storage area, this project will come back to the Planning Commission and the CUP will be revoked.

Discussion was held on posting a sign with a number to call for any dust issues. Director Williams stated that signs are posted during construction with a City number. AQMD is responsible for the signs.

Discussion was held on adding a condition to ensure that vehicles are not stored on the gravel area by requiring them to not be parked in the same spot for more than 30 days. Applicant stated that it is their goal to get the trucks off the lot as soon as possible and 30 days is a reasonable amount of time.

Applicant stated that the gravel area will be used as a staging area to assess what needs to be done to the truck. Minor corrections, such as replacing a mirror may also be done; heavy repairs, washing and detailing will be done at another facility. This is a new business.

Discussion was held on the cleanup of oil leaks.

This project is an industrial area and there are no residential uses adjacent to it.

Applicant stated that the gravel will be paved in phase two. Applicant understands the liability incurred in dust control and is not going to create a dust nuisance.

Discussion was held on how long the gravel area was going to be allowed. As long as the use is ancillary to the main use the gravel area can be used in perpetuity.

Director Williams provided wording to be added to Condition No. 14 as follows: "...No truck/tractor shall remain on the gravel inventory area more than 30 consecutive days without being moved to the display area for sale to the public or other end user."

Discussion was held on how the condition would be monitored. Director Williams stated that they will be handled as others, by call ins or inspection. Commissioner Meyer recommended adding a condition for Applicant to keep a log. Attorney Knox stated that a condition for self-monitoring would have to be applied evenly across the board and recommended that if it is to be added, the SWIP would need to be amended to include self-monitoring as a new policy.

Attorney Knox provided wording to be added to Condition No. 9 as follows: "...No washing of any vehicle shall be permitted on the site."

Chairperson Garcia asked the applicant if he understood and agreed to the additional wording of Condition Nos. 9 and 14.

Applicant agreed to the changes in the conditions.

Applicant asked how other facilities are able to wash on their property. Director Williams stated that they are doing it illegally unless they are using recycling the water.

Discussion was held on the future building being built on pavement.

Director Williams reiterated that the gravel is being allowed because it is ancillary to the primary use. If it is for an additional use, it will have to be paved. When a proposal is made for phase two and it is for a different use, it will have to be paved.

Director Williams stated that there will have to be significant discussion on more generic level to come back and change SWIP.

Discussion was held on the parking of trailers and cabs. Only the parking of the cab portion of the truck is being approved. It is stated on Condition No. 14 on page E2-23 of the staff report.

Discussion was held on the display area only having space for five trucks at a time.

Discussion was held on storage not being allowed on paved area.

Discussion was held on the competitive market for used trucks in the City of Fontana.

Attorney Knox provided modified wording for Condition No. 14 as follows: "Truck ~~or truck trailer~~ storage or parking not associated with the sales of truck/tractor and/or display of truck/tractor shall be prohibited on this site. No truck/tractor shall remain on the gravel inventory area more than 30 consecutive days without being moved to the display area for sale to the public or other end user. All truck trailer storage shall be prohibited on site at all times."

Applicant agreed to the modification to Condition No. 14.

A motion was made by Commissioner Hall and seconded by Commissioner Meyer to: 1) Adopt the Negative Declaration and direct staff to file a Notice of Determination; and 2) Approve Administrative Site Plan No. 12-024 and Conditional Use Permit No. 12-020 with revisions to Conditions No. 9 and No. 14. Motion carried by a vote of 5-0.

Director Williams stated that staff will go by the project once it is up and running over six months and bring a report back to the Planning Commission.

OTHER COMMISSION BUSINESS:

OCB

None.

NONE

STAFF REPORTS:

SR

None.

NONE

DIRECTOR REPORT:

DR

Director Williams reported that an Ordinance for Farmer's Markets is on the City Council agenda of February 26, 2013. Currently, a Farmer's Market is run in conjunction with Community Services; this ordinance would allow the Farmers Market to be conducted in the event the City continues to support it but does not provide staff support.

**FARMER'S
MARKET**

Director Williams announced that this is the first meeting where the entire Planning Commission agenda was available to the public online, including staff reports, conditions of approval, and findings are available. The City Council has been doing it for about one year.

NOVUS

COMMISSION COMMENTS:

COMMENTS

Commissioner Meyer hopes to see many people at church on Ash Wednesday.

MEYER

Commissioner Meyer wished everyone a good evening.

Commissioner Hall wished everyone a pleasant evening.

HALL

Commissioner Lee requested that tonight's meeting be adjourned in memory of Bill Tunney and Patty Peoples, a teacher and former Planning Commissioner.

LEE

Commissioner Lee wished everyone a good evening.

Commissioner Cothran sent condolences to the family of Bill Tunney and Patty Peoples.

COTHRAN

Commissioner Cothran announced that the Rotary Steelman Challenge will be held on Sunday, February 24, 2013, at 8:00 a.m. For more information and registration go to www.steelmanchallenge.com. It was a great event last year and it will be an even greater event this year.

Commissioner Cothran announced that the Miss Fontana page is live on the internet. There are already 10 ladies registered. The pageant is in May and there will be a leadership training by Mayor Warren. For more information or to sponsor a young lady, go to www.missfontana.com. Last year it had almost 1 million hits!

Commissioner Cothran wished everyone a good evening.

City Clerk Lewis reminded everyone of the Fontana Days Centennial and thanked Young Homes, a Title Sponsor. City Clerk Lewis can be reached at tlewis@fontana.org or at 350.7655. This year's Grand Marshall is Sammy Haggard.

LEWIS

Chairperson Garcia attended the state of the City address and commended Mayor Warren for doing a great job of setting the direction of the city.

GARCIA

Commissioner Garcia is looking forward to 2013.

Commissioner Garcia wished everyone a good evening.

PUBLIC FORUM

PF

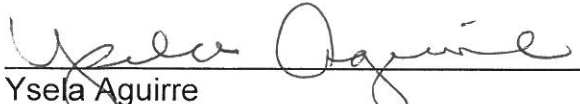
None.


NONE

ADJOURNMENT

By consensus, the Planning Commission adjourned at 7:38 in memory of Patty Peoples and Bill Tunney to a workshop on Tuesday, February 19, 2013, at 6:00 p.m. in the Executive Conference Room, located at 8353 Sierra Avenue, Fontana, California.

**ADJOURN
7:38 P.M.**


Ysela Aguirre
Commission Secretary


Peter Garcia
Chairperson