



**Planning Commission Minutes
Community Chambers
Wednesday, December 7, 2011, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri (Chairperson), Lucas Frerichs (Vice-Chair), Marilee Hanson, Rob Hofmann, Paul Philley, Terry Whittier; Herman Boschken (alternate)

Commissioners Absent: None

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

1. Call to Order

Chairperson Choudhuri called the meeting to order at 7:01 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

There were no comments.

4. Public Communications

There were no public communications.

5. Consent Items

- A. **Planning Commission Minutes of October 26, 2011**
- B. **Planning Commission Minutes of February 9, 2011**

Action: Commissioner Whittier noted on page 4 of the October 26, 2011 minutes, the sentence should read that there should be a workshop on any month where there is a fifth Wednesday in that month only, not necessarily once a month. Chairperson Choudhuri asked staff to go through the minutes and clean up any other sentences that need any corrections such as typos etc. Commissioner Hofmann moved approval of the minutes; Commissioner Frerichs seconded.

AYES: Braly, Choudhuri, Frerichs, Hanson, Hofmann, Philley

NOES: None

Abstain: Whittier

The motion passed unanimously for the October 26, 2011 minutes and by a vote of 6-0-1 for the February 9, 2011 minutes.

6. Public Hearings

A. PA #34-11, 4600 Fermi Place, Conditional Use Permit #4-11, Wireless Collocation to add three new antennas to an existing Monopole; (*Ike Njoku, Planner and Historic Resources Manager*)

Public Hearing to consider approval of a Conditional Use Permit to allow the removal and replacement of the existing radome containing six antennas with one containing nine antennas on top of the monopole located at 4600 Fermi Place. The proposal will involve increasing the height of the monopole from 52' to 59', expand the diameter of the radome from 24" wide to 30" wide, install six remote radio units near the base of the tower within the AT&T compound and install equipment cabinets and cables. The purpose of the proposed project is to provide long term evolution technology in addition to the existing GSM or Universal Mobile Telecommunications System technologies.

Ike Njoku, Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Chris Hatch, applicant for AT&T, answered questions about the expansion of the radome.

Staff mentioned that the condition regarding the color of the monopole states that the applicant work with staff on the final selection of the color.

Chairperson Choudhuri closed the public hearing.

Action: Commissioner Whittier moved approval of the Conditional Use Permit. Commissioner Philley seconded the motion.

AYES: Braly, Choudhuri, Frerichs, Hanson, Hofmann, Philley, Whittier

The motion passed 7 to 0.

B. PA #31-11, 211 G Street, The Davis Beer Shoppe, Revised Public Convenience or Necessity #01-11; (Lynanne Mehlhaff, Planning Technician)

Public Hearing to consider approval of a revised Public Convenience or Necessity determination in order to extend the hours of operation for the Davis Beer Shoppe at 211 G Street. The Davis Beer Shoppe has been operating for the past seven months with restricted hours up to 11:00 p.m. The applicant is requesting that the hours of operation become unrestricted and meet the current zoning standards of the Central Commercial district. This is a permitted use in the district and the Davis Beer Shoppe would like the opportunity to have special events throughout the year such as private parties, beer and food pairings, viewing World Cup soccer matches, and classroom-type events.

Lynanne Mehlhaff, Planning Technician, Presented the staff report.

Chairperson Choudhuri opened the public hearing.

Taylor Ramos, owner of The Davis Beer Shoppe, answered questions from Commissioners and requested unlimited hours for the business.

Chairperson Choudhuri closed the public hearing.

Action: Commissioner Braly moved that the revised PCN be approved as submitted by the applicant with no restrictions to the hours. Vice-Chairperson Frerichs seconded the motion. Commissioner Hofmann substituted the motion stating that the tasting room hours can remain as proposed with unlimited hours but the off-sale hours of operation remain at the proposed restricted hours in the staff report and the applicant in the future may come back at a future date and request unlimited hours at that time which could then be evaluated. Commissioner Braly concurred; Vice-Chairperson Frerichs seconded the motion.

AYES: Braly, Choudhuri, Frerichs, Hanson, Hofmann, Philley, Whittier
The motion passed unanimously 7 to 0.

The Planning Commission recessed at 8:05 p.m.

The Planning Commission reconvened at 8:14 p.m.

