

City of Elk Grove

Minutes of the Planning Commission
Regular Meeting
Thursday, May 20, 2010

CALL TO ORDER/ROLL CALL:

Chairperson Nancy Chaires called the meeting to order at 6:33 p.m. with the following in attendance:

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

Absent: None

PUBLIC COMMENT:

Eric Disque stated that there were problems with Soccer World closing the gate as required by the Conditional Use Permit and that he had filed a complaint with Code Enforcement. In response to questions of the Commission regarding an increase of traffic, Mr. Disque said most patrons are not aware of or have trouble finding the access on Dino Drive. Commissioner Harris testified that he had a hard time finding the access as well. Shane Diller of Code Enforcement reported that other residents have also called in with complaints. He said that the property owners thought they had six months to comply with the conditions but agreed that they would comply immediately with the conditions of advertising the use of Dino Drive access to patrons and to close the gate upon closing of the last business. Since the issue came up during public comment, Mr. Diller noted that Code Enforcement would be monitoring the situation and will report back to the Commission with the status of the case.

CONSENT CALENDAR

Motion: M/S Murphey/Harris to approve the consent calendar of April 15, 2010 as presented. The motion passed by the following vote: Ayes: 4; Noes: 0; Abstains: 1: (Villanueva)

CONTINUED PUBLIC HEARING:

Chairperson Chaires declared the public hearing open.

AMENDMENT TO TITLE 23 (ZONING) OF THE MUNICIPAL CODE – CITY-INITIATED ORDINANCE; The proposed City-initiated Ordinance consists of an amendment to Title 23 of the Municipal Code (Zoning) to revise the definition of the "clear-vision triangle" (CVT) for consistency with Title 12 of the Municipal Code and Public Works Improvement Standards.

Sarah Kirchgessner and Fritz Buchman presented details of the proposed amendment and provided a breakdown of the possible actions to correct the technical details of the CVT as; amend Title 23 to remove the technical details of the CVT, direct Title 23 users to CVT data in the Improvement Standards or direct Title 23 users to CVT data in Title 12. Staff answered questions of the Commission relating to possible effects the amendment may have on existing buildings and the origin of the 20x20 and 30x30 clear vision triangle dimensions.

Commissioner Villanueva stated that he had watched the previous meeting video relating to this item and that he preferred the Commissioners present at that meeting speak first.

In response to the Commission's concerns that this amendment may cause immediate noncompliance issues, Mr. Buchman noted that there is language in the Ordinance that grants exemptions of existing buildings as of the effective date of the provisions. Mr. Buchman said that the 30x30 CVT has been in effect since incorporation and adoption of the County codes and improvement standards. He said the conflict was introduced when the City updated Title 23 of the Municipal Code in 2006. Mr. Buchman pointed out that adhering to the Caltrans methodology would result in over a 50 foot triangle. He said that staff felt the triangle approach of 30 feet for non-controlled intersections, although a compromise was reasonable and safe in the setting for which it's proposed.

Assistant City Attorney Jennifer Alves advised that if this amendment was approved, the City would be sensitive to non-compliant issues.

The Commissioners felt there should be easy to understand language in the code describing what occupants need to do to comply with the standards. Mr. Buchman explained that the improvement standards would be referenced in Title 23 and Title 12 but would only be hard coded in one location.

Mr. Buchman responded to a question about the origin of the 20x20 and 30x30 dimensions and why the zoning code was adopted with a 20x20 CVT. Ms. Shalamunec clarified that the county code adopted by the City at incorporation had a 20x20 CVT and therefore, the 2006 Zoning Code update was consistent with the standards then. She further indicated that sometime between incorporation and 2007, Public Works amended the improvement standards, introducing a 30x30 CVT, resulting in the inconsistency in this standard for the past several years.

Chairperson Chaires opened public comment.

There were no requests to speak by the public.

Chairperson Chaires closed public comment.

During deliberations the Commission discussed and agreed to have numbers or at least an exhibit showing clear examples of the requirements written or placed in the zoning code instead of the improvement standards.

Ms. Shalamunec pointed out that keeping the exhibit in the zoning code was not reflective of staff's recommendation and that the choices should be to remove it from Title 23 and put it in the Improvement Standards or move it from Title 23 to Title 12.

