

Minutes
City of Clayton Planning Commission Special Meeting
Thursday, December 18, 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, Vice Chair Ed Hartley, Commissioner Bob Armstrong, Commissioner Keith Haydon, Commissioner Sandra Johnson

Absent: None

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

Administrative

1A. Review of agenda items.

1B. Commissioner Haydon to report at the January 6, 2009 City Council meeting.

Approval of Minutes

2. Approval of minutes from the meeting of December 9, 2008.

Commissioner Armstrong moved and Commissioner Johnson seconded a motion to approve the minutes from the meeting of December 9, 2008, as submitted. The motion passed 5-0.

Public Hearings

3A. **SPR 08-08, Site Plan Review Permit, Toni Guttry, 5571 Morningside Drive, APN 118-110-010.** A re-consideration of a Site Plan Review Permit to allow the construction of a custom two-story, single-family residence measuring approximately 28 feet in height and 4,400 square feet in area.

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

Robert Kendall, representative of the applicant, indicated the following:

- The residence was designed with a country theme in terms of architectural treatments, scale, and massing.
- The project site is flat, with only two feet of elevation differential.
- After discussing flood plain issues with the City Engineer, the pad of the residence will be raised one foot in order that the residence is above the flood plain.
- He has worked with the City Engineer and the Assistant to the City Manager to resolve project-related runoff issues.
- Horse manure for the two horses on site is collected on a regular basis by Allied Waste.

There being no further public comment, the public testimony period was closed. Commission questions and comments included:

- Is a stormwater detention levee required? Mr. Kendall responded that a levee is not required but that an overall stormwater collection system is part of the project.
- The design of the residence is quite attractive.

- Where would the fenced-in horse paddock be located? Assistant Planner Sikela indicated that the horse paddock would be located in the rear (northernmost) 10,000 square feet of the subject property.
- Is there sufficient land area to have a contiguous 10,000 square-foot paddock area, given the location of the proposed residence and gardens? Assistant Planner Sikela indicated that he had reviewed the matter with the applicant and checked the project plans and determined that this requirement could be satisfied.
- Amend Condition 2 to add “certificate of occupancy for the residence” and “if horses are kept on the subject property.”

Commissioner Armstrong moved and Vice Chair Hartley seconded a motion to approve site plan review permit SPR 08-08, with the findings and conditions recommended by staff and with Condition 2 as amended by the Commission. The motion passed 5-0.

By consensus, the Commission moved Item 3C before Item 3B.

- 3C. SPR 07-08, Site Plan Review Permit, Banducci Associates Architects, Clayton Station.**
A request for a Site Plan Review Permit to allow various minor modifications to the architecture, exterior colors, and awnings within the Clayton Station shopping center.

The public hearing was opened. Assistant Planner Sikela indicated that, at the request of the applicant, staff recommended that the public hearing be continued to the next regular meeting on January 13, 2009.

Chair Catalano moved and Commissioner Johnson seconded a motion to continue site plan review SPR 07-08 to the next regular meeting on January 13, 2009. The motion passed 5-0.

Vice Chair Hartley recused himself from the meeting.

- 3B. HOP 21-08, Home Occupation Permit, Gerald Kosel, 1216 Buckeye Terrace, APN 118-470-032.** An appeal of an administrative decision to approve a Home Occupation Permit for Brian Johnston to operate a plumbing business from a single-family residence at 1216 Buckeye Terrace.

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

Director Woltering indicated the following:

- The two key issues are satisfying the City’s parking requirements and whether non-members of the resident family are being employed on-site.
- It appears that the home occupation complies with the requirements for parking and on-site employees.

Commission questions included:

- We should have the property owner sign-off on the applicant to give consent to the approval with conditions.

- Can the applicant have off-site employees? Director Woltering indicated that the applicant may have off-site employees that are dispatched from an area other than the residence, but only members of the resident family who are employees of the home-based business may be dispatched from the subject residence.

The appellant, Gerald Kosel, 1070 Feather Circle, indicated the following:

- He is the president of the Oak Hollow II Homeowners Association.
- Our homeowners association prohibits home offices.
- Our primary concern was the parking impacts and multiple employees going to the subject residence.

Commission questions included:

- What would solve the parking problem in your opinion? Mr. Kosel answered that the parking issue would be addressed if the garage were available and used on a continuous basis for the parking of two vehicles.
- The City does not enforce covenants, conditions, and restrictions; the City enforces its own code requirements.
- Several Commissioners drove by the project site and noticed a roofing truck parked on the street. Mr. Kosel was asked if enforcement of parking restrictions is being done on the roofing truck? Mr. Kosel indicated that the issue regarding the roofing truck has not been resolved yet.
- Regarding parking, what do you do about vendors making repairs within the subdivision? Mr. Kosel responded that, as long as the vendors' vehicles are not parked overnight, there are no restrictions on the temporary parking of vehicles.

Brian Johnston, 1216 Buckeye Terrace, indicated the following:

- My father owns and lives at the subject property; I live at the property as well.
- Previously had two vans parked at the subject property, but now only have one van.
- Regarding the issue over employees at the subject residence, only I am dispatched from the residence. There are no other employees that depart from the residence.
- We have four spaces available at the subject property—two covered spaces in the garage and two uncovered spaces in the driveway. We only use three spaces for our two cars and the company van.

Commission questions and comments included:

- You are the only employee that departs from the residence? Mr. Johnston answered "Yes."
- Are two spaces available in the garage? Mr. Johnston answered "Yes."
- Where do you park your car? Mr. Johnston responded that he parked his car either in the driveway or in the garage.
- Do you own the plumbing business? Mr. Johnston answered "Yes."
- We should add conditions that address the parking situation and any future complaints regarding the business.
- The Commission asked Mr. Kosel if conditions of this nature would satisfy his concerns? Mr. Kosel answered "Yes."

Commissioner Haydon moved and Commissioner Armstrong seconded a motion to uphold the administrative approval and deny the appeal of home occupation permit HOP 21-08, with the following conditions as added by the Commission. The motion passed 4-0.

- “1. The property owner shall sign the application acknowledging the criteria for allowing a home occupation and conditions of approval stipulated by the Planning Commission to allow for this home occupation.
2. The garage at the subject residence shall be available for use on a continuous basis for parking two vehicles.
3. If staff receives any further complaints from members of the public by April 1, 2009, the Planning Commission shall review the home occupation at or before the meeting of May 26, 2009, with all costs generated by staff (i.e., time and materials) to be incurred by the applicant. At that time, the Planning Commission may establish additional conditions, or initiate the process for revoking the Home Occupation Permit.”

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.

Director Woltering gave an overview of the pre-application meeting he and Assistant Planner Sikela had with the representatives of the Clayton Community Church regarding City requirements and process for a potential development/redevelopment proposal that may be forthcoming from the Church for property it owns in the Town Center.

- 6B. Commission.

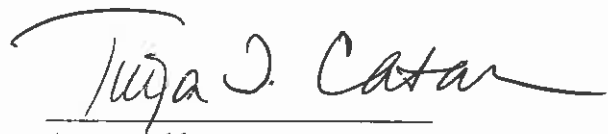
None.

Adjournment

7. The meeting was adjourned at 8:18 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Tuija Catalano
Chair

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