C. PA #37-11, 5060 Chiles Road & 5080 Chiles Road, Davis Diamonds Gymnastics and Marke Tech Group, Conditional Use Permit #06-11; (Cathy Camacho, Planner)

Public Hearing to consider a proposal to purchase and develop two adjacent parcels, 5060 and 5080 Chiles Road, formerly occupied by a Ford

auto dealership. Davis Diamonds is currently located in leased space elsewhere in the City of Davis. The proposed uses would include the construction of a new 6,000 square foot building at 5060 Chiles Road to house Marke Tech operations and provide lease space for similar uses; and rehabilitation and expansion of the existing vacant auto dealership building at 5080 Chiles Road to accommodate Davis Diamonds Gymnastics growing space needs. The subject parcels are located in the Auto-Center zoning district.

Mike Webb, Principal Planner, and Cathy Camacho, Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Xavier Santana, Broker for Davis Diamonds Gymnastics, explained how the current gymnastics site is no longer adequate or safe. Davis Diamonds has been looking for other buildings and properties and have not been able to find the right place either due to the zoning or other reasons. He said city staff has been very helpful but the only place they have been able to negotiate is with this proposed site at 5060 and 5080 Chiles Road. He explained that they tried to negotiate with the owners of the DISC site who had lowered their price at one point, but then got an email that stated the price will be \$100,000 more and it killed the deal. This building is the right size for now but Davis Diamonds could outgrow it in five to ten years.

Gene Simons, owner of the site, said that Marke Tech is going to buy and make this a high technology site which will attract other businesses. He said he was possibly going to have to go through bankruptcy to try to sell the building. He supported the project proposal.

Warren Sachs, President of American River Marketing, has held the lease since 1985 on this building. He has been President of the Greater Sacramento Dealers and has contacted many dealers in the area, RV companies, auto factories and brands to try to solicit these facilities and has had no response from anyone. He said the last five years holding this lease has been tough and has tried to lease the site. He asked that the Planning Commission approve this proposal for the City and for the future tenants.

Hilde Aune, Coach of Davis Diamond Gymnastics, stated the mission of Davis Diamond Gymnastics and described their program.

James Major, Coach and owner of Davis Diamonds Gymnastics, described the necessary layout of the building. He explained how they have outgrown their current gym and that they need a new modern gym so they can have the facilities such as foam pits with the rings and bars over them.

Mark Davis, managing partner for the Marke Tech Group, explained how they are a marketing research company serving med-tech companies worldwide and have offices in Davis. He said automotive dealers have changed their marketing plans since 1991. He contended that the empty

auto dealership sites were not due to the recession. He said there were fewer dealerships in number. He said they have approached twenty businesses in this area which supported their proposal. He asked that the Planning Commission consider their proposal as part of the solution for fostering healthy activities for children and for early stage growth of medical technology companies that need affordable rents.

The following people spoke in support of the project: Eric Stromberg (Davis resident); Liz Sheridan (employee of Davis Diamonds); Nicole Bradshaw (10 year old gymnast); Judy Fletcher (parent of a gymnast); a gymnast representing the boys team; Roman Gankin (Davis resident); Donna Olson (parent of a gymnast); Steve Wayland (parent); Darryl Dickee (parent); Sara Morgan (resident of Davis); Laura Long (parent); Rose Cholewinski (Swim America); Dr. Robert Lufburrow (parent); Karen Wagner (parent and realtor); Nancy Lege (elementary teacher); and Greg Simmons (resident).

Chairperson Choudhuri closed the public hearing.

Commissioner comments:

- After listening tonight, this location is not the ideal space for Davis Diamonds or an auto dealer. The auto dealer business is changing. Support the CUP at this time.
- Supported gymnastics, it is a great sport. But it would be terrible to have a vacant auto center building. It would be great to have Davis Diamonds in this building but this creates a problem of splitting up the lot. This would make it difficult for an auto dealer to come in. Can't support the project as a Planning Commissioner since the City Council made this area an auto zone.
- Thanked the applicants and folks who spoke. There is change in the auto industry. Extraordinarily conflicted with this use here.
- This wasn't a reflection on the use that would be going there. Times are changing but if we are to make a change then we need to have the City Council make the decision. This is a great business and program but it is a land use change and it is the City Council's charge to make the decision.
- This isn't the appropriate location in this zoning district. As far as revenue is concerned, tax dollars from auto sales is a major tax base for the City. The City relies on sales tax. Supports local business and doesn't agree that auto malls are now outdated. Auto malls may be changing but they are still needed such as electric vehicles. This is not an easy decision but can not support the project.
- Concerned with making a change in use in the middle of the auto center district. The Davis Diamonds could leave and then the zoning would have been changed. The City Council should make the decision.
- Planning has to look at the highest and best use for this site for the community which does include taxation. Is this proposal that tipping point where the site could easily return to its' prior use if this use was approved and then left? This site is in the middle of the auto zone.

