

CALL TO ORDER/ROLL CALL:

Chairperson Nancy Chaires called the meeting to order at 6:30 p.m. with the following in attendance:

Present: Chairperson Chaires and Commissioners Maita, Villanueva, Harris, and Murphey

Absent: None

CONSENT CALENDAR

Motion: M/S Murphey/Harris to approve the consent calendar of January 7, 2010 with corrections as requested by Commissioner Harris. **The motion passed by the following vote: Ayes: 4; Noes: 0; Abstain: 1 (Villanueva).**

PUBLIC COMMENT:

There were no requests from the public to speak during public comment opportunity.

PUBLIC HEARINGS

Chairperson Chaires opened the public hearings:

A. WATERMAN PARK 75 #09-025 – TENTATIVE PARCEL MAP AMENDMENT TO CONDITIONS OF APPROVAL:

Patrice Clemons, Project Planner and Fritz Buchman, Public Works presented the details of the project and answered questions from the Commission.

Chairperson Chaires opened the public hearing.

Public Comment:

John Vallentine, Project Applicant, spoke about the difficulties of getting bonds and credits due to the financial market. As the applicant, he questioned his rights to abandon easements as required of condition #68E. Mr. Buchman clarified that the condition should say the applicant can request abandonment by application to the city. In reference to condition #68G, Mr. Vallentine did not agree with the requirements and suggested the City provide advanced notification to those affected by the proposed street name change in order to save money.

Mr. Buchman expressed concern that advanced notice may not prevent claims. During a discussion about costs to the applicant for the street renaming, Jennifer Alves, Assistant City Attorney stated that the applicant's costs would equal whatever the City's total amount is.

Don Hazen, Planning Director suggested, and the Commission agreed, to a continuance of the hearing in order for staff to address the issue concerning the abandonment rights as stated in condition #68E, research the addressing requirements of condition #68G according to state law and provide the established procedures for notifying affected businesses at the continued hearing.

There were no requests from the public to speak during public comment.

Chairperson Chaires closed the public hearing.

Motion: M/S Murphey/Villanueva to continue the hearing to next meeting with clarification to 68E, and modifying 68G. **The motion passed by the following vote: Ayes: 5; Noes: 0.**

A. FRANKLIN HIGH SCHOOL/BARTHOLOMEW SPORTS COMPLEX WIRELESS COMMUNICATIONS FACILITY # 09-042 – CONDITIONAL USE PERMIT

Sarah Kirchgessner, Project Planner presented the details of the project and answered questions from the Commission.

In response to Chairperson Chaires, Mrs. Kirchgessner explained that at this point there would be no benefit to changing the name of the project as requested by the School District.

Chairperson Chaires opened the public hearing.

Public Comment:

Applicant, Allen Heine said that this site facility offers service coverage to the residents in the area and will eliminate the need for additional sites with the same proposed. In response to Commissioner Harris, Mr. Heine explained that in addition to the CEQA document review, emission controls are reviewed as part of the permit required by AQMD.

Jeff Olson spoke in opposition of the project. Mr. Olson expressed concerns of health due to the frequency and emissions of the facility.

Jennifer Alves informed the Commission that FCC prohibits denial of these permits based on frequency/emissions concerns if it meets all other standards.

Chairperson Chaires closed public comment opportunity.

Motion: M/S Villanueva/Maita to adopt a resolution finding the project exempt from California Environmental Quality Act and approving a Conditional Use Permit for the Franklin High School/Bartholomew Sports Complex Wireless Communication Facility (EG-09-042) subject to the findings in the resolution. **The motion passed by the following vote: Ayes: 5 Noes: 0.**

B. OLD TOWN SPECIAL PLANNING AREA DESIGN STANDARDS AND GUIDELINES TRIENNIAL REVIEW AMENDMENTS

Commissioner Maita recused himself from discussion of and action on this item primarily due to owning property in the Old Town area.

Gerald Park, Project Planner presented the details of the project and answered questions from the Commission.

In response to Commissioner Murphey, staff explained that the hours of operation in the restricted commercial section was eliminated because the City Attorney's office advised that it is not legal to restrict hours for a broad string of permitted uses. Ms. Alves added that hours of operations can be restricted by a Conditional Use Permit in order to mitigate a type of impact identified through the review process.

Commissioner Harris questioned if a single-family unit above a single store front would be allowed since mixed use only applies to multi-family. Planning Director Hazen stated that single-family is not an underlying permitted use in Multi-family districts and that staff would have to clarify that. After hearing Mr. Park's example of mobile and billboard signs being like that of a sign on a truck in a parking lot, Commissioner Harris suggested adding clarification to language in the definitions.

Chairperson Chaires opened the public hearing.

Public Comment:

Debra Bishop spoke in opposition of the change to the commercial personal services restricted section of the document. She felt it was inconsistent with vision statement for Old Town and that when school lets out the streets are flooded with children that should not be passing by those types of businesses

Henry Lindsay echoed Ms. Bishop's concerns.

