

MINUTES OF THE WILLOWS PLANNING COMMISSION MEETING
HELD AUGUST 1, 2007

The meeting was called to order at 7:00 p.m. by Chair Person Domenighini.

PLEDGE OF ALLEGIANCE: Commissioner Titus led the Pledge of Allegiance.

PRESENT: Domenighini, Woods, Lohman, Melquist, Titus

ABSENT: None

APPROVAL OF MINUTES:

It was **moved** by Commissioner Melquist and **seconded** by Commissioner Lohman to approve the minutes of the July 18, 2007 meeting, as presented. Ayes: All Motion Carried

NEW BUSINESS: PUBLIC HEARING

APODACA, TENTATIVE MAP (MSUB 07-01), DESIGN REVIEW (DR07-02), CUP (UP07-08)

Planner Karen Mantele presented this item to the Commission, stating that the applications before them were for a Tentative Map, a Design Review, and a Conditional Use Permit. The Tentative Map proposes to subdivide a 4.26 acre parcel into two (2) parcels, that the applicant, Hank Apodaca proposes to construct a Kentucky Fried Chicken restaurant on Parcel 1, including sufficient parking, Landscaping and lighting. Ms. Mantele stated that in regards to the landscaping, the Parks and Public Works Department has the final approval on the landscape plan. With regard to colors, the proposed building colors are in keeping with the wood or earth tones of tan and off white with a synthetic stucco finish. Kentucky Fried Chicken Buildings normally have red and white canopies, and this proposal is requesting the same.

Ms. Mantele explained that public improvements will be made to the frontage of Humboldt Street, and a second driveway will be constructed for the drive through component. Access to Parcel 2 will be provided through a 40 ft. Ingress/Egress on the Black Bear Diner southern property boundary, and in return, Mr. Apodaca will provide Black Bear with extra parking spaces that are being lost through an easement on Parcel 2..

Commissioner Melquist asked staff if the proposed easement was “proposed” or permanent. Ms. Mantele stated it was considered proposed until it has been approved. Commissioner Melquist also stated that he did not want to see Parcel 2 in the back left empty, and does not like the fact that there is no street access to Parcel 2. Commission discussion ensued regarding intensity of uses that would be allowed on Parcel 2 with a 40 ft roadway vs the city standard of 60 feet, and if there is a better location for the ingress/egress than on another property. Commissioner Melquist asked the applicant if it would be possible to build the proposed KFC without a frontage. The applicant, Mr. Apodaca responded to Commissioner Melquist’s question, stating that there was no way to build a KFC the way that Commissioner Melquist wants it built.

Some discussion took place in regards to the width of the proposed easement. Fire Chief Wayne Peabody stated that he would not “buy off on the 40ft. easement unless the building on Parcel 2 had very light traffic”. Commissioner Titus stated that she agrees with Commissioner Melquist and does not want to see Parcel 2 landlocked and questioned the Fire Chief about the 40 foot vs the 60 foot roadway. Commissioner Lohman stated that she would like to see this proposal move forward, however does not want to see Parcel 2 go to waste. Mr. Apodaca spoke and stated that he did not think that a 60 foot easement on Parcel 1 would allow for the size of building and parking. Mr. Apodaca

stated that he was under the impression that the 40 ft. easement was okay under the proposed variance, and this is why he had to go through the variance. Commissioner Woods indicated at this time that the problem with Parcel 2 is not just caused from the proposed KFC. Chairperson Domenighini voiced his concerns, regarding the 40 foot easement. Chairperson Domenighini asked Fire Chief Peabody if the ladder truck would fit down the proposed easement. Chief Peabody stated that it would, however he would prefer a 60 foot easement. Mr. Apodaca stated to the Commission that there would be other access points besides the proposed 40 foot easement. Commissioner Melquist asked the applicant who would maintain this easement. Mr. Apodaca stated that the owner of parcel 2 would maintain it. Building Inspector Clay Dawley suggested that on the proposed easement, the City should paint both side of the curbs red, and call it a fire lane. Chief Peabody suggested at this time that the applicant take out the proposed landscape strip on the north side, and this would allow each lane to be 14.5 feet. Interim City Manager Gail Wingard stated that the City code states that it has to be a 60 foot easement, and he doesn't believe that they can break the City Code. Karen Mantele responded to Mr. Wingard stating that in Chapter 14 there is an "exceptions section." This section states that the City can vary from any code with the permission of the City Manager. It also states that it has to be put in writing, which in this case it has been. The Commission came to a consensus that the ingress/egress would be 40 foot wide painted red as fire lanes with a curbs on both sides of the roadway and no landscaping strip.