Xavier Santana said there was a problem in the City with no zoning for Commercial Recreational uses, hard to find a site. He said leasing wasn't viable here; purchasing the property is the only option.

Action: Commissioner Hofmann moved staff recommendation to deny the project. Commissioner Whittier seconded the motion. Commissioner Whittier thanked everyone for coming and told the applicants they should appeal the project to the City Council who should make the decision.

AYES: Philley, Whittier, Hofmann, Frerichs, Choudhuri
NOES: Braly
Abstain: Hanson

The motion of denial passed 5-1-1.

D. PA #11-15, 4510 Second Street, Second Street Plaza Restaurant, Conditional Use Permit #02-11; (Eric Lee, Assistant Planner)

Public Hearing to consider approval of a Conditional Use Permit to allow up to 4,000 square feet for two separate restaurant and food-serving uses at the Second Street Plaza project at 4510 Second street. The project would be located in an 8,800 square-foot multi-tenant building. The building has approved entitlements but is not yet constructed. Primary uses would be light industrial/manufacturing and office uses. Restaurants and food-serving uses are allowed upon approval of a Conditional Use Permit.

Eric Lee, Assistant Planner, presented the staff report.

Mike Webb, Principal Planner, explained the history of zoning changes in the area and staff/City concerns with keeping sufficient land for light industrial and business park uses.

Chairperson Choudhuri opened the public hearing.

Tim Taylor, representing the applicant, said there is a lack of restaurant services in this proximity. This proposed conditional use permit is not changing the land use or the zoning.

Terry Furmanek, developer of the property, explained how the narrow parcel has not been suitable for a light industrial use. The two small restaurants will serve a need in this area.

Chairperson Choudhuri closed the public hearing.

Action: Vice-Chair Frerichs moved approval of the Conditional Use Permit as per the applicant's letter with the proposed findings. Commissioner Whittier seconded the motion. Vice-Chair Frerichs said with all the jobs in that area of town and residents in the Mace Ranch

area, the area is under served by restaurants. He could not find reasons for denial. Commissioner Whittier said putting in an eating establishment here goes against the grain but there are people in the area who need to eat. Commissioner Hofmann said now that the bank is there, that was the tipping point to allow this use and the site is not feasible for light industrial.

Principal Planner Webb said staff did not have the findings and the Conditions of Approval tonight and suggested that the Planning Commission direct staff to return to the next Planning Commission meeting on January 11, 2012 with findings and conditionals of approval.

Applicant Tim Taylor said that was fine to come back on January 11, 2012 with the findings and conditions of approval.

Vice-Chair Frerichs amended the motion to continue this item and return at the January 11, 2012 meeting with findings and conditions of approval. Commissioner Whittier re-seconded the motion.

AYES: Braly, Choudhuri, Frerichs, Hanson, Hofmann, Philley, Whittier
The motion passed unanimously 7 to 0.

7. Business Items

A. Selection of Chairperson and Vice-Chairperson for 2012

Commissioner Hofmann nominated Vice-Chair Frerichs to be Chairperson. Commissioner Whittier nominated Commissioner Philley for chairperson. Commissioner Philley declined the nomination to be Chairperson.

AYES: Commissioner Frerichs was selected as Chairperson by consensus.

Commissioner Braly nominated Commissioner Philley for Vice-Chairperson. Commissioner Chouhuri nominated Commissioner Hofmann as Vice-Chairperson.

The voting was done by secret ballot and Commissioner Hofmann was voted as Vice-Chairperson by a 4 to 3 vote.

8. Informational Items

A. Planning Commission Schedule

Chairperson Choudhuri asked staff if they had the feedback that Commissioners were to submit by November 30th on the zoning definitions and Workplan items. Webb said he would distribute the information when all the Commissioners turned in the information.

B. Commissioners Attendance at Planning Commissioners Conference.

Commissioner Hanson said she attended the conference at Sonoma State and found it a very valuable class. Commissioner Boschken said he also attended the conference.

9. Staff and Commissioner Comments (continued).

Webb pointed out a handout on the dais regarding an upcoming Subdivision Committee meeting on December 19, 2011 and said there would not be a Planning Commission meeting within the 10 day call up period for those items. Planning Commissioners need to contact staff if they wish to have either of the items called up at a future meeting.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next Planning Commission meeting to be held on Wednesday, January 11, 2012 in the Community Chambers (23 Russell Boulevard) and 7:00 p.m.

The meeting was adjourned at approximately 11:33 p.m.