



CITY OF COLTON PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE,
COLTON, CA 92324 REGULAR MEETING – Tuesday, June 11, 2019
5:30 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MEETING MINUTES

1. May 28, 2019 Planning Commission Minutes

E. PUBLIC COMMENTS

F. COMMISSION BUSINESS

G. PUBLIC HEARINGS

1. (continued from July 24, 2018, September 11, 2018, October 9, 2018, December 11, 2018 & March 12, 2019)

Commissioners:

Linda Tripp, District 1

Richard Prieto, District 2 (Chair)

Angel Delgado, District 3 (Vice Chair)

Gary Grossich, District 4

Vacant, District 5

Archuleta, District 6

Rosa Granado-Dominguez, At Large

FILE INDEX NUMBER: DAP-001-518
Storm Trooper Bus Revocation/Modification

APPLICANT: City of Colton

PROPERTY OWNER(S): CARSON FAMILY TRUST 1/25/201* & FARRAR,
JERRY LEE & SHRILIN TR 3/28/08

PROPERTY LOCATION: 345 West H Street, Unit A

ASSESSORS PARCEL NO.: 0162-086-26

DESCRIPTION: Revocation/Modification of Land Use Entitlement (File Index No. DAP-001-370) for (1) Conditional Use Permit (CUP) for the operation of a vehicle (bus) service and maintenance yard within a 22,500-square foot portion (“Unit A”) of an existing industrial building, and outdoor storage of buses & utility trailers; (2) Variance for providing less than the minimum required off-street parking spaces; (3) Site Plan Review for conversion of interior space from industrial to vehicle service and site modification including landscape and wall improvements; (4) Chain Link

Fence Review for new fencing, on property located at 345 West H Street zoned I-P, Industrial Park, and within the Citrus Park Historic District.

APPLICANT: Nick Benavides, Storm Trooper Transportation.

ENVIRONMENTAL DETERMINATION: Categorical Exemption. Class 1. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is exempt from CEQA pursuant to CEQA Section 15301 (Existing Facilities), which pertains to projects that involve negligible or no expansion beyond what currently exists at the time of environmental determination.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission:

- Continue the public hearing to the meeting of July 9, 2019; or
- Adopt the following resolution for revocation:

RESOLUTION NO. R-17-18. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON REVOKING THE APPROVAL OF APPLICATONS (FILE INDEX NO. DAP-001-370) OF A CONDITIONAL USE PERMIT (CUP) FOR THE OPERATION OF A VEHICLE (BUS) SERVICE AND MAINTENANCE FACILITY, AND OUTDOOR STORAGE OF BUSES & UTILITY TRAILERS AT 345 WEST H STREET, UNIT A; VARIANCE FOR PROVIDING LESS THAN THE MINIMUM REQUIRED OFF-STREET PARKING SPACES; SITE PLAN REVIEW FOR THE CONVERSION OF INTERIOR SPACE FROM INDUSTRIAL TO VEHICLE SERVICE USE AND SITE MODIFICATIONS INCLUDING LANDSCAPING AND WALL IMPROVEMENTS; CHAIN LINK FENCE REVIEW FOR MODIFIED AND NEW FENCING, ON A LOT LOCATED AT 345 WEST H STREET ZONED I-P, INDUSTRIAL PARK, AND WITHIN THE CITRUS PARK HISTORIC DISTRICT. (FILE INDEX NO. DAP 001-518)

H. DIRECTOR'S REMARK/REVIEW OF CITY COUNCIL AGENDAS

I. COMMISSION COMMENTS

J. ADJOURNMENT

Next Scheduled Meeting: Tuesday, June 25, 2019 at 5:30 p.m.

Documents Related to Open Session Agendas (SB 343). *Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection Monday through Thursday 7:30 am to 5:00 p.m. at the City of Colton Development Services Department located at the Civic Center Annex*

(across the street from City Hall) at 659 N. La Cadena Drive, Colton, CA 92324.

