

Minutes
City of Clayton Planning Commission Meeting
Tuesday, January 8, 2008

Call to Order

Vice Chair Catalano called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Vice Chair Catalano, Commissioner Bob Armstrong, Commissioner Ed Hartley

Absent: Chair Keith Haydon, Joe Odrzywolski

Staff: Community Development Director Jeremy Graves

Administrative

1A. Review of agenda items.

By consensus, the Commission moved Item 3B ahead of Item 3A.

1B. Commissioner Hartley to report at the January 15, 2008 City Council meeting.

Public Comment

David Lipton, 38 Petar Court, submitted photographs of his rear yard and the adjacent slope of the Diablo Pointe parcel, submitted a letter from John and Mariana Behdjet, and indicated the following:

- His property was flooded Friday January 4, 2008 by runoff from the Diablo Pointe site.
- He contacted City staff on Friday who, in turn, contacted Lemke Construction, Inc..
- He was informed by Lemke Construction that grass would be planted to stabilize the slope.
- Contractor's superintendent said their crew would clean up.
- Lemke Construction's contractor cleaned up his property on Saturday.
- Who will be responsible for maintaining V-ditch on a long-term basis after the project is completed.
- He wants the City to confirm that problem will not re-occur. *Director Graves indicated that he would request the City Engineer to contact Mr. Lipton regarding this matter.*

Danette Nelson, 44 Petar Court, indicated the following:

- Also concerned about safety of the hill on the Diablo Pointe site?.
- The hill is now unsightly.

Susan Larson, representative of Lemke Construction, indicated the following:

- Lemke Construction's crew was on-site on Friday and left for one hour and that is when V-ditch became blocked.
- Hillside will not be left in its current condition, but will be re-done in the spring after the area dries out.

Ann Lipton, 38 Petar Court, indicated that the rocks at the base of the slope are an eyesore.

Approval of Minutes

2A. Approval of minutes from the regular meeting of November 27, 2007.

Vice Chair Catalano moved and Commissioner Armstrong seconded a motion to approve the minutes from the meeting of November 27, 2007, with corrections. The motion passed 3-0.

2B. Approval of minutes from the regular meeting of December 11, 2007.

Vice Chair Catalano moved and Commissioner Hartley seconded a motion to approve the minutes from the meeting of December 11, 2007, with corrections. The motion passed 3-0.

Public Hearings

3A. **UP 08-07, Use Permit, Lisa Benedict**, 5439-E Clayton Road, APN 118-031-052. A use permit to allow the operation of a proposed massage therapy business in conjunction with a proposed beauty salon/day spa in the Clayton Station Shopping Center.

The public hearing was opened. Director Graves presented the staff report. The applicant was available for questions.

Vice Chair Catalano asked if the business was open yet. *Director Graves indicated he was not sure if the business was open but that a sign permit had already been issued for the business.*

There were no further questions or comments. The public testimony period was closed.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve Use Permit UP 08-07, with the findings and conditions of approval recommended by staff. The motion passed 3-0.

3B. **MAP 01-03, Tentative Subdivision Map Extension, Lemke Construction Incorporated**, Northeast corner of Regency Drive and Rialto Drive, APN 122-060-011. A request for a one-year time extension of a previously-approved tentative subdivision map for the 25-lot single-family Diablo Pointe Residential Subdivision.

The public hearing was opened. Director Graves presented the staff report.

Susan Larson, representative of the applicant, indicated the following:

- Lemke Construction has submitted final map and tenant improvement plans.
- Lemke Construction has not put the project on hold.
- Lemke Construction plans to record the final map in February 2008.
- The construction sequence is as follows:
 - Install utilities (weather permitting).
 - Create pads for lots.
 - Pave streets.

There were no comments. The public testimony period was closed.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve a one-year extension for MAP 01-03 for the Diablo Pointe tentative subdivision map. The motion passed 3-0.

- 3C. **GPA 01-07, Town Center General Plan Update, City of Clayton.** An amendment of the *General Plan* Land Use Element, Circulation Element, and Community Design Element to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures regarding development in the Town Center as well as other miscellaneous minor revisions and updates. *Continued from the meeting of December 11, 2007.*
- 3D. **SPA 01-07, Town Center Specific Plan Update, City of Clayton.** An amendment of the *Town Center Specific Plan* including, but not limited to, Chapters 1 (Introduction), 3 (Municipal Services), 4 (Urban Design), 5 (Circulation), and 6 (Financial Implementation) to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures. *Continued from the meeting of December 11, 2007.*
- 3E. **ZOA 01-07, Town Center Zoning Update, City of Clayton.** An amendment of the *Zoning Ordinance* including, but not limited to, revisions of the permitted uses in the Limited Commercial District (Chapter 17.24), Planned Development District (Chapter 17.28), and Professional Administrative Office District (Chapter 17.32); revisions of various requirements, standards, and findings for Use Permits (Chapter 17.60); establishment of various definitions (Chapter 17.04); as well as minor revisions of other sections regarding permitted uses and review procedures for uses in the Town Center.

The continued public hearings were re-opened. Director Graves presented the staff report. The public testimony period was opened.

