

PLANNING COMMISSION

Kerri Warren, Chair
Candis Woods, Vice Chair
Shirley Benningfield, Commissioner
Peggy White, Commissioner

CITY PLANNER
Karen Mantele

MINUTE CLERK



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

PLANNING COMMISSION MEETING AGENDA
Wednesday June 4, 2014
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. **Approval of Minutes:** Minutes of Planning Commission meeting held March 19, 2014
6. **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.***)
7. **New Business/ Public Hearing**
 - a. **Use Permit/ Application (File# UP-14-04)** Applicant/Owner: Eugene & Kathy Mendes/same
Assessors Parcel Number: 001-291-012; 505 S. Culver Street/R-1 Zoning District/Low Density Residential Land Use Designation/Request to place permanent storage container on lot
 - b. **Use Permit/ Application (File# UP-13-05)** Applicant/Owner: Willows Walmart #2053/Walmart Business Trust
Assessors Parcel Number: 017-210-052, 470 N. Airport Rd/CG/ML/PD Zoning District/General Commercial Land Use Designation/Request to place four (4) permanent storage containers on lot
8. **Commission Commentary**
9. **Adjournment**

CERTIFICATION: Pursuant to Government Code § 54954.2 (a), the agenda for this meeting was properly posted on or before May 30, 2014.

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

MINUTES OF THE WILLOWS PLANNING COMMISSION MEETING

HELD MARCH 19, 2014

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

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

PRESENT: White, Benningfield, Woods, Warren

ABSENT: Carlyle

CONSENT AGENDA: Chair Person Warren if there were any changes to the agenda by staff or Commissioners. Staff and Commissioners had no changes to the agenda.

APPOVAL OF MINUTES: It was moved by Vice Chair Woods and seconded by Commissioner White to approve the minutes of December 4, 2013 and January 15, 2014. Minutes were unanimously approved.

PUBLIC COMMENT: None

NEW BUSINESS: Public Hearing(s)

- a. **McHale Sign Company/Willows Travel Plaza – Use Permit/Design Review Application (File # UP-14-02 & DR-14-01)**

Assessors Parcel Number: 017-340-025/ 1481 Hwy 99 W/Highway Commercial Zoning District/Highway Commercial Land Use Designation/Request for additional signage & request for design elements approval

Ms. Mantele presented the conditional Use Permit / Design Review Application a request to change the existing fuel station brand (76) to the Chevron brand. The request is to allow additional signage of approximately 64.17 square feet of l identity signage and 96 square feet for pole signage for the brand change. The Design Review application will be changing the look of the fuel station from the 76 Station to the Chevron Station. With this brand change they are requesting additional signage which is above what the current code allows for this building and this lot.

The property is zoned Highway/Commercial and was part of a lot split done in 2003. Ms. Mantele explained the 2003 former owner Soeth Farming Corporation went before the Planning Commission with a Design Review/Variance application a request to allow additional pole sign

height which at that time the code was only 30 feet and the request was for 80 feet and to allow for additional business signage. The Commission did approve both of those applications.

Discussion ensued regarding the current sign square footage request. This new change is asking for additional signage above what was approved in 2003. Changes will affect the brand name on the dispensary and there will be changes to the building signage as well. Three signs will remain the same and the Willows Travel Plaza sign will be replaced with a Food Mart sign.

In addition the Willows Travel Plaza's Design Review Application requests changes in color scheme and styles that are in keeping with the corporate branding for Chevron. Additional requirements for the Willows Fire Department were also discussed with the Commission concerning monument signs having the business address on them as per the City code regarding premise identification.

Vice Chair Woods wanted to know how much additional square footage over the original request did the 76 Station receive. Ms. Mantele explained that the codes vary, but did give an estimate for the pole sign was approximately 80 square feet over and the signage was over 100 square feet. Chair Warren opened the public hearing. No comments were made and the public hearing was closed. Discussion was then directed to the Commission.

Vice Chair Woods expressed her concerns about the square footage request being so far over the code requirements. She also reminded the Commission of their intentions to possibly add to the existing code by setting out additional pre-approved square footage increases for business owners to adhere to. This would eliminate the business owners need to come before the Commission if the requested signage increases were within the additional percentage guidelines. Vice Chair Woods did express concern over the amount of additional signage requested as it was way over what the other stations had requested and received through approval. She felt that by granting the additional square footage it would set the amount too high for any sort of future guideline to be created by the Commission increasing the code allowance for the square footage, which was a concern that the Commission should consider in her opinion. She also expressed a concern towards the unfairness towards the other stations whose signage square footage was not as large. She brought up the fact that the requested increase was over 200 square feet more than the code allows.

Ms. Mantele did agree with her concerns, however she did express that those types of businesses and the locations need to be considered as well. The businesses are going to require more signage because they need to be seen from the freeway and they are in the highway commercial zoning district. She also agreed that setting a threshold for the square footage allotment above and beyond the code was needed for that district, but reminded the Commission that at this time not threshold allotment had been set. Vice Chair Woods restated her fairness concerns towards other station owners. She then asked if any other business owners in the audience would like to address their concerns to the Commission regarding the square footage increase. There were no comments from the audience. Further discussion ensued with the Commission concerning the signage square footage threshold and the fairness issues.

Commissioner White asked for clarification on the breakdown of additional signage. Commissioner White also asked if they were adding any additional business due to letter A of the sign plan listing 12 foot illuminated CFN sign. Commissioner White wanted to know if CFN was now going to be added as a new business to the Chevron facility as in the past there was a CFN Gas Station in Willows. Ms. Mantele directed the question to the business owner as she did not know.

