

PLANNING COMMISSION

Candis Woods, Chair
Larry Dornenighini, 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 21, 2011

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.

UP-11-03: Conditional Use Permit - Applicant Matt Amaro for Stan & Renee Schmidt; for property located at Assessors Parcel # APN: 002-071-003, 304 S. Merrill Avenue; Zoning: R-1 (Single Family Residential)

The proposed project is to allow the expansion of a non-conforming building.

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 16, 2011.

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

Planning Commission Agenda Report: December 21, 2011

Project: Conditional Use Permit (File#UP-11-03) Expansion of a Non-Conforming Building
Applicant/Owner: Matt Amaro/Stan & Renee Schmidt
Project Location: 304 S. Merrill Avenue, Willows, CA
Parcel No: 002-071-003
Zoning: R-1 (Single Family Residential District)
General Plan: Low Density Residential

Project Description

The applicant, Matt Amaro on behalf of property owners Stan & Renee Schmidt, has submitted a Use Permit application to the City requesting to allow expansion of a non-conforming building in order to create a larger structure for use as storage and a hobby shop. The extension of the building will be on the south end of the building only (along the alleyway). Exterior finishes to the new addition will be similar to the existing structure(s) on the property.

Review Process

This matter is before the Planning Commission pursuant to Section 18.110.090(7) and 18.135.040 of the City of Willows Municipal Code.

Zoning

The project site is zoned R-1 (Single Family Residential). The surrounding zoning is R-1 to the east, west and south (all residential uses) and Public Facilities & Services to the north (Sycamore Park). Accessory structures are a permitted use in this zoning district.

General Plan Consistency

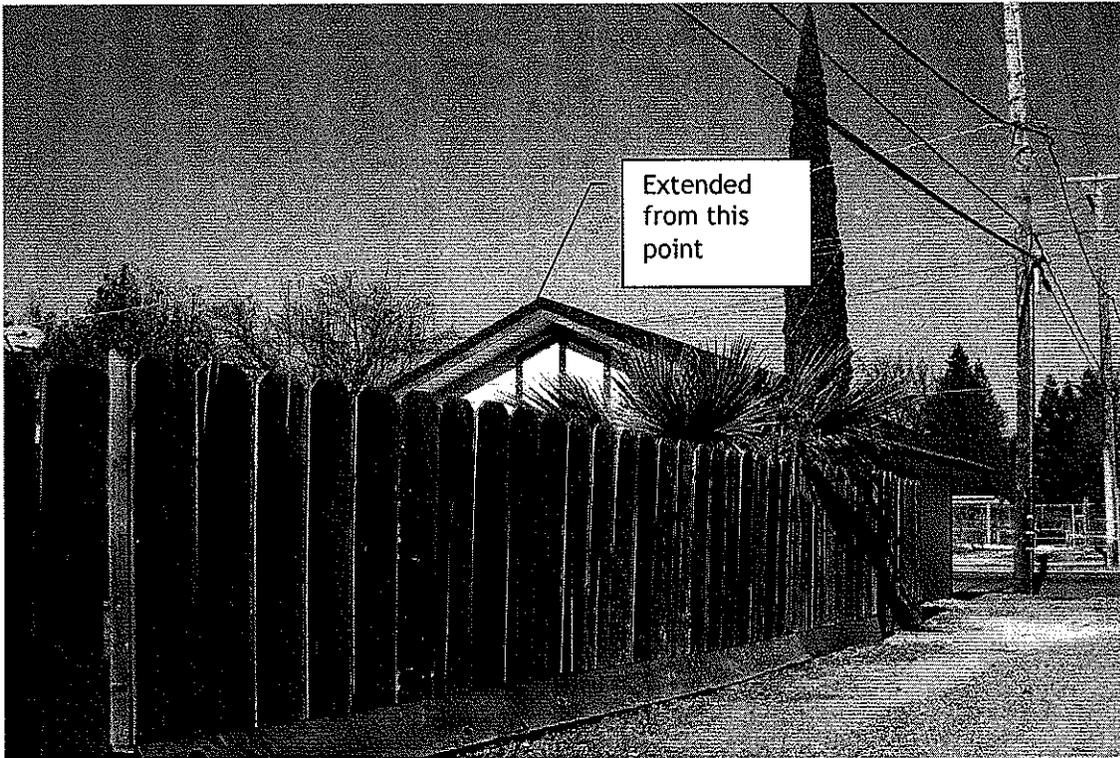
The General Plan Land Use designation for this site is Low Density Residential pursuant to the City's General Plan Land Use Map. Accessory structures are consistent with this designation.

