



TOWN OF PARADISE

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P L A N N I N G C O M M I S S I O N M I N U T E S

November 06, 2014
6:00 PM

The November 6, 2014 Planning Commission Special Meeting was called to order by Chairman Zuccolillo at 6:04 p.m. in the Council Chambers located at 5555 Skyway, Paradise, California, followed by the Pledge of Allegiance to the Flag of the United States of America.

COMMISSIONERS PRESENT: Commissioners James Clarkson, Stephanie Neumann, Martin Nichols, Daniel Wentland and Michael Zuccolillo, Chairman.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Community Development Director Craig Baker, Assistant Planner Susan Hartman and Town Clerk Joanna Gutierrez.

1. PUBLIC HEARING

Community Development Director Baker announced that the purpose of the special meeting was to hold a public hearing regarding the following matter:

Item to be determined to be exempt from environmental review: CONNOR SITE PLAN REVIEW PERMIT (PL14-00251) APPLICATION: Site plan review permit application proposing to establish a retail sales land use within an existing building space upon a +1.66 acre property zoned Neighborhood Commercial (NC) and located at 8585 Skyway, AP No. 051-104-163.

Director Baker informed the Commission that this matter was initially heard by him in his capacity as the Planning Director. As there is opposition to approval of the application, he was compelled to refer the matter to the Planning Commission for decision pursuant to Town administrative policy.

Assistant Planner Hartman reported that the property upon which the proposed retail sales of new and used items is to be located is a 1.09 acre portion of a 1.66 acre parcel that is zoned Neighborhood-Commercial, that the property was previously used as a community care facility, and the hours of operation are proposed to be Wednesday through Sunday from 10 a.m. to 5 p.m. The proposed use has received favorable review from the reviewing agencies and, if approved, the Commission will have to make the appropriate findings and assign conditions of approval as recommended by staff. The handicapped parking spaces would need to be built pursuant to the requirements of the California Building Code and the proposed sign will be subject to a separate administrative approval process.

Chair Zuccolillo opened the public hearing at 6:10 p.m.

Speaking in favor of the project:

1. Marilyn Connor stated that she and her husband Gary are the owners of the property, that the fire inspection has been completed, the driveway is started and will be finished soon, they have been fingerprinted and have submitted an application for a second-hand dealer license at the Police Department. Ms. Conner also informed that Commission that excess material has been removed from the property and asked the Commission to approve the application in order that they may open for business as soon as possible. Ms. Conner also explained that they would like their sign to have a patriotic theme in recognition of Mr. Connors' service in the military, that they are seeking approval of a 37' setback and that she hopes the woman who complained is satisfied with their efforts.

Director Baker asked Ms. Connor if she received a copy of the agenda packet and if she is in agreement with the conditions of approval assigned to the project. Ms. Connor confirmed that she received all of the information and is in agreement with the conditions of approval.

2. Jon Remalia stated that he thinks if someone wants to invest money and open a business that there is no reason that anyone should have to have so many restrictions.

Speaking against the project:

1. Maryann Kuusisto stated that she lives around the corner from the Connors' property, is against junk in the Town and thinks the Town needs to make sure that businesses look nice.

2. Laura Grant stated she wrote the letter against the project, is concerned about her property value deteriorating, and that she doesn't want a junk place and rental property next to her property. She is concerned about anything happening behind the buildings on the adjacent property as they are located next to their property. Ms. Grant stated that she was approached by the property owners when she was taking pictures of the stuff on their property. She stated that retails sales are fine, but junk stores are not fine, that there are already enough of these types of stores in Town and what she sees behind the business is junk, in her opinion. Ms. Grant stated that she is concerned about the safety of the neighborhood and property values, asked that there be conditions assigned and that she is also concerned about the septic.

3. Beverly Goheen stated she is one of the property owners of property adjacent to the proposed site, is concerned about the smell of the septic, and that it is her understanding that the previous business was shut down because of septic failure.

Director Baker stated that the business was not closed due to septic failure, that the septic system is a large system that hasn't even been turned on because the tanks aren't full enough yet. Staff has no issues with the system, the odor does not appear to be coming from this system, and the applicants have contracted with a company to maintain the system.

