PLANNING COMMISSION
CITY OF SONORA

JULY 8, 2019

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 Ron Jensen. Absent was Commissioner Kevin Anderson.

PUBLIC APPEARANCES: NONE

MINUTES:

MOTION: Approve the minutes of the June 10, 2019 Planning Commission Meeting, as mailed.

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

PUBLIC HEARINGS:

1) Continued application by Ken Keagy, of Corner Gas, Inc., for Site Plan approval to allow a small office with storage room in a 260 square foot building, located at 852 Mono Way; APN: 056-140-036, in a CG, General Commercial zone.

Planner, Paula Daneluk, presented the staff report. She discussed staff's proposed project conditions and explained the landscape requirements.

Commissioner Richardson questioned why the proposed landscape area is so limited and if the City can require additional landscape as part of the project.

Planner, Paula Daneluk, explained that the project does not change the current use of property and therefore it does not trigger additional landscaping requirements.

Chairman Garnin stated that the landscape area should be expanded to address the area where vehicles have driven off the retaining wall. He stated that removal of the old building foundation will improve the property appearance.

Planner, Paula Daneluk, stated that the Municipal Code only requires a three-foot landscape area in front of the proposed parking spaces for this project.

Applicant, Ken Keagy, further explained the project and the reason for the request.

Chairman Garnin asked if he will remove the storage container as part of the project. He also asked if the sign will be replaced.

Applicant, Ken Keagy, stated that the storage container would be removed and no additional storage containers would be placed on the property. He also stated that the sign would be replaced.

Chairman Garnin asked if the color of the proposed building had been decided.

Applicant, Ken Keagy, stated the color will be coordinated with the existing structures on the property.

Commissioner Richardson asked if the project applicant would consider adding additional landscaping.

Applicant, Ken Keagy, stated that the City widened the intersection without installing landscaping so he has a problem with adding additional landscaping as part of his project.

Chairman Garnin opened the public hearing at 5:47 p.m.

Sharon Marovich, of the Tuolumne Heritage Committee, stated that she did not support the look of the building. She stated that she felt that Commissioners could not make the finding that the proposed project was consistent with the General Plan. She recommended the following changes, the siding be changed to board and batten, no aluminum windows and raised panels on the door.

Chairman Garnin closed the public hearing at 5:52 p.m.

Commissioner Jensen stated that Commissioner's hands were tied related to additional landscaping requirements. He stated that the proposed building materials were consistent with the car wash building.

Chairman Garnin noted that there were several different architectural styles at the intersection.

Commissioner Richardson asked if the Parks, Recreation and Beautification Committee can require additional landscape area. He also stated that he has heard a lot of complaints about the property.

Community Development Director, Rachelle Kellogg, stated that the Committee cannot require anything not required under the Municipal Code.

Commissioner Richardson stated that he would prefer board and batten siding.

Commissioner Jensen asked why the project was not subject to Design Review. Planner, Paula Daneluk, stated that Design Review is not required in the CG, General Commercial zoning district.

Commissioner Gary Anderson encouraged the applicant to beautify the property a little better than what was proposed.

MOTION: To approve Site Plan approval to allow a small office with storage room in a 260 square foot building, located at 852 Mono Way, subject to the following conditions and findings:

MOTION: G. Anderson **SECOND:** Jensen

VOTE:
AYES: G. Anderson, Jensen, and Garnin (3)
NOES: Richardson (1)
ABSTAIN: None (0)
ABSENT: K. Anderson (1)

Findings for Site Plan approval:

1. The proposed 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 extent 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 – Site Plan
852 Mono Way

General:

1. This Site Plan approval is issued for constructing a new 360 square feet office / storage building. All site alterations shall be in accordance with plans approved by the Sonora Planning Commission on June 10, 2019.

2. 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. Provide a landscape plan that provides a variety of plants including trees, bushes and ground cover.

3. Provide a landing and accessible entry into the building.

4. The proposed parking area and planter to be graded to the City wall along Greenley Road with the remnants of the old building foundation removed.

5. Prior to building permit, the applicant shall coordinate with TUD regarding the water and sewer for the building.

6. 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)]

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

2) Application by The Bract House LLC, a California Limited Liability Company, for the following:

a) Approval of a Development Agreement between the City of Sonora and The Bract House for the operation of a medicinal cannabis dispensary to be located at 10 Calaveras Street, in an ML, Limited Manufacturing zone; APN: 056-090-032.

b) Approval of a Use Permit for Medical Cannabis Dispensary for 10 Calaveras Street.

2 (a) Development Agreement -

Commissioner Gary Anderson, stated that he needed to recuse himself due to a conflict of interest and left the meeting room at 6:00 p.m.

Community Development Director, Rachelle Kellogg, explained that Commissioners will be considering approval of the Development Agreement and Use Permit for the project. She stated that the Development Agreement will move on to be considered for final approval by the City Council.

City Administrator, Tim Miller, presented the staff report for the Development Agreement. He explained the process and requirements for cannabis dispensaries within the City.

MOTION: To recommend approval to the Sonora City Council, for Resolution No. 7-08-2019-A, recommending that the Sonora City Council approve an Ordinance to adopt a Development Agreement by and between the City of Sonora and The Bract House LLC.

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

2 (b) Use Permit -

Planner, Paula Daneluk, presented the staff report for the project. She discussed project conditions and State of California requirements related to the building layout. She explained that the building was constructed on the property line requiring an agreement with the City to use part of the right-of-way for parking in the front of the building.

Commissioner Richardson asked if the applicant is completely renovating the building.

Planner, Paula Daneluk, explained that the exterior will be renovated now but only the area to be occupied by the dispensary in the interior will be renovated under this project.

Chairman Garnin stated that the remaining area of the building could be used for any use allowed in the zone.

Commissioner Jensen asked if the new siding will be metal.

Planner, Paula Daneluk, stated that the applicant indicated it would be.

Planner, Paula Daneluk, discussed comments received regarding the project. She provided Commissioners with an email from Lorraine and Virginia Holman in favor of the project.

Commissioner Richardson asked for a clarification of the Tuolumne Heritage Committee's comments.

Planner, Paula Daneluk, re-stated the Tuolumne Heritage Committees project comments.

Applicant's representative, Matthew Clarke, attorney for the applicant stated he was available to answer questions.

Chairman Garnin asked if they have other dispensaries.
Applicant's representative, Matthew Clarke, stated that they did in Calaveras County.

Chairman Garnin asked if the applicant would consider a different siding to retain the historic character of the building.

Commissioner Jensen stated that any new siding should be metal vertical siding, to retain the existing appearance of the building.

Applicant's representative, Matthew Clarke, stated the applicant is willing to take suggestions about building materials or tree selection.

Chairman Garnin opened the public hearing at 6:27 p.m.

Sharon Marovich of the Tuolumne Heritage Committee, stated that the new siding should be vertical corrugated metal and that any additional windows should be kept to a minimum.

Jeff Muzio, owner of Hazy Bulldog Farms, spoke in favor of the project.

David Peters expressed concerns about having cannabis dispensaries on one of the main entrances into Sonora and spoke against the project.

Chairman Garnin closed the public hearing at 6:37 p.m.

Commissioner Jensen and Chairman Garnin stated that they did not have issues with the window changes but were concerned with the horizontal siding.

Applicant's representative, Matthew Clarke, explained that there may be some State requirements related to window placement and sizes within the building.

MOTION: To approve a Use Permit for Medical Cannabis Dispensary, subject to the following additional conditions and including the conditions and findings below:

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

Additional Conditions:

1. The exterior of the building metal siding shall be similar to the existing look with vertical corrugated siding, instead of the horizontal shown in the elevations contained in the staff report dated July 8, 2019.

2. Minimize the number of new windows to be installed unless required by state regulations or the California Building Code.

3. Coordinate the type of tree in the wine barrels with the Community Development Director.

Findings for Use Permit – 10 Calaveras Street:

1. The use is not located within 600 feet of a school, youth center, day care, church, or park;

2. The use is desirable at the specific location;

3. The use is consistent with the City of Sonora General Plan;

4. The use is consistent with the intent of Title 17 of the Sonora Municipal Code and with the purposes of the zone in which it is located;

Conditions of Approval
Use Permit for Medicinal Cannabis Dispensary
10 Calaveras Street

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. [SMC Section 17.69.010 (Ordinance 776)]

2. This Use Permit is issued a Medicinal Cannabis Dispensary pursuant to a M-license. All activities shall be in accordance with plans approved by the Sonora Planning Commission on July 8, 2019. [Project Description, SMC Section 17.32.090]

3. The Use Permit is issued to allow for a Medicinal Cannabis Dispensary with the following conditions:

    a. The facility shall be maintained and operated in compliance with the site plan and floor plans included in the Planning Commission Staff Report (July 8, 2019).
    b. The applicant shall provide high resolution security cameras (1280x720 min) at all entrances and exits, anywhere cannabis is being stored and delivered, all limited access rooms, and point of sale locations allowing a view of facial features for both the seller and buyer.
    c. The Security Plan shall meet the requirements of Section 8.36.040 D (4) and shall prevent theft or diversion of any cannabis or currency, will discourage loitering, crime and illegal or nuisance activities by having interior and exterior camera surveillance and a professionally monitored alarm system, and will secure storage and waste areas. The Security Plan shall be approved by the City of Sonora Police Department.
    d. The business hours shall be 10 am to 7 pm.
    e. The proposed use shall be operated entirely within the building in the area indicated on the floor plan.
    f. Applicant shall enter into an agreement with the City of Sonora for the use of the area in front of the building for parking purposes.

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

Commissioner Gary Anderson re-joined the meeting at 7:04 p.m.

DISCUSSION ITEMS

1) A proposed Text Amendment to Chapter 17.32, Design Review/Historic Zone, Chapter 17.75, Demolition of Buildings and Structures, Chapter 17.66, Administration, and Chapter 17.70, Enforcement and Penalty.

Community Development Director, Rachelle Kellogg, presented the staff report and discussed staff's proposed changes related to Design Review and related code sections.

Sharon Marovich of the Tuolumne Heritage Committee, said she was pleased with the proposed changes included within the Text Amendment. She asked that awnings within the historic area be approved by the Planning Commission, all single-family residences be subject to Design Review, and include a penalty for anticipatory demolition.

Commissioners stated that they liked the proposed Text Amendment. They requested staff to consider adding provisions for anticipatory demolition.

Community Development Director, Rachelle Kellogg, stated that requested changes will be made and the Text Amendment will be brought back for consideration at a future meeting.

2) Community Development Director's Report

Community Development Director, Rachelle Kellogg, advised that the City Council approved new Planning and Development Fees for the City.

There being no further business to come before the Commission, the meeting was adjourned at 8:02 p.m. to the next Planning Commission Meeting on Monday, August 12, 2019.

Respectfully submitted,

Rachelle Kellogg,
Community Development Director