

PLANNING COMMISSION MINUTES

Date of Meeting: Tuesday, November 28, 2006

Time of Meeting: 5:15 p.m.

Place of Meeting: City Council Chambers
555 Washington Street
Red Bluff, CA

Commissioners Present: James Brink
Doug Dale
Greg Latourell
Bob Carrel

Commissioners Absent: Andrew Christ (absent-excused)

Staff Present: Scot Timboe, Interim Planning Director
Mark Barthel, Public Works Director
Gerry Gray, Fire Chief
JD Ellison, Building Director/Official
Cheryl Smith, Deputy City Clerk

The Pledge of Allegiance was led by Mayor Andy Houghton and the assemblage joined in.

CITIZEN'S COMMENT:

Greg Latourell expressed his appreciation to the organizers of the Christmas parade for doing a good job and also his expressed his concerns with traffic issues and the lack of parking surrounding the new Tehama County Social Services building on Main Street. He proposed that the City Planning Department send something to the County asking if they can do something to help with the traffic issues in the Brearcliffe Drive neighborhood.

CURRENT BUSINESS:

APPROVAL OF MINUTES

October 16, 2006

Scot Timboe, Interim Planning Director, stated that staff had reviewed the corrections noted in Commissioner Latourell's memo and concurred with the written corrects with the exception of those on page 10. Mr. Timboe clarified the statements on page 10 of the minutes to the satisfaction of Commissioner Latourell.

M/S/C Latourell, Dale to approve the minutes of October 16, 2006 with the corrections noted by Commissioner Latourell in his memo of November 28, 2006.

AYES: Commissioners: Carrel, Dale, Brink and Latourell

NOES: Commissioners: None

ABSENT OR NOT VOTING: Commissioner: Christ (absent-excused)

November 14, 2006

M/S/C Latourell, Dale to approve the minutes of November 14, 2006 as written.

AYES: Commissioners: Carrel, Brink, Dale and Latourell

NOES: Commissioners: None

ABSENT OR NOT VOTING: Commissioner: Christ (absent - excused)

SIMILAR USE FINDING 2006-001; RETAIL SALES INSIDE AND OFFICE BUILDING AS A USE SIMILAR TO OTHER USES PERMITTED IN AN R-4 ZONING DISTRICT WITH A CONDITIONAL USE PERMIT; CARMELO SCROFANI (APPLICANT)

Scot Timboe, Interim Planning Director, reviewed the staff report and gave staff's recommendation that the Planning Commission:

1. Approve "Retail Sales Inside" within R-4 Zoning Districts upon approval of a Conditional Use Permit (Zoning Code, Article XII), with the findings in item No. 2.
2. Similar Use Finding (Zoning Code Section 25.183)
 - A. That the characteristics and activities associated with retail sales are equivalent to those of one or more of the uses listed in the Zoning district as allowable, and will not involve a higher level of activity or population density than the uses listed in the District;

- B. The proposed use will meet the purpose/intent of the Zoning District that is applied to the site; and
- C. The proposed use will be consistent with the goals, objectives and policies of the General Plan.

Chairperson Brink commented that he felt the Planning Commission needed to be very careful allowing a blanket approval of businesses in a residential area.

Mr. Timboe agreed and clarified that this would be allowing businesses in all R-4 Zoning Districts with a Conditional Use Permit.

Commissioner Dale expressed his concerns with the comment that by extending more retail in a residential area it would soften the impact of Wal-Mart. He also stated that he did not believe the precedence sighted were necessary to changing the zoning code, but were really being used as foot in the door. He stated that there were numerous restrictions placed on the other Conditional Use Permits that had been approved to protect the general feel of the neighborhood. He felt that there were other remedies available besides granting a Similar Use finding and those are a rezone with an accompanying General Plan Amendment and the other is to change the zoning code. These would both require Public Hearings before the Planning Commission and City Council and that he felt that this is too big of topic and too drastic of a change without City Council consideration.

Chairperson Brink stated that he questioned the requirement for an optometrist requiring 15,000 sq. ft. and expressed his concerns that there was no parking indicated.