The owner/applicant Rajesh Patel stated that CFN had nothing to do with the existing CFN pumps down the road. The CFN Chevron is combined with CFN fleet card which is other small business trucks. It is a combined use with Chevron to keep the business local.

Chair Warren thanked Mr. Patel and expressed that she agreed with Vice Chair Woods about her concerns about not being able to set a threshold for signage square footage if the Commission granted such a large increase before the threshold guidelines were put in place. Vice Chair Woods stated that if the current application was approved then there would be no way a future threshold could be established and set by the Commission as this applications approval would already exceed it due to the requested square footage being so high.

Ms Mantele explained that in calculating the signage square footage that was present and the additional that was needed she also included all the small logos as well due to each of them advertising Chevron. The logos on the canopies and dispensaries were included in the total signage square footage and referred the Commission back to the copy of the original application and explained that there was 866 square footage of signage that was already there. Now they are asking for the additional 160 square feet that is needed and she explained the current code allows for additional signage with no set guidelines as to where and how much how much can be given. She explained that is why the Use Permit applications are brought before the Commission for additional square footage approval due to there not being an established threshold added to the code currently. Chair Warren invited Curtis Hauptman of McHale Sign Company to address the Commission.

Curtis Hauptman of McHale Sign Company from Redding explained to the Commission that the previous request for signage allotment was for two 3 by 12 cabinets and currently they are asking for one 4 by 12. Mr. Hauptman wanted to clarify that they are actually asking for less pole signage than what was originally allowed. He also explained that this business is different as essentially there are two businesses there and one is currently intended for a future restaurant. He feels that what is being asked for in the proposal is in line with what similar businesses throughout the state have done, especially in the highway fronting properties on the south end of town. He gave a design comparison for other station signs and pointed out the differences with the Chevron sign requirements, which are Chevron mandated.

Vice Chair Woods asked Mr. Hauptman due to the Commission's concerns over the amount of the additional square footage requested if he thought there was anywhere where they could cut back the sign square footage currently needed. Mr. Hauptman explained to the Commission the reasons behind not being able to decrease the signage square footage requested also expressing the business owners desire to capture the freeway business for the City of Willows. The bigger

the sign the more probability this will occur due to the visibility of the sign from the freeway. He explained that the sign size was determined from a visibility study that was conducted and the requested square footage would not be reduced.

The Commission continued a brief discussion on the need for another modification of the sign code in the future.

It was moved by Commissioner White and seconded by Commissioner Benningfield to approve and adopt the Resolution entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS GRANTING USE PERMIT APPROVAL FOR USE PERMIT 14-02 AND DESIGN REVIEW 14-01 AS PRESENTED."

AYES: WHITE, WARREN, BENNINGFIELD

NOS: WOODS

b. Russell Morgan – Design Review (File #DR-13-04)

Assessor Parcel Number: 005-370-004 / #1261 W. Wood Street. Highway Commercial Zoning District/Highway Land Use Designation/Requested to change approved color scheme/exterior building material.

Ms. Mantele presented the proposal request to modify and change the exterior color scheme and building material of the new automated car wash building. She passed around to the Commission members the submitted renditions of the December meeting which depicted the original design proposal along with the color board. She explained that the change is in the color of the metal roof from colonial red to dark bronze. Mr. Morgan also is requesting to change the buildings upper wall and water table from one shade of gray to a lighter shade of gray along with removing the blue color from the vacuum canisters. A stainless steel color is what they are moving towards. Ms. Mantele advised the Commission that the applicant was in the audience for any questions regarding the proposal..

Chair Warren opened the public hearing. No comments were made and the public hearing was closed. Discussion was then directed to the Commission.

Vice Chair Woods stated that she thought that the original colors were pretty and that she did not have any problem with Mr. Morgan changing the colors. Commissioner Benningfield agreed with Vice Chair Woods about the original color scheme stating it was very artistic and eye catching. She felt that because it was so colorful that it would garner more use and out of curiosity she asked Mr. Morgan why he decided to change it.

Mr. Morgan explained that there were two reasons for the color change one being that blues, greens and reds are colors that fade and chalk fairly quickly. He also stated that he felt the landscaping would make the building stand out due to the colors in it.

Chair Warren asked the Commission for their decision. The color change was approved by a unanimous consensus motion.

c. **Zoning Text Amendment (File # ZTA-14-01) Add Density Bonus Ordinances to Municipal Code Section 18.110 General Provisions and Exceptions/ City initiated**

Ms. Mantele presented the staff report to the Commission explaining that the City has applied for a PTA Grant to amend and update the housing element. One of the requirements for the review under the housing element this year is that the jurisdiction has the availability of getting an expedited review, which prevents the City from having to wait 90 days to get comments back from HCD. The expedited review is available if there are five things in place and the City currently has four. The fifth one is the Density Bonus Ordinance which needs to be adopted pursuant to government code 65915. She explained that she has spoken to a couple jurisdictions and was able to garner a Density Bonus Ordinance text that meets the state guidelines. This amended ordinance text once approved will be added to the general provisions of Chapter 18.110. It will be inserted as a Density Bonus Section 18.110.114. This ordinance text has been sent to the City attorney for review. It was determined to be in compliance and it was approved.

Ms. Mantele explained that a density bonus is an incentive to developers to bring affordable housing into the city as well as other incentive provisions. The Density Bonus Ordinance proposal once adopted it presented to the City Council for their review.

Vice Chair Woods and Commissioner Benningfield requested clarification on areas and Ms. Mantele provided them with her response. Chair Warren opened the public hearing.

