

Minutes
City of Clayton Planning Commission Special Meeting
Tuesday, July 29, 2008

Call to Order

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

Present: Chair Keith Haydon, Commissioner Bob Armstrong, Commissioner Ed Hartley, Commissioner Sandra Johnson

Absent: Vice Chair Tuija Catalano

Staff: Assistant Planner Milan Sikela, Jr.
Planning Intern Kristin Burger

Administrative

1A. Election of Chair and Vice Chair.

Commissioner Armstrong moved and Commissioner Johnson seconded a motion to continue the election of the Chair and Vice Chair to the next meeting on August 12, 2008. The motion passed 4-0.

1B. Review of agenda items.

1C. Commissioner Hartley to report at the August 19, 2008 City Council meeting.

Public Comment

Approval of Minutes

2. Approval of minutes from the meeting of June 24, 2008.

Commissioner Armstrong moved and Vice Chair Hartley seconded a motion to approve the minutes from the meeting of May 13, 2008, as amended. The motion passed 4-0.

Public Hearings

3A. **SPR 04-08, Site Plan Review Permit, Tom and Carol O'Neil, 333 Chardonnay Circle, APN 119-581-008.** A Site Plan Review Permit to allow the construction of single-story additions and interior remodeling measuring a total of 16 feet in height and adding approximately 700 square feet of area to the existing 2,800 square-foot, single-story, single-family residence.

Assistant Planner Sikela presented the staff report. The public hearing was opened. The applicant was available for questions.

There being no further public comment, the public hearing was closed. Commission questions included:

- What is the proposed front setback for the new garage? *Staff responded "twenty feet."*

- Regarding the condition requiring utilization of a carriage-door design style on the garage doors, are there similar designs for garage doors within the vicinity of the project site? *The applicant responded that there are many varying design styles throughout the neighborhood.*

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve Site Plan Review Permit SPR 03-08, with the findings and conditions recommended by staff. The motion passed 4-0.

- 3B. UP 03-08, Use Permit, Snap Fitness, 6200 Center Street, Suite G, APN 119-620-060. A Use Permit to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center.**

Assistant Planner Sikela presented the staff report. The public hearing was opened.

Commission comments and questions included:

- If any component of the project exceeds the parameters of the original approval, such as increased patronage or noise, can we condition the project so that the Commission may revisit the Use Permit? *Assistant Planner Sikela indicated that, if any of the parameters of the original Use Permit approval were exceeded, this would automatically trigger a re-visiting of the project by the City.*
- Did you contact any other Snap Fitness facilities? *Assistant Planner Sikela indicated that staff contacted other cities to research what restrictions these cities have placed on related projects and found that other cities had similar concerns about 24-hour uses and, as a result, had restricted the hours of the project.*
- Is this the first Use Permit application for a non-retail business in a ground-floor tenant space within the Town Center? *Assistant Planner Sikela responded "yes."*
- We need to ensure that the lights in the parking lot of the Village Oaks commercial building stay on late enough for the patrons using the facility during evening hours. *The property owner of the Village Oaks commercial building, Steve Coates, indicated that the lights in the parking lot run on solar cells so they are on at night and shut off during the day.*
- What efforts have been made to lease the tenant space to a retail tenant? *Mr. Coates indicated the following:*
 - ▶ *The tenant space has experienced a constant turnover of retail tenants.*
 - ▶ *The tenant space had four retail tenants in the last five years.*
 - ▶ *The tenant space faces south toward the parking lot. Hence, retail tenants seem to struggle at this location since the tenant space cannot be easily seen from the street.*
 - ▶ *We run ads for the tenant space in the Clayton Pioneer and receive very few calls from potential tenants. There just isn't the demand for retail at that location.*
- How long will the lease be for? *Mr. Coates responded "five years."*
- Would it be difficult to convert the tenant space back to retail? *Mr. Coates responded that, no, it would not be difficult to convert the tenant space back to retail since there is minimal conversion of the space to non-retail uses with regards to the Snap Fitness proposal.*
- Do you anticipate that most of the ground-floor tenant spaces facing the parking lot will be filled with non-retail tenants? *Mr. Coates responded that he anticipates that only non-retail tenants will be able to succeed in these tenant spaces because of the low visibility. Both Starbucks and Pete's Coffee looked at these tenant spaces but found there just was not enough weekday traffic in the Town Center to support these businesses.*

