

PLANNING COMMISSION

Larry Domenighini, Chair
Candis Woods, Vice Chair
Amy Alves, Commissioner
Leon Thur, Commissioner
Kerri Warren, Commissioner

CITY PLANNER
Karen Mantele

MINUTE CLERK



201 North Lassen Street
Willows, CA 95988
530) 934-7041

PLANNING COMMISSION MEETING AGENDA

Wednesday, December 22, 2010

7:00 p.m.

1. **Call to Order - 7:00 p.m.**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Agenda Review:** (Requested Changes by Commissioners or Staff?)
5. **Public Comment:** Persons wishing to speak on a matter *not on the agenda* may be heard at this time; however, no action will be taken unless placed on a future agenda. (*Public Comments are generally restricted to three minutes.*)
6. **Approval of Minutes:** None
7. **New Business/Advisory Request:** Review, discussion, determination and direction to staff on allowing, conditioning and/or restricting a "specific" use in the Central Commercial District (i.e.: CC Zone). Specific Code Section(s) require as follows:

 18.55.030 Uses permitted with a conditional use permit.
 The following uses and structures are permitted in the CC district only if a conditional use permit has first been secured:
 (10) New and used automobile sales, automotive rental establishments and automotive repair; provided, that these uses are located on properties fronting on Tehama Street.
 (18) Other uses, which, in the opinion of the planning commission, are similar to those uses listed above.

 1) Review, discuss and determine whether a use to be located within the Central Commercial district (Used Automobile Sales) requires a conditional use permit prior to operation.
8. **Commission Commentary:**
9. **Adjournment:**

CERTIFICATION:

Pursuant to Government Code § 54954.2 (a), the agenda for this meeting was properly posted on or before December 18, 2010.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours Monday through Thursday between 7:30 a.m. and 5:30 p.m. at the Civic Center located at 201 North Lassen Street in Willows.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider

Planning Commission Agenda Report: December 22, 2010

Proposal: Used Automobile Car Sales Business
Applicant: Joe Rogers
Project Location: 201 S. Tehama Street, Willows, CA.
Parcel No: 003-061-006
Zoning: CC (Central Commercial/Historic Downtown overlay)
General Plan: GC (General Commercial)

Proposal:

Joe Rogers approached Planning Staff regarding establishing a used automobile car sales business at 201 S. Tehama Street. Mr. Rogers intends to not only sell used cars, but also to display and consign classic cars. Mr. Rogers would be using the front portion of the building (which faces Tehama Street) as his display/office/sales area for the newly proposed business.

Background:

According to the City business license records, the proposed project site has a history of being a car dealership; first being Fox Motors (undetermined time frame), then Johnson and Son Chevrolet (approximately 1969 to 1985) and thereafter Fitzpatrick Chevrolet (approximately 1986 to 1993). Upon cessation of the latter car business, Tovar Furniture store operated at this site from approximately 2006 to 2009. During the time that the furniture store was in operation, the area to the rear of the building on this lot has been used for a couple of other business, the most recent as an auto repair shop.

The issue before the Commission for discussion and determination is whether establishing a used automobile car sales business at this location requires a conditional use permit as the property has been used in the past several times as an automobile sales business.

Zoning/General Plan

The project site is zoned CC (Central Commercial/Historic Downtown overlay). The permitted uses allowed in this zoning district are varied retail uses as well as a number of uses permitted with a conditional use permit, allowing more variation on the types of uses.

Section 18.55.030(10) (Uses Permitted with a conditional use permit)-under the Central Commercial District, states that new and used automobile sales, automotive rental establishments and automotive repair provided, that these uses are located on properties fronting on Tehama Street is allowed.

Additionally, Section 18.110.090(1)(b) (Non Conforming Uses)-Continuation; states "*If any nonconforming use is abandoned or discontinued for any reason, subsequent use of such land shall be in conformity with the provisions of this title. The discontinuance of a nonconforming use for a period of six months or more is, in itself, prima facie evidence of abandonment*".

The General Plan Land Use designation for this site is General Commercial, which designation under 6.2 of the Land Use Element provides for a variety of general retail businesses including: banks, business offices, food, hardware, variety, department, drug and clothing stores. Service

related businesses may include barber shops, beauty parlors, laundries, and repair shops. Professional and business offices are also allowed uses.

STAFF RECOMMENDATION:

Provide direction to staff after discussion.

Attachments:

1. CC (Central Commercial) Zoning district excerpt

Chapter 18.55
CC CENTRAL COMMERCIAL DISTRICT

Sections:

<u>18.55.010</u>	Purpose.
<u>18.55.020</u>	Permitted uses.
<u>18.55.030</u>	Uses permitted with a conditional use permit.
<u>18.55.040</u>	Prohibited uses.
<u>18.55.050</u>	Other regulations.
<u>18.55.060</u>	Parking exemption for sites in the downtown area.

18.55.010 Purpose.

The central commercial or CC district is to be applied in the established central business district or similar areas where there is or will be a concentration of retail sales and service uses within a defined commercial center attractive to pedestrian shoppers. New residential uses are permitted, subject to regulations contained within this chapter. [Ord. 676-07 § 1(15.01), 8-28-07; Ord. 664-00 § 15.01, 6-27-00; Ord. 632-91 § 15.01, 10-22-91].

