

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
August 12, 2009
City Hall Council Chambers

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

PRESENT

Commissioner John Sanbrook
Commissioner George Parker

Commissioner Preet Didbal
Commissioner Jose Flores

ABSENT

Chairman Craig Starkey
Commissioner John Hager III
Commissioner Satwant Takhar

Also present were Katie Ertmer, Senior Planner, and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Parker.

The meeting minutes of July 22, 2009, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration:

- 1. REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN DP #07-06 FOR A 35-UNIT SENIOR CONGREGATE CARE FACILITY LOCATED AT 1279 PLUMAS STREET; ASSESSOR'S PARCEL NUMBER: 51-540-039; APPLICANT: INPROSOL, INC.; PROPERTY OWNERS: RAN SINGH AND SURINDER KAUR.**

Katie Ertmer, Senior Planner, presented a staff report.

Commissioner Sanbrook moved to grant a two-year extension for Development Plan #DP 07-06, was seconded by Commissioner Parker, and the motion passed by a vote of 4-0-3 (Chairman Starkey and Commissioners Hager and Takhar absent).

- 2. REQUEST FOR EXTENSION OF PREVIOUSLY-APPROVED DEVELOPMENT PLAN DP #07-04 FOR A 66,000 SQUARE FOOT TOYOTA AND SCION AUTOMOTIVE DEALERSHIP LOCATED AT THE SOUTHEAST CORNER OF HARTER PARKWAY AND HIGHWAY 20; ASSESSOR'S PARCEL NUMBER: 63-010-099, 100; APPLICANT: STEVE DOWNING ET AL, LLC; PROPERTY OWNERS: ROY LANZA AND JASWANT BAINS.**

Ms. Ertmer presented a staff report.

Steve Downing, applicant, stated they have looked at several alternative sites, but have decided to build at the current site when the time comes, and hopes to be able to start around March 2010.

Commissioner Parker asked about the temporary trailer permit.

Mr. Downing stated that when the permit expired, they vacated the premises.

Ms. Ertmer said that the permit was served outside the realm of the zoning code, so the Planning Commission and the City Council took an action to approve the permit since they found it was in the best interest of the City to allow it.

Commissioner Parker asked if it would come back before the Planning Commission.

Mr. Downing said not at this time, as he does not see it as an issue any longer.

Commissioner Sanbrook moved to grant a two-year extension for Development Plan DP #07-04, was seconded by Commissioner Parker, and the motion passed by a vote of 4-0-3 (Chairman Starkey and Commissioners Hager and Takhar absent).

Public Hearing:

- 1. USE PERMIT UP #09-03 FOR CONTINUED USE OF MODULAR UNITS FOR CLASSROOMS AT 613 BOGUE ROAD; ASSESSOR'S PARCEL NUMBER: 54-040-065; APPLICANT: THIESSEN CONSTRUCTION; PROPERTY OWNER: NORTH VALLEY CALVARY CHURCH.**

Ms. Ertmer presented a staff report.

Commissioner Sanbrook said his concern is that the zoning ordinance states that manufactured buildings are only to be used on a temporary basis, and stated it is defeating the purpose of the restriction when people are allowed to keep coming back for extensions.

Ms. Ertmer stated that staff shares the concern, but feels the code was written (1994) before commercial coaches were in widespread use in schools, and said that staff thought that the zoning ordinance might be modified to provide a separate allowance for school type buildings and for educational facilities only if the Planning Commission and City Council were in agreement, and when there is enough staff time to do so. Ms. Ertmer stated that she does not feel the Planning Commission would be in violation of the zoning code by approving this request.

Commissioner Parker stated he would like to hear what the applicant has to say about the efforts being made to acquire a permanent facility.

Commissioner Didbal opened the public hearing.

Doug Petersen, Theisen Construction, explained what has happened and why the school hasn't been built, how the property is half in the City and half in the County, how they were unable to rezone the property

and stated that they are still looking for a different location. Mr. Petersen says they feel they will acquire property and start construction by next year.

Commissioner Parker wanted confirmation that the Calvary Church is not the entity that runs the school.

Mr. Petersen said that is correct.

There being no further testimony, Commissioner Didbal closed the public hearing.