Appeal of Planning Commission Action. *If you challenge in court any action of the Planning Commission related to a public hearing item, you may be limited to raising only those issues you or someone else has raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. A decision of the Planning Commission may be appealed to the City Council. An appeal must be filed within ten (10) days following the appellant's receipt of notice of the action.*

ADA Compliance. *In compliance with the American with Disabilities Act, if you need special assistance to participate in a Planning Commission Meeting, please contact the Planning Division at 909-370-5079. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*



CITY OF COLTON PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE,
COLTON, CA 92324 REGULAR MEETING – Tuesday, May 28, 2019

- A. CALL TO ORDER AT 5:35 P.M.
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE– Led by Chair Prieto
- D. APPROVAL OF MEETING MINUTES
- 1. May 14, 2019 Planning Commission Minutes

Commissioners:

Linda Tripp, District 1
Richard Prieto, District 2 (Chair)
Angel Delgado, District 3 (Vice Chair)
Gary Grossich, District 4
Vacant, District 5
Thomas Archuleta, District 6
Rosa Granado-Dominguez, At Large

Motion and second by Commissioner **Archuleta**/ Commissioner **Grossich**
Roll Call vote: Ayes: **5** Noes: **0** Absent: **2**

Chair Prieto acknowledged Councilmember Suchil and City Manager Smith in attendance.

E. PUBLIC COMMENTS

- None

F. COMMISSION BUSINESS:

- 1. FILE INDEX NUMBER: **DAP-001-581 WALMART CUP EXTENSION NO. 4**

APPLICANT: **Wal Mart Stores, Inc.**
Brent R. McManigal, Gresham, Savage, Nolan & Tilden PC
(Attorney-In-Fact)

PROPERTY OWNER: **WAL-MART REAL ESTATE BUSINESS TRUST**

PROPERTY LOCATION: 1120 S. Mount Vernon Avenue/

ASSESSORS PARCEL NO.: 0276-144-07

REQUEST: Extension of time (Fourth) for one year for the approval of a **Major Modification of Conditional Use Permit (CUP) (File Index Number: DAP 001-217)** relating to (1) alcohol consumption for (a) the addition of a ABC License Type 86-Instructional Tasting- to allow the instructional tasting on the premises of beer, wine and distilled spirits, as an ancillary part of an existing retail operation; and (b) continued operation of ABC License Type 21-Off Sale General for the sale of beer, wine, and distilled spirits for off-premises consumption; and (2) the continued 24-hour retail

operation, for an existing general merchandise retailer located at 1120 South Mount Vernon Avenue on a 13.21-acre parcel within a 28-acre shopping center (“CentrepoinTE Plaza”) on nine (9) parcels zoned C-2, General Commercial. Assessor Parcel Number (APN): 0276-144-01; 02; 03; 04; 05; 06; 07; 08; and 38. Prior extensions: DAP-001-306; DAP-001-418, & DAP-001-51

Presented by: Jay Jarrin, AICP, Senior Planner

ENVIRONMENTAL DETERMINATION: Exempt pursuant to California Environmental Quality Act (CEQA) Section 15061(b) (3) due to the certainty that there is no possibility that the action (time extension) will have a significant effect on the environment.

STAFF RECOMMENDATION: Approval of a One-Year (Fourth and Final) Time Extension, setting a new expiration date of **April 28, 2020**.

SPEAKERS

- **None**

Motion and second by Commissioner **Archuleta**/ Vice Chair **Delgado**
Roll Call vote: Ayes: **5** Noes: **0** Absent: **2**

2. Gateway Sign Discussion and Direction to Staff

Planning Commission unanimously directed the Staff to facilitate the formation of a Gateway Sign Ad Hoc Committee composed of two Planning Commissioners and two Councilmember to establish creative sign criteria for the remaining three future Gateway Signs.

G. PUBLIC HEARINGS:

1. FILE INDEX No. DAP-001-228

**Tentative Tract Map No. 19983
(Roquet Ranch Specific Plan)**
(Continued from May 8, 2018,
June 2, 2018, August 14, 2018,
November 13, 2018, December 11,
2018 and January 22, 2019), February
26, 2019 & March 26, 2019, and April
23, 2019

APPLICANT: Bill Lo, Sunmeadows, LLC

PROPERTY OWNER: Roquet Family, LLC

PROPERTY LOCATION: West of La Cadena Drive and East of Old Pellissier Road, City of Colton (APN(s): 116-701-101, 116-702-101, 116-701-102, 116-702-105, 116-702-121, 116-703-118, 116-702-123, and 116-702-122).