- What would make these tenant spaces more attractive? *Mr. Coates responded that a synergy is needed, an attraction to the area during the weekdays that would equal the traffic on weekends.*
- Do these issues apply to all of your vacancies? *Mr. Coates responded that, yes, the issue applies to all tenant space. As a result, we are trying to make the spaces smaller. It seems that 1,000 square-foot spaces rent better than 2,000 square-foot or larger spaces.*
- Since Snap Fitness is a national chain, how did they respond to the City's requirement for shorter hours? *The representative of the applicant, Mike Monahan, indicated that many franchise locations have restricted hours, depending on the City they are located in; especially if the project is located adjacent to a residential area.*
- How is security provided? *Mr. Monahan responded that there are four to six cameras located in the fitness center. We keep the videos for thirty days to monitor any problems. We provide our members with cards and monitor card useage for any abuse.*
- How is access restricted after hours? *Mr. Monahan indicated that the card sensor runs on a time clock. The last entry would be allowed at 10:30 p.m.*
- Explain the safety devices. *Mr. Monahan indicated that "panic" buttons are available on the wall and on necklaces worn by members. In the instance that a member is on a treadmill, the necklace could be placed in the cup holder on the treadmill. If a panic button is pushed, it immediately sends a signal out to the Fire Protection District and Police Department. Both agencies would be provided with cards to enter the premises.*
- Did you consider other sites in Clayton? *Mr. Monahan responded that the Flora Square building had been considered, but the Village Oaks building was preferred.*
- Is this your first franchise and do other franchises operate their businesses in this manner? *Mr. Monahan responded that, yes, it was his first franchise; and, yes, other Snap Fitness franchises operate in this manner.*
- Are there any age restrictions? *Mr. Monahan responded that no one under sixteen years old may access the site. Also, if there is membership abuse, we can block access by restricting the membership card.*
- How will you monitor the site? *Mr. Monahan responded that he would monitor the site from his residence in Pleasant Hill along with help from on-site staff.*
- Explain the membership contract mentioned in your Statement of Operation. *Mr. Monahan indicated that there would be a membership contract with all members; however, there would be no certain time period that the members are obligated to enter into. That is part of the appeal of Snap Fitness.*
- As part of the project, would there be any modifications to the existing building? *Other than slight interior modifications to construct two dressing rooms/bathrooms, there would be no other modifications proposed.*

Debbie Sovereign, 578 Mount Dell Drive, indicated the following:

- I am the owner of Butterfly Life, a woman's fitness center located in Clayton Station.
- With the addition of Snap Fitness in the Town Center, there will be a surplus of fitness centers within the City.
- I have heard that another Snap Fitness is going into Clayton Station.
- Have concerns with health and safety issues regarding someone having a medical emergency such as a heart attack and no one being on-site to help them.

Dayle Henrikson, 121 Cabernet Drive, indicated that he was concerned that, if the Use Permit were approved, there would be too many fitness centers in Clayton. As a result, Snap Fitness would fail.

Mr. Monahan indicated that there would not be a Snap Fitness in Clayton Station. The only Snap Fitness proposed within the City is the subject Use Permit request.

There being no further public comment, the public hearing was closed. Commission comments included:

- Snap Fitness will be a welcome addition to the Town Center.
- The issue of whether or not a business will succeed or fail is not under the purview of the Commission; only whether or not the project complies with the Use Permit requirements and any applicable Conditions of Approval. We hope that they succeed.
- The surveillance system and devices to alert public safety personnel in the event of a medical or other emergency seem adequate. Individuals could be exercising on City trails and have a medical emergency and there would not be surveillance or alert devices available.
- We are satisfied with the explanation provided by Mr. Coates regarding the attempts with leasing the tenant space to a retail tenant.
- The project-related issues such as parking, noise, lighting, and safety have been adequately addressed and meet the City's Use Permit requirements. If any of these issues become a problem, there are other mechanisms within the Municipal Code, such as Code Enforcement and/or City Police, that can address any project-related violations. These mechanisms would enable the Use Permit to be brought back before the Commission for further review and amendment.