Commissioner Sanbrook moved to A. Adopt the 5 findings; and B. Approve Use Permit UP #09-03 with 2 Conditions of Approval, was seconded by Commissioner Parker, and the motion passed by a vote of 4-0-3 (Chairman Starkey and Commissioners Hager and Takhar absent).

2. USE PERMIT UP #09-04 FOR MONUMENT SIGNS AT 996 KLAMATH WAY; ASSESSOR'S PARCEL NUMBERS: 58-050-085, 084, 083; APPLICANT: SIGN SOLUTIONS; PROPERTY OWNER: DAVE FINKELSTEIN.

Ms. Ertmer presented at staff report.

Commissioner Sanbrook asked if parcel 3 was developed with Golden State Collision, and asked if parcel 1 and 2 are vacant.

Ms. Ertmer said that is correct.

Commissioner Sanbrook stated that there is no way to know what kind of buildings or businesses will be constructed on those two parcels.

Ms. Ertmer said that statement is correct.

Commissioner Sanbrook stated his concern about how a finding can be made that a larger sign is needed to advertise a business that has a limited visibility from the adjacent public roadway.

Ms. Ertmer stated the finding does read that businesses will need the larger signage, and the thought is that someday businesses will develop on this location and staff doesn't see the harm in approving this proactively. Ms. Ertmer said there is an idea of what can be developed there in the CM zone, and that it would be likely that the types of buildings that would go in would be similar to the Golden State Collision Center building.

Ms. Ertmer also said that there is the possibility that offices will go in there as well, and this will provide owners the flexibility to work within the realm of this approval and at the same time take the opportunity to minimize the number of signs that can be located on Highway 20.

Commissioner Sanbrook asked if a monument sign will end up on parcel 3 and on parcel 1.

Ms. Ertmer said that was correct and that the sign on parcel 1 meets the size requirements for the CM district.

Commissioner Sanbrook asked if there would be any other monument signs located on any of the other parcels.

Ms. Ertmer said there would not be.

Commissioner Parker asked if there are signage spaces for future businesses that may come in.

Ms. Ertmer said yes and that if additional businesses came in, those spaces could be divided into smaller sections to allow for more businesses to have signage if the owners agreed to do so.

Commissioner Parker stated if the Planning Commission approves the request, it seems that any kind of signage can be put up that would not be regulated or can be looked at ahead of time.

Ms. Ertmer stated that is true and said it is difficult to regulate text of signage, and said it is very clear that cities can regulate the size, location and general appearance of signage, but not what the signs say, etc.

Commissioner Parker asked if the Golden State Collision Center has a sign that is facing north on State Route 20.

Ms. Ertmer stated she believes there is signage on three of the four building sides.

Commissioner Didbal opened the public hearing.

Tyson Schoel, Sign Solutions, stated there is signage on the east, west and north sides of the Golden State Collision building, two of which are illuminated (east and west), and one that is not (north).

Commissioner Parker is assuming that the spaces below are for future parcels.

Mr. Schoel stated that is correct.

Commissioner Parker asked Mr. Schoel why there was the desire to have another monument sign.

Mr. Schoel stated it is cost effective for the building owner and minimizes clutter.

There being no further testimony, Commissioner Didbal closed the public hearing.

Commissioner Parker asked what the setback criteria is for the sign to the north.

Ms. Ertmer said the setback stated in the zoning code is a minimum of 5 feet back from all property lines.

Commissioner Parker stated that the minimum could be extended to the farthest east point.

Ms. Ertmer said that is correct and stated that the setback is from the property line adjacent to the public right-of-way, and that all signs are required to maintain property site distance.

Commissioner Parker asked who owns parcel 1.

Ms. Ertmer said that parcels 1 and 3 are owned by David Lanza.

Commissioner Sanbrook wanted to clarify that as far as the height of the sign, the zoning ordinance says it can be as high as 6 feet.

Ms. Ertmer said that is correct.

Commissioner Sanbrook moved to A. Adopt the 6 findings; and B. Approve the requested Use Permit UP #09-04 with 5 Conditions of Approval with a modification to Condition #4 to read: *“The applicant and the property owner(s) of Parcels 1, 2 and 3, as shown in Exhibit A, shall enter into an agreement to limit the number of monument signs constructed on any of the parcels to those signs approved herein. The agreement shall bind all future owners of the land to the conditions of approval. Said agreement shall be signed by all parties and recorded against the three properties prior to the issuance of a building permit for the signs”*. The motion was seconded by Commissioner Flores, and passed by a vote of 4-0-3 (Chairman Starkey, and Commissioners Hager and Takhar absent).

