

PLANNING COMMISSION

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Kerri Warren, Vice Chair
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Larry Domenighini, Commissioner

CITY PLANNER
Karen Mantele

MINUTE CLERK



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

AMENDED PLANNING COMMISSION MEETING AGENDA

***This agenda is being amended to make a change to page 6, item 2 of the original staff report*
Wednesday, August 15, 2012
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/Public Hearing-** Persons wishing to speak are asked to approach the microphone to address the Commission. Although not required, it is requested that you please state your name for the record.

Use Permit -File #UP-12-04 - Applicant/Owner: Anna Sbragia/Robert Sbragia
Assessors Parcel Number 002-261-014; 459 S. Shasta Street, R-1(Single Family Residential)/zoning district; Low Density Residential land use designation

Anna Sbragia, has requested approval of a Use Permit to allow establishment of a Home Occupation for a Dog Grooming business to be located within an existing accessory building on the subject property.
8. **Discussion of current Zoning Districts/Land Use Designations- Commissioner request**
9. **Commission Commentary**
10. **Adjournment:**

CERTIFICATION: Pursuant to Government Code § 54954.2 (a), the agenda for this meeting was properly posted on or before August 10, 2012.

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org. 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

Willows Planning Commission Agenda Report: August 15, 2012

Project: Use Permit/Home Occupation (#UP-12-04)
Anna's Muddy Paw Business
Applicant/Owner: Anna Sbragia/Robert Sbragia
Project Location: 459 S. Shasta Street, Willows, CA
Parcel No: 002-261-014
General Plan R-1 (Single Family Residential)
Zone: Low Density Residential (LDR)

This matter is before the Planning Commission pursuant to Section 18.110.070 of the City's Zoning Ordinance.

Project Description:

The applicant, Anna Sbragia, has submitted a Use Permit/Home Occupation application to allow use of an accessory structure on the subject property for a dog grooming business to include bathing the animals and cutting their hair. The proposed hours of operation are Monday through Saturday 10 am to 5 pm. The applicant is proposing several interior modifications to the accessory structure to include electrical, plumbing and handicap accessory upgrades. On-site parking will be available for clients. Ms Sabragia will be the sole operator with no employees.

Zoning

The subject property is located within the R-1 zoning district. Home Occupations are allowed within any legal structure on a lot which is clearly incidental and secondary to the residential use of the property and subject to the home occupations regulations, upon first securing Use Permit approval from the Planning Commission.

There are regulations that must be adhered to regarding allowing Home Occupations. The regulations are that (1) it must be confined within a legal structure and occupy not more than 25% floor space of a dwelling or 50 percent of that of an accessory building, (2) involves no sale of merchandise other than that produced on the premises or directly related to and incidental to the services offered, (3) is carried out by the member of the family occupying the dwelling with no employees, (4) produces no evidence of its existence beyond the premises, (5) permits a two square foot sign, (5) does not generate pedestrian or vehicular traffic beyond the normal neighborhood use, and (6) meets the requirements of the chief building inspector and fire district. These regulations will be incorporated into the conditions of approval attached to the resolution.

Analysis:

A site plan was submitted with the application which indicates Ms Spragia will use a 12' x 16' accessory structure located in the rear of the subject property (adjacent to the alley) for the dog grooming business. This space equates to approximately 1/2 of the accessory structure, as both sides are covered, which area complies with the regulations of a Home Occupation.

Ample paved parking is available on-site to accommodate clients and access will be off of Birch Street. One handicap parking space is required as well as an accessible path of travel. As stated earlier the applicant will be the sole owner and operator of the business, and anticipates a daily average of two clients per day.

The code allows the applicant one sign (two square feet in area) pertaining directly to the home occupation. The applicant has not submitted a sign plan at this time; however may by the meeting time for the Commissioners to review and comment.

Environmental Review

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) for significant environmental impacts to the environment and qualifies as a Categorical Exemption, under Section 15301, Class 1, Existing Facilities.

Findings

Per Section 18.135.050, the Planning Commission may grant a Use Permit if only on the basis of the application, investigation, and evidence submitted that the following three findings can be made:

1. That the use is consistent with the purposes of the district in which the site is located.
2. That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
3. That the proposed use is in conformance with the General Plan.

Notice of the proposed use permit/home occupation application and public hearing was posted in a local newspaper and property owners within 400 feet of the subject site were sent notice per WMC Section 18.135.030. No written or verbal comments have been received from the adjoining property owners.

The project was reviewed internally by city departments for comments/conditions which attached proposed conditions of approval reflect those comments.

Staff Recommendation:

Adopt the attached resolution approving a Home Occupation/Use Permit (file # UP-12-04) for Anna Sbragia to establish a Home Occupation (a.k.a. Anna's Muddy Paw) located at 459 S. Shasta Street for a for a dog grooming business subject to the attached conditions of approval.