Commissioner Hartley moved and Commissioner Johnson seconded a motion to approve Use Permit UP 03-08, with the findings and conditions recommended by staff. The motion passed 4-0.

3C. TUP 16-08, Temporary Use Permit, Clayton Community Church. A Temporary Use Permit to allow a soap box derby, classic car show, and inflatable children's jump house(s) on Saturday, August 30, 2008 from 7:30 a.m. to 4:30 p.m. The classic car show will be located on Main Street between Oak Street and Diablo Street, on Diablo Street between Center Street and Main Street, in the parking lots of the Clayton Community Church Offices, Kindercare childcare center, Hair By Jim, Skipolini's, and Royal Rooster. The inflatable children's jump house(s) will be located in the parking lot of the Kindercare child care center. The soap box derby will occur on Marsh Creek Road between Clayton Road and Center Street; and on Main Street between Marsh Creek Road and Diablo Street. The event will involve the following street closures:

- Marsh Creek Road from Clayton Road to Center Street;
- Main Street from Oak Street to Marsh Creek Road; and
- Diablo Street from Main Street to Center Street.

Assistant Planner Sikela presented the staff report. The public hearing was opened. The applicant was available for questions.

Commission comments and questions included:

- Condition 2 should be re-worded so that the event will be held in accordance with the description of the event provided by the applicant and with the analysis provided in the staff report.
- We would like to have the annual Temporary Use Permits applications from the Clayton Community Church clustered into one meeting, such as has been done tonight.
- How many show cars are expected to be on display? *The representative of the applicant, Mike Fossan, indicated that approximately 100 to 150 show cars are signed up.*

There being no further public comment, the public hearing was closed. The Commission had no further comments.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve Temporary Use Permit TUP 16-08, with the findings and conditions recommended by staff, and with Condition 2 as amended by the Commission. The motion passed 4-0.

- 3D. **TUP 17-08, Temporary Use Permit, Clayton Community Church.** A Temporary Use Permit to allow the Clayton Community Church to hold a Christmas Eve Family Event which will be open to the public. The event will occur on Wednesday, December 24, 2008 from 2:00 p.m. to 5:00 p.m. and will involve re-enactment nativity scenes inside the Clayton Community Church office building and exterior areas on the Clayton Community Church property. The event will also involve a “hay ride” starting in the parking lot of the Clayton Community Church property going east on Main Street, south on Morris Street, west on Center Street, and north on Oak Street, circling around to the Clayton Community Church parking lot. The set-up for the event will occur on Monday, December 22, 2008. The break-down for the event will occur on Friday, December 26, 2008.

Assistant Planner Sikela presented the staff report. The public hearing was opened. The applicant was available for questions.

The Commission commented that Condition 2 should be re-worded so that the event will be held in accordance with the description of the event provided by the applicant and with the analysis provided in the staff report.

There being no further public comment, the public hearing was closed. The Commission had no further comments.

Commissioner Hartley moved and Commissioner Johnson seconded a motion to approve Temporary Use Permit TUP 17-08, with the findings and conditions recommended by staff, and with Condition 2 as amended by the Commission. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff

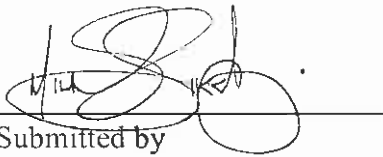
Assistant Planner Sikela briefed the Commission on the current projects that staff is working on.

6B. Commission

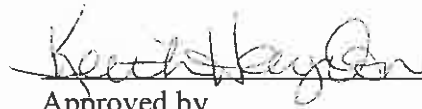
The Commission discussed current projects that TRANSPAC is working on.

Adjournment

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



Submitted by
Milan J. Sikela, Jr.
Assistant Planner



Approved by
Keith Haydon
Chair

Plng Comm 2008 Minutes 0729