REQUEST: Tentative Tract Map No. 19983 to subdivide approximately 336.2 acres to allow for development of the site consistent with the Roquet Ranch Specific Plan, Development Application Number DAP-001-228. TTM 19983 would subdivide the project site into 469 lots consisting of: 436 single family residential lots; five (5) lots for future residential development; one (1) lot for commercial development; one (1) lot for school development; one (1) lot for fire station development; twenty-five (25) open space lots and 16.5 acres of roadways.

ENVIRONMENTAL DETERMINATION: (State Clearinghouse Number 2016061056) An Environmental Impact Report has been prepared pursuant to the Environmental Quality Act (Public Resources Code §21000, et. Seq.), and in accordance with the CEQA Guidelines (Article 9, § 15120 to §15132) to evaluate the potential environmental impacts associated with planning, constructing, and operating the proposed Roquet Ranch Specific Plan Project, including Tentative Tract Map No. 19983. The Final EIR, Findings, Statement of Overriding Considerations, accompanying mitigation measures and Mitigation Monitoring and Reporting Program for this Project were adopted by the Colton City Council on May 15, 2018.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission continue the public hearing for **Tentative Tract Map No. 19983** to June 25, 2019.

Presented by: Mark Tomich, AICP, Director of Development Services

SPEAKERS

- None

Park.

ENVIRONMENTAL DETERMINATION: Negative Declaration. Pursuant to California Environmental Quality Act (CEQA), a draft Initial Study has been prepared to assess environmental impacts for the proposed project. The draft Initial Study determined that the project would not create any significant adverse impacts on the environment and therefore a Negative Declaration was prepared for the project.

STAFF RECOMMENDATION: Adopt the following resolutions approving the requests, subject to conditions:

RESOLUTION NO. R-05-19. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON RECOMMENDING THAT CITY COUNCIL OF THE CITY OF COLTON APPROVE A BILLBOARD PUBLIC BENEFIT AGREEMENT BETWEEN THE CITY OF COLTON AND TODD GIBBONEY FOR THE ESTABLISHMENT AND OPERATION OF A PROPOSED OFF-PREMISE ADVERTISING ELECTRONIC CHANGEABLE COPY (BILLBOARD) DOUBLE-FACED FREESTANDING SIGN AS THE “GATEWAY SIGN” FOR THE SOUTH ENTRY TO THE CITY ON THE INTERSTATE 215 FREEWAY ON PROPERTY IDENTIFIED AS ASSESSORS PARCEL NO. (APN) 1167-111-19 LOCATED AT 2680 S. LA CADENA DRIVE AND ZONED I-P, INDUSTRIAL PARK (REF: FILE INDEX NO. DAP-001-425a)

RESOLUTION NO. R-06-19. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT AND OPERATION OF A PROPOSED OFF-PREMISE ADVERTISING ELECTRONIC CHANGEABLE COPY (BILLBOARD) DOUBLE-FACED FREESTANDING SIGN AS THE GATEWAY SIGN FOR THE SOUTH ENTRY TO THE CITY ON THE INTERSTATE 215 FREEWAY AND A VARIANCE TO ALLOW A CUMULATIVE SIGN AREA OF 1,344 SQUARE FEET (672 SQUARE FEET PER FACE) WHICH EXCEEDS THE MAXIMUM ALLOWABLE CUMULATIVE SIGN AREA OF 1,200 SQUARE FEET, ON PROPERTY LOCATED AT 2680 S. LA CADENA DRIVE AND ZONED I-P, INDUSTRIAL PARK. (FILE INDEX NO. DAP-001-425b)

RESOLUTION NO. R-07-19. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING APPLICATIONS FOR ARCHITECTURAL & SITE PLAN REVIEW FOR THE CONVERSION, PARTIAL DEMOLITION, AND EXPANSION OF AN EXISTING TWO STORY COMMERCIAL BUILDING FOR USE FOR AUTOMOBILE FUEL SALES/ CONVENIENCE MARKET AND SECOND STORY OFFICE SPACE, ADDITION OF A CANOPY STRUCTURE FOR FUEL SALES PUMPS, AND RELATED SITE MODIFICATIONS AND IMPROVEMENTS; CONDITIONAL USE PERMIT FOR THE OPERATION OF AUTOMOBILE SERVICE (FUEL SALES) BUSINESS, ALCOHOL SALES (LICENSE TYPE 21 – OFF-SALE GENERAL), AND 24 HOUR RETAIL OPERATION; VARIANCE TO ALLOW LESS THAN REQUIRED SETBACKS TO THE FRONT LOT LINE INCLUDING THOSE

