



CITY OF FOWLER
PLANNING COMMISSION MEETING
December 2, 2010
MINUTES

Chairman Mukai called the meeting to order at 6:29 p.m.

Commissioners Present: Gary Mukai, Craig Mellon, Sandie Monis, Henry Fernandez and Mark Rodriguez

City Staff Present: City Attorney David Wolfe, City Manager, David Elias, Community Development Director Randy Deaver, Planning Consultant, Bruce O'Neal and Planning Secretary Corina Burrola

Approval of Minutes:

Planning Secretary noted corrections to the minute's top of page 1 first paragraph to read: Correction to the Minutes for September 22, 2010 Commissioner Fernandez moved to approve the minutes as corrected, second by Commissioner Monis and passed by a unanimous vote.

Public Presentation:

There were no public presentations (Public Presentation closed at 6:31 p.m.)

Agenda Item No. 5:

Public Hearing to Consider Conditional Use Permit No. 10-04 for Lee's Market (Joginder Singh) – Zoning Ordinance CUP requirements for Existing Uses Selling Alcohol

Commissioner Mellon excused himself from the panel due to conflict of interest. Planning Consultant, Bruce O'Neal, gave a brief summary of the project description. In January of 2009, the City Council adopted the update of the Fowler Zoning Ordinance; Section 9-5.25.8 requires a CUP for all uses selling alcohol for consumption on or off site. The ordinance further states, "Existing retail uses selling alcoholic beverages for consumption either on-site or off-site without a CUP on file at the time of ordinance amendment shall be required to secure a CUP, at no cost to the applicant". Lee's Market is located at 204 E. Merced Street within the Form-Based Code Zone District. Lee's Market has an existing Department of Alcoholic Beverage Control (ABC) Type 20 License. The License was originally issued to the applicant in 2002; according to ABC records beer and wine have been sold on the premises since at least 1991. There are no records of violations or suspensions of the license since that time. Should the CUP be approved for general sales, the applicant would apply to the ABC for a Type 21 General Sales License. The decision of the Planning Commission on the CUP is final unless appealed to the City Council.

Joginder Singh, applicant and owner of Lee's Market, approached the podium and briefly explained to the commission his reasons for wanting to sell liquor and spirits which requires a Type 21 license. Mr. Singh has been approached by several residents requesting that he sell liquor and spirits due to the fact that they have to walk too far to get the items at another store located across Golden State Blvd. Mr. Singh has been trained from prohibiting to selling alcohol to minors. A decoy was sent into the store to try and buy alcohol but Mr. Singh did not sell to the minor, a few days later Mr. Singh received a letter stating that he passed the decoy operation sting.

There were no public presentations pertaining to CUP No. 10-04 (Closed at 6:51 p.m.)

City Attorney, David Wolfe, recommended that the Commission approve the type 20 and give some direction to the applicant so the applicant can apply and amend the CUP for a Type 21 and then bring it to the Commission. The applicant will still have to come back to the Commission to formally apply to amend the Type 20 license.

A motion was made by Commissioner Rodriguez to recommend approval as drafted by the City Planner with the conditions presented for Conditional Use Permit No. 10-04; this was second by Commissioner Fernandez and passed on a 4-0-1 roll-call vote with Vice Chair Mellon recuses due to a conflict of interest.

Commissioner Monis presented her thoughts on the Type 21 License and feels that it is not a good idea since Fowler has too many liquor licenses already. Commissioner Mukai feels that there are plenty of opportunities to buy liquor within the city already. Commissioner Rodriguez feels that Mr. Singh has been responsible in not having any violations and it would be more convenient for people who are walking and not having to drive across town to purchase their liquor and it would be safer for the city.

Agenda Item No. 6

Public Hearing to consider Classification of Use No. 10-01 – Indoor Shooting Range in the C-3 Zone District (Jacob Belemjian)

Planning Consultant, Bruce O'Neal presented to the Commission a staff report presentation of the proposed project. Mr. Belemjian has proposed for an indoor shooting range, the purpose for the Classification is for the Planning Commission to determine whether or not a specific use should be allowed in the zoning ordinance and by what process. This is more of a community wide issue not just for a location in which Mr. Belemjian has in mind but for any C-3 District in the City. Should the Commission approve the classification; future applicants can propose an indoor shooting range in the C-3 district with staff level review, consideration, and approval or denial of each applicant. The Classification is recommended of a shooting range to be permitted in the C-3 zone district not by right but by Administrative Approval. Administrative Approval is a process where an application is filled, detailed plan are submitted and the review is undertaken by City Staff. If the application is approved the owners of property within a radius of 300 feet from the exterior boundaries of the property shall be notified in writing of the decision. The decision may be appealed to the Commission. One of the reasons Mr. Belemjian wants to put in an indoor shooting range is because there is a high demand and people have to drive an hour or two just to get to an indoor shooting range.

Jacob Belemjian, applicant and owner of Diablo Motor Sports located at 3020 San Antonio Drive, where the proposed project is to be located approached the podium and explained to the Commission that he has done research and has attended an NRA Range Development Seminar in which to provide a fun and safe facility. A Range Master will not be on site full-time due to the high volume of lead. Mr. Belemjian provided Commission and Staff a handout of a basic design layout of what may concern the public of where the bullets land once it leaves the barrel of the gun. The ceiling will be lined with a baffling system, which is a heavy gauged sheet metal that has a ply wood covering on it that will catch a bullet. A fixed firing line will be defined, no high powered rifles will be allowed to be shot, gun rentals will be provided or you can bring your own gun. Mr. Belemjian went on to explain what will be allowed and not be allowed in the firing range.

Public Hearing closed at 7:46 p.m.

A motion was made by Vice Chair Mellon to recommend of Classification of Use No. 10-01 by Administrative Review, this was second by Commissioner Rodriguez and passed on a roll call vote of 5-0-0-0.

Communications:

City Manager, David Elias, reminded the Commission and Staff that next Tuesday night at 5:00 pm there will be a 2-hour mandatory Ethics Training in the Council Chambers, food will be provided.

No other business was discussed and the meeting was adjourned at 7:51 p.m.



Gary Mukai
Chairman



Corina Burrola
Planning Secretary