3. USE PERMIT UP #09-02 FOR BUILDING SIGNS AT 855 HARTER PARKWAY; ASSESSOR’S PARCEL NUMBER: 63-010-097; APPLICANT: RYAN DUSA; PROPERTY OWNER: D & M DEVELOPMENT.

Ms. Ertmer presented a staff report.

Commissioner Sanbrook wanted confirmation that this application is asking for building signage as opposed to monument signage.

Ms. Ertmer said that is correct and that the site has two monument signs installed already.

Commissioner Sanbrook asked where the monument signs are located.

Ms. Ertmer said the signs are located at the driveways on Harter and on Lassen, and said they do include space for individual tenants to advertise their presence there.

Commissioner Sanbrook said there are 13 suites within the building, and stated he had concerns that the city might be bombarded with applications for building signage for any of these businesses.

Ms. Ertmer stated that staff initially had the same concern, but was able to make it very clear to the applicant that if staff were to support this request, which they do, he would need to be very clear as to the location and the size of each individual sign. Ms. Ertmer said that it is possible that each sign may say something different as tenants come and go, but the location and size of the signs will not be allowed to change.

Commissioner Sanbrook stated he does not see a condition imposed that states no additional signage will be permitted.

Ms. Ertmer stated that condition #1 covers that issue, but said that more language could be added to clarify that no additional signage will be permitted.

Commissioner Sanbrook stated that the zoning ordinance does not contemplate multi-story buildings, and said that language should be added to the zoning ordinance that would address that issue.

Ms. Ertmer stated that the Community Development Director feels that way also, and said revision of the zoning ordinance is on staff's list of items to take care of.

Commissioner Parker asked if the current sign (lower) will remain and wanted confirmation regarding the 25 sq. ft. sign area and is assuming that is times 13 (suites).

Ms. Ertmer said that is correct and that the elevations show the sign and particular size of each sign, and said that the west elevation will not have any more signs.

Commissioner Sanbrook wanted confirmation on sizes of the signs, and Ms. Ertmer went over the sizes with him.

Commissioner Parker said it is his understanding that the signs will be put up and asked Ms. Ertmer if that was her understanding also.

Ms. Ertmer said yes it is, and that the signage needs to be completed within the 2 year time limit imposed by the use permit, or they will have to come back and apply for another use permit if the signage is not completed.

Commissioner Parker asked if the tenant leaves, does the new tenant have to come in for a use permit.

Ms. Ertmer said no, because this request will be considered a sign program specific only to this building.

Commissioner Sanbrook stated he would like to see a modification to Condition #1.

Ms. Ertmer stated the modified language could read "Use Permit UP #09-02 is approved as described and shown in Exhibit A and as conditioned herein. Building signage beyond that in Exhibit A would be prohibited."

Commissioner Parker moved to A. Adopt the 6 findings; and B. Approve the requested Use Permit UP #09-02 with 3 Conditions of Approval and with a modification to Condition #1 to read: "*Use Permit UP #09-02 is approved as described and shown in Exhibit A and as conditioned herein. Building signage beyond that in Exhibit A would be prohibited.*" The motion was seconded by Commissioner Sanbrook and passed by a vote of 4-0-3 (Chairman Starkey and Commissioners Hager and Takhar absent).

Commission Discussion: - None

Other Business:

Commissioner Sanbrook asked if there was an appeal filed for the tentative map on Sanborn Road.

Ms. Ertmer said there was not.

Commissioner Sanbrook asked about the SACOG Committee.

Ms. Ertmer said she would check into it with the Community Development Director and get back to the Commissioners.

Report on Actions of the City Council:

Ms. Ertmer stated that the Yuba College General Plan Amendment and the Rezone was approved and the ordinance was introduced at the August 4th City Council meeting. Ms. Ertmer said the ordinance will go to the August 18th City Council meeting for the second reading and will be effective 30 days thereafter, and said that the applicant and the College are working through LAFCo at this time.

Ms. Ertmer spoke about the NEPA training that she attended.

Adjournment:

There being no further business, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION