

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
January 28, 2009
City Hall Council Chambers

The meeting was called to order by Chairman Starkey at 7:00 p.m. Members present were as follows:

PRESENT

Chairman Craig Starkey

Commissioner John Sanbrook
Commissioner Preet Didbal
Commissioner Jose Flores

Commissioner Satwant Takhar
Commissioner Mike Tomlinson
Commissioner John Hager III

ABSENT

None

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; Paulla Hyatt-McIntire, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Sanbrook.

The meeting minutes of November 12, 2008, were approved as written with a motion from Commissioner Sanbrook, and a second from Commissioner Flores. Commissioner Tomlinson, and Commissioner Takhar abstained.

Appearance of Interested Citizens: - None

Correspondence: - None

Election of Officers:

Commissioner Tomlinson nominated Chairman Starkey to serve as Chairman, and was seconded by Commissioner Hager. Commissioner Sanbrook moved to close the nominations, was seconded by Commissioner Tomlinson, and by a vote of 7-0-0, Chairman Starkey was re-elected as Chairman.

Commissioner Sanbrook nominated Commissioner Tomlinson for Vice Chairman, and was seconded by Commissioner Hager. Chairman Starkey moved to close the nominations, and by a vote of 7-0-0, Commissioner Tomlinson was elected as the Vice Chairman.

Commissioner Tomlinson nominated Commissioner Sanbrook to be re-appointed as the Yuba City Planning Commission representative for the Sutter County Planning Commission. Commissioner Sanbrook stated that he welcomed the re-appointment. The nomination was seconded by Commissioner Hager, and by a vote of 7-0-0, Commissioner Sanbrook was re-elected as the County representative.

Presentation:

Chairman Starkey presented a Resolution to former Planning Commissioner John Dukes for his service on the Planning Commission.

Commissioner Tomlinson asked that the Planning Commission deviate from the agenda and hear Public Hearing #UP 08-06 first, then hear #UP 08-07. The Planning Commission voted unanimously to deviate from the agenda. The third item, #UP 08-08 has been pulled from the agenda by the applicant until a date unspecified.

Commission Consideration:

1. REQUEST FOR AN 18-MONTH EXTENSION OF TIME FOR FILING THE FINAL MAP FOR PARCEL MAP TM 05-10; APPLICANT/OWNER: JOGINDER BAINS.

Katie Ertmer, Associate Planner, presented a staff report, and stated that this is the second and final extension for this tentative map, and said if the map was not finalized by August 10, 2010, it would expire.

Commissioner Sanbrook asked if the applicant was aware that this is the final extension allowed.

Ms. Ertmer said the applicant is aware of that fact.

Commissioner Takhar moved to approve the final extension for TM 05-10, was seconded by Commissioner Tomlinson, and the motion passed by a unanimous vote.

Public Hearing:

1. USE PERMIT UP 08-06 FOR USE OF A COMMERCIAL COACH FOR A TEMPORARY SALES TRAILER FOR VEHICLE SALES AT THE SOUTHWEST CORNER OF STATE ROUTE 20 AND HARTER PARKWAY; ASSESSOR'S PARCEL NUMBERS: 63-010-101, -102, AND -103; APPLICANT: SULLIVAN AUTO GROUP; OWNER: JOHN L. SULLIVAN FAMILY LIMITED PARTNERSHIP

Katie Ertmer, Associate Planner, presented a staff report and stated the use would be limited to 1 year, and recommended to the Planning Commission that they make the recommendation to the City Council to make the final decision subject to the conditions of approval.

Commissioner Sanbrook stated his concern about the condition that states if the applicant commences construction of the facility within one year, the use of the trailer can continue until completion of construction, and said the construction of the facility could quite possibly go beyond the two year cap stated under the zoning regulations and wanted to make sure staff covered that issue.

Ms. Ertmer stated that was a good point, and said that perhaps the condition should be amended to reflect that so there's consistency with the zoning ordinance, but said on the other hand, perhaps it's not necessary given the requirements already in the zoning ordinance.

Commissioner Sanbrook stated he just wanted to make sure that the applicant understood the condition.

Chairman Starkey restated the condition for clarity, and asked if after the two year period, could the applicant get an extension for the use permit.

Ms. Ertmer stated they would have to reapply for the use permit.

Chairman Starkey opened the public hearing.

Lane Borges, Borges Architectural Group, 1478 Stonepoint Drive, Roseville, CA, representative for John L. Sullivan, explained their disappointment of not being able to construct the facility due to the economy and the uncertainty of the future of Chrysler, and stated that an option was to bring a portion of the operation that is currently located in Marysville, into Yuba City, to start to identify the John L. Sullivan name, presence in the community and establish a clientele.

Chairman Starkey asked Steve Ruckles if the office portion of the operation is still in Marysville, where will the point of sale be.

Mr. Ruckles stated that the sales tax would go to Yuba City.

Chairman Starkey suggested there be a condition stating that the point of sale would be in Yuba City, and suggested language stating “The applicant agrees that the point of sale of all vehicles shown and sold at this location will be in Yuba City”.