FOR MINIMUM DISTANCE TO BUILDING/STRUCTURES, MINIMUM DISTANCE TO FUEL ISLANDS, MINIMUM LANDSCAPE YARD, AND MORE THAN ONE SIGN ON A BUILDING WALL; AND SIGN REVIEW FOR PROPOSED ON-PREMISE SIGNS ON THE SUBJECT PROPERTY ON PROPERTY LOCATED AT 2680 S. LA CADENA DRIVE AND ZONED I-P, INDUSTRIAL PARK. (FILE INDEX NO. DAP-001-476)

Jay Jarrin, AICP, Senior Planner

SPEAKERS

- Jonathon Zane

Motion and second by Commissioner **Archuleta**/ Vice Chair **Delgado**
Roll Call vote: Ayes: **5** Noes: **0** Absent: **2**

3. FILE INDEX NO. DAP-001-536

Ashley Way Warehouse
(Continued from 5/14/19 meeting)

APPLICANT: Howard Industrial Partners

PROPERTY OWNER: City of Colton

PROPERTY LOCATION: 1648 Ashley Way (APN: 0276-144-48, 49, 52, & 53).

REQUEST: Architectural and Site Plan Review to allow the construction of a 220,185 square foot warehouse with office use, a **General Plan Amendment** from General Commercial to Light Industrial, a **Zone Change** from C-2 (General Commercial) to M-1 (Light Industrial), and a Parcel Map (PM-20080) to consolidate four (4) parcels into one (1) located on an 11.19 acre lot.

Presented by: Steve Gonzales, Associate Planner

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration and Monitoring Program is proposed for adoption pursuant to Sections 15070 and 15074 of the Guidelines for the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: Staff recommends that the Planning Commission recommend approval to the City Council to adopt a Mitigated Negative Declaration and recommend approval for a Zone Change and General Plan Amendment and approve Architectural & Site Plan Review and Tentative Parcel Map 20080 through the adoption of attached Resolutions titled:

RESOLUTION NO. R-10-19 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF COLTON AMEND SECTION 18.06.020

(OFFICIAL ZONING MAP) CHANGING PARCELS 0276-144-48, 49, 52 & 53 FROM C-2 (GENERAL COMMERCIAL) TO M-1 (LIGHT INDUSTRIAL) AND AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT AMENDING THE LAND USE FROM GENERAL COMMERCIAL TO LIGHT INDUSTRIAL AND ADOPT A MITIGATED NEGATIVE DECLARATION (FILE INDEX DAP-001-536)

RESOLUTION NO. R-11-19 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON APPROVING ARCHITECTURAL AND SITE PLAN REVIEW TO ALLOW THE CONSTRUCTION OF A 220,185 SQUARE FOOT WAREHOUSE WITH OFFICE USE AND A TENTATIVE PARCEL MAP 20080 TO CONSOLIDATE FOUR (4) PARCELS INTO ONE (1) PARCEL ON AN 11.19 ACRE LOT IN THE M-1 (LIGHT INDUSTRIAL) ZONE (FILE INDEX NO. 001-536)

SPEAKERS

- Fred Minagar, City of Colton Traffic Consultant
- Mary Valdemar

Motion and second by Commissioner **Grossich**/ Vice Chair **Archuleta**

Roll Call vote: Ayes: **5** Noes: **0** Absent: **2**

H. DIRECTOR'S REMARK/REVIEW OF CITY COUNCIL AGENDAS

- Provided Marijuana Ordinance Update

I. COMMISSION COMMENTS

Archuleta

- Rancho off ramp complete.

Delgado

- South Colton Livable Corridor Plan Status.

Granado-Dominguez

- Miss Colton Pageant update. Huge success. Winner – Alexandra Trujillo
- Rotary Club - Consul General of Pakistan speaking Friday, May 31st.
- Possible Marijuana grow at the old Wright's air conditioner plant on East Valley Blvd.

Grossich

- Expressed concern Colton is falling behind applying fair share funding for major projects.
- Noted John Anaya passing.

Prieto

- Sad to hear about John Anaya's passing.

J. ADJOURNMENT IN Memory of John Anaya AT 7:19.

Motion and second by Vice Chair **Delgado** / **Chairman Prieto**

Roll Call vote: Ayes: **5** Noes: **0** Absent: **2**

Next Scheduled Meeting: Tuesday, June 11, 2019 at 5:30 p.m.



