

Minutes
City of Clayton Special Planning Commission Meeting
Wednesday, November 12, 2008

Call to Order

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: Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Keith Haydon, Commissioner Sandra Johnson

Absent: Vice Chair Ed Hartley

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Chair Catalano to report at the November 18, 2008 City Council meeting.

Public Comment

Approval of Minutes

2. Approval of minutes from the meeting of October 28, 2008.

Commissioner Armstrong moved and Commissioner Haydon seconded a motion to approve the minutes from the meeting of October 14, 2008, as amended. The motion passed 4-0.

Public Hearings

3. None.

Old Business

4. None.

New Business

5. **ZOA 03-08, City of Clayton.** Study session item regarding possible amendment of the Clayton Municipal Code to allow outside sales in residential districts.

Director Woltering presented the staff report.

Commission questions included:

- Does the reference to open houses and yard sales apply to garage sales in the Sign Provisions? *Director Woltering answered "yes."*
- Did the City Attorney have concerns with limiting what is sold with outside sales? *Director Woltering indicated that the City Attorney had indicated it would be difficult to restrict what is sold as part of outside sales.*
- We should add a finding that the garage/yard sale is consistent with the residential character of the neighborhood.

- We need to ensure that there are no traffic, noise, or congestion impacts related to the outside sales.

The public comment period was opened.

Jim Schwandt, 1092 Mitchell Canyon Road, indicated that he would like to see a copy of the proposed Code amendment allowing outdoor sales in residential districts. *Chair Catalano indicated that there is no formal Code amendment at this time. This study session is being held to review the issue and discuss the options available in the circumstance that the City would want to amend its Code to possibly allow outside sales.*

Lynn Hadley, 527 Hamburg Circle, indicated the following:

- If the City considers any amendments to the Code, the amendments should only address garage and yard sales.
- Farmers' markets already exist as a vehicle to allow outdoor sales of produce and the Clayton Woman's Club sponsors holiday boutique sales.

Jon Van Brusselen, 5851 Pine Hollow Road, indicated the following:

- There are already appropriate outlets for outdoor sales of produce within the community without having to amend the Code.
- We will be opening a can of worms if we amend the Code to allow outdoor sales of produce in residential districts.
- Consideration of amending the Code appears to be focused on allowing one family to sell produce outdoors.

Jim Schwandt, 1092 Mitchell Canyon Road, indicated that this is not for one family but for the entire City.

Jenny Lewis, 1098 Mitchell Canyon Road, indicated the following:

- The City should amend the Code to allow a permitting process for outside produce sales in residential areas.
- The frequency of outside sales events should be ten times per year.

Commissioner Johnson asked if the home occupation permit process would address outside sales events. *Director Woltering indicated that, if the home occupation permit were approved, sales could only occur inside of the residence with no external evidence of the business activity.*

Rande Jaffe, 851 Coachman Place, indicated the following:

- There are already outside sales occurring in residential neighborhoods when kids go house-to-house offering to rake leaves for pay.
- Outside sales should be allowed twice a month.
- The City could place a maximum limit on the amount of money generated by the outside sales.

The public comment period was closed. Commission comments and questions included:

- Could a complaint stop a garage sale? *Director Woltering answered that, yes, theoretically a complaint could stop a garage sale if there were such impacts as traffic congestion.*
- Mr. and Mrs. Lewis have gone through great expense to screen their property by installing a wooden fence.
- Garage and yard sales should be clarified within the Code. We should be allowing them within certain parameters.
- It is difficult to define all possibilities and nuances in a Code provision.
- I think we should stay on the course we are currently on. Vagueness in the Code can sometimes be a good thing.
- It is appropriate to address garage/yard sales, but we should not go further than that.
- We should allow four garage sales per year.
- The term “personal property sales” would seem to encompass both garage and yard sales.
- Language that deals with traffic, noise, and congestion should be added as a parameter for allowing garage/yard sales.
- We should ensure that all areas of the Code are consistent with regard to personal property sales, including the Sign Provisions. Since we are on the subject of Sign Provisions, is it appropriate to allow balloons? *Director Woltering indicated that it is common in most cities to preclude and discourage the use of balloons as an advertising device since, once they are deflated, they become an environmental hazard.*

The Commission concluded their discussion by directing staff to return with a draft amendment to the Clayton Municipal Code that would address the following with respect to outside sales in residential areas:

- Outside sales should be limited to personal property sales (the term “personal property sales” would replace the term “garage/yard sales”).
- Personal property sales should be allowed a maximum of four days per calendar year.
- Personal property sales should be limited to the hours between 8:00 a.m. and 5:00 p.m.
- Personal property sales should not result in adverse impacts related to noise, traffic, safety, congestion, and parking.
- The Sign Provisions should be reviewed and modified, as needed, to support the described personal property sales.

The Commissioners asked Director Woltering when he expected the draft ordinance amendment to come back to the Planning Commission for consideration. Director Woltering indicated that he expected that the draft ordinance would be presented back to the Commission at its December 9, 2008 meeting.

Commissioner Armstrong stated that he strongly recommended that the Lewis family follow-up on the offer made by community members for their sponsorship at the Clayton Farmer’s Market.

Communications

6A. Staff.

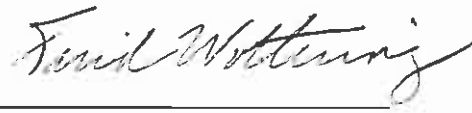
Director Woltering indicated that the Town Center Retail Study will be going back to the City Council at its November 18, 2008 meeting.

6B. Commission.

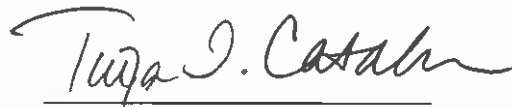
Commissioner Armstrong asked whether the Commission should attend the open house sponsored by the Clayton Community Church to present the congregation's Town Center property development plan? *Director Woltering indicated that it would not be advisable, given that the project would need to come before the Commission for future approvals. Director Woltering added that he would consult with the City Attorney and report back to the Commissioners on the matter.*

Adjournment

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



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Tuija Catalano
Chair

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