

**Planning Commission Minutes
Community Chambers
Wednesday, March 24, 2010, 7:00 p.m.**

Commissioners Present: Mark Braly (Chairperson), Greg Clumpner, Kris Kordana,
Mike Levy (Vice-Chairperson), Terry Whittier

Commissioners Absent: Ananya Choudhuri (Alternate), Lucas Frerichs, Rob
Hofmann

Staff Present: Mike Webb, Principal Planner; Eric Lee, Assistant Planner;
Lynanne Mehlhaff, Planning Technician

1. Call to Order

Chairperson Braly called the meeting to order at 7:00 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Mike Webb, Principal Planner, gave an update on the Willowbank Park development in south Davis. City Council approved the project with the entitlements and noted that the northern lots on the creek buffer will be re-designed to incorporate townhouses. That component would come back to Planning Commission for review.

Chairperson Braly asked that the minutes of the last meeting of March 10th be done for the next Planning Commission meeting.

He also reminded people about the Community Forum on Water-Energy Connection tomorrow night at 7:00 pm here in the Chambers.

4. Public Communications

There were no public communications.

5. Consent Items

- A. Planning Commission Minutes of January 6, 2010**
- B. Planning Commission Minutes of January 13, 2010**

Action: Commissioner Whittier moved approval of the minutes and Commissioner Kordana seconded the motion.

AYES: Braly, Kordana, Levy, Whittier

Abstain: Clumpner

The motion carried 4-0-1.

6. Public Hearings

- A. PA #40-09, 234 Lindo Place, Conditional Use Permit #11-09;
(Lynanne Mehlhaff, Planning Technician)**

Public Hearing to consider approval of a Conditional Use Permit to allow the construction of a detached 511 square foot second unit in the rear yard. The second unit will contain a studio for use as a bedroom/living room area, a bathroom, a kitchen with a sink, cooking appliances, refrigerator and dining area. The second unit will be 511 square feet and will have setbacks of five feet from the east side, 16 feet from the west side, and 10 feet from the rear property lines. The proposed structure height is 13 feet 2 inches. The existing single carport will remain and the driveway will be expanded front to 18 feet in width to accommodate two cars. Materials and colors will match the existing residence.

Lynanne Mehlhaff, Planning Technician, presented the staff report.

Chairperson Braly opened the public hearing.

Claudine Knight, property owner and applicant, explained the reason she needed the second unit was for her daughter who could move in and help care for her.

Marta, daughter of the property owner, explained how she was unemployed and had to sell her current house. This was a way to simplify their lives.

Lance Buck, drafts person and designer of the project, said he followed the requirements of the second unit ordinance.

Chairperson Braly closed the public hearing.

Action: Vice-Chairperson Levy moved approval of the conditional use permit for the second unit. Commissioner Kordana seconded the motion

AYES: Whittier, Levy, Kordana, Clumpner, Braly
The motion passed unanimously 5 to 0.

B. PA #34-09, Zoning Ordinance Amendment #01-09, Zoning Ordinance Amendment for Fence Standards and Omnibus Zoning Amendments; (Eric Lee, Assistant Planner)

Public Hearing to consider approval of minor amendments and technical corrections to various sections of the city Zoning Ordinance (Municipal Code Chapter 40) to include: adding a definition and clarification for residential fence standards; changing the expiration and extension dates for minor modifications to be consistent with other entitlements; adding language to conditional use permits to allow denials without prejudice; and other minor corrections such as elimination of redundant language, correction of typo mistakes, and deletion of outdated references.

Eric Lee, Assistant Planner, presented the staff report. Commissioners asked questions.

Commissioner Whittier requested clarification in the language regarding the minimum dimensions of twelve feet for enclosed areas of atriums or courtyards. It wasn't clear whether the twelve feet was just linear or square feet. Staff said they will work on clarifying the language.

Vice-Chairperson Levy said that the word "solid" needs clarification; it may be easier to drop the word "solid" since you are defining the word walls. He asked about the \$2,000.00 administrative fee for people who wanted to build an atrium/courtyard; it seemed oppressive. He was concerned with the cost of the design review on an applicant. Staff explained how fees were derived for various applications.

Chairperson Braly opened the public hearing.

John Swann, resident, encouraged the Planning Commission to endorse option #3, the staff recommendation, which made it simpler. If this recommendation was in place, he and his wife would have been made aware of the neighbor's exception and could have weighed in before it was constructed. He thanked staff and Planning Commission. He had his property surveyed for \$1100.00 and found the fence and wall placed on his property and had the fence modified and stepped down recently.

Chairperson Braly closed the public hearing.

Action: Commissioner Whittier moved approval of option #3 which was to keep seven feet as a standard fence and wall height maximum and add a provision allowing an increase in the height of atrium/courtyard walls through a discretionary design review. He also recommended City Council adopt the amended ordinance by staff with the clarification of the 12 feet not being linear feet and whether the word 'solid' should remain in the definition.

AYES: Whittier, Levy, Kordana, Clumpner, Braly
The motion passed unanimously 5 to 0.

Vice-Chairperson Levy asked if staff could explore when this goes to City Council a way to make the design review less costly for people. He also wanted to go on record for expressing disapproval for neighbors in engaging in self help activities with respect to their neighbors.

7. Business Items

There were no business items.

8. Informational Items

- A. Planning Commission Schedule**
- B. Water-Energy Connection: Forum March 25, 2010**
- C. Excerpts from Subdivision Ordinance regarding the Subdivision Committee**

9. Staff and Commissioner Comments (continued).

Mike Webb said there was nothing scheduled for April 14th but there were a number of projects coming up in the near future. He said that the next meeting would be cancelled.

Chairperson Braly said he would like a follow-up meeting from the workshop of March 10th and could have it scheduled for April 28th. Commissioners concurred.

Vice-Chairperson Levy said he was at Mermaids restaurant recently and enjoyed it. The restaurant employed 51 people and 30 of them are Davis residents and recommended that people check it out.

Commissioner Whittier suggested that the Joint PC - CC meeting could be postponed until after the June election. Staff said the suggestion would be passed on to the City Manager.

Commissioner Kordana announced he was resigning as liaison from the Natural Resources Commission and said this should be on the agenda for the next meeting.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, April 14, 2010 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 8:00 p.m.