Commissioner Melquist made a **motion** to approve the Negative Declaration and Commissioner Titus **seconded** this motion. Ayes: All Motion Carried.

Commissioner Woods made a **motion** to approve the Tentative Map Findings A-N. Commissioner Titus **seconded** this motion. Ayes: All Motion Carried

Commissioner Titus made a **motion** to approve the Tentative Map with the changes to the Conditions of Approval. Commissioner Lohman **seconded** this motion. Ayes: All Motion Carried

The Commission discussed the Design Review proposal which included landscaping and lighting, and the parking lot layout which meets the parking requirement. Discussion ensued about the setbacks. Ms Mantele stated that the proposed KFC building will be 25 feet from the front of property line. Building Inspector Clay Dawley indicated that in most jurisdictions the Commercial zone has a 0 foot setback. Commissioners Lohman and Titus commented on the fact that the proposed building is very nice looking.

Commissioner Melquist made a **motion** to approve the findings of fact and Commission Lohman **seconded** this motion. Ayes: All Motion Carried.

Commissioner Woods made a **motion** to approve the Design Review and Commissioner Titus **seconded** this motion. Ayes: All Motion Carried

The Commission discussed the Conditional Use Permit application proposal. Mr. Apodaca proposes an 80 foot pole sign and 103.1 square feet of additional signage. McDonald's which is adjacent to the subject property has an 80 foot pole sign. Commissioner Titus stated that the incidental signs were quite a bit over what the code allows and questioned the need for so much additional square footage. Commissioner Melquist stated that he was not concerned about the incidental signs however; he was concerned with the identity sign. Commissioner Woods asked staff about the menu boards, and asked how much signage was McDonald's allowed to have. Ms. Mantele stated that she does not know off hand. Commissioner Titus stated that she noticed that McDonald's had some banners hanging up and she would like to eliminate those at KFC. The consensus on the identity signs was that they were ok. Commissioner Titus stated that she would like to see the expression signs cut down in size. Commissioner Woods stated that other fast food restaurants in town have already exceeded the sign limits, and she doesn't feel like the Planning Commission should restrict Mr. Apodaca. Chairperson Domenighini stated that he has no concerns about the pole height and that he was neutral on the identity signs. Commissioner Lohman stated that she believes that Mr. Apodaca was told by the KFC

Corporation that he has to use these signs. Mr. Apodaca stated that he was required by corporation to use these signs as proposed.

Commissioner Melquist made a **motion** to accept the findings A-D. Commissioner Lohman **seconded** this motion. Aye: Woods, Lohman, Domenighini, Melquist Noes: Titus

Commissioner Melquist made a **motion** to approve the Conditional Use Permit and the identity signs should not exceed 54 square feet. Motion died due to lack of a second.

Commissioners discussed the amount of signage and what enforcement is there with other signs around the city.

Commission Melquist made a **motion** to approve the Conditional Use Permit as proposed.

Commissioner Lohman **seconded** the motion. Aye: Woods, Lohman, Domenighini. Melquist. Noes: Titus.

COMMISSION COMMENTARY

Storage Containers

Ms. Mantele stated to the Commission that she has received feedback from over 100 different cities regarding storage containers. The Commission stated that they did not want to allow storage containers in residential areas. The Commission believed that they can have storage containers on site if it is a construction sites and only with temporary use permits approved administratively. Building Inspector Clay Dawley suggested that this permit should be issued contingent with the building permit. Ms. Mantele stated that the comment she received from Santa Cruz County stated that they have to meet setbacks and be obtained by the building permit. Fire Chief Wayne Peabody, stated that if they are under building requirements, and then in setbacks, then it cannot be longer then 14 days. Ms. Mantele stated that San Mateo County does not allow storage containers at all.

Ms Mantele went over the upcoming agenda item for the August 15, 2007 meeting. She also stated that Chevron contacted her about removing the existing pole sign and they were proposing to put up a monument sign. Ms. Mantele informed the Commission that Mr. Munoz has submitted another tentative map to subdivide the same property into 4 lots with a remainder..

ADJOURNMENT: The meeting was adjourned at 10:07 p.m.

LARRY DOMENIGHINI, Chair

Mallorie Vasquez, Minute Clerk