Planning Commission Options:

- 1) Approve the Home Occupation/Use Permit with Findings
- 2) Deny the Home Occupation/Use Permit with Findings

Attachments:

- Draft Resolution
- Conditions of Approval
- Applicants Site Plan date stamped July 25, 2012
- APN map

Submitted by:

Karen Mantele
Principal Planner

Appeal from any decision of the Planning Commission may be made in writing to the City Council within ten (10) days from the date of the Commission's action.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS APPROVING A HOME OCCUPATION/USE PERMIT (FILE # UP-12-04) FOR ANNA SPRAGIA TO ALLOW ESTABLISHMENT OF A DOG GROOMING BUSINESS (ANNA'S MUDDY PAW) WITHIN AN EXISTING ACCESSORY STRUCTURE FOR PROPERTY LOCATED AT 459 S. SHASTA STREET ASSESSORS PARCEL NUMBER 002-261-014

WHEREAS, the applicant, Anna Sbragia, has submitted a Use Permit/Home Occupation application to request the use of an accessory structure to establish a dog grooming business at property located at 459 S. Shasta Street, and

WHEREAS, City of Willows Municipal Code Section 18.110.070 states a home occupation shall be permitted in any legal structure on a lot which is clearly incidental and secondary to the residential use of the property upon first securing Use Permit approval from the Planning Commission, and

WHEREAS, notices of the Planning Commission meeting held on August 15, 2012 were published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners within 400 feet were sent; and

WHEREAS, the Planning Commission did, on August 15, 2012, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS, the Planning Commission finds that the proposal is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 Existing Facilities, and

WHEREAS, pursuant to Section 18.135.050 of the Municipal Code, the following findings are made:

1) That the use is consistent with the purposes of the district in which the site is located.

A Home Occupation is allowed in any legal structure on a lot which is clearly incidental and secondary to the residential use of the property with Planning Commission approval.

2) That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The conditions of approval will ensure that the Home Occupation will not be detrimental to the public health, safety or welfare or materially injurious to properties.

3) That the proposed use is in conformance with the General Plan.

The use of a legal accessory structure for a Home Occupation is in conformance with the General Plan.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the request to allow use of a legal accessory structure for a dog grooming Home Occupation business is consistent with the General Plan, and the City of Willows Municipal Code; and hereby approve Home Occupation/Use Permit (file # UP-12-04), subject to the attached conditions set forth in Attachment 2 (Conditions of Approval); and,

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 15th day of August 2012, by the following vote, to wit:

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____

APPROVED: _____
Candis Woods, Chairperson

ATTEST: _____
Recording Secretary

**CONDITIONS OF APPROVAL
FOR
ANNA'S MUDDY PAW HOME OCCUPATION
459 S. Shasta Street/APN: 002-261-014
Adopted by Planning Commission _____, 2012**

GENERAL

1. That the applicant/developer shall enter into a Pass Through Agreement with the City of Willows to pay the cost of all planning review, plan checking and field inspection of this development.
2. Approval is granted to establish a Home Occupation Dog Grooming business within an existing legal accessory structure at property located at 459 S. Shasta Street.
3. If the use is not made on the project subject to the permit within one (1) year after the date of granting the permit, then without further action, the use permit shall be null and void and such use shall not be made of the property except upon the granting of a new use permit.
4. This Home Occupation/Use Permit is void one (1) year after the use permitted by such permit is discontinued.
5. All plans for additional uses, such as dog kennel use, which are not covered by this review, shall be submitted to the City Manager/Planning Commission for review and approval prior to establishment of use.
6. The approval of this project shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Willows.
7. The applicant shall obtain a Business License from the Finance Department of the City of Willows for the dog grooming business prior to operation.
8. The dog grooming business must be confined within the legal accessory structure and occupy not more than 50% floor space.
9. There shall be no sale of merchandise other than that produced on the premises or directly related to and incidental to the services offered.
10. The Home Occupation business shall be carried out by the member of the family occupying the dwelling with no employees.
11. The Home Occupation business shall produce no evidence of its existence beyond the premises.

12. The Home Occupation business shall not generate pedestrian or vehicular traffic beyond the normal neighborhood use.
13. The Home Occupation business shall meet the requirements of the chief building inspector and fire district.
14. In any case where the conditions of granting the Home Occupation have not been or are not complied with, the Planning Commission shall give notice to the permittee of intention to revoke such permit and shall give notice ten days prior to a hearing thereon.