There being no further testimony, Chairman Starkey closed the public hearing.

Paulla Hyatt-McIntire, Counsel, stated an addition to condition #1 should be added to read “or for a maximum period of one additional year”.

The Planning Commission and applicant agreed.

Commissioner Takhar moved to recommend to the City Council approval of Use Permit #UP 08-06 with the following modification to condition #1 to read: “Approval of Use Permit UP 08-06 shall be null and void without further action on January 28, 2010, unless construction of the permanent facility has commenced, in which case the commercial coach will be allowed to remain for the duration of construction, *or for a maximum period of one additional year*. If construction of the permanent facility has not commenced by said date, the temporary trailer and associated site improvements, including the vehicle inventory, shall be removed from the site entirely, and the site shall be restored to its natural condition”, and the addition of condition #11 to read: “*Applicant agrees that the point of sale for all vehicles shown at this site shall be Yuba City*”. The motion was seconded by Commissioner Sanbrook and passed by a unanimous vote.

2. USE PERMIT UP 08-07 FOR USE OF A COMMERCIAL COACH FOR THRIFT SHOP PERATIONS AT 760 STAFFORD WAY; ASSESSOR’S PARCEL NUMBER: 52-200-063; APPLICANT/OWNER: YUBA SUTTER GLEANERS FOOD BANK

Ms. Ertmer presented a staff report.

There was discussion on where the modular until would be located.

Ms. Ertmer stated that when she met with the applicant, they agreed to locate the building farther back out of view of the public, and did state that the applicant has been forthright with staff about their desire to use this unit beyond the two year maximum time frame allowed by the zoning code, and said as long as the conditions on the site do not change, staff considers this to be a reasonable request.

Commissioner Sanbrook said that this is defeating the purpose of the zoning code.

Ms. Ertmer stated that perhaps a revision in the zoning code may need to be done.

Chairman Starkey asked when staff might be looking at the zoning code for updates.

Ms. Ertmer stated the intention was that the zoning code update was to be a part of this years work plan, buy it may not happen due to current staffing levels.

Chairman Starkey recommended either staff or the City Council look at this issue.

Commissioner Sanbrook said that the problem with condition #4 is that it is inferring that the permit will be renewed.

Ms. Ertmer said that if the Planning Commission has an issue with condition #4, it can be stricken from the subject conditions of approval.

Chairman Starkey stated that he wanted to make sure that the applicant understands that in two years time, a request for an extension of the use permit could be denied.

Chairman Starkey opened the public hearing.

Tom Pelfrey, 1820 Elmer Avenue, stated that it is important that they have the building in order to continue to provide clothing and food to the needy.

Chairman Starkey said he is aware of the good things that the Gleaners do, but stated that the zoning codes also need to be followed.

Commissioner Sanbrook asked if the building was like a portable classroom.

Mr. Pelfrey stated that was correct.

Orlan Tuttle, chairman for fundraising for the Gleaners, talked about the imminent need for the building.

Vernon Aldape, 368 El Margarita Road, said that in 2 years or less, they may be able to raise enough funds to construct a permanent building.

There being no further testimony, Chairman Starkey closed the public hearing.

Commissioner Flores explained how the Gleaners help a lot of families and feels they should be able to continue to operate until they can build a permanent building.

Commissioner Sanbrook stated this is a worthwhile project, but is concerned about allowing temporary buildings.

Commissioner Didbal stated she is in support of the project and said there is a lot of people who need help, and feels the Gleaners should be able to continue their services.

Commissioner Takhar said the zoning code does need to be updated, and stated he supports the project.

Commissioner Sanbrook moved to A. adopt the 5 findings, and B. to approve Use Permit #UP 08-07 subject to 4 conditions of approval, was seconded by Commissioner Takhar, and the motion passed by a vote of 5-1-1 (Commissioner Tomlinson absent, Chairman Starkey voted no).

Chairman Starkey said he also supports what the Gleaners do, but stated he is frustrated with the allowance of temporary buildings.

Commissioner Sanbrook talked about his concerns about extending use permits.

Commission Discussion:

Chairman Starkey thanked everyone for nominating him to be Chairman again and welcomed Commissioners Hagar II and Flores, and welcomed back Commissioner Sanbrook as the City representative for the County Planning Commission.

Other Business:

Mr. Busch stated that 2 to 3 Planning Commissioners are still approved to attend the League of California Cities Planners Institute from 3/25 to 3/27 in Anaheim. Mr. Busch stated information will be provided to the Commissioners.

Mr. Busch said he is getting prepared to release the Lincoln East Specific Plan Environmental document and Specific Plan which means there will be some workshops or study sessions with the Planning Commission and possibly the City Council. Mr. Busch said this will be a significant project for Yuba City.

Report on Actions of the City Council:

Mr. Busch stated the Impact Fee item went back to the City Council and a new increase was initiated for required projects to go into effect in March.

Adjournment: There being no further business, the meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION