



**Planning Commission Minutes
Community Chambers
Wednesday, December 8, 2010, 7:00 p.m.**

Commissioners Present: Mark Braly (Chairperson), Ananya Choudhuri, Lucas Frerichs (Vice-Chair), Marilee Hanson, Rob Hofmann, Justin Kudo (alternate), Paul Philley

Commissioners Absent: Terry Whittier

Staff Present: Mike Webb, Principal Planner; Eric Lee, 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).

Chair Braly said there will be a joint meeting of the Planning Commission and the Natural Resources Commission on January 24th at their meeting time in the Community Chambers.

Commissioner Kudo asked about the process for the expansion of Ikeda's at the Mace Boulevard and Second Street intersection. Mike Webb, Principal Planner, explained the process as a Yolo County referral entitlement to the City Council and Redevelopment Agency.

4. Public Communications

There were no public communications.

5. Public Hearings

- A. PA #20-10, 2323 Rockwell Drive, Wildhorse Golf Course Clubhouse, Conditional Use Permit #04-10; (Eric Lee, Assistant Planner)**

Public Hearing to consider a request for approval of a Conditional Use Permit to renew a previously approved CUP #07-08 for the Wildhorse Golf Course Clubhouse at 2323 Rockwell Drive. The CUP allows use of the clubhouse for golf-related and non-golf related special events such as birthday and wedding celebrations, special meetings and banquets with nighttime hours.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Paul Calloric, an owner of the Golf Course, explained that they would like the ability to have more non-golf related events that are not provided during the daylight hours.

Enrique M. on Rockwell Drive said the proposed CUP represents a very good compromise between the neighbors and the golf course. The sunset provision would no longer apply and the neighbors worked out compliance measures with the golf course. He asked for support of the CUP.

Chairperson Braly closed the public hearing.

Commissioner Hanson pointed out that Conditions #16 and #17 were more for the public and not conditions for the permittee. Staff explained the reasons for the conditions.

Commissioner Hofmann was concerned going forward because this applicant had done the right thing and worked with the neighbors and has been a good neighbor. But if the property changes hands, with no sunset provision, it increases the value of the golf course but things could change easily with a different owner. The responsibility should be placed on the owner and not the neighbors.

Vice-Chair Frerichs agreed with Commissioner Hofmann's concerns by removing the sunset clause and leaving it as an administrative action.

Commissioner Choudhuri said regardless of the past, this applicant has made an effort to mitigate the neighbor's concerns. She stated maybe the Commission could condition this that if the ownership changed, the eighteen month or whatever time frame CUP could come back to the Commission again for review.

Commissioner Kudo felt that conditions #16 and #17 could be made findings instead of conditions. He also said it wasn't necessary to set a precedent for continually have a Planning Commission review of conditional use permits like this one because it could create an onerous fee laden process which is an expense that could be passed on to customers. He stated there is already a set of conditions and a process with clear mechanisms for appeal. He supported staff recommendation.

Action: Commissioner Philley moved staff recommendation with the following changes: Conditions #16 and #17 be incorporated as findings as to reasons why the Planning Commission feels it is important to remove the sunset clause. He also added a condition to be sure that the

neighborhood knows what the rules are and conditions are, so on the events page of the Golf Course website, it should be noted that this Golf Course operates under this conditional use permit number with a link to the permit information and it should be linked to the City of Davis Code Enforcement website. Commissioner Kudo seconded the motion.

Commissioner Choudhuri substituted the motion moving staff recommendation including the change to Conditions #16 and #17 and also amend the sunset provision that if the ownership/managers changes, then the sunset clause kicks in after 18 months or whatever staff feels is reasonable under new ownership. Vice-Chair Frerichs seconded the motion.

After some discussion with staff, Chair Braly said he supported the original motion because he was concerned with the burden placed on the applicant as well as the other questions raised as to whether it is legal to make a CUP contingent on ownership.

Commissioner Hanson offered a friendly amendment to the substitute motion, suggested language be added to the findings (Conditions #16 & 17) that says “in the event of an alleged violation, the City may revoke the CUP or add/amend/delete conditions pursuant to the City Code” and then there add a Finding #7 that states “in addition to the above, any member of the public with comments may engage in Code Enforcement or public comment pursuant to the City Code.” Also, additions to the language to the Conditions of Approval, Condition #1, the bullets should be given a letter instead of bullets so as to make these clearer. Commissioners Choudhuri and Frerichs agreed to the amendments.

Staff clarified that if there is an affirmative vote on the substitute motion, the Commission majority would be comfortable with the concept as proposed in the motion without staff coming back with information from the City Attorney regarding definitions of ownership. Commissioners agreed.

The substitute motion was voted on as follows:

AYES: Hofmann, Hanson, Choudhuri, Frerichs, Braly

NOES: Kudo, Philley

The motion passed 5 to 2.

6. Business Items

A. 2011 Commission Work Plan

Mike Webb, Principal Planner, asked the Commission how they would like to develop a work plan for the next year or two years. Webb suggested there could be a sub-committee formed or a workshop or other approaches that could be evaluated.

Chairperson Braly said the City Council direction last night was for staff and the Commission to come up with possibilities for alternative review processes and collaborative review of some projects.

Vice-Chair Frerichs said establishing a subcommittee with potentially three members may work the best.

Commissioner Philley asked if there should be two subcommittees with subcommittee for current or short term projects and one long range Planning items such as the General Plan.

After some discussion, Chairperson Braly said we could appoint a sub-committee and it could meet and discuss some of these questions and report back and then a second sub-committee could be appointed. We could have the new Commission Chair, new Vice-Chairman and past Chairperson could be the first subcommittee. The selection of new chair and vice-chair will be done at the January 12th Planning Commission meeting as well as selection of the sub-committee.

Commissioner Hofmann suggested a straw poll to see who was interested on the subcommittee. Commissioners Philley and Kudo said no at this time. Commissioners Hofmann, Choudhuri and Braly were interested and Commissioners Frerichs and Hanson said they could go either way. It was decided that the subcommittee will be made up of Commissioners Hofmann, Braly and, Choudhuri.

7. Informational Items

- A. Planning Commission Schedule
- B. Update on Crown Castle (Newpath) DAS antenna system

Mike Webb summarized the pre-application process for the Crown Castle antenna system.

8. Staff and Commissioner Comments (continued).

Webb announced there would be a community outreach meeting for the Cannery Park proposal at the Harper Junior High auditorium at 6:30 p.m.
He also said the City Council went over the Verona Final Map which was approved and continued the Willowbank 10 Development Agreement which was continued to next week.

9. Public Communications (continued).

There were no public communications.

10. Adjournment to the next Planning Commission meeting to be held on Wednesday, January 12, 2011 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 8:33 p.m.