

**Minutes**  
**City of Clayton Planning Commission Meeting**  
**Tuesday, January 27, 2009**

**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.

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

1B. Chair Catalano to report at the February 3, 2009 City Council meeting.

**Approval of Minutes**

2. Approval of minutes from the meeting of January 13, 2009.

**Chair Catalano moved and Commissioner Haydon seconded a motion to approve the minutes from the meeting of December 18, 2008, as amended. The motion passed 5-0.**

**Public Hearings**

3B. **ZOA 02-08, Municipal Code Amendment, City of Clayton.** An amendment of Chapter 17.44 (Site Plan Review Permits) of the Clayton Municipal Code to allow for administrative review and approval of specified minor single-story additions to multi-story single family residences.

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

Vice Chair Hartley inquired about the proposed clarification wording.

Commissioner Armstrong indicated that the clarification wording conveys what the Commission initially intended.

**Chair Catalano moved and Commissioner Haydon seconded a motion to recommend City Council adoption of the proposed replacement ordinance to Ordinance No. 419. The motion passed 5-0.**

Chair Haydon recused himself from the meeting because he resides within 500 feet of the location of the Site Plan Review being considered under Item 3A.

- 3A. **SPR 01-09, Site Plan Review Permit, Pete Wiesendanger**, 5511 Southbrook Drive, APN 118-102-002. A Site Plan Review Permit permit to allow the construction of a two-story addition on a single-story residence. The entire project measures approximately 1,486 square feet in area. The height of the two-story great room/master bedroom portion of the project measures approximately 23 feet and the height of the two-story "tower" component of the project measures approximately 34 feet.

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

Commission questions of clarification to staff pertained to the type of exterior materials being used.

The public testimony period was opened.

Pete Wiesendanger, the applicant, indicated the following:

- Prefers the vertical windows on the addition.
- Built the subject shed before the City's existing accessory structure regulations were established.
- Wants to leave the shed where it is.
- The shed is not three feet from the fence.

Bill Gehring, 5509 Southbrook, indicated that an existing trellis and rose bush screens the shed from public areas.

Commission questions and comments included:

- Would the existing regulations apply to the shed? Director Woltering indicated that staff would research when the shed was built to see if it was a legal non-conforming structure.
- Could a variance be used? Director Woltering indicated that the shed would not meet the findings for approval of a variance.
- Determination whether the shed complies with City standards is a separate issue from the addition. The two should not be linked.

Director Woltering indicated the following:

- If the shed was constructed in compliance with the codes in place at that time of construction, it would be a legal non-conforming structure.
- Since the shed issue is not specifically related to the project, staff will work with the applicant separately on this issue.

Commission questions to the applicant included:

- Will you be removing any trees? Mr. Wiesendanger indicated that no trees would be removed.
- Will anything be done to address the slope at the rear of the addition? Mr. Wiesendanger indicated that engineering will be done on the project to ensure slope stability.
- Why did you choose the synthetic slate as the roof material for the tower? Mr. Wiesendanger indicated that this slate material is a safer, stronger, more durable material and would not be as likely to cause hazards by falling to the ground. It also has a higher quality appearance.

Mark Apodaca, 5518 Southbrook Drive, expressed support for the project.

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

- Have no objection to the mixture of roof materials being proposed.
- Like the tower element.
- Many residences in the vicinity of the project site use a mixture of different exterior colors and materials.

**Commissioner Armstrong moved and Commissioner Johnson seconded a motion to approve Site Plan Review SPR 01-09, with the findings and conditions recommended by staff. The motion passed 4-0.**

#### **Old Business**

4. None.

#### **New Business**

5. None.

#### **Communications**

- 6A. Staff.

Director Woltering indicated that City Attorney Dan Adams could attend the February 24, 2009 Planning Commission meeting to discuss conflict-of-interest issues.

- 6B. Commission.

The Commission asked the following questions:

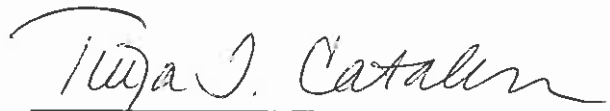
- What is the status of the Rivulet project? Director Woltering indicated that the applicants have not produced the maps needed to finish the public review draft mitigated negative declaration. When that information is received, the public review draft will be completed and brought forward to the Planning Commission.
- What is the status of Flora Square? Director Woltering responded that construction is almost complete.
- Any tenants proposed for Flora Square? Director Woltering indicated that tenant improvements are underway for Remax Realty.
- Has an application been submitted yet for the Clayton Community Church proposal? Director Woltering indicated that an application has not yet been received. He stated further, though, that staff had met to review a pre-application submittal for the purpose of preparing pre-application comments for the representatives of the Church. These comments would be useful for preparing a formal application.

#### **Adjournment**

7. The meeting was adjourned at 8:10 p.m.



Submitted by  
David Woltering, AICP  
Community Development Director



Approved by  
Tuija Catalano  
Chair

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