4. Laura Grant stated that she is not against small businesses, is only requesting that the permit be addressed with conditions of approval.

Director Baker asked if either Laura Grant or Beverly Goheen had read the agenda material, and they advised that they had not. Mr. Baker informed them that if approved, the Planning Commission is required to make findings and assign conditions of approval as set forth in the staff report, and Assistant Planner Hartman provided a copy of the report.

Chairman Zuccolillo closed the public hearing at 6:30 p.m.

Commissioner Wentland stated that he is happy with the efforts made to clean up the property.

Commissioner Clarkson stated that he believes the free market will control the types of business in the community and that first impressions are lasting.

Commissioner Neumann stated that if the business owners fail to comply with all conditions assigned to the permit, then the Town would initiate discussion and take action. The neighbors will have recourse if the conditions are not being complied with and the permit could be revoked.

MOTION by Neumann, seconded by Wentland, followed by a unanimous roll call vote, adopted the findings below provided by staff and approved the Connor site plan review permit application (PL14-00251) authorizing the establishment of a retail sales business upon a portion of commercial property located at 8585 Skyway, subject to the following conditions:

FINDINGS REQUIRED FOR APPROVAL:

1. Find that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a commercial land use in an area zoned for such use.
3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Neighborhood Commercial zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - a. The project is located within an area that has been altered from its natural state by long-established commercial land uses;
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL

1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the site plan review permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.
2. All activities on the site shall be conducted in a manner that is in compliance with the Town's Noise Ordinance Regulations (PMC Chapter 9.18).
3. Outdoor storage of materials and/or equipment associated with the proposed retail land use shall be established and maintained such that the materials and or equipment is not visible from any off-site

public or private property excepting the outdoor display of merchandise in compliance with the Town's Exterior Displays of Merchandise Regulations (PMC Chapter 17.06.940).

4. The lawful outdoor display of merchandise shall only be permitted during business hours.
5. Secure Town of Paradise design review approval for any new business signs prior to the establishment of such signs on the site.
6. An Administrative Permit must be applied for, and secured, for the placement of any sign within 50' of centerline of Skyway.
7. No inoperative vehicles shall be stored where visible from off of the site.
8. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
9. Maintain the property in a manner consistent with the Design Standards of the Upper Skyway Commercial Corridor.

CONDITIONS TO BE MET PRIOR TO ESTABLISHMENT OF BUSINESS OCCUPANCY

BUILDING

10. Meet all requirements of the Town of Paradise Building Official as outlined in the written comments dated September 22, 2014 and on file with the Development Services Department.

FIRE PROTECTION

11. Schedule and complete a Fire Prevention Inspection (\$56.00) from the Fire Marshal prior to commencing business operations. Call (530) 872-6291 ext. 123 to schedule an inspection.
12. Portable fire extinguishers are required in accordance with the Fire Marshal comments dated September 22, 2014.

SITE DEVELOPMENT

13. Secure an encroachment permit from the Town of Paradise Engineering Division for the repair of the southern Skyway driveway to the town approved private driveway standard (no culvert required).
14. Provide the twelve required parking spaces, one of which must be a van-accessible handicap space.

OTHERS

15. Provide material evidence to the Planning Division of a valid Secondhand Dealer license from the Paradise Police Dept.

ROLL CALL: AYES of Clarkson, Neumann, Nichols, Wentland and Chair Zuccolillo. NOES: None.
ABSTENTION: None. ABSENT: None.

Director Baker announced that the decision of the Planning Commission may be appealed within seven days of the date of the meeting.

Commissioner Nichols noted for the record that the Town staff moved this matter along as quickly as possible and the Commissioners also accommodated the applicants by holding this special meeting.

2. ADJOURNMENT

Chair Zuccolillo adjourned the Special Planning Commission meeting at 6:35 pm.

DATE APPROVED: February 17, 2015

By: _____/s/_____
Michael Zuccolillo, Chairman

_____/s/_____
Joanna Gutierrez, CMC, Town Clerk