Mr. Doug Ross questioned the Commission about parking reductions being related to alternative transportation. He explained that as a resident of Willows he has experienced difficulty in finding sufficient areas to lock up bicycles in apartment complexes, City buildings and businesses. He stated in regards to density bonuses that he would be in favor of recommending to developers the need for proper secure bicycle facilities for locking up community members bikes that choose this form of alternative transportation. The Commission acknowledged his request and thanked Mr. Ross for his input. There were no other community members who wanted to speak. Chair Warren closed the public hearing and directed the discussion to the Commission.

It was moved by Commissioner White and seconded by Vice Chair Woods to recommend, “
ZONING TEXT AMENDMENT ZTA-14-01 WITH RESOLUTION NEXT IN LINE
OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS RECOMMENDING
THE CITY COUNCIL APPROVE THE ZONING TEXT AMENDMENT BY ADDING
SECTION 18.110.114 TO CHAPTER 18.110 GENERAL PROVISIONS AND EXCEPTIONS
OF THE WILLOWS MINICIPAL CODE RELATING TO DESITY BONUSES.”

AYES: BENNINGFIELD, WARREN, WHITE, WOODS

NOS:

NEW BUSINESS:

Annual HCD Housing Element Progress Report for period from April 1, 2013 to March 31, 2014

Ms. Mantele presented the annual report to the Commissioners stating that the City has met all its intended goals for the year. She discussed the successful implementation of all required programs for the past year with the Commission.

Chair Warren asked the Commission for their decision. The Annual HCD Housing Element Progress Report for period from April 1, 2013 to March 31, 2014 was approved by a unanimous consensus motion.

COMMISSION COMMENTARY:

1. Chair Warren commented on the progress of The Dollar Tree.
2. Ms. Mantele updated the Commission on the O'Reilly's project, and the Willows Senior Apartment project.
3. Ms. Mantele informed the Commission of future projects. 1. a Non-Conforming Conditional Use Permit, 2. the Willows Gateway Center tentative map is a project being worked on right now as well, 3. a Use Permit/Design Review for the Saint Monica's Church, 4. the chromium six Cal Water project which is requiring Cal Water to add filters to four of their stations to be in compliance of the state's new water regulations. Updates were also given to the Commission on the Ace Hardware. There are also two separate inquiries for potential new businesses. One is a cupcake business and the other one is a day spa on Walnut.
4. Vice Chair Woods announced the day and hours of the Willow's Farmer's Market. It will start on Saturday, May 24th at 8:00am and it will be located at Daughtery's.

ADJOURNMENT: The Meeting was adjourned at 8:07pm

KERRI WARREN – Chair

Tammara McIntyre- Minutes Clerk

Planning Commission Agenda Report:**June 4, 2014**

Project: Conditional Use Permit (File # 14-04) Request to allow permanent placement of a storage container in residential zone
 Applicant(s)/Owner: Eugene & Kathy Mendes/same
 Project Location: 505 S Culver Street
 Parcel No: 001-291-012
 Zoning: R-1 (Single Family Dwelling)
 General Plan Low Density Residential

Project Description:

The applicants, Eugene & Kathy Mendes, have submitted a Planning Application to the City for a Conditional Use Permit to allow placement of an 8' x 20' x 8' high metal storage container in the NW corner of their 150' x 150' residential lot, which the rear of it, abuts an alley. Mr. Mendes intends to use the container for storage purposes only, as stated on the plan submitted with the application. The color of the container will be light beige.

Review Process:

This matter is before the Planning Commission pursuant to Section(s) 18.110.110(1), 18.130.040, and 18.135.010 of the City of Willows Municipal Code.

Zoning:

The project site is zoned R-1 (Low Density Residential). The surrounding zoning is R-1. Section 18.110.110(1) allows storage containers to be permitted within all residential zones of the city subject to an administrative use permit by a Hearing Officer per Section 18.130.040. However this Section also allows for the City Manager to refer any application to the Planning Commission for review and determination. The City Manager has determined this application shall be heard by the Planning Commission, therefore is before the Commission under Section 18.135.040 (Use Permits)

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. A single family dwelling exists on the property and the subject use is accessory to the main use therefore consistent with this designation.

Environmental Review and Analysis:

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA). Staff has determined that the proposal is exempt from further environmental review pursuant to CEQA Section 15303, New Construction or Conversion of Small Structures. A finding has been incorporated into the draft resolution.

Project Discussion:

The topic of allowing storage containers within the City came before the Commission in 2009 when they reviewed and forwarded a text amendment onto the City Council who adopted an ordinance governing the use of storage containers (ie: Section 18.110.110). This request is to allow the permanent use of a container within a residential zone. As stated above, the use is allowed with use permit approval. There are several requirements that the use must adhere to within this zone, to include:

1. Does the container meet the setback requirements of the district?

Per Section 18.110.110 “*Containers may not be located in front, side, or rear yard setbacks, or be located forward of the principal residence on the lot, or located within utility line easements, are subject to applicable city fire code compliance, including maintaining defensible space around the container and separation from other buildings*”. The proposed location of the container as shown on the attached plan indicates that it will be located 15 feet from the alley and 35 feet from the side yard. In reviewing the lot dimensions it appears the side yard setback is actually 27 feet and the front yard setback is 115 feet. None the less the container does meet the side, rear and front yard setback requirements of the code.

2. The container cannot be higher than eight feet above finished grade. As proposed the container will not be higher than eight feet above grade.

3. Containers must meet design criteria and foundation criteria. The container is light beige in color and is no higher than eight feet. The placement of the container is so that it is shielded from the public view by way of landscaping and or fencing. Placement of a container will require issuance of a building permit for a permanent foundation system as noted in the draft conditions of approval.