Memorandum

CITY OF COLTON
Development Services Department
Planning Division

DATE: June 11, 2019

TO: Planning Commission

FROM: Mark Tomich, Development Services Director *mt*

SUBJECT: Project Status/ Recommendation for Revocation
File Index No. DAP-001-518 – Stormtroopers Revocation/Modification
Continued Public Hearing (Continued from July 24, 2018, September 11, 2018, October 9, 2018, December 11, 2018 & March 12, 2019)

BACKGROUND

On February 13, 2018, the Colton Planning Commission adopted PC Resolution No. R-47-17, zoning entitlement approvals (File Index No. DAP-001-370) for a **Conditional Use Permit (CUP)** for the operation of a vehicle (bus) service and maintenance facility, and outdoor storage of buses & utility trailers at 345 West H Street, Unit A; **Variance** application for providing less than the minimum required off-street parking spaces; and a **Site Plan Review** application for the conversion of interior space from industrial to vehicle service and site modifications including landscaping and wall improvements, and **Chain Link Fence Review** application for modified and new fencing on property located at 345 West H Street.

Since the business had already been operating without approvals at the time that the Planning Commission considered these applications, the approved land use entitlements imposed deadlines, as conditions of approval, for certain tasks to be performed to show progress towards compliance. The first deadline (Condition No. 12) of April 2, 2018 (45 days after approval), which required the submittal of permits and approvals, was missed.

On May 8, 2018, the Planning Commission considered initiation of Revocation (File Index No. DAP-001-518) of the land use entitlement and proceeded to hold a noticed public hearing for the revocation (or modification) on July 24, 2018 – pursuant to the necessary findings in Section 18.58.080 of the Colton Municipal Code (below).

COLTON MUNICIPAL CODE

18.58.080 Revocation of land Use entitlements.

A. Any land Use entitlement described in this chapter may, by action of the Commission, be revoked upon any one or more of the Following grounds:

1. That the Approval was obtained by fraud;
2. That the Use for which such Approval is granted is not being exercised;

3. That the Use for which such Approval was granted has ceased to exist or has been suspended for one Year or more;
4. The land Use entitlement granted is being, or recently has been, exercised contrary to the terms or conditions of such Approval, or in Violation of any statute, Ordinance, Law or regulation;
5. That the Use for which Approval was granted was so exercised as to be detrimental to the public health and safety, or so as to constitute a Nuisance.

Based on commitments by the applicant's representative to complete submittals, the public hearings were continued to meetings on September 11, 2018, October 9, 2018, December 11, 2018 and March 12, 2019 so that Modifications to the deadlines imposed by the conditions could be considered once the necessary submittals for Condition No. 12 were satisfied.

At the continued hearing on March 12, 2019, the Planning Commission was informed that items required to satisfy Condition No. 12 has been completed and the next step was issuance of permits to start construction as required by Condition No. 13 (provided below).

Planning Commission Resolution R – 47-17. Condition No. 13.

13. Within ninety (90) days of this approval, the following shall be provided:
 - a. Obtain issuance of a building permit from the Building Division for tenant improvement for use of the interior space by the proposed use.
 - b. Obtain issuance of a wall permit application for plan check from the Building Division for the proposed block wall and gates.
 - c. Obtain issuance a landscape (planting) permit application for new planters and automatic irrigation.
 - d. Obtain issuance of a fence permit application from the Development Services Department/ Planning Division for the new unpermitted chain link fencing and gate along the east lot line.
 - e. Obtain issuance of separate permits from the Building permits for the trash enclosure, light standards, and other site improvements, unless included with other permit applications as determined by the Building Official.

A new timeline was imposed through the approval of the Modification application – amending the deadlines in the CUP conditions of approval. However, due to history of missed timelines, there were concerns that a Modification approval would result in additional cost and delays causing the Planning Commission to again consider revocation. Therefore, staff recommended that the Planning Commission continue the public hearing so that the applicant may show that each subsequent set conditions is met until the project is completed. Based on this, the Planning Commission continued the public hearing for three months to June 11, 2019, so that the staff can report whether the items required by Condition No. 13 were completed. As discussed at prior meetings, this approach allows the Planning Commission to monitor progress through reports by staff, and allows the option of revocation available to the Planning Commission at any step in the process, without the need for re-noticing the public hearing.

