PLANNING COMMISSION
CITY OF SONORA

NOVEMBER 13, 2018

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: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, and Kevin Anderson. Commissioner Ron Jensen was absent.

PUBLIC APPEARANCES:

MINUTES:

MOTION: Approve the minutes of the October 9, 2018 Planning Commission Meeting, as presented.

MOTION:		J. Richardson	**SECOND:**	G. Anderson
VOTE:	**AYES:**	J. Richardson, G. Anderson, Garnin and Jensen (4)		
	NOES:	None (0)		
	ABSTAIN:	K. Anderson (1) Did not attend prior meeting		
	ABSENT:	R. Jenson (1)		

PUBLIC HEARINGS:

1) Application by Lisa Spangler, for a Use Permit to allow the property at 530 S. Washington Street to be returned to a residential use, in a C, Commercial zone; APN: 002-182-041.

Applicant, Lisa Spangler or a project representative, were not in attendance so Commissioners postponed consideration on this item to the end of the meeting.

2) Application by Thomas Silva, of Type One Brewing Company, for a Use Permit for a small craft microbrewery and a text amendment to include breweries as a use permitted in a C, Commercial zoning designation, located at 28 S. Washington Street; APN: 01-192-005.

Community Development Director, Rachelle Kellogg, advised Commissioners that the City Attorney has requested that consideration on the Use Permit be continued to the December 10, 2018 Planning Commission Meeting. The reason for this request was to provide the City Council with the opportunity to consider the related Text Amendment at their December 3, 2018 meeting prior to a decision on the Use Permit.

MOTION: To continue Thomas Silva's request for a Use Permit for a small craft microbrewery to the December 10, 2018 Planning Commission Meeting.

Commissioner Kevin Anderson stated that the applicant was a close friend so he recused himself from the meeting at 5:39 p.m. and exited the meeting room.

MOTION: G. Anderson **SECOND:** Richardson

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

Planner, Paula Daneluk, presented the staff report for the proposed Text Amendment to Title 17 to permit, with a Use Permit, Microbreweries in the C, CO, CG and ML zoning districts. She stated that the proposed text amendment originated from an application from Thomas Silva of Type One Brewing, who has requested approval for a Microbrewery at 28 S. Washington Street.

She provided Commissioners with revised Resolution No. 11-13-2018-A and explained that a definition for microbrewery had been included. She also stated that staff is recommending approval of the resolution.

Commissioner Richardson asked if they would be restricted to selling only their beverages.

Planner, Paula Daneluk, stated no and sales would be restricted by what was allowed under their liquor license.

Applicant, Thomas Silva, stated that he has seen microbreweries in other locations and that he felt it would be good for the City and Downtown Sonora.

Commissioner Gary Anderson asked if they plan on expanding into the adjoining space on the corner of Bradford Street and S. Washington Street.

Applicant Thomas Silva stated that they do plan on utilizing both locations.

Chairman Garnin opened the Public Hearing at 5:46 p.m.

A member of the public spoke in favor of the project.

Chairman Garnin closed the Public Hearing at 5:47 p.m.

MOTION: To recommend adoption of Resolution No. 11-13-2018-A, for an Ordinance amending Chapter 17, Zoning Ordinance of the Sonora Municipal Code, Section 17.60, Uses Permitted by Use Permit, subject to the following findings:

MOTION: Richardson **SECOND:** G. Anderson

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

Findings for Text Amendment:

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

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

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

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

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

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

Commissioner Kevin Anderson rejoined the meeting at 5:50 p.m.

3) Application by Andy and Navneet Singh, for a Site Plan to construct a new Dairy Queen Restaurant, located at 17 Pesce Way, in a CG, General Commercial zone; APN: 035-230-041 and 035-230-040.

Planner, Paula Daneluk, presented the staff report for the project. She explained that the CEQA for the project was completed at the time that the Arco site was rezoned from PD to CG. She stated that the proposed project was in compliance with the CEQA document and therefore no further environmental review would be required. She reviewed the site plan with Commissioners and discussed how it worked with the site's existing topography. She noted that the proposed building and its amenities were located closer to Highway 49 and away from the residences along Pesce Way. She discussed project conditions and stated that the only comments received were from the Tuolumne Utilities District.

Chairman Garnin asked if there will be an easement for access between the Arco parcel and the project location.

Planner, Paula Daneluk, stated that there will be a cross access easement.

Commissioner Gary Anderson asked if the proposed access was for delivery trucks.

Planner, Paula Daneluk, explained how delivery trucks would circulate through the site.

Commissioner Richardson stated that he was more comfortable with the project now that the franchise has been identified and that it would not be a food court. He stated that this project will have less of an impact on the adjoining neighborhood.

Commissioner Richardson questioned how the drive through aisle would function.

Planner, Paula Daneluk, explained the drive-through circulation.

Commissioner Gary Anderson stated that the proposed configuration would lessen the amount of parking.

Planner, Paula Daneluk, stated that the proposed drive through and menu board locations will have less of an impact on the residential area and they are exceeding the required number of parking spaces under Title 17.

Commissioner Gary Anderson expressed concerns over the proposed vegetation and the lack of a buffer between the project and the residential neighborhood.

Planner, Paula Daneluk, stated that the existing vegetation on the Arco parcel will remain and vegetation is proposed along Pesce Way.

Commissioner Kevin Anderson asked if the sidewalk along Hwy 49 will be extended to the building.

Planner, Paula Daneluk, stated that is would. She also discussed project related improvements at the intersection of Hwy 49 and Pesce Way.

Applicant, Reuben Chirnside, discussed the challenges with developing the site. He stated that the joint ownership of the parcels provided for access through the Arco parcel, otherwise all of the traffic would have to access off of Pesce Way. He explained that the proposed location and design for the drive through will help to direct traffic back through the Arco parcel.