BUILDING DEPARTMENT

15. The alley shall never be used as access to the Home Occupation.
16. The applicant shall submit 3 complete sets of plans to the Building Department for review and approval prior to construction improvements or commencing operations.
17. Plans shall include all the details necessary to determine handicap accessible compliance, i.e.: parking/unloading, path of travel (parking to customer area), door/hardware, and transaction area.
18. Plans shall include a scaled floor plan.
19. Plans shall include a scaled electrical and plumbing plan.
20. Plans shall indicate if the space will be heated or cooled, of so energy calculations may be required.
21. All the Conditions of approval shall be included on sets of plans.

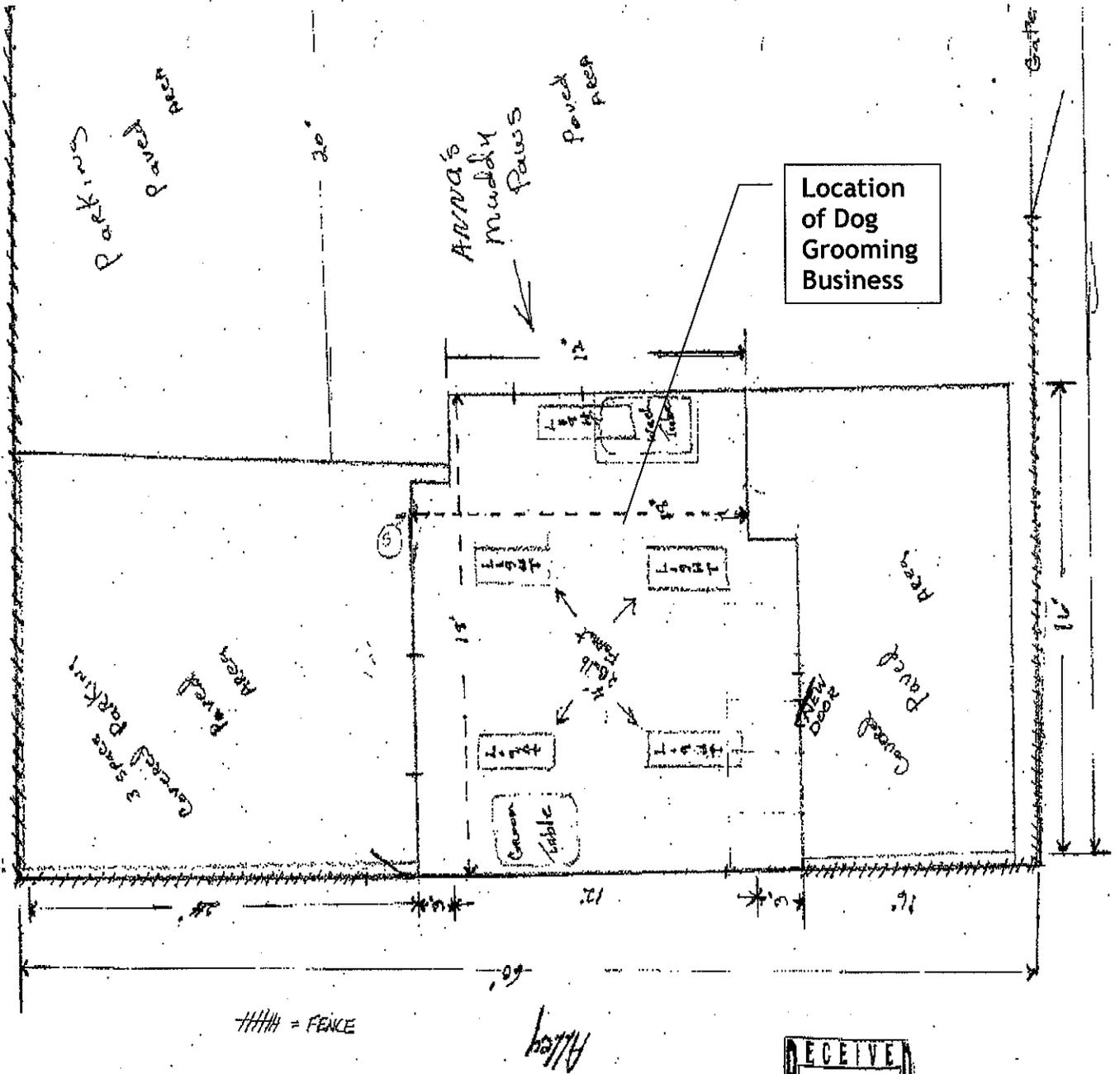
FIRE DEPARTMENT

22. Applicant shall obtain Fire Department clearance prior to establishing dog grooming business.

PUBLIC WORKS DEPARTMENT

23. The applicant shall connect to the existing waste drain from the building to the existing lateral on the applicants' property.

SITE PLAN



Location of Dog Grooming Business

= FENCE

Alley



APN MAP