Ron Roberts, 5186 Heritage Drive, Concord, submitted a letter from Reverend Shawn Robinson of the Clayton Community Church. The letter indicated the following points:

- The proposed changes to the *General Plan* will affect the property rights of the Clayton Community Church.
- The environmental review document for the *General Plan* modifications is nearly a year old.
- The proposed amendments appear to place a substantial burden on the Clayton Community Church's free exercise of religion.
- The City has not offered City property to the Clayton Community Church that was of equal value to the property owned by the Church.

Commissioner Hartley asked if the Clayton Community Church is taking the position that they have had insufficient time to review the proposed changes or is the letter submitted by the Church in response to the proposed changes? *Mr. Roberts indicated that the Clayton Community Church has significant concerns about the effects of proposed changes on the ability of the Church to develop its property and the Church would like to have more time to work with the City on this issue.*

Steve Coates, manager of the Village Oaks commercial building, indicated the following:

- If the Village Oaks property were re-leased today, only two of the seven ground-floor tenants would be permitted uses. None of the tenants in the B&B building would be permitted uses.

- There are some challenges with leasing Village Oaks as the layout is a little difficult.
- The wood signage at Village Oaks is not well-lit like the signage at Clayton Station.

Commissioner Hartley asked if the proposed wording of *Town Center Specific Plan* limits the ability of Mr. Coates to lease the Village Oaks building. *Mr. Coates answered "yes"*.

Mr. Coates also indicated the following:

- He has made efforts to attract permitted uses.
- The rent for Winner's Circle is probably one-third of the rent for a comparable space in Clayton Station.
- He has put nearly \$400,000 into Village Oaks (e.g., new siding, new roof, air conditioning, and sidewalk) and rents have pretty much stayed the same.
- He is considering re-landscaping the frontage along Marsh Creek Road.

Randall Welty, 1146 Easley Drive, indicated the following:

- His wife owns the "Permanent Wave" business in Village Oaks.
- He is concerned that she may not be allowed to continue to have a ground-floor location if proposed amendments are approved.

Vice Chair Catalano explained that the proposed regulations would only be applicable to tenant spaces which have been vacant for six months or more. The proposed amendments do not require existing tenants to get a use permit to continue their business in their current location.

Bob Staehle, 215 Mountaire Circle, indicated that on January 15, 2008 the City Council will review proposals for redevelopment of the City-owned property on Oak Street. He invited the Commissioners to attend the presentations.

John Wandering, member of the Clayton Community Church, indicated the following:

- The Clayton Community Church has been singled out.
- Maybe the Clayton Community Church does not fit in with the City's plans.
- A restaurant could do well with Sunday morning brunches.

Commissioner Armstrong indicated that the Commission has been working on getting retail in the Town Center for the past 18 months.

Commission comments and questions included:

- Regarding the proposed *Zoning Ordinance* update, what do "interfere" and "overwhelm" mean in the context of the pedestrian and retail orientation of the Town Center?
- The addition of the "asterisks" to several uses in the use permit section is a good idea.
- The Town Center compatibility section needs to be thought out.
- We need to add some factors for evaluation of ground-floor uses.
- Would a requirement for certain uses to obtain a use permit to be in a ground-floor location be a deal-breaker? *Mr. Coates indicated that 30 days and \$500 to obtain a use permit would not be a deal-breaker. Director Graves indicated that establishing an administrative use permit process is an option for money and time savings.*
- Wine tasting rooms and antique stores are the uses that could attract out-of-town customers.
- The term "rustic" on Page V-7 of the *Community Design Element* should be modified.

Randall Welty, 1146 Easley Drive, indicated that, from a retail perspective, the term “overwhelming” is good.

The public testimony period was closed. The meeting was recessed at 8:50 p.m. and reconvened at 9:00 p.m.

Vice Chair Catalano moved and Commissioner Hartley seconded a motion to approve Resolution No. 01-08, including a revision of the wording regarding “rustic” residential development on Page V-7 of the Community Design Element. The motion passed 3-0.

Vice Chair Catalano moved and Commissioner Hartley seconded a motion to continue the public hearings for the Town Center General Plan Update GPA 01-07, Town Center Specific Plan Update SPA 01-07, and Town Center Zoning Update ZOA 01-07 to the next regular meeting on January 22, 2008. The motion passed 3-0.

Old Business

4. None

New Business

5. None.

Communications

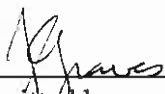
6A. Staff

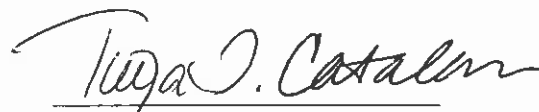
Director Graves indicated that the City has issued a limited solicitation request for re-development of the City-owned parcels on the west side of Oak Street. Two bids were received, both showing multi-story buildings with ground-floor commercial and upper-floor residential. The project will need to complete its environmental, planning, design, and building plan review promptly so that construction can commence prior to July 2008 in order to be exempt from the new stormwater regulations.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 9:12 p.m.


Submitted by
Jeremy Graves, AICP
Community Development Director


Approved by
Tuija Catalano
Vice Chair

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