18.55.020 Permitted uses.

The following uses and structures are permitted in the CC district:

(1) Banks, business offices, food, hardware, variety, department, drug, jewelry, clothing stores, and general retail establishments.

(2) Music and dance studios.

(3) Blueprint shops and photographic stores.

(4) Cafes, restaurants, and catering shops.

(5) Art and antique shops, pawnshops, and florists.

(6) Newspapers and commercial printing shops, and repair shops.

(7) Laundries.

(8) Barber shops and beauty parlors.

(9) Libraries.

(10) Movie theaters.

(11) Museums and galleries.

(12) Bakeries, including only retail sales on the premises and baking to supply not more than three retail outlets.

(13) Outdoor advertising signs and structures pertaining to the use or operation on the site and not exceeding two square feet of sign per linear foot of site frontage.

(14) Professional offices, studios, and clinics.

(15) Public utility offices, substations, communications equipment buildings and related structures and uses unless a conditional use permit is required for such uses by other provisions of this title.

(16) Incidental storage when contained within an enclosed building and when it is clearly incidental to and integral to the operation of the primary business.

(17) Other uses, which, in the opinion of the planning commission, are similar to those uses listed above. [Ord. 676-07 § 1(15.02), 8-28-07; Ord. 664-00 § 15.02, 6-27-00; Ord. 632-91 § 15.02, 10-22-91].

18.55.030 Uses permitted with a conditional use permit.

The following uses and structures are permitted in the CC district only if a conditional use permit has first been secured:

- (1) Pet shops and veterinary offices.
- (2) Mortuaries and funeral parlors.
- (3) Bars and cocktail lounges.
- (4) Private and public parking lots.
- (5) Private schools and business colleges.
- (6) Public schools and colleges.
- (7) Martial arts and exercise studios.
- (8) Health clubs.
- (9) Outside sales and transient or mobile business operations.
- (10) New and used automobile sales, automotive rental establishments and automotive repair; provided, that these uses are located on properties fronting on Tehama Street.
- (11) Mini-markets without gasoline sales.
- (12) Hotels, motels, and similar lodging facilities.
- (13) Bed and breakfast establishments.
- (14) Churches.
- (15) Civic clubs.
- (16) Residences, boardinghouses, and group dwellings; provided, that residential units and quarters occupy only the second story or higher of structures whose first stories contain nonresidential uses, either permitted or permitted by conditional use permits in the CC district.
- (17) Accessory uses, including repair operations and services. Such services shall be clearly incidental to the sale of products at retail on the premises, shall not employ more than five persons excluding sales personnel, and shall be placed and constructed so as not to be offensive or objectionable because of odor, dust, smoke, noise, or vibration.
- (18) Other uses, which, in the opinion of the planning commission, are similar to those uses listed above.
- (19) Uses and structures with drive-through windows. [Ord. 676-07 § 1(15.03), 8-28-07; Ord. 664-00 § 15.03, 6-27-00; Ord. 632-91 § 15.03, 10-22-91].

18.55.040 Prohibited uses.

- (1) Uses permitted in the ML district, as set forth in WMC 18.70.020(2) et seq.
- (2) Uses permitted in the MH district, as set forth in WMC 18.75.020(2) et seq.
- (3) Freestanding or ground-mounted telecommunications antennas, towers and related equipment intended for commercial uses. [Ord. 676-07 § 1(15.04), 8-28-07; Ord. 664-00 § 15.04, 6-27-00; Ord. 632-91 § 15.04, 10-22-91].

18.55.050 Other regulations.

- (1) Minimum lot area: 1,000 square feet.
- (2) Minimum Yard Requirements.
 - (a) Front: none.
 - (b) Side: none.
 - (c) Rear: none.
- (3) Maximum building height: 50 feet.
- (4) Loading Area. Private off-street space for handling all materials and equipment shall be provided.

(5) Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter 18.120 WMC. However, the planning commission may, through a conditional use permit, reduce or waive off-street parking requirements if the planning commission adopts findings that (a) imposition of the off-street parking requirements of Chapter 18.120 WMC would require an excessive area be devoted to accessory land uses, to the detriment of productive building coverage desired in the downtown area and (b) sufficient on-street parking and/or public off-street parking exists within reasonable walking distance. [Ord. 676-07 § 1(15.05), 8-28-07; Ord. 664-00 § 15.04, 6-27-00; Ord. 632-91 § 15.05, 10-22-91].

18.55.060 Parking exemption for sites in the downtown area.

Uses and structures located within the downtown area, as defined within the CC central commercial zoning district, specifically the downtown parking exemption district area of Butte Street, Tehama Street, and Shasta Street, specifically from Laurel Street to Wood Street as defined by the map contained in WMC 18.120.060 designating the downtown parking exemption zone, are not required to provide on-site parking as normally required by this chapter and Chapter 18.120 WMC, since new parking will be largely accommodated by existing on-street parking. Two parking spaces per new residential unit within the central business district as defined by the CC central commercial district shall be provided. The parking requirements for all other uses shall be determined by the city manager. However, the city manager shall refer any request to the planning commission when design review is required.

No existing city-required parking spaces in place as of the effective date of the ordinance codified in this chapter shall be removed within the downtown area. [Ord. 676-07 § 1(15.06), 8-28-07; Ord. 632-91 § 15.06, 10-22-91].

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