

PLANNING COMMISSION MINUTES

Date of Meeting: Tuesday, April 28, 2009
Time of Meeting: 5:15 p.m.
Place of Meeting: City Council Chambers
555 Washington Street
Red Bluff, CA

Commissioners Present: Jean Moran
Kevin Fitzpatrick
Doug Dale
Andrew Christ

Commissioners Absent: Greg Latourell (absent)

Staff Present: Scot Timboe, Planning Director
Cheryl Smith, Deputy City Clerk
Mike Bachmeyer, Division Chief

Chairperson Dale called the meeting to order at 5:15 p.m.

The Pledge of Allegiance was led by Andrew Christ and the assemblage joined in.

CITIZEN'S COMMENT:

None

CURRENT BUSINESS

APPROVAL OF MINUTES

April 14, 2009

M/S/C Moran, Fitzpatrick to approve the minutes of April 14, 2009 as written.

AYES: Commissioners: Dale, Christ, Moran and Fitzpatrick

NOES: None

ABSENT OR NOT VOTING: Commissioners Latourell (absent)

RE-CONSIDER ORDINANCE NO. 990; REZONE NO. 209 (WITH CITY COUNCIL'S PROPOSED AMENDMENT THE ADDITION OF STANDARD NO. 12 MOBILE VENDING UNIT OCCUPANCY LIMITATIONS); REVISING CITY CODE SECTION 25.79 OF THE RED BLUFF CITY CODE ALLOWING MOBILE VENDORS IN A C-3 (GENERAL COMMERCIAL) ZONING DISTRICT ALONG WITH AMENDING CHAPTER 25 BY ADDING SECTION 25.198 MINIMUM STANDARDS FRO MOBILE VENDORS AND AMENDING RED BLUFF CITY CODE SECTION 25.239 DEFINITIONS BY ADDING A DEFINITION WITHIN THE CITY OF RED BLUFF AND REFORMATTING ARTICLE XX CORRECTION

Scot Timboe, Planning Director, reviewed the staff report and gave staff's recommendation that the Planning Commission consider all public testimony and other information submitted relating to Ordinance No 990; Rezone No. 209 and recommend that the City Council adopt Ordinance No. 990; Rezone No. 209, amending Section 25.79 Commercial Zones and Permit Requirements; Miscellaneous: "MOBILE VENDOR", Section 25.198, Section 25.239 and Article XX: Certificates of Occupancy. Mr. Timboe explained the changes requested by the City Council which were:

1. Add C-1 & C-2 Zone Districts with a Conditional Use Permit
2. Change from at least 3 off-street parking to 2 off-street parking in C-1
3. Change to no closer than 300 feet from 800 feet to each other
4. In addition to the new zones to be included (C-1 & C-2) add minimum standard no. 11 to read "No Mobile Vending Unit may conduct business, park or operate within 600 feet of any elementary, middle or high school, whether public or private. The 600 feet shall be measured from each property line of the school(s) creating a 600 foot radius around the schools property.
5. Section 2-C12 – No Mobile Vending unit shall be authorized/allowed to stay on any site more than 12 hours in a 24 hour day for which they are approved to

occupy (i.e. they shall leave any approved site for a total of 12 hours a day or more).

Commissioner Fitzpatrick questioned who would be in charge of enforcing and the expenses involved with the enforcement of the time limit.

Mr. Timboe stated that enforcement would be done by the Planning and Building Departments, as Code Enforcement is part of their jobs and this would be no different than any other conditional use permit. The laws have been established and when someone complains, then we will go out to check on and would request that Police Department also do a follow-up later in the evening and/or on weekends. We would then bring back to the Planning Commission to revoke the Use Permit if someone is not complying with the conditions.

Chairperson Dale asked if there was any public comments and received none.

Chairperson Dale requested clarification that the Planning Commission was not bound by City Council direction and could give different direction if they wished.

Mr. Timboe stated that was correct.

Chairperson Dale requested clarification on how a situation would be handled such as a construction site where a break wagon shows up at breaks and/or lunch.

Mr. Timboe stated that this ordinance was directed more towards those who wished to set up and stay in one place for longer than 6 months.

Chairperson Dale questioned what the cost of an Administrative Use Permit was.

Mr. Timboe stated that it was approximately \$300 and that when a request was received it would go to the Technical Advisory Committee (TAC) for review.

Chairperson Dale questioned how this would affect lunch wagons.

Mr. Timboe stated that it would have to be addressed on an individual basis.

Chairperson Dale questioned if a lunch wagon could go into Industrial Zones with the permission of the owner.

Mr. Timboe stated that there was a mechanism building into the ordinance to cover this and that they would have to comply with the ordinance.

Michael Bachmeyer, Fire Chief, stated that the lunch wagons would be treated differently, such as an ice cream truck that passes through.

Mr. Timboe stated that there was more than enough flexibility and could bring back in the future if needed.

Chairperson Dale stated that he was thinking of the possible Wal-Mart construction.

Mr. Timboe stated that it would be reasonable to look at as a Temporary Use Permit.

Commissioner Moran stated that she was satisfied with the changes to the Ordinance.

Commissioner Fitzpatrick expressed his concerns with the number of hours allowed.

Chairperson Dale stated that the City Council wanted to keep them truly mobile and leave the lots at night. It's just a matter of how long someone wants to keep a stand open.

Commissioner Fitzpatrick stated that with the number of vacant buildings, he felt this was giving mobile vendors an unfair advantage over permanent restaurants and that he felt 12 hours was too much.

Mr. Timboe stated that the City Council wanted 12 hours per approved site and pointed out that the vendor is only going to get the site if the Planning Commission approves the site.

Commissioner Moran pointed out that there was no time limit previously.

Commissioner Christ stated that he felt 12 hours was a good medium.

M/S/C Moran, Christ to recommend that the City Council adopt Ordinance No. 990; Rezone No. 209, amending Section 25.79 COMMERCIAL ZONES AND PERMIT REQUIREMENTS; Miscellaneous: "MOBILE VENDOR", Section 25.198, Section 25.239 and ARTICLE XX: CERTIFICATES OF OCCUPANCY.

AYES: Commissioners: Christ, Dale and Moran
NOES: Commissioner: Fitzpatrick
ABSENT OR NOT VOTING: Commissioner: Latourell (absent)

STAFF ITEMS/REPORTS:

Cheryl Smith, Deputy City Clerk, reported that due to a noticing error the AB1234 Training Workshop on this evening's agenda would be held May 12th immediately following that Planning Commission Meeting, or if no items for the Planning Commission to meet beginning at 6:00 p.m. in the Council Chambers.

Mr. Timboe reported that he is currently working on some code cleanup items and would be bringing those to the Planning Commission.

ADJOURNMENT:

There being no further business the meeting was adjourned at 5:45 p.m. until May 12, 2009 at 5:15 p.m.

Respectfully submitted,

s/Scot Timboe
Planning Director