

PC Henderson stated that he noticed that a number of Norco Municipal Codes cannot be met without variances. PD King explained that the applicant was advised by staff that no variances would be issued and that he needed to comply with all applicable Municipal Codes.

In response to PC Jaffarian, SP Robles confirmed that the plan submitted shows four pumping double-sided stations. SE Askew also confirmed that the private road north of the property is a shared access and must remain clear at all times.

In response to Vice Chair Wright, PD King confirmed that a Certificate of Closure was issued in March 2010 and the business was supposed to be closed as of March 4th, 2010. Vice Chair Wright noted that the business still seems to be operating.

In response to PC Newton, SP Robles stated that the property owner could submit revised plans for a stand-alone convenience store as long as the Norco Municipal Code and development criteria are followed.

Staff answered additional questions from PC Newton on other issues including the canopy modification and hazardous clean-up responsibility.

In response to PC Newton and Chair Hedges, City Attorney Harper explained that since the City was not ready to begin the Hamner Avenue Widening Project in June 2008, a verbal agreement was made between the property owner and the prior City Manager which would allow him to remain open until the City was ready to begin the street improvements. He clarified that, per the Purchase and Sale Agreement, the City would then give Mr. Sedrak a 30-day notice to close the business. He added that the business should already be closed.

Staff answered more questions for the Commission.

Chair Hedges OPENED the public hearing, indicating that proper notification had been made and asking for the appearance of those wishing to speak.

Reda Wasef: Mr. Wasef, owner of the Mobil Station across the street from Union 76 on Hamner Avenue, stated that his business is losing money every day this station remains open. He added that he invested a lot of money in preparation for the Union 76 station closing. He questioned why the City has not yet closed the business.

Joanne Merrett: Ms. Merrett was present on behalf of her father, Richard J. Miller as the property owner of 1642 Elm Drive, Norco. She read from a letter composed to provide her father's concerns if this project should go forth, adding that her father is against this project. A copy of the letter was provided for the record.

Paul Singh: Mr. Singh stated his concern on the lack of parking for either a gas station or a convenience store.

Fayez Sedrak/Applicant: Mr. Sedrak responded to some of the issues and questions brought up. He stated that he had received a call from city staff, Brian Oulman, to let him know that the City would be starting the street improvements. He stated that he then contacted staff in the Building Department and was told a permit was not needed to cut back the canopy; this was done in December, 2009. He added that he has been working with PD King about the variances and all seemed fine. He stated that the mention of a CUP came at a later date. Mr. Sedrak made reference to the Purchase and Sale Agreement stating he understood it to mean a replacement business, not a closure. Mr. Sedrak provided the Planning Commission with written comments to which he referred to while he spoke. He questioned the need for a CUP since he is asking for the same usage as it has been, providing for a new building and equipment. Mr. Sedrak added that he has been doing on-going clean-up on his property for ten years.

Mr. Sedrak answered questions from the Planning Commission.

In response to PC Newton, Mr. Sedrak stated that the clean-up on his property is being done by Axxess Engineering and he estimated that it may be a 20 year project; it will continue until the property is clear or when the state funds are gone.

Mark Raab: Mr. Raab stated that he resides in Norco; he stated that he was asked by Mr. Sedrak for help. He made references to miscellaneous business properties that do not seem to comply with the requirements that Mr. Sedrak seems to have to follow.

Jared Dudley/Architect on most recent plan: Mr. Dudley addressed the Circle K question brought up by PC Newton; he stated that Circle K Company would only approve Mr. Sedrak's site based on the combination with Union 76. He added that there are too many variances required by the City and that throughout the application process there had been no mention that a service station could not be placed there.

In response to Mr. Dudley, City Attorney Harper read from the Purchase and Sale Agreement referencing among other issues that the business was to shut down and that the seller agreed with this and to demolish the buildings. He added that no contemplation was ever given that the business would be continued in any way.

Chair Hedges CLOSED the public hearing and brought back discussions to the Commission.

PC Jaffarian stated that based on what is being presented he feels that the lot is just too small to accommodate a gas station with a convenience store. He further stated his concerns with ingress/egress from the station, especially when the gas truck is parked next to eight vehicles without any way out. He feels this is a public hazard.

Vice Chair Wright agreed with PC Jaffarian's comments, adding that the property is not large enough to accommodate this plan and he supports staff recommendation.

PC Newton also agreed with PC Jaffarian's remarks, adding that he can't see how this could work. He stated that he supports staff recommendation.

PC Henderson noted that there were good examples given by speakers on how the City failed in the past, adding that this doesn't mean we should continue as such. He added that even though a CUP is involved it doesn't mean codes can be ignored. PC Henderson stated that he also supports staff recommendation.

Chair Hedges stated that this item should not be before the Planning Commission as it is stated it doesn't work.

M/S HENDERSON/WRIGHT to adopt Resolution No. 2010-13 thereby denying the request for approval to allow the development of a service station with a convenience store at 2807 Hamner Avenue.

AYES: Unanimous

Motion Carried

Recessed: 8:26 PM

Reconvened: 8:30 PM

10. BUSINESS ITEM: Residential Accessory Structure Guidelines.
Recommendation: **Receive and File** (Planning Director King)

PD King gave the presentation and reviewed the discussions which had taken place between the sub-committee and staff to develop the guidelines.

PC Henderson stated that the meetings were very productive. He shared that the sub-committee reviewed other cities' guidelines on the same subject, adding that many cities require a CUP for accessory buildings. PC Henderson stated that he looks forward to the public input and that he would like a workshop-type meeting to involve interested public members as well as local groups.

PC Jaffarian stated he was pleased with the outline of the draft guidelines, specifically the different categories within the animal-keeping and non-animal-keeping structures.

Vice Chair Wright stated that he also liked the layout of the draft guidelines and that he likes the idea of a public workshop to get input.

PC Newton asked for the Commission's input regarding the use of either "workshop" or "hobby shop". He noted that discussions had ensued regarding location of the structure.

Chair Hedges stated that she liked the lay-out of the draft; she also suggested that the code should be referenced within the guidelines.

Discussions continued.

PC Henderson suggested that staff send out notices to invite the public for input and discussions with the full Commission, as well as notify local groups.

M/S WRIGHT/JAFFARIAN to receive and file with direction that the draft guidelines be placed on the October 13, 2010 Planning Commission agenda and that the meeting be noticed in a general press release and the local organizations be noticed.

AYES: Unanimous

MOTION CARRIED

11. CITY COUNCIL: **Received and filed**
 - A. Recap of Actions Taken at the September 15, 2010 City Council/Community Redevelopment Agency Meeting.
 - B. City Council Minutes dated September 1, 2010
12. PLANNING COMMISSION: Oral Reports from Various Committees: **NONE**
13. STAFF: Current Work Program dated September 23, 2010: **Received and filed**
14. OTHER MATTERS:

In response to **PC Jaffarian**, City Attorney Harper stated that there is one more right-of-way acquisition involved with the current phase of the street widening project on Hamner Avenue.

At the request of staff, the Planning Commission appointed Newton and Jaffarian to serve as the Architectural Review Sub-Committee for the next round of projects to be reviewed.

PC Newton requested that the Planning Commission be made aware of an applicant's desire to request a waiver of fees at the time their application is reviewed by the Commission. Discussion ensued as to how this would be done and what would constitute an actual "request".

15. ADJOURNMENT: Chair Hedges adjourned the meeting at **9:06 PM**.

Respectfully submitted,

Steve King
Planning Secretary

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