It was then the consensus of the Commission to refer Title 23 users to Title 12 and clarify in Title 23 that the Clear-Vision Triangle means the visibility control area as set forth in the City of Elk Grove Municipal Code Chapter 12.12.010 Obstruction of Corners, and include an exhibit in Title 12 to match the text of the standards.

Motion: M/S Villanueva/Murphey that the Planning Commission by resolution recommends the City Council adopt an Ordinance amending Title 23 of the Elk Grove Municipal Code clarifying the Clear-vision triangle means the visibility control area as set forth in the City of Elk Grove Municipal Code Chapter 12.12.010 Obstruction of Corners and that 12.12 include an exhibit reflecting the standards. The motion passed by the following vote: Ayes: 5; Noes: 0.

There was a brief break from 7:42 and 7:51pm.

PUBLIC HEARINGS:

- A. 2010 – 2015 CAPITAL IMPROVEMENT PROGRAM (CIP) FINDING OF CONSISTENCY WITH THE GENERAL PLAN;** The CIP describes transportation, drainage, and facility capital improvements planned by the City and sets forth a funding strategy for their implementation. The Planning Commission is required to review the 2010-2015 Capital Improvement Program (CIP) specifically to determine consistency with the General Plan.

Jessica Shalamunec briefly explained the details of the program. Ms. Shalamunec and Diane Nguyen answered questions of the Commission relating to the descriptions, locations and funding of some of the improvements.

Chairperson Chaires opened public comment.

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

Chairperson Chaires closed public hearing.

Motion: M/S Murphey/Maita that the Planning Commission adopt a Resolution of the City of Elk Grove Planning Commission deeming the 2010-15 Capital Improvement Program exempt from CEQA and consistent with the City of Elk Grove's General Plan. **The motion passed by the following vote: Ayes: 5; Noes: 0.**

- B. MADEIRA SOUTH EG-10-020 - TENTATIVE SUBDIVISION MAP AMENDMENT;** The applicant requests revisions to the conditions of approval for the Madeira South Tentative Subdivision Map and removal of conditions that are already satisfied. Madeira South is located at the southwest quadrant of Whitelock Parkway and the future extension of Big Horn Blvd in the Laguna Ridge Specific Plan Area.

Jessica Shalamunec presented the details of the amendment.

Chairperson Chaires opened public comment.

Les Hock, representing the applicant, said they were in agreement with staff's interpretation of the conditions of approval.

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

Chairperson Chaires closed public comment.

Motion: M/S Villanueva/Murphey that the Planning Commission adopt a Resolution finding no further CEQA review is necessary for the Madeira South Tentative Subdivision Map Amendment (EG-10-020) pursuant to CEQA Guidelines Section 15182. **The motion passed by the following vote: Ayes: 5; Noes: 0.**

Motion: M/S Villanueva/Murphey that the Planning Commission adopt a Resolution approving the Madeira South Tentative Subdivision Map Amendment (EG-10-020) subject to the findings and conditions of approval contained in the May 20, 2010 staff report. **The motion passed by the following vote: Ayes: 5 Noes: 0.**

PLANNING DIRECTOR'S REPORT:

Jessica Shalamunec informed the Commission that the next regular meeting would be cancelled and briefly went over the tentative scheduled items for the upcoming planning commission and city council meetings.

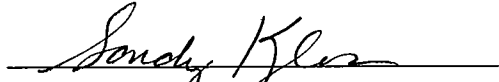
Eric Norris reported on the memorandum provided in the packet relating to the screening of ground-mounted wireless equipment. Mr. Norris said that after meeting with the Police Department there was a simple answer to the commission's question of why some were different and that it was theft of the copper wiring in the facilities. He said PD prefers chain link fencing but if that is not the choice then privacy slats, wood fencing with offset boards or solid wood or masonry. Mr. Norris stated that staff would continue to forward all applications to the Police Department. He also mentioned that these preferences will be included in the updated zoning codes concerning wireless facility standards.

PLANNING COMMISSION MATTERS:

There were no comments.

ADJOURNMENT:

The meeting was adjourned at 8:16 p.m.



**Prepared by Sandy Kyles
Planning Commission Clerk**

APPROVED: June 17, 2010