



MINUTES
CITY OF NORCO
PLANNING COMMISSION
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
REGULAR MEETING
MAY 28, 2008

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1. CALL TO ORDER: 7:05 p.m.
 2. ROLL CALL: Chair Newton, Commissioners Harris, Hedges and Jaffarian
Absent: Vice-Chair Wright (excused absence)
 3. STAFF PRESENT: Senior Planner King and Executive Secretary Dvorak
 4. PLEDGE OF ALLEGIANCE: Commissioner Hedges
 5. APPEAL NOTICE: Read by staff.
 6. HEARING FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA:
Pat Overstreet, 1231 Corona Avenue, said the landscaping is gorgeous on the Jacobsen retail site. She mentioned that the CVS center at El Paso and Thoroughbred recently removed six-year old trees because they were shielding the building. She asked if the City had any say in this. Staff's response was that there was nothing in the Code to cover removal of landscaping.
 7. APPROVAL OF MINUTES: Minutes of May 14, 2008

MOTION: M/S Jaffarian/Hedges to approve the minutes of May 14, 2008 as written.

Discussion: PC Harris asked for a correction to Page 3, fifth paragraph, clarifying he also wanted a public hearing required before making a decision.

AYES: Harris, Hedges, Jaffarian and Newton.
ABSENT: Wright

MOTION CARRIED

8. CONTINUED ITEMS:
 - A. Appeal 2008-01 (Rosa): Appeal 2008-01 (Rosa): An Appeal of the Planning Department's Determination to Require a Direct 15-foot wide Access to the Primary Animal Keeping Area (PAKA) on Property Located at 159 Wild Horse Lane Located within the Norco Ridge Ranch Specific Plan (NRRSP). Recommendation: Denial (Associate Planner Robles) **Continued from May 14, 2008**

SP King presented the staff report in detail (the report being on file in the Planning Department). This was continued so that the City Attorney could address if a variance was a viable solution to this situation. The City Attorney responded in a letter that it was his opinion that a use variance was not allowed and that a variance from zoning regulations needed to have specific findings supported by substantial evidence. The Commission has the prerogative to overturn staff's denial of this request.

Questions of staff:

PC Jaffarian stated that if the Commission overrules staff, any future development would still come before the Commission. SP King said that was correct; ultimately the decision rests with the Commission.

Chair Newton asked about the city attorney's response as to criteria for a variance; that it was a "textbook" response. SP King responded that it is not appropriate for the attorney to review the background on this particular project since the decision to approve or deny lies with the Planning Commission.

There was discussion on the appeal process. The Council or the applicant could appeal. Anyone could.

Rick Rosa, applicant, stated he continued to disagree that the access is not direct and referred to a packet he just gave to the Commission. It showed his choice of location for his barn, and the Commission's suggestion. His plan, which is very desirable to him, offers full view of the PAKA site from his kitchen and bedroom. He stated his case against moving the barn, citing view obstruction and wasted area. The City is telling him much of his land can only be used for a driveway.

Chair Newton asked if the barn encroaches into the PAKA in both scenarios in front of the PC tonight.

The applicant replied that there is less than 300 square feet encroachment into the PAKA for both scenarios. It was noted that up to 40 percent of the PAKA can be covered by a building used for animal keeping.

The Commission asked for and received from the applicant some clarification on the packet received tonight.

Mr. Rose said if the barn is moved to the alternative location, 2/3 of his view is blocked.

PC Harris voiced concern that a Planning Commission denial will restrict this homeowner severely on his choice of land use. The applicant wants to preserve the animal-keeping area but it appears the Commission is discriminating against anyone with a PAKA. PC Harris said he cannot support a denial because the applicant has shown a direct access and PC Harris is okay with the barn.

PC Jaffarian referred to the meeting on May 14, 2008 where he and Vice Chair Wright supported staff's denial. PC Jaffarian wanted to emphasize again that staff did the right thing by denying the request.

Chair Newton agreed that staff took the correct action by denying the request. While he does agree with PC Harris about the unfairness, he said "discrimination" was a harsh word. He did sense that the current use would be for equipment but at least the barn was open for future animal keeping:

MOTION: M/S Jaffarian/Hedges to deny Appeal 2008-01.