DISCUSSION

Based on the applicant's commitment at the last meeting, the expectation was that all permits (including wall, planting, site improvement, and tenant improvement) would be issued by now and construction started. Instead, none of the permits have been issued.

The property owners, Dale Carson and Jerry Farrar, have informed staff that they have asked the tenant to vacate the premises and will no longer will authorize construction based on the submitted plans. The property owners explained that they plan to sell the property. Staff has been contacted by prospective buyers. The owners do not object to the Planning Commission proceeding with revocation of the approval but ask that the tenant be allowed to remain on the site until the end of the year. This may be accommodated by a continuance of the public hearing for seven months to the first meeting next year – January 14, 2020 – so it may be confirmed that the tenant vacated the premises before the Planning Commission formally revokes the applications. Staff is not recommending that this continuance be granted.

Instead, the Planning Commission has two options:

Option 1 – Revocation at this time

The Planning Commission may proceed to revoke the approval at this time. Based on the permit issuance being over one year past due from the 90 day deadline in Condition No. 13, the Planning Commission has the option to proceed with the revocation based on the finding in CMC 18.58.080.A.4. that "land use entitlement granted is being...exercised contrary to the...conditions of such approval". A draft Resolution (Resolution No. R-17-18) for revocation of the approval has been prepared for consideration by the Planning Commission. If adopted, the matter will be referred to the Police Department/Code Compliance Office for legal and enforcement action, which may include the shutoff of utilities at the site if the applicant does not vacate the premises in a timely manner.

Option 2 – Allow for plan submittal for possible Modification

Another alternative is for the property owner to make some of the improvements asked by the Planning Commission to enhance the appearance of the parking lot from the streets so that the Planning Commission can delay action on the revocation. The property owner has not agreed to make improvements based on the uncertainty of a new property owner and/or tenant in terms of their needs and operation.

Therefore, staff is recommending modified improvements that would not interfere with the needs and operation of potential future buyers or tenants. This may include, instead of the block wall requirement imposed as part of the Stormtroopers CUP to screen bus storage areas, generic improvements, providing the minimum Code required planter strip along the streets with removal of chain link fence. Since fencing needs may vary based on future tenancy, fencing would not be required at this time and the planters could remain open which is standard parking

lot design. Security fencing could be proposed for future tenants at parts of the site further away from the street if needed.

For this alternative, staff would ask that the property owner agree to submit the following items and the Planning Commission continue the public hearing for one month to allow time for the submittal of these items for Planning Commission consideration of a Modification application:

- Existing plot plan – show existing parking/driveway layout; label removal of chain link fence
- Proposed plot plan – showing proposed landscape outlines – 15 feet along Pennsylvania and 10 feet along G Street; show proposed parking/driveway layout
- Proposed landscape plan- label plant material –size, species, spacing, etc –within new planters and street tree wells- must be prepared by licensed landscape architect.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. continue the public hearing to the meeting of July 9, 2019, or
2. adopt the following resolution for revocation:

RESOLUTION NO. R-17-18. A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON REVOKING THE APPROVAL OF APPLICATONS (FILE INDEX NO. DAP-001-370) OF A CONDITIONAL USE PERMIT (CUP) FOR THE OPERATION OF A VEHICLE (BUS) SERVICE AND MAINTENANCE FACILITY, AND OUTDOOR STORAGE OF BUSES & UTILITY TRAILERS AT 345 WEST H STREET, UNIT A; VARIANCE FOR PROVIDING LESS THAN THE MINIMUM REQUIRED OFF-STREET PARKING SPACES; SITE PLAN REVIEW FOR THE CONVERSION OF INTERIOR SPACE FROM INDUSTRIAL TO VEHICLE SERVICE USE AND SITE MODIFICATIONS INCLUDING LANDSCAPING AND WALL IMPROVEMENTS; CHAIN LINK FENCE REVIEW FOR MODIFIED AND NEW FENCING, ON A LOT LOCATED AT 345 WEST H STREET ZONED I-P, INDUSTRIAL PARK, AND WITHIN THE CITRUS PARK HISTORIC DISTRICT. (FILE INDEX NO. DAP 001-518)

Attachments

1. Property Owner Statements- May 6, 2019 & May 31, 2019
2. Applicant Statements- May 31, 2019 & June 3, 2019
3. Draft Resolution No. R-17-18 for Revocation of DAP-001-370

