

**PLANNING COMMISSION  
CITY OF SONORA  
JANUARY 12, 2015  
5:30 P.M.**

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chairman John Andersen, Vice Chairman Chris Garnin, and Commissioners Gary Anderson and Ron Jensen. John Richardson was absent.

**PUBLIC APPEARANCES:** None

**MINUTES:**

**MOTION:** Approve the minutes of the December 8, 2014 Planning Commission Meeting, as mailed.

**MOTION:** Garnin

**SECOND:** Anderson

**VOTE:       AYES:**       Garnin, Anderson, Andersen and Jensen (4)

**NOES:**       None (0)

**ABSTAIN:**   None (0)

**ABSENT:**    Richardson (1)

**PUBLIC HEARING:** Application by Robert DeSalles, for a Conditional Use Permit to operate a landscaping business and to allow the owner/operator to use three on-street parking spaces and five off-street parking spaces for truck parking, located at 71 N. Shepherd Street, in an R-3, Multi-family residential zone; APN: 001-101-33.

Commissioner Jensen recused himself from the meeting stating that the applicant, Robert DeSalles, and he have been long time friends. He then left the room.

Planner, Paula Daneluk, presented the staff report. She stated that all of the public comments received were included within the staff report except for three written comments from Tom Cornett, Mike Hardin and Daniel Klippert. These were provided to Commissioners at the meeting.

Planner Paula Daneluk stated that the first determination that needs to be made by Commissioners is if the type of business can be considered a professional office.

Commissioner Garnin asked how long the Conditional Use Permit, if approved, would be valid for.

Planner, Paula Daneluk, stated that the Use Permit runs with the land and will be in place as long as the conditions are complied with.

Commissioner Anderson questioned condition #2, limiting the number of employees to five, including the owner. He stated that he did not feel it was an appropriate condition and the number of employees should not be regulated by the City.

Planner, Paula Daneluk, stated that this is the current number of employees for the business. The concern is the number of employees parking their personal vehicles in the neighborhood.

Project applicant, Robert DeSalles, provided the history of the business being in that location. He stated that the former Community Development Director stated that all he needed to do was to obtain a City Business License, which he did and continues to obtain annually. He requested that project conditions be revised to include language stating that on-street parking shall be in compliance with City Code. He also stated that his business has been in the same location operating the same way since 1987. He also stated that the City has only received one complaint, in 2013, and she did not ask that his business trucks be removed only that the on-street parking spaces be marked.

Commissioner Anderson asked if the applicant was concerned over limiting the number of employees to five.

The applicant stated that he felt that it would be the maximum he would have, however, down the road he may like to add one more.

Ed Hanson, resident of N. Shepherd Street, spoke in favor of the applicant. He stated that there was no problem with parking in the area. He has never had an issue with the applicant or with any of his employees.

Kathy Nees, who is a neighbor of the applicant, spoke in favor of the project. She stated that his employees do not make a lot of noise and parking was not an issue.

Hank Russell stated that he has been a customer of the applicant for many years. He felt that his type of business would have less impact on the neighborhood than other types of professional offices.

Ken Banks stated as a business owner for 35 years, he has a concern with the City regulating the number of employees a business can have. He felt that the applicant could bus them in if there was not enough parking.

Eric Runte, who has a business at 137 S. Shepherd, stated that his employees park wherever they want on Shepherd Street.

Amy Augustine spoke in favor of the project. She felt he was an asset to the neighborhood.

Harvey Martignoni, who is a local real estate agent, spoke in favor of the project and urged approval of the Use Permit.

Shelly Stewart, who lives at the corner of Shepherd and Elkin Streets, stated that she was concerned about allowing the business to continue at its current location due to the lack of parking for residents and their guests.

John LaTorre stated that the applicant was a good business owner and he agreed with what had been said previously. He stated that up until two years ago, the applicant had rented off-street parking for his vehicles and this may be the reason why no previous complaints had been filed with the City.

John LaTorre also spoke on behalf of nearby resident, Ruby Abeling, who stood with him at the podium because she is very hard of hearing. Her comments were that the business takes up to 8 parking spaces and the dump truck is large and obstructs sight distance. She stated that she supports his business but is concerned over the amount of on-street parking that it uses.

Steve Kammer stated that as a small business owner, Mr. DeSalles should be able to park wherever he wants to.

Mike Hardin stated that they have always parked business vehicles on the street and have never rented off-street parking. He also supported the project.

Ron Rice introduced himself as a neighbor of the applicant and stated that he was an asset to the community.

Jeff Sargo stated that the City should support small businesses and that the applicant provides a necessary business for the community. He urged support of the Use Permit.

There being no further comments, the public hearing was closed at 6:27 p.m.

Commissioner Anderson asked the applicant if there was another location in which he could park the dump truck.

Applicant, Robert DeSalles, stated that Tim Miller directed him to park at that location.

Commissioners, by consensus, agreed that the type of business falls under the category of a professional office.