He also explained that the topography of the site and that the proposed building location will help with the view shed and noise for adjoining residences. He stated that proposed vegetation will provide a buffer and screening. He also explained that Dairy Queen has only one distributor which will help with the number of delivery trucks.

Chairman Garnin asked what the hours of operation would be.

Applicant, Andy Singh, stated that they expect them to be from 11:00 a.m. to 11:00 p.m. but no later than midnight.

Chairman Garnin opened the public hearing at 6:22 p.m.

Gerald Abbott stated that he lives on Steffen Lane and he was not notified about the meeting. He questioned why staff had not completed the required 1,000 ft. notification and stated that this was the reason he was the only one in attendance at the meeting. He spoke in opposition to the project.

Planner, Paula Daneluk, stated that staff had completed the required 300 ft. notification process as well as placing a notice in the Union Democrat and posting the notice at City Hall 72 hours prior to the meeting.

Chairman Garnin closed the public hearing at 6:26 p.m.

Commissioner Gary Anderson stated that most of the issues had been addressed at the time the Arco parcel was rezoned. He felt that they dealt with the issues as best as they could with the project as proposed.

Commissioner Richardson stated that he felt more comfortable with only one business on the parcel and that the owners had a right to develop the property.

Chairman Garnin stated that the proposed project was an improvement over what was considered under the environmental document. He stated that the owner worked to address the concerns expressed by the adjoining neighbors in the proposed project.

MOTION: To approve a Site Plan to construct a new Dairy Queen Restaurant, located at 17 Pesce Way, in a CG, General commercial zone, subject to the following conditions and findings:

MOTION: K. Anderson **SECOND:** Richardson

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

Findings for Site Plan for Dairy Queen Restaurant:

1. The project is consistent with all applicable provisions of the Sonora Municipal Code and other local, state and federal laws; and

2. The proposed project is consistent with the Sonora General Plan; and

3. The proposed project is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there will be no potentially significant adverse effects upon environmental quality and natural resources that cannot be properly mitigated and monitored; and

4. There are adequate provisions for public and emergency vehicle access, fire and police protection, sanitation, water and public utilities and services to ensure that the proposed development will not be detrimental to public health and safety; and

5. The subject site is adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by the Sonora Municipal Code; and

6. The subject site is served by streets adequate in width and surfacing type to carry the quantity and type of traffic generated by the proposed development; and

7. The use will not produce odors, gas, fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, hazardous or waste materials beyond the confines of the property onto contiguous properties or into the air or watercourses to an extend constituting a nuisance and does not constitute a physical hazard to persons or properties beyond the confines of the property by reason of fire, explosion or similar cause.

Conditions of Approval for Site Plan at 17 Pesce Way

General:

1. This Site Plan approval is issued for constructing a new commercial building. All site alterations shall be in accordance with plans approved by the Sonora Planning Commission on November 13, 2018.

2. Applicant shall install and maintain bicycle racks near entrances for employees and customers.

3. Employees shall park in the upper Employee Only Parking Lot which shall be gated for such use.

4. Prior to issuance of a building permit, the final map for the Lot Line Adjustment for the project area shall be recorded.

5. Provide landscape buffer of parking and drive aisle from adjacent residential uses including area at the end of the upper Employee Parking area. Buffer shall include a 4-foot hedge and / or other understory shrubs and bushes to create a visual buffer.

6. Provide a visual buffer between the travel lanes of Highway 49 and the drive aisle. Buffer shall be a minimum 4 feet of landscaping such as a hedge or dense bushes.

7. Prior to issuance of a building permit, the applicant shall obtain encroachment permits for the work within the right-of-way as shown on the site plan including landscaping, sidewalks and driveways.

8. Prior to building permit, the applicant shall coordinate with TUD regarding the water and sewer capacity at the site and in the surrounding lines. TUD engineers shall approve the utility plan including:

a. Construct separate water services for domestic and irrigation use and abandon the existing water service on Elk Drive.
b. Construct a back-flow device at each water service and / or verify the existing back-flow devices meet current district standards. The property shall maintain and conduct annual testing of these devices.
c. Abandon the private sewer line located across APN: 035-230-042.
d. Install a grease interceptor to remove fats, oils, and grease from the waste stream before it enters the District's sewer collection system.
e. Pay all applicable fees and charges for water and sewer change of use and capacity charges.

9. Applicant shall complete and submit a full lighting analysis as part of the Building Permit Applicant.

10. A landscape plan shall be submitted for review and approval to the City's Parks, Recreation and Beautification Committee as per SMC Section 12.20.130 prior to building permit issuance. The landscaping plan shall include trees over 6 inches in diameter to be noted on the plan and indicated whether they are to remain or be removed. Any oak trees removed shall be replaced with a 3:1 ratio.

11. 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. [SMC Section 17.69.010 (Ordinance 776)]

12. Applicant shall comply with all local, state and federal regulations and requirements. (SMC Section 17.32.090).

Chairman Garnin asked if the applicant was in attendance for the Use Permit at 530 S. Washington Street.

Community Development Director, Rachelle Kellogg, stated that she was not and recommended that the Planning Commission continue the item to the December 10, 2018 Planning Commission Meeting.

MOTION: To continue the request for a Use Permit Application for Lisa Spangler, to return the property located at 530 S. Washington Street back to a residential use, to the December 10, 2018 Planning Commission Meeting.

MOTION: G. Anderson **SECOND:** K. Anderson

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

DISCUSSION ITEM

Community Development Director, Rachelle Kellogg, provided Commissioners information regarding the upcoming Housing Element Adoption process.

There being no further business to come before the Commission, the meeting was adjourned at 6:37 p.m. to the next Planning Commission Meeting on Monday, December 10, 2018.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director