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From: Dale E. Carson <dale@completecoach.com>
Sent: Friday, May 31, 2019 5:37 PM
To: Jay Jarrin <jjarrin@coltonca.gov>
Cc: Steve Weiss <sweiss@coltonca.gov>; Mark Tomich <mtomich@coltonca.gov>; Jerry Farrar <jerryfarrar@hotmail.com>; Martie Hayden <MHayden@completecoach.com>
Subject: RE: meet today between 2 and 4 pm - confirmation that no optional plans will be proposed - Planning Commission Hearing - Stormtroopers Revocation/Modification (DAP-001-518/ ref: DAP-001-370) — 345 West H Street

Jay,

Per our meeting yesterday, attached please find the cancelation of the StormTrooper Lease. Jerry and I went by the facility and do see that the property does not look like it could. Should the Planning Commission allow the time required for StormTrooper to relocate without any dramatic measures, we will get a landscaper onto the property to clean it up and will assure the city that we will continue to keep the perimeter in good condition. We appreciate you relaying this message to the Planning Commission.

Sincerely,
DALE

Dale E. Carson

CCW | SBL | TSI

1863 Service Court - Riverside, CA 92507
Office: (951) 684-9585 Cell: (951) 675-5000
dale@completecoach.com

From: Dale E. Carson <dale@completecoach.com>
Sent: Monday, May 6, 2019 6:21 PM
To: Jay Jarrin <jjarrin@coltonca.gov>
Cc: Jerry Farrar (jerryfarrar@hotmail.com) <jerryfarrar@hotmail.com>; Mark Tomich <mtomich@coltonca.gov>; Steve Weiss <sweiss@coltonca.gov>
Subject: Re: Request for meeting to discuss submittal requirements for tenants or buyers -Cancelled Ace Axle - 345 West H Street

Thanks Jay,

Appreciate allowing Storm Trooper the time to get out. Before the end of the year they will be out even if it means I allow them to operate out of our location in Riverside. The search begins all over to find another tenant or buyer.

Dale

DALE E. CARSON
951-684-9585 office
951-675-5000 mobile

From: Nick Benavides <nick@stormtroopercoaches.com>
Sent: Monday, June 3, 2019 3:24 PM
To: Jay Jarrin <jjarrin@coltonca.gov>
Cc: Travis Gasaway <travis@stormtroopercoaches.com>; Steve Weiss <sweiss@coltonca.gov>
Subject: Re: Prep for Planning Commission Hearing for Tuesday 6-11-2019 - Stormtroopers Revocation/Modification (DAP-001-518/ ref: DAP-001-370) — 345 West H Street

Ok what can be done to get a recommendation of the 6 months. Basically Dale has given us until January 1st. Also, He has stopped paying for the yard care here at the building although our lease states that the owner is supposed to pay for this. I don't want that to effect us.

Nick Benavides
President and Founder
Storm Trooper Coaches
Direct: (949) 344-4337

From: Nick Benavides <nick@stormtroopercoaches.com>
Sent: Friday, May 31, 2019 6:01 PM
To: Jay Jarrin <jjarrin@coltonca.gov>
Subject: Re: Request by May 29, 2019 for confirmation that no optional plans will be proposed - Planning Commission Hearing - Stormtroopers Revocation/Modification (DAP-001-518/ ref: DAP-001-370) — 345 West H Street

Hi Jay, Dale told me last week he was coming to see you this week to discuss their plans moving forward. I have not heard from him but am hoping he was able to make something work for your guys so we can have a smooth transition for us moving out and his new Tennant moving in. Please let me know if there is anything I can do to help here.