AYES: Jaffarian and Hedges

NOES: Newton and Harris

ABSENT: Wright

APPEAL DENIED

Both Chair Newton and PC Harris said they are satisfied that the applicant has shown direct access and that the barn will be available for future animal keeping.

Discussion: PC Harris voiced concern that it is not the Planning Commission's place to determine where structures can be placed. The applicant is complying with the intent of the Code. PC Harris said this is a disservice to the homeowner, and again, this is discrimination. The Commission is severely limiting one group of property owners. This is making the City vulnerable to lawsuits and lowering the market value of these homes.

SUBSTITUTE MOTION: M/S Harris/Newton to approve Appeal 2008-01.

AYES: Newton and Harris

NOES: Jaffarian and Hedges

ABSENT: Wright

APPEAL DENIED

Both PCs Jaffarian and Hedges said aside what the barn is going to be used for, it can physically fit elsewhere on the property and a direct path required by Code would use up less land for the access.

SP King indicated to the applicant that his appeal was denied and that he could now appeal to the Council.

**B. Discussion Regarding Potential Zone Code Amendment for Permitted Coverage in the A-1 Zone. Recommendation: Direction (Director Daniels)
Continued from May 14, 2008**

SP King presented the staff report in detail (the report being on file in the Planning Department). The only lots at issue are those with slopes, as the flat portion of those lots could potentially be completely covered with structures and still meet Code.

PC Jaffarian asked what effect the inclusion of in-ground pools has on lot coverage and also whether or not it is realistic to make the coverage consist of the entire lot vs. the coverage of the flat pad. He wanted more information.

PC Harris asked why this was even before the Commission.

SP King said the Commission wanted this discussed. Staff does not have issues, except in the hillside specific plans.

Chair Newton said this is not so much for large future development; but for the smaller acreages being chopped into seven or eight home sites. He strongly stated the City needs to hold on to larger lots for animal keeping. He was concerned about “cookie cutting” up large lots and placing large homes on them not being desirable to Norco overall.

PC Jaffarian asked how to responsibly tell property owners how to properly develop their properties regarding slopes, drainage, and coverage. Property owners have rights to develop their properties as long as they followed the Codes.

Pat Overstreet, 1231 Corona Avenue spoke about the odd lots that people want to subdivide and yet still meet the animal-keeping requirement. She reminded the Commission she was one of the local “watchdogs” keeping an eye on the Commission and the Council.

The Commission held a short discussion about problem lots. PC Harris wanted an inventory of these lots but SP King said that was not likely to happen soon because of staffing issues. PC Harris withdrew his request. Staff was directed to bring this item back for further discussion with an interactive power point presentation. SP King said DCD Daniels had suggested the City Attorney could make a presentation about subdivisions at the same meeting.

9. PUBLIC HEARINGS: None

10. BUSINESS ITEMS: Conditional Use Permit 2002-14 (Koziel): Compliance Report for Maverick's at 3841 Old Hamner Avenue. Recommendation: Receive and File

SP King presented the staff report in detail (the report being on file in the Planning Department).

Rob Koziel, owner, brought the Commission up to date on his building permits. He said he is working with the Sheriff's Department on the installation of three new cameras. Mr. Koziel disagreed with the Sheriff's Department's records of inadequate security at the Maverick. He said he is keeping detailed records of their visits and voiced his dissatisfaction with that department.

11. CITY COUNCIL: Received and filed.
- A. City Council Action Agenda dated May 21, 2008
 - B. City Council Minutes dated May 7, 2008 (Two Meetings)
12. PLANNING COMMISSION: Oral Reports from Representatives on Various Committees/Commissions: PC Jaffarian reported he had reviewed the architecture for a new project and had given the applicant comments.
13. STAFF: Current Work Program: No discussion.
14. OTHER MATTERS: Chair Newton mentioned that the Redevelopment Plan discussed at the meeting of May 14, 2008 included a 20 percent funding for low to moderate income housing.
15. ADJOURNMENT: There being no further items to discuss, Chair Newton adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Steve R. King
Senior Planner

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