Jay Hyde commended staff for their work on the document and spoke in support of the amendments with suggested changes to sections referring to the commercial personal uses, sidewalk signs, the process for getting signs, parking and pedestrian alleys.

Phillip Stark stated that the commercial restricted hours was originally designed to cover automotive uses in the area and requested that the Commission reinstate those hours. He also requested removal of the additional land use or include footage requirement as proposed in his written letter.

Sarah Johnson provided history about the restricted hours. She shared Commissioner Villanueva's thoughts that the text on page 51 added value to the document and suggested the Commission rethink deleting it. Ms. Johnson also felt that every business should have a right to a sign.

Wayne Bartholomew commended staff for creating a good atmosphere during the workshops. He was offended that religious institutions are conditionally permitted and suggested a term that would be more accepting. Jennifer Alves clarified that the term conditional use permit is not meant to be disrespectful to any religious institution but rather a legal term used to reference the requirements in the Government Code.

In reference to single family and duplexes on page 12 #1, Gerald Park agreed with Joe Daehling that a duplex would be allowed on a 1/3 acre.

Howard Sihnor stated that all the existing signs have created a clutter effect on Elk Grove Boulevard. He commended staff for their work but felt there was no one-size fits all standard for signs and land use and suggested a bit more work on the document.

Chairperson Chaires closed public comment opportunity.

Commission Deliberations:

Commissioner Villanueva expressed concerns with expanding the number of uses that are allowed in Old Town. He explained that he thought Old Town was suffering because of a restrictive SPA, but based on the lack of anticipated comments received by commercial property, he presumed that he was incorrect in his previous belief that permitted uses or CUP list needed to be expanded. In reference to the restricted commercial personal services, Commissioner Villanueva felt it did not meet the objective of trying to make it easier for a business to come into Old Town with an established process to do so. He stated that he is willing to support the amendments as written.

Commissioner Harris provided examples of similar uses in the commercial general retail that are allowed unless they are deemed adult uses and said he does not support restricted personal services on the list. He felt that tattoo parlors are legitimate historical services that likely existed before coffee shops and did not fall under the same category as those on the list. Commissioner Harris suggested putting tattoo parlors and possibly body piercing under another category. Harris disagreed with speakers that alluded to the fact that the restricted uses would attract a certain type of people adding that good people get tattoos too. He felt it would be detrimental to add the personal services restricted item as listed to the Old Town and stated he would not support the amendment as it is written.

Commissioner Murphey agreed with putting Tattoo parlors and body piercings into a different category and eliminating restricted personal services. He felt there were sections that need to be revisited and suggested the item be continued in order for staff to prepare a final draft before finalizing.

Chairperson Chaires felt Commissioner Villanueva encapsulated her overall response with the restricted personal services. She said she was also concerned about overly limiting the type of businesses in the area, but after not having heard from more than one person that seemed to be having the same problem, that changed her perception a bit. In reference to the conditionally permitted land uses and personal services restricted category in table two, Chairperson Chaires stated her assumption was to either broaden the type of businesses that could come in or not and that the proposed does not attempt to do that. Additionally she agreed that tattooing and piercing have very little in common with the other businesses listed.

Motion: M/S Villanueva/Harris to adopt a resolution finding the amendments exempt from the California Environmental Quality Act and recommend the City Council adopt an Ordinance amending the Elk Grove Old Town Special Planning Area Design Standards and Guidelines as contained in the January 7, 2010 staff report with the recommended changes to the document as discussed by the Commission as; removal of table 2 item #8, the addition of tattoo and piercing under #7 with a footnote that it is subject to a conditional use permit, correcting the footnotes on page 12 & 13, clarifying the definitions of mobile signs in billboards, and adding to the definition in mixed use to include that upstairs residential can consist of the single or multi-family purpose. **The motion passed by the following vote: Ayes: 4 Noes: 0; Recused: 1 (Maita).**

PLANNING DIRECTOR'S REPORT:

Don Hazen mentioned that the issue of tattoo/body piercing was a late development prompted by an application just about the time staff was done with the outreach. He reported that it was the subject of discussion on one occasion when the applicant of parlor met with staff.

This was an informational item only, no actions were taken.

PLANNING COMMISSION MATTERS:

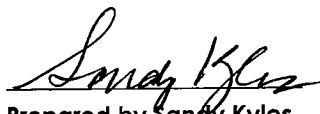
Commissioner Murphey asked the Commission to direct staff to look at cell tower heights and possibility of folding in height requirements into zone requirements.

At the request of Commissioner Harris, Jennifer Alves provided a brief update on the status of the Promenade in addition to a written report to follow.

Commissioner Maita amended his recusal comment to report that he had not spoken to any individual Commissioner regarding the SPA amendment.

ADJOURNMENT

The meeting was adjourned at 10.35 p.m.



Prepared by Sandy Kyles
Planning Commission Clerk

APPROVED: February 18, 2010