4. No more than one is allowed per lot. The proposal is for one container.

5. Containers cannot be placed in any city-designated entryway locations. The location of the subject property is within the R-1 zoning district.

6. Containers cannot be located on a property prior to placement of the principal residence. As stated earlier, a single family dwelling already exists on the subject property. The storage container will be located in the rear portion of the property.

The above requirements are part of the draft conditions of approval attached to this report.

The lot has numerous trees and foliage/fences around it which not been seen by the public

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.

In accordance with Section 18.135.030 notice of this public hearing was published in the local newspaper ten (10) days prior to the public hearing and all property owners as indicated on the latest secured Assessor’s records within 400 feet of the subject property were sent notice of the hearing. As of the date of preparation of this report no written public comments have been received.

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution recommending Use Permit approval to Eugene Mendes to place an 8’ x 20’ x 8’ high metal storage container on subject lot, subject to the conditions of approval as shown in Attachment #2, and Attachment #3 (site plan).

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 Use Permit application with appropriate findings for denial

Attachments:

1. Draft Planning Commission Resolution
2. Proposed Conditions of Approval
3. Site Plan
4. Applicant statement
5. APN map

Submitted by:



Karen Mantele
Principal Planner

**THE APPLICANT IS REMINDED THAT THERE IS A 10 (TEN) DAY APPEAL PERIOD
FOLLOWING THE PLANNING COMMISSION DECISION ON THE USE PERMIT PURSUANT TO
Chapter 18.135.060**

PC RESOLUTION NO. _____-2014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS GRANTING USE PERMIT APPROVAL (FILE # UP-14-04) TO EUGENE & KATHY MENDES ALLOWING THE PLACEMENT OF AN 8' X 20' X 8' HIGH METAL STORAGE CONTAINER FOR PROPERTY LOCATED AT 505 S. CULVER STREET, WITHIN THE R-1 ZONING DISTRICT ASSESSORS PARCEL NUMBER 001-291-012

WHEREAS, the applicant, Eugene Mendes, has filed a Conditional Use Permit planning application to allow placement of one (1) 8' x 20' x 8' high metal storage container in the rear of subject lot, which is located within the R-1 zoning district, and,

WHEREAS, the City of Willows Municipal Code, Section 18.110.110(1) allows for storage containers in any residential zone upon first securing Use Permit approval from the Planning Commission, and

WHEREAS, notice of the Planning Commission meeting held on June 4, 2014, was 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 June 4, 2014, 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 15303, Class 3; and

WHEREAS, the Planning Commission finds that the proposed use is consistent with the purposes of the district in which the site is located, as Section 18.110.110(1) allows for storage containers within a residential zone with an approved use permit, and

WHEREAS, the Planning Commission finds 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 conditions of approval incorporate provisions which project will not be detrimental to the public health, safety or welfare; and

WHEREAS, the Planning Commission finds that the proposed use is in conformance with the General Plan, as the property is located within the Low Density designation, which allows for residential uses with accessory uses; and

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the Use Permit proposal to place one (1) metal storage container on a lot within a residential zone is consistent with the City of Willows General Plan, the City of Willows Municipal Code, and hereby approves Use Permit #(UP-14-04) subject to the attached conditions of approval set forth in Attachment #2, and as shown on site plan Attachment #3.

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 4th day of June, 2014, by the following vote, to wit:

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____

APPROVED: _____
Kerri Warren, Chairperson

ATTEST: _____
Recording Secretary

USE PERMIT/DESIGN REVIEW CONDITIONS OF APPROVAL

FOR

MENDES STORAGE CONTAINER

FOR PROPERTY LOCATED AT

505 S. Culver Street /APN; 001-291-012

PC approval date: _____, 2014

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 (placement of one 8'x20' x 8' high metal storage container) 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. All plans for additional uses, and or changes to approved use (storage container) which are not covered by this review shall be submitted to the City Manager/Planning Commission for review and approval prior to use.
4. The approval of this project shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Willows.
5. Storage Container may not be located in front, side, or rear yard setbacks or be located forward of the principal residence on the lot. Storage containers may not be located within utility line easements and are subject to applicable city fire code compliance, including maintaining defensible space around the container and separation from other buildings. Site plan adopted incorporates a 15 foot rear setback and a 27 foot side yard setback.
6. The maximum height of the storage container is limited to eight feet above the finished grade.
7. The container shall be maintained in quality condition, free of rust or other signs of deterioration.
8. The container shall be painted; or of a color consistent with earth tone colors.
9. Screening shall be utilized as necessary to reduce visibility from public vantage points, which may include landscaping and fencing.
10. Use of a foundation or other system which in the opinion of the Building Official, provides necessary support for the storage container. The foundation may include, but not limited to, use of a concrete pad or similar durable surface able to adequately support the structure.
11. The storage container shall be outfitted with a safety locking door mechanism.
12. No electrical power may be provided to the storage container.