Thank you,

Nick Benavides
President and Founder
Storm Trooper Coaches
Direct: (949) 344-4337

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RESOLUTION NO. R-17-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLTON REVOKING THE APPROVAL OF APPLICATONS (FILE INDEX NO. DAP-001-370) OF A CONDITIONAL USE PERMIT (CUP) FOR THE OPERATION OF A VEHICLE (BUS) SERVICE AND MAINTENANCE FACILITY, AND OUTDOOR STORAGE OF BUSES & UTILITY TRAILERS AT 345 WEST H STREET, UNIT A; VARIANCE FOR PROVIDING LESS THAN THE MINIMUM REQUIRED OFF-STREET PARKING SPACES; SITE PLAN REVIEW FOR THE CONVERSION OF INTERIOR SPACE FROM INDUSTRIAL TO VEHICLE SERVICE USE AND SITE MODIFICATIONS INCLUDING LANDSCAPING AND WALL IMPROVEMENTS; CHAIN LINK FENCE REVIEW FOR MODIFIED AND NEW FENCING, ON A LOT LOCATED AT 345 WEST H STREET ZONED I-P, INDUSTRIAL PARK, AND WITHIN THE CITRUS PARK HISTORIC DISTRICT. (FILE INDEX NO. DAP 001-518)

WHEREAS, on February 13, 2018, the Colton Planning Commission adopted Planning Commission Resolution No. 47-17 approving, subject to conditions, applications filed by Nick Benavides of Stormtrooper Transportation (hereinafter "Applicant") for land use entitlements (**File Index No. DAP 001-370**) of a **Conditional Use Permit (CUP)** for the operation of a vehicle (bus) service and maintenance facility, and outdoor storage of buses & utility trailers at 345 West H Street, Unit A; **Variance** application for providing less than the minimum required off-street parking spaces; and a **Site Plan Review** application for the conversion of interior space from industrial to vehicle service and site modifications including landscaping and wall improvements; and **Chain Link Fence Review** application for modified and new fencing on property located at 345 West H Street, Colton, California 92324 and identified as Assessors Parcel No. 0162-086-26, (hereinafter "Subject Site") within the Citrus Park Historic District and zoned I-P, Industrial Park; and

WHEREAS, several conditions with deadlines for the submitting for and/or obtaining of various city approvals were imposed on the approval to show progress towards compliance Since the business operation had already been operating without city approvals; and

WHEREAS, the deadline (April 2, 2018) of the first of such conditions passed and the necessary items required by that condition (Condition No. 12) were not provided; and

WHEREAS, as of this date (over a year after the initial approval) , several items required by said condition have still not be provided and, therefore, the land use entitlement granted is being exercised contrary to the conditions of said approval; and

WHEREAS, the City of Colton initiated revocation (**File Index No. DAP-001-518**) of the land use entitlements and scheduled a public hearing for consideration of a revocation and, in accordance of Section 18.58.080.B. of the Colton Municipal Code, provided a notice of the public hearing to the property owner of the subject property at least ten (10) days prior to the hearing date by registered mail, postage prepaid, return receipt requested.

WHEREAS, on July 24, 2018 and continued to September 11, 2018, October 9, 2018, December 11, 2018, March 12, 2019 and June 11, 2019, the Planning Commission of the City of Colton held a public hearing at which time all persons wishing to testify in connection with the proposed revocation were heard and the Revocation was fully examined; and

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WHEREAS, the staff report accompanying this resolution is found to be true, adopted as Findings and incorporated in this Resolution; and

WHEREAS, pursuant to the Guidelines for the California Environmental Quality Act (“CEQA”), the proposed project is exempt pursuant to CEQA Section 15061(b) (3) due to the certainty that there is no possibility that the action (revocation) will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLTON:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the staff report, the Planning Commission finds the following grounds for revocation of said land use entitlements in accordance with Section 18.58.080.A. of the Colton Municipal Code:

The land use entitlement granted is not being exercised, contrary to the conditions of such approval. Specifically, as required by Condition No. 13 of Resolution R-47-17, certain items required, including issuance of permits, within ninety (90) days of the approval by the Planning Commission has not all been submitted over a year after the initial approval.

SECTION 2. The Planning Commission of the City of Colton, in accordance with the California Environmental Quality Act, finds that the project is exempt pursuant to California Environmental Quality Act (CEQA) Section 15061(b) (3) due to the certainty that there is no possibility that the action (revocation) will have a significant effect on the environment.

SECTION 3. Based upon the findings set forth in Sections 1 and 2 of this Resolution, the Planning Commission hereby **revokes** the land use entitlements (**File Index No. DAP-001-370**) for Conditional Use Permit, Variance, Site Plan Review, & Chain Link Fence Review on the subject property as approved on February 13, 2018.

SECTION 4. This action by the Planning Commission shall be final unless an appeal of the action is filed with the City Clerk’s office in writing, pursuant to Section 18.58.100 of the Colton Municipal Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this ___ day of ___ 2019.

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