PLANNING COMMISSION
CITY OF SONORA
MARCH 14, 2016
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 Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, and Ron Jensen. Absent was Commissioner Darren Eaton.

MINUTES:

MOTION**:** Approve the minutes of the January 11, 2016 Planning Commission Meeting, as mailed.

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

PUBLIC APPEARANCES:

Mike Lemke, current President of the Tuolumne County Building Industry Association, provided Commissioners with a copy of the National Association of Home Builders' Economic Impact of Home Building in a typical local area and discussed the impact of the expiration of the Oak Park Tentative Map on the local economy. He stated that the project conditions were a factor in the project not moving forward.

PUBLIC HEARING:

1). Application by Robert and Sharon Ozbirn to rezone 488 S. Stewart Street, APN: 002-181-19, from C, Commercial to CO, Tourist and Administrative zone and an application for a City initiated rezoning (South Stewart Street Rezone), of APN'S: 002-181-02, portion of 002-181-03, 002-181-09, 002-181-12, 002-181-17, 002-181-18, portion of 002-181-20, portion of 002-181-21, portion of 002-181-24, portion of 002-181-25, portion of 002-181-27, 002-183-01, 002-183-02, 002-183-03, 002-183-04, and 056-081-03 and 056-081-04, from C, Commercial to CO, Tourist and Administrative zone. These parcels are located on the west side of S. Stewart Street between William Street and Restano Way.

Planner, Paula Daneluk, presented the staff report. She explained that the proposed South Stewart Street Rezone includes the parcel located at 488 S. Stewart Street, APN: 002-181-19, which was requested by the applicants, Robert and Sharon Ozbirn. The remaining parcels are included as a City initiated rezone.

Chairman, Chris Garnin, asked if staff is requesting a split zoning on some of the parcels.

Planner, Paula Daneluk, stated that was correct as some of the parcels have frontage on both Washington Street and Stewart Street. The frontages along Washington Street are to remain Commercial. The zoning map will include parcel dimensions to clearly identify the area of each zoning district on these parcels.

Planner, Paula Daneluk, also provided Commissioners with a letter from Fran Bryant, dated March 12, 2016, objecting to the rezoning of her family parcels, located at 524 S. Stewart, 531 and 549 S. Washington Street. She stated that she had met with the property owners prior to the meeting and they requested that their property be removed from the proposed rezoning project. She also spoke to two other property owners who had questions on how the rezoning would affect the use of their parcels.

Bob Ozbirn, project applicant, explained the reason for his request to rezone his property located at 488 S. Stewart Street. He explained that the structure was severely damaged by a falling tree and he wished to return the structure to a single family residence, which would not be allowed under the Commercial zone. He explained that required ADA building standards, would make it infeasible to return the building to a Commercial use.

Chairman, Chris Garnin, opened the public hearing at 5:50 p.m.

Marilyn Rice, property owner, stated that their family does not want the parcels that they own at 534 S. Stewart, 531 and 549 S. Washington Street to be rezoned to the CO zoning district. They are currently selling their property and they want it to remain Commercial. They feel that this is a down zoning of the property and it will affect the value and use of the property.

Evelyn, sister of Marilyn Rice, also requested that the property remain in the Commercial zoning district.

Adrien Favareille, owner of 493 S. Washington Street, expressed concerns over the split zoning proposed for his property as the alley providing access off of Stewart Street would be rezoned to CO. He was concerned how that would affect the remainder of his property which will remain in the Commercial zoning district.

There being no further public comment, the public hearing was closed at 6:00 p.m.

Commissioner Richardson asked staff why was the City initiated proposal included instead of just rezoning Ozbirn's parcel.

Planner, Paula Daneluk, explained that it would be considered spot zoning which is not allowed under state law.

Community Development Director, Rachelle Kellogg, explained that when staff receives a request for a rezone of a parcel they look to existing uses of the parcel and surrounding parcels to determine what zoning district makes sense and is consistent with the General Plan. With the numerous residential uses in this area, along with some commercial offices, it appeared that the Tourist and Administrative (CO) zoning district would be more appropriate. Staff has presented City initiated rezones to the Commission in the past for other areas within the City.

Commissioner Richardson and Chairman Garnin expressed concern over the down-zoning of the parcels owned by Marilyn Rice.

Commissioner Richardson moved that Sonora Planning Commission adopt Resolution No. 3-14-2016 with the exclusion of Assessor's Parcel Numbers 002-181-12, 002-181-24 and 002-181-25.

MOTION: Recommend approval of Resolution No. 3-14-2016 to the City Council, rezoning Assessor's Parcel Numbers: 002-181-19, from C, Commercial to CO, Tourist and Administrative zone and an application for a City initiated rezoning (South Stewart Street Rezone), of APN'S: 002-181-02, portion of 002-181-03, 002-181-09, 002-181-17, 002-181-18, portion of 002-181-20, portion of 002-181-21, portion of 002-181-27, 002-183-01, 002-183-02, 002-183-03, 002-183-04, and 056-081-03 and 056-081-04, from C, Commercial to CO, Tourist and Administrative zone, excluding Assessor Parcel Numbers 002-181-12, 002-181-24 and 002-181-25.

MOTION:	Richardson	**SECOND:**	Jensen
VOTE:	**AYES:**	Richardson, Jensen, and Garnin (3)	
	NOES:	Anderson (1)	
	ABSTAIN:	None (0)	
	ABSENT:	Eaton (1)	

FINDINGS:

Based on all of the preceding discussion, it can be found that the Rezone:

A. Is compatible with, and physically suited for, the uses authorized in, and the regulations prescribed for, the proposed zoning district in which the real property is located.

B. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;

C. Is in conformity with public convenience, general welfare and good land use practice;

D. Will not be detrimental to the health, safety and general welfare;

E. Will not adversely affect the orderly development of property or the preservation of property values; and

F. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

DESIGN REVIEW:

1. Application by Trado Restaurant for a Design Review Permit to construct a new beer garden at the existing building, located at 198 S. Green Street, in a C, Commercial zone; APN: 002-152-06.

Planner, Paula Daneluk, presented the staff report for the project. She informed the Commissioners that they had been provided with 3 letters (Barbara Dresslar, David Morgan and Fred Buess) and 1 email from Jerry Fuccillo in opposition to the project.

She informed Commissioners that the project report includes a Parking Survey Memo and Environmental Noise Assessment prepared for the project. The proposed project conditions included address any parking or noise issues identified.

Commissioner, Gary Anderson, questioned the proposed use of the property as the Union Democrat article stated that it would be an entertainment venue.

Planner, Paula Daneluk, stated the application is for an open air eating and drinking establishment along with an enclosed retail store at the rear of the property. The only entitlement needed for this use is a Design Review Application. A place of entertainment, when in the open or partially open, would require a Conditional Use Permit, which is not what is being considered by the Planning Commission and would not be allowed on the site except for during special downtown events.

Commissioner, John Richardson, questioned the sound level that was evaluated for music under the noise study.

Planner, Paula Daneluk, stated that the proposed project includes background or acoustical music therefore the level was set at the point when people could talk over it.

Reuben Chirnside, Project Engineer, explained that the project was a renovation of an existing vacant building. He stated the proposed retail use will be housed in the former automotive paint

store. The area now used for parking and storage would be for an outdoor beer and wine garden. He stated the only entertainment in the outdoor area, would be background music unless it was part of a special downtown event. He explained that the project applicant has future plans to renovate the theater area within the building expanding the type of entertainment being offered to the public.

Doug Kennedy, project applicant, explained that his comments in the Union Democrat regarding an entertainment venue pertained to his future plans to renovate the Stage 3 Theatre area of the building.

Chairman, Chris Garnin, asked if he owns the property and if Stage 3 is to remain.

Doug Kennedy, project applicant, stated that he was in escrow to purchase the building but it was contingent on his project being approved. He also stated that the intent is for Stage 3 to remain and they would have scheduling priority for the venue.

Commissioner, John Richardson, asked if the music had been amplified when measured under the noise study. He also asked how noise complaints would be handled by the City.

Planner, Paula Daneluk, stated that the music was amplified and complaints would be handled by the Police Department.

Jerry Fuccillo, neighbor, spoke against the project. He stated that his home was located within 200 feet of the proposed project. He was concerned about the entertainment such as Karaoke and live music due to the noise they would generate. He also expressed concerns over the methodology used for the noise study. He felt the beer garden area needs to be enclosed. He mentioned the letters in opposition which had been previously provided to the Planning Commission. He also expressed concerns over traffic and parking issues. He stated that under the Municipal Code a place of entertainment in the open air requires a Conditional Use Permit and that was what they are proposing. He provided the Commissioners with code sections.

Paul Bar, neighbor, stated that he has had problems since the Bourbon Barrel opened and was concerned about the noise, trucks, and additional people that the project would generate.

Marcie Fuccillo, neighbor, expressed concerns over the proximity of the proposed business to her home and the noise it will generate. She stated that there have been some issues with parking related to the Bourbon Barrel.

Gina Bachtel, Bourbon Barrel Business Manager, stated that she has not received any complaints since they have been open about noise or parking. She also stated that they clean up around the

outside of the building including picking up cigarette butts. She said that they do struggle with the homeless hanging out in the parking area.

Connie Williams, Stage 3 Theatre Board Chair, stated that Stage 3 has been very engaged with Doug Kennedy and this proposed project. Stage 3 plans to stay at the current location.

Commissioner, John Richardson, stated that he was concerned about the noise that could be generated by amplified music, karaoke and the large screen TV. He felt live music should only be allowed as part of a downtown special event. Commissioner, Gary Anderson and Commissioner, Ron Jensen, asked if the project should require a Conditional Use Permit and a public noticing.

Community Development Director, Rachelle Kellogg, stated the project as proposed does not require a public hearing.

Commissioner, Ron Jensen, felt it was a good concept but was concerned about the location.

Chairman, Chris Garnin, stated he also liked the concept but was concerned about the noise, especially any type of music in the open air area.

Doug Kennedy, project applicant, stated that he would be open to not having any music except for soft background music and they do not plan on having a large screen TV. He reiterated that all future entertainment would be within the building. The only exception would be if it was part of a downtown special event.

Jerry Fuccillo, neighbor, stated that it should have a roof.

Commissioner, John Richardson, moved to approve the project as proposed subject to the findings and conditions with an additional condition that no outside entertainment, live or amplified music, or karaoke be permitted. The project could have soft background music.

The motion died due to lack of a second.

Commissioner, Gary Anderson, stated it should be covered and they should have to get a Use Permit.

Community Development Director, Rachelle Kellogg, requested the Commission to consider continuing the project to the April 11, 2016, meeting and City staff could provide a notice of the meeting to property owners within 300 feet of the project. Staff could also arrange for additional noise testing if a private property owner near the project would allow access.

Commissioners unanimously agreed to this recommendation.

DISCUSSION ITEMS:

1. Community Development Director's Report

Community Development Director, Rachelle Kellogg, reminded Commissioner Gary Anderson that his term on the Planning Commission will expire in June. He should submit a letter to the Mayor to request re-appointment. She also provided an update on various projects throughout the City.

CORRESPONDENCE: None

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 7:38 p.m., to the next regular meeting on Monday, April 11, 2016.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director