13. No advertising is allowed on the storage container.

BUILDING DEPARTMENT

14. All of the conditions of approval shall be shown on the set of plans prepared for review.

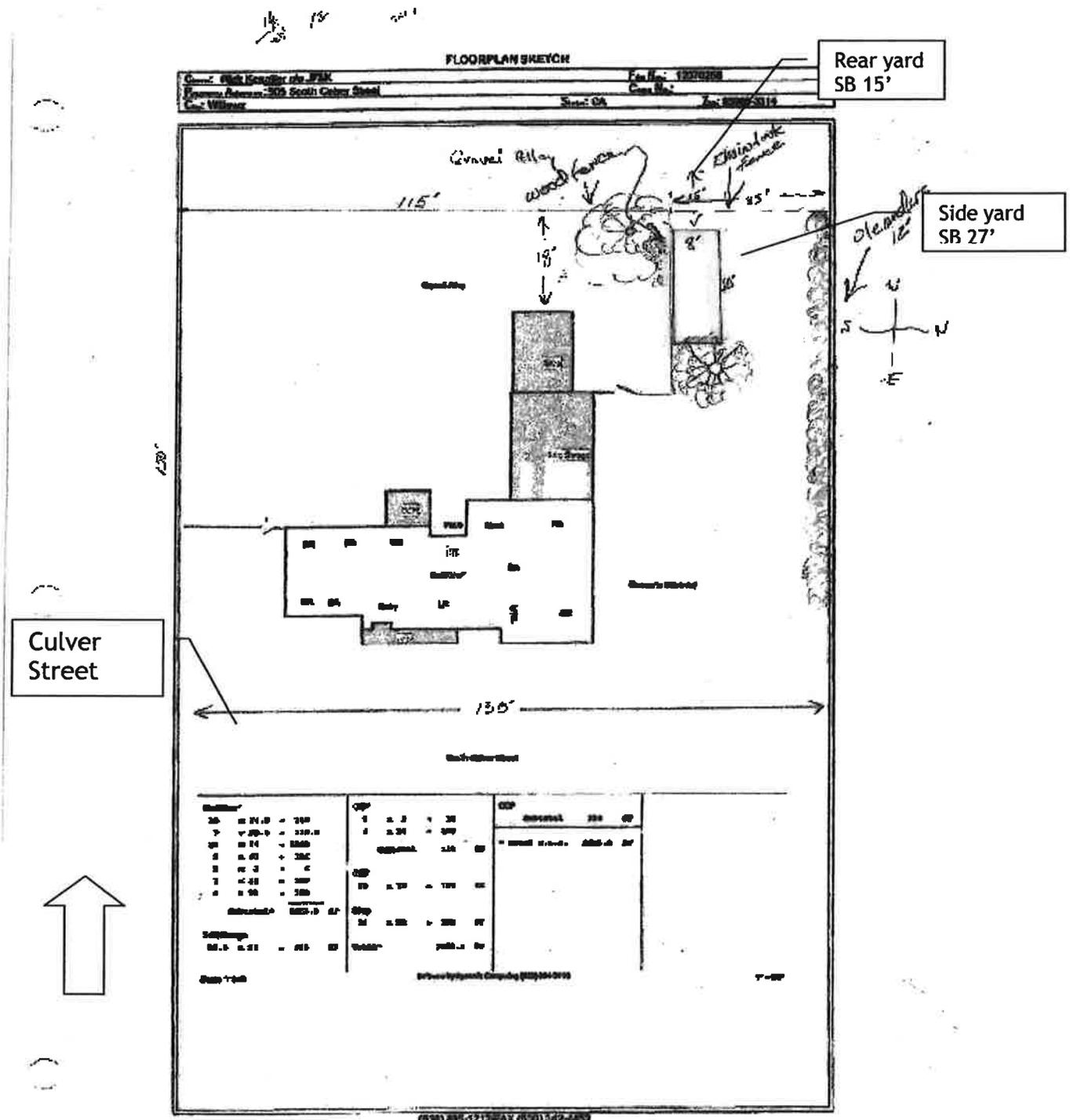
15. The applicant shall submit 3 complete sets of building plans with a completed building permit application for review and approval. Fees to be determined at time of building application submittal.

16. The plans shall be designed based upon the currently adopted, applicable federal, state and local codes and ordinances.

FIRE DEPARTMENT:

17. Side yard setback shall not be less than 6 feet, and rear yard setback shall not be less than 5 feet from alley.

Site Plan

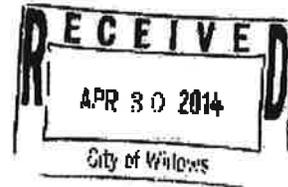
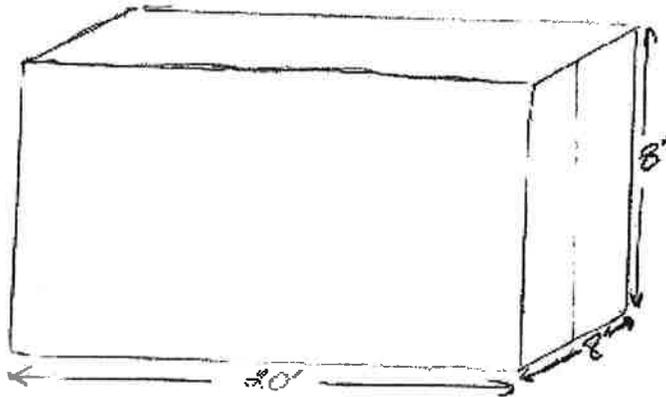


