RIPON PLANNING COMMISSION MINUTES

RIPON CITY HALL
MONDAY, OCTOBER 17, 2016 6:00 P.M.

Pledge of Allegiance: Commissioners pledged allegiance to the flag.

Roll Call: Commissioners Debra Van Essen, David Collins, Bill Long, Brinton McCusker and George Saljian

Absent: Gary Barton

Others Present: Ken Zuidervaart, Josh Brenner, Mitzi Johnston, Mary Sosa, Ulises Martinez, Thaddeus Winter, Brandon Costa, Joshua Coen, Jamie Sparano, Aneica Martinez, Melissa DaRosa, Victoria White, Kylie Varelar, Noah Hernandez, Jorden Hill, Kory Wengel, Guillermo Riberio, Kevin Wentworth, Avery Villalobos, Kym Baird, Jeanette Cavarnaaj, Marissa Raygoza, Lanissa Naranjo, Ryan Crandall, Marissa Doyorena, Samantha Romero, Neanna Hutching, Bradley Morrow, Isarain Ceres, Riley Gillineuva, Ryan Wilson, Brendon Fugit, Myles Kinsey, Leo M. Zuber, Sara Bowd, Rayonna Williams, Asucena Banuelos, Joseph Stevenson, Bryce Hurley, Wyatt Luiz, Emily Machado, Mariah Strickland, Marina Lopez, Alejandra Gutierrez, Emily Hubbard, Montana Haug, Laura Williams

Minutes: Approval of the minutes of the Ripon Planning Commission meeting of August 15, 2016

> **MOTION: MOVED/SECONDED (VAN ESSEN/LONG) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE AUGUST 15, 2016 PLANNING COMMISSION MEETING**

Public Discussion: Chairman Saljian explained the public discussion process and asked if anyone would like to speak on a subject that is not on the agenda. No one wished to speak at this time.

Public Hearing: Chairman Saljian explained the public hearing process.

1.0 PUBLIC HEARING

1.1 VARIANCE (V16-01) for Kevin Wentworth, a public hearing on a request to vary the setback on the north and west side of a residential property located at 808 Ripona Avenue in the R1UC (single family residential urban core) district for the construction of a new single family residence. A 796 square foot single family residence and detached

garage was recently demolished at this site. **This project is categorical exempt from CEQA.**

Director Zuidervaart introduced the staff report into the record and said that the applicant is requesting a variance to the City Standard setback requirements due to the unusual shape of the lot. Director Zuidervaart said that the previous house that was on this lot did not meet the standard setbacks and the detached garage extended onto City property. Director Zuidervaart explained that the street right of way (ROW) on Ripona is very large for a standard residential street (100 feet) because of an old railroad ROW that was not used.

Director Zuidervaart said that the owner is requesting a zero setback along Ripona Ave. If granted the front setback of the house would be zero from the front property line, however this still places the house at twenty-one (21') feet from the back of the sidewalk and twenty-six (26') feet to the garage door. This is very typical of other houses along Ripona Avenue.

Director Zuidervaart also said that the owner is requesting a three foot, six inch (3'-6") setback from the Milgeo property line which would place the nearest portion of the house seven (7') feet from the back of sidewalk. Director Zuidervaart commented that this is actually an improvement visibility wise from the previous house but would be closer than the required ten (10') foot setback standard.

Director Zuidervaart then said that the other variance is to the fence and the applicant is requesting to take the fence from the back corner of the house and go directly back giving the homeowner a small private yard.

Director Zuidervaart said that neighbors within three-hundred (300') feet of the project were sent notices.

Commissioner Van Essen asked if the City heard from any of the neighbors. Director Zuidervaart replied no.

PUBLIC HEARING OPENED

Applicant Kevin Wentworth (Cameron Ln) said that he has read and is in agreement with the conditions of the staff report and would be happy to answer any questions.

Commissioner Collins asked K. Wentworth what his goal is for this project. K. Wentworth replied that he has a real estate friend who contacted him to get involved in buying and fixing up this home. K. Wentworth said that he was originally going to try to save the home but it turned out to be beyond repair and he needed to tear it down.

Commissioner Collins asked if he intends to sell the home once it is constructed. K. Wentworth replied yes.

Commissioner Collins asked if he had considered constructing anything smaller to better fit on the lot. K. Wentworth replied that to make it profitable he wanted to make the best use of the space and feels that this home will be a good size for a family.

Commissioner Collins asked if, with these setback adjustments, he intends to make this project more visually attractive since it is more visible from the street. Would he be willing to do stone work on the front of the home? K. Wentworth replied yes, it is in his best interest to make this home pretty and he intends to put in a nice walkway and landscaping.

Proponents: None

Opponents: None

PUBLIC HEARING CLOSED

Commissioner Van Essen asked if the front door would face Milgeo. Director Zuidervaart replied yes. Commissioner Van Essen asked where the placement of the front door would be along