Background:

The subject building, which was built in approximately 1965 along with the house, was used as a garage, but no longer used as such. A car port, which is attached to the house, is used for the parking space. In reviewing the zoning code for the 1960's era, a private garage was required; however a covered parking space or car port would satisfy the requirement. The property owners have never used the structure for parking vehicles in it.

Project Analysis:

The subject building is a non-conforming structure, as it does not meet the current corner side set-back requirement (which shall not be less than 10 feet), and does not meet the current alley property line requirement (which shall be 5 feet), both setbacks according to Chapter 18.30.040. Enlargement of a non-conforming building is allowed under Section 18.110.090(7) where an application for a Use Permit is first approved, as provided in Chapter 18.135. The property owner desires to extend the non-conforming structure by adding a 15' x 20' extension to it.



Looking North from alleyway to subject building

The project was reviewed internally by city departments for comments/conditions which are reflected in the attached proposed conditions.

Environmental Review and Analysis

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA). City staff has determined that the proposal is exempt from further CEQA pursuant to CEQA Section 15301, Class 1, Existing Facilities.

Findings of Fact

Based upon the facts and conclusions contained within this staff report the following findings must be made in order to approve the applicant's request:

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.

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution recommending Use Permit approval for expansion of a non conforming building, subject to the conditions of approval as shown in Attachment #2.

PLANNING COMMISSION OPTIONS:

- 1) Recommend approval of the Use Permit proposal and subject to Conditions of Approval as described in Attachment 2
- 2) Deny the application with appropriate findings for denial

Attachments:

1. Draft Planning Commission Resolution
2. Proposed Conditions of Approval
3. Site Plan

Submitted by:

Karen Mantele
Principal Planner

**THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD FOLLOWING
THE PLANNING COMMISSION DECISION**

PC RESOLUTION NO. _____-2011

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
WILLOWS APPROVING A USE PERMIT APPLICATION (FILE#UP-11-03) FOR
STAN & RENEE SCHMIDT TO EXPAND A NON CONFORMING BUILDING
FOR PROPERTY LOCATED AT 304 S. MERRILL AVENUE, ASSESSORS
PARCEL NUMBER 002-071-003**

WHEREAS, the applicant Matt Amaro on behalf of Stan & Renee Schmidt, has filed a Conditional Use Permit application to expand a non conforming building by adding a 15' x 20' extension to it; and,

WHEREAS, notices of the Planning Commission meeting held on December 21, 2011, 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 December 21, 2011 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 has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; 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, the Planning Commission does find that the proposed use is consistent with the purposes of the district in which the site is located, as accessory structures are a permitted use in this zoning district, and enlargement of a non-conforming structure is allowed under Chapter 18.110.090(7) with approval of a Use Permit by the Planning Commission; and

WHEREAS, the Planning Commission does find 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, as the conditions of approval to allow the expansion have been included in the approval of this project to ensure the safety and welfare of the public are met; and

WHEREAS, the Planning Commission does find that the proposed use is in conformance with the General Plan, as the property is located within the Low Density Residential designation, which allows for accessory structures and garages.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the Use Permit proposal to expand a non-conforming building is consistent with the City of Willows General Plan, the City of Willows Municipal Code, and hereby approves Use Permit File #UP-11-03, subject to the attached conditions of approval set forth in Attachment #2; 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 21st day of December, 2011 by the following vote, to wit:

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____

APPROVED: _____
Candis Woods, Chairperson

ATTEST: _____
Recording Secretary

**USE PERMIT CONDITIONS OF APPROVAL
FOR Use Permit File #UP-11-03
STAN & RENEE SCHMIDT TO EXPAND A NON CONFORMING BUILDING BY ADDING A
15' X 20' EXTENSION TO IT
FOR PROPERTY LOCATED AT 304 S MERRILL AVENUE
ASSESSORS PARCEL NUMBER 002-071-003**

PC approval date: _____, 2011

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. 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 permit shall be null and void and such use shall not be made of the property except upon the granting of a new permit.
3. This use permit is void one (1) year after the use permitted by such permit is discontinued.
4. All plans for additional uses, which are not covered by this review, shall be submitted to the City Manager/Planning Commission for review and approval prior to use.