Applicant Statement

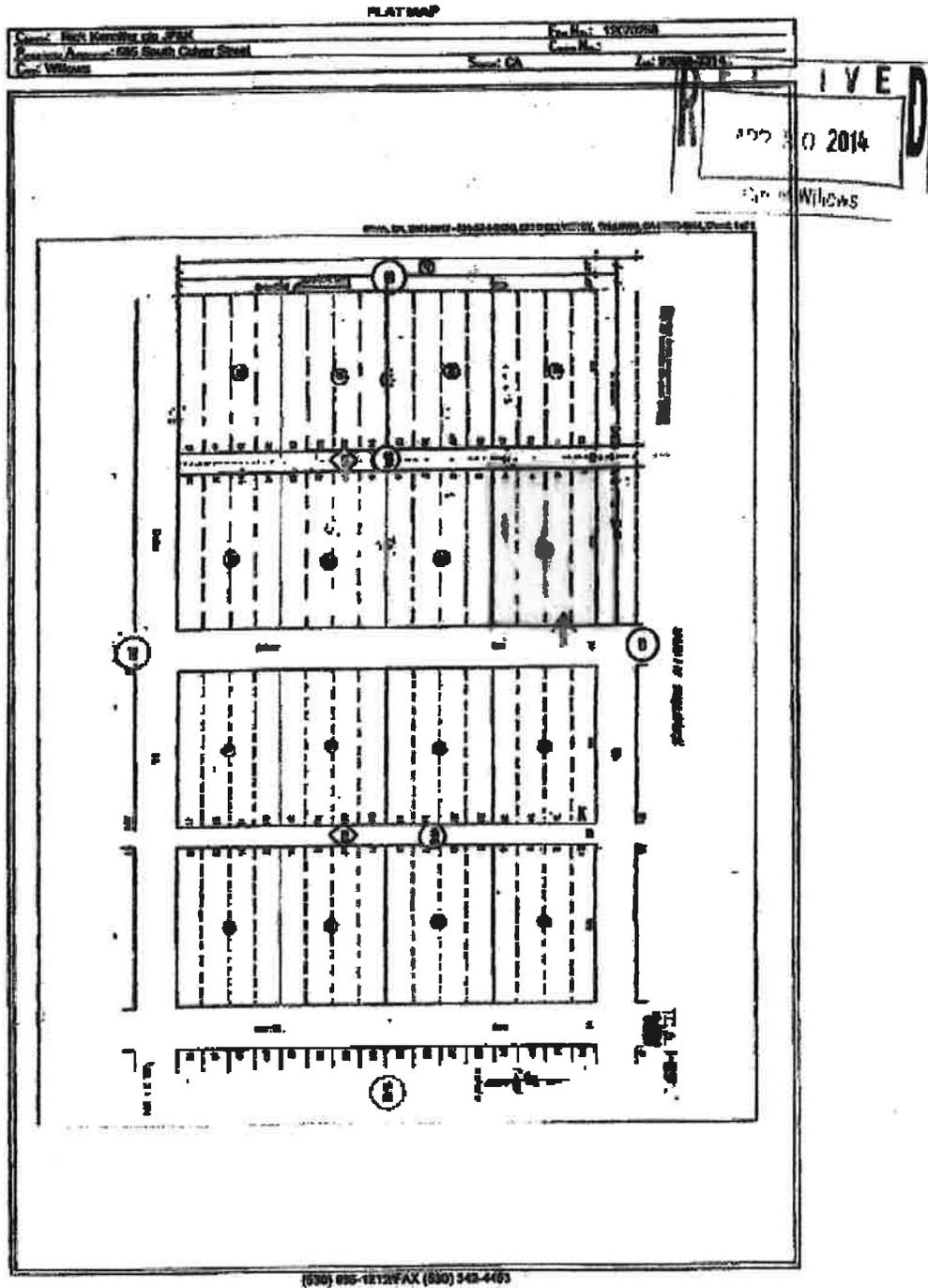
4-25-14

Proposed placement of storage container on the north west corner of property at 505 So. Culver Ave. For the use of storage only.

Eugene Mendes



APN map



Planning Commission Agenda Report:**June 4, 2014**

Project: Conditional Use Permit (File # 13-05) Request to allow placement of four (4) metal storage containers in a commercial residential zone

Applicant(s)/Owner: Willows Walmart #2053

Project Location: 470 N Airport Road, Willows

Parcel No: 017-210-052

Zoning: General Commercial/Light Manufacturing/Planned Development (CG/ML/PD)

General Plan: General Commercial

Project Description:

The applicant, Willows Walmart #2053, has submitted a Planning Application to the City for a Conditional Use Permit to allow placement of four (4) 8' x 40' x 10' high metal storage container in the rear of the lot. The color of the containers will be a light beige color. Walmart intends to locate the storage containers in the NE corner of the lot with the intention to use the containers for seasonal storage purposes only.

Review Process:

This matter is before the Planning Commission pursuant to Section 18.110(2) of the City of Willows Municipal Code.

Zoning:

The project site is zoned CG/ML/PD. The surrounding zoning is CG/ML/PD to the north, & south. Interstate 5 is to the west and county property to the east. Section 18.110.110(2) allows for permanent storage containers within a CG zoning district subject to Use Permit approval from the Planning Commission.

General Plan Consistency:

The General Plan Land Use designation for this site is General Commercial pursuant to the City's General Plan Land Use Map. The existing use is permitted with accessory uses as proposed with a conditional use permit approval.

Environmental Review and Analysis

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA). Staff has determined that the proposal is exempt from further CEQA pursuant to CEQA Code Section 15303, Class 3, New Construction.