MOTION: Approval of the Conditional Use Permit for Robert DeSalles, for operating a professional office for a landscape business, with the following amendment: eliminate existing condition 2b. and replace with: On-street parking shall be in compliance with City Code.

**MOTION:** Garnin                      **SECOND:** Anderson

**VOTE:**            **AYES:**            Garnin, Anderson, and Andersen (3)  
                 **NOES:**            None (0)  
                 **ABSTAIN:**        None (0)  
                 **ABSENT:**         Jensen, Richardson (2)

In taking this action, the following conditions and findings were made:

**Conditions of Approval**  
**71 N. Shepherd Conditional Use Permit for Landscaping Business**

**GENERAL:**

1. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitations to:
  - a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or
  - b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application.
2. This Conditional Use Permit is issued to allow the operation of a Professional Office for a Landscaping Business with the following conditions:
  - a. The business should be operated within the confines of the approved site plan as shown in Exhibit B.
  - ~~b. The business is limited to five employees, including the owner.~~ On-street parking shall be in compliance with City Code.
  - c. The business shall be operated by the owner / occupant of the residential structure and the structure shall be continued to be used as a single-family residence.
  - d. All storage of materials and equipment, excluding the business trucks, shall be within the garage area. No outdoor storage is allowed.

- e. The amount of materials stored onsite shall be similar to the amounts typically found within single-family residential garages. For example, a few small bags of fertilizer, a small number of gasoline cans, and minor equipment such as weed-eaters, hedge trimmers, etc. Business owner shall comply with all permitting requirements for materials and chemicals stored onsite.
- f. No overnight storage of materials in the vehicles parked outside the garage.
- g. All vehicles shall be maintained in good working order with no leaking of liquid or fuels on the ground.

The following findings were made:

- 1. The use is desirable on the specific parcel;
- 2. The use is in harmony with the General Plan;
- 3. The use, with the conditions, is consistent with the intent of the Sonora Municipal Code and Title 17 (Zoning);

Commissioner Jensen re-joined the meeting.

**PUBLIC HEARING:** Application by Stanley J. Davis, for a Design Review Permit to install a new steel garage door on the eastern side of the existing structure, located at 265 Stockton Street, in a C, Commercial zone; APN: 002-090-28.

Community Development Director, Rachelle Kellogg, presented the staff report.

Applicant, Stanley Davis, explained the reason for his request and asked the Commissioners to approve his application.

**MOTION:** Approval of the Design Review Permit for Stanley Davis to install a new steel garage door on the eastern side of the existing accessory structure, attached to the building that houses Stan & Jim’s Body Shop.

**MOTION:** Garnin

**SECOND:** Jensen

**VOTE:**  
**AYES:** Garnin, Jensen, Anderson, and Andersen (4)  
**NOES:** None (0)  
**ABSTAIN:** None (0)  
**ABSENT:** Richardson (1)

**Conditions of Approval  
 Design Review Permit - 265 Stockton Street**

**GENERAL:**

1. This Design Review Permit is issued for the modification of architectural features. All exterior alterations shall be in accordance with plans approved by the Sonora Planning Commission on January 12, 2015. The Community Development Director may approve minor deviations that are consistent with the intent of the Planning Commission's findings, discussions and conditions of approval.
2. The applicant is to obtain all required permits for the accessory structure and the garage door installation.
3. The property is to be kept free of open storage and debris from any and all activity on the property. This includes debris and storage related to the automotive services business. Any proposed screening must be approved by the Community Development Director.
4. The property owner or authorized applicant, their successors and assigns, will defend, indemnify, and hold harmless the city and its agents, officers, attorneys and employees from any claim, action, or proceedings brought against the city or its agents, officers, attorneys or employees within the applicable statute of limitation to:
  - a. Attack, set aside, void, or annul any action approving an application (including any action to provide environmental clearance in compliance with the California Environmental Quality Act (CEQA), by city staff any city planning or advisory agency, any city appeal board, or the city council; or
  - b. Seek damages for property damage or personal injuries resulting from development authorized by the city pursuant to the application. [SMC Section 17.69.010 (Ordinance 776)].
5. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

In taking this action, the following findings were made:

1. The use is consistent with the City of Sonora General Plan;
2. The use is consistent with Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;
3. The proposed architectural modifications conform with features found on the original building;
4. The proposed exterior architectural features reflect the traditional architectural characteristics of the community, blends with the adjacent neighborhood, and is consistent with the applicable design standards in the General Plan and Sonora Municipal Code.

**DISCUSSION ITEM:**

Community Development Director, Rachelle Kellogg, provided an update on various projects throughout the City. She also stated the City's acting Building Inspector is Daren Wardell and provided his background.

**CORRESPONDENCE:** None

**ADJOURNMENT:** There being no further business to come before the Commission, the meeting was adjourned at 6:50 p.m., to the next regular meeting on Monday February 9, 2015, at 5:30 p.m.

Respectfully submitted,

Rachelle Kellogg  
Community Development Director