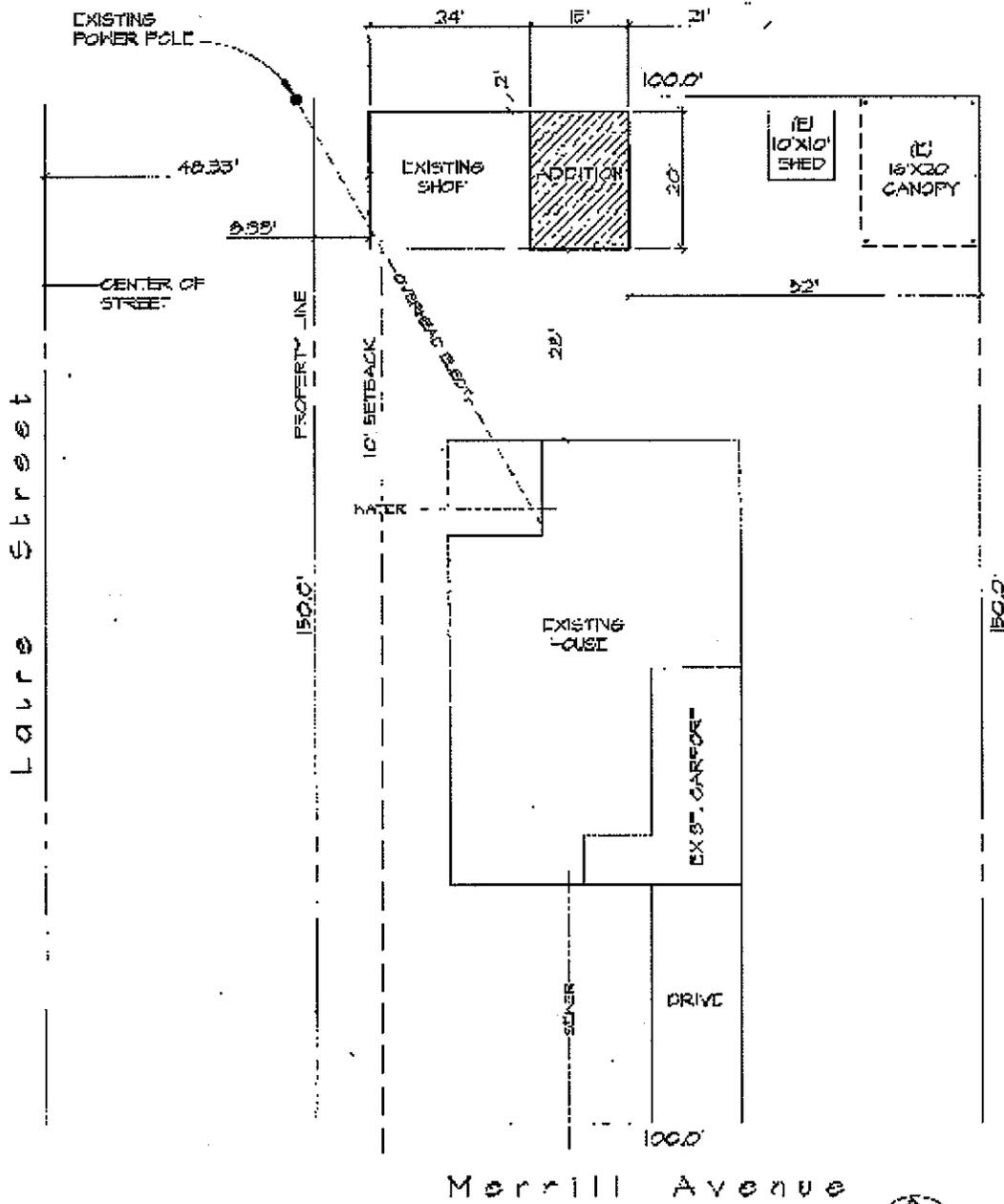
Building Department

5. The applicant shall submit to the Building Department the following for review and approval:
 - a) Three complete sets of scaled plans, with specifications and calculations
 - b) A completed building permit application
6. The applicant shall be responsible to obtain approvals from any other affected agencies.

Public Works Department

7. No sewer hook-up will be allowed without prior approval from the Department and fee charged for such.

Site Plan



SITE PLAN

1/16"=1'-0"