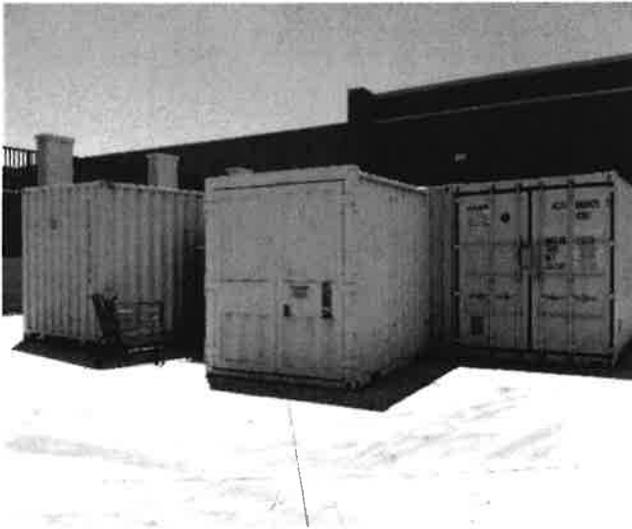
Background:

At the time of reconstruction on the Walmart store in 2009 the company felt their enlarged storage area within the store was going to be sufficient to hold all of the goods and supplies the store carries. However they have found that during certain seasonal times the need for storage is greater than the store's capacity. In November of 2013, Walmart applied to the city requesting the temporary use of seven (7) metal storage units for a period of 3 months to house the holiday goods. They obtained an Administrative Use Permit to do so which expired February 1st, 2014. At the same time of applying for the Temporary Use Permit Walmart determined that they would possibly need permanent storage containers throughout the year in order to accommodate their needs. Therefore they made application

for permanent storage containers which will be located in the eastern side of the building north and behind the nursery area. The storage containers shall meet the design criteria within Section 18.110.110(2) to include:

1. Containers may not be located in front, side, or rear yard setbacks, unless in zones where no setback is otherwise required, a minimum setback shall be established through the use permit process, taking into account existing and planned land uses on adjoining properties.. The proposed location of the four containers will not affect the setbacks for this district as CG zone has no setback for the rear or side yard. The location of the containers meets the Fire Code for accessibility and conditioned so. Adjoining uses/properties are Interstate 5 to the west and roadway to the west and a vacant lot to the south. North of the property is Cal Water storage tank, located on another lot.
2. Storage containers may not be located within utility line easements and are subject to applicable city fire code compliance, including maintaining defensible space around the container and separation from other buildings. As stated above fire code compliance shall be maintained and is conditioned.
3. Containers require the issuance of a building permit, and must meet design criteria and foundation criteria noted herein. The building official shall determine the foundation system that is acceptable.
4. Containers cannot be placed in any city-designated entryway locations. The storage containers will be located in a CG/ML/PD zone.
5. The maximum height of a storage container is limited to 10 feet above finished grade. The height of the storage containers are 10 feet above grade.

The above requirements are part of the draft conditions of approval attached to this report.



Four containers



Entrance to store (east)

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.

In accordance with Section 18.135.030 notice of this public hearing was published in the local newspaper ten (10) days prior to the public hearing and all property owners as indicated on the latest secured Assessor's records within 400 feet of the subject property were sent notice of the hearing. As of the date of preparation of this report no written public comments have been received.

STAFF RECOMMENDATION:

Staff recommends adoption of the attached resolution recommending Use Permit approval to Willows Walmart #2053 to place four (4) 8' x 20' x 10' high storage containers on subject lot, subject to the conditions of approval as shown in Attachment #2, and Attachment #3 (site plan).

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 Use Permit 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 ON THE USE PERMIT PURSUANT TO
Chapter 18.135.060**

PC RESOLUTION NO. _____-2014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS GRANTING USE PERMIT APPROVAL (FILE # UP-14-04) TO WILLOWS WALMART #2053 ALLOWING THE PLACEMENT OF FOUR (4) 8' X 20' X 10' HIGH METAL STORAGE CONTAINERS FOR PROPERTY LOCATED AT 470 N. AIRPORT ROAD, ASSESSORS PARCEL NUMBER 017-210-052

WHEREAS, the applicant, Willows Walmart #2053, has filed Conditional Use Permit planning application to allow placement of four (4) 8' x 20' x 10' high metal storage containers to be placed on the parcel, which is located in a General Commercial/Light Manufacturing zone , and,

WHEREAS, City of Willows Municipal Code Section 18.110.110(2) allows for storage containers in any commercial zone upon first securing Use Permit approval from the Planning Commission, and

WHEREAS, notice of the Planning Commission meeting held on June 4, 2014, was 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 June 4, 2014, 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 15303, Class 3; and

WHEREAS, the Planning Commission does finds that the proposed use is consistent with the purposes of the district in which the site is located, as Section 18.110.110(2) allows for storage containers within a commercial zone with an approved Conditional Use Permit from the 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 conditions of approval incorporate provisions which project will not be detrimental to the public health, safety or welfare; 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 General Commercial designation, which allows for retail uses; and

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows docs hereby find that the Use Permit request by Willows Walmart #2053 to place four (4) 8' x 20' x 10' high metal storage containers on a lot within a commercial zone is consistent with the City of Willows General Plan, the City of Willows Municipal Code, and hereby approves Use Permit (UP-13-05) subject to the attached conditions of approval set forth in Attachment #2, and Attachment 3; 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 4th day of June, 2014, by the following vote, to wit:

AYES _____
NOES _____
ABSTAIN _____
ABSENT _____

APPROVED: _____
Kerri Warren, Chairperson

ATTEST: _____
Recording Secretary

**USE PERMIT/DESIGN REVIEW CONDITIONS OF APPROVAL
FOR
WAL MART#2053 STORAGE CONTAINER
FOR PROPERTY LOCATED AT
470 N. Airport Rd /APN; 017-210-052**