Mr. Timboe stated that the 15,000 sq. ft. is what this developer is proposing and at this time the building proposed doesn't have any specific retail listed, so there fore the only way that they can move forward as a retail sales building without knowing what their occupants will be is by requesting a similar use finding allowing all forms of retail sales inside. Mr. Timboe stated that parking was indicated in the site plan for the specific project, which should be 4 for every 1,000 feet, plus employee parking for retail and 3 for every 1,000 sq. feet plus employee parking for office/professional use.

Commissioner Carrel commented that this applicant did not define what type of retail sales this would be used for and questioned if food sales would be allowed.

Mr. Timboe stated that food sales would be allowed with the exception of fast food drive through.

Commissioner Carrel stated that if there was a popular store than it could general a lot of traffic and the Planning Commission had just worked on the Wal-Mart Supercenter project which included traffic calming on Reeds Avenue.

Mr. Timboe explained that the Planning Commission would be approving would be retail sales in all R-4 Zoning Districts and any potential projects. This is the first step of the process and if this was approved then staff would take to this example through CEQA and the Planning Commission for approval.

Commissioner Latourell requested clarification of whether the number of parking stalls fits the requirements for the site.

Mr. Timboe explained that the only thing for consideration at this meeting was retail sales in all R-4 Zoning Districts and that this project was just an example of what the developer would like to do at this location, the applicant can not submit plans unless the Planning Commission approved a Similar Use Finding and then it would go through the steps to return to the Planning Commission for additional approvals.

Commissioner Latourell commented that this was a big change and he needed more input and review. He also questioned if the City Attorney had reviewed and provided any comments to the City Council.

Mr. Timboe stated that similar use findings are allowed in Chapter 25 without any consideration by City Council and that this would be solely a Planning Commission decision.

Commissioner Latourell stated that he was uncomfortable with adopting this since it's a precedence setting decision and feels that it should fall under more scrutiny than just the Planning Commission.

Commissioner Dale stated that if the Planning Commission approved this and someone disagreed with what was done, they would have 10 days to appeal to the City Council for reconsideration of the Planning Commissions action, but that it fall to a citizens group to file and pay for the appeal.

Mr. Timboe stated that one thing to keep in mind is that as each Conditional Use Permit came forward there would be a 300 foot mailing, there would be public notification for each retail sales that was to come to any location in an R-4 District and that this would give the public the opportunity to speak out on items that they did not feel were appropriate in their vicinity.

Commissioner Latourell requested and received clarification on the appeal process.

M/S/C Dale, Latourell to **deny** the request for a Similar Use Finding 2006-001, "Retail Sales Inside" within R-4 Zoning Districts upon approval of a Conditional Use Permit.

AYES: Commissioners: Brink, Carrel, Latourell and Dale

NOES: Commissioner: None

ABSENT OR NOT VOTING: Commissioner: Christ (absent-excused)

Mr. Timboe requested clarification from the Planning Commission if they would consider a rezone of the property as being more appropriate, as he would like to provide some direction to the applicants.

Commissioner Dale commented that a rezone for that area including the church and landscaping business might be considered.

Commissioner Carrel requested clarification on if the applicant went to a zoning change it would require Environmental Impact Study and/or CEQA.

Mr. Timboe stated that staff would look at the CEQA process because it is discretionary but that conditions could not be placed on rezones and general plan amendments.

STAFF ITEMS/REPORTS:

Mr. Timboe reported that at this time he did not believe there would be any projects for the Planning Commission during the month of December.

Cheryl Smith, Deputy City Clerk, reported that all elected officials are required to have ethics training and that it is also recommended that Planning Commissioners be given the training.

A discussion of available times and dates and it was decided that a weekday evening meeting would work best.

ADJOURNMENT:

There being no further business the meeting was adjourned at 5:15 p.m. until December 12, 2006 at 5:15 p.m., Council Chambers, City Hall.

Respectfully submitted,

Scot Timboe
Interim Planning Director