PC approval date: _____, 2014

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 (placement of four (4) 8'x 20' X 10' high metal storage container) 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. All plans for additional uses, and or changes to approved use which are not covered by this review shall be submitted to the City Manager/Planning Commission for review and approval prior to use.
4. The approval of this project shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Willows.
5. Container may not be located in front, side, or rear yard setbacks or be located forward of the principal residence on the lot. Storage containers may not be located within utility line easements and are subject to applicable city fire code compliance, including maintaining defensible space around the container and separation from other buildings.
6. The maximum height of the storage container is limited to ten feet above the finished grade.
7. The container shall be maintained in quality condition, free of rust or other signs of deterioration.
8. The container shall be painted; colors consistent with earth tone colors.
9. Screening shall be utilized as necessary to reduce visibility from public vantage points, which may include landscaping. The location of the four storage containers is so that they are out of view from public vantage points and hidden behind the existing Walmart store.
10. Use of a foundation or other system which in the opinion of the Building Official, provides necessary support for the storage container. The foundation may include, but not limited to, use of a concrete pad or similar durable surface able to adequately support the structure.
11. The storage container shall be outfitted with a safety locking door mechanism.
12. No electrical power may be provided to the storage container.

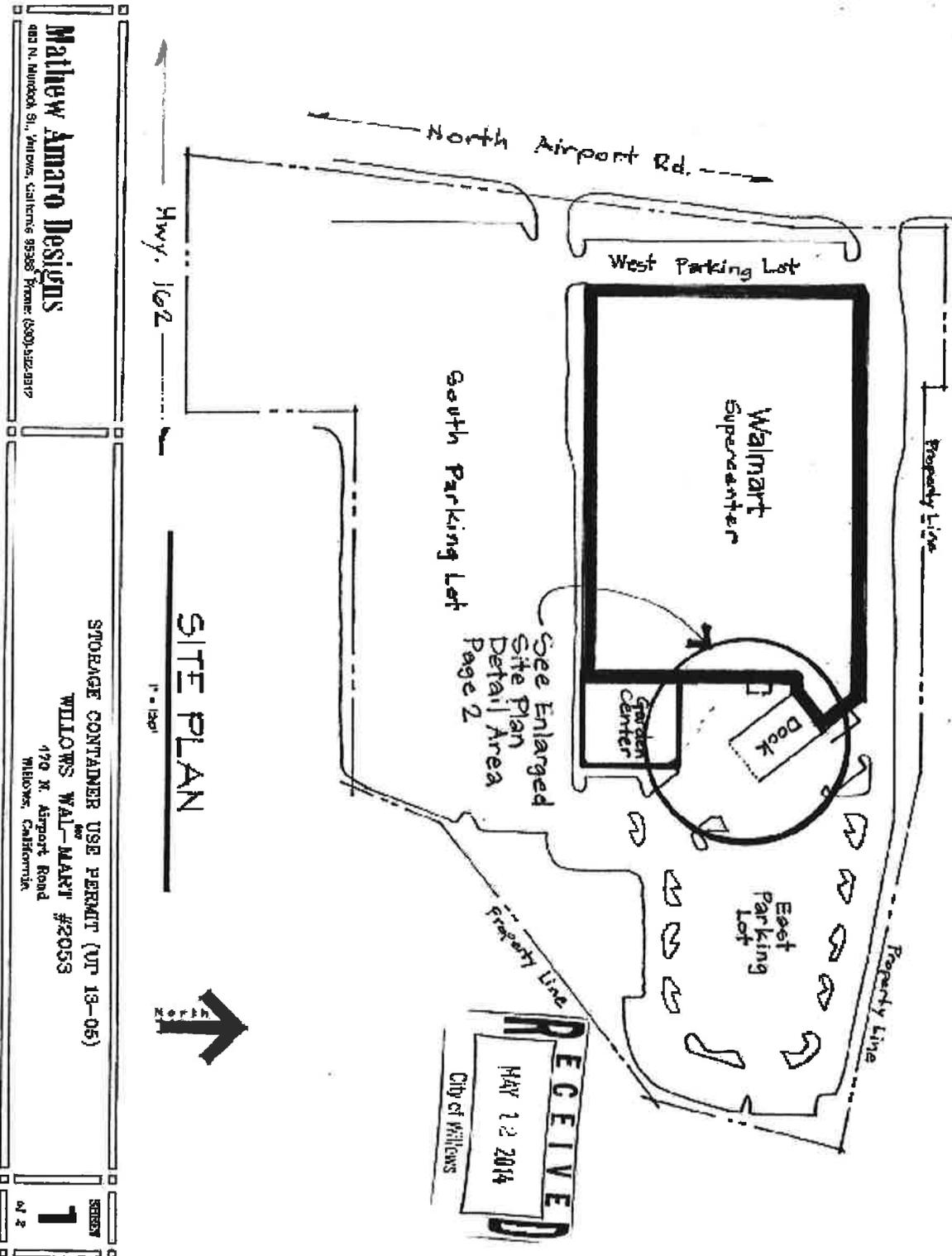
13. No advertising is allowed on the storage container.

FIRE DEPARTMENT

14. Clearance from the containers to the building for access and emergency exit shall be maintained at all times in accordance with Title 19.

15. The exit paths shall be maintained clear and free of obstructions at all times. A permanent striped area shall be installed and maintained at the full width of the exists' and shall have **NO STORAGE** painted in 12" permanent letters (10 feet on center) This will extend to the east end of the loading dock.

Site Plan



Matthew Amato Designs
 482 N. Mendenhall St., Willows, California 95686 Phone: (530) 932-8817

STORAGE CONTAINER USE PERMIT (UP 13-05)
WILLOWS WAL-MART #2053
 170 N. Airport Road
 Willows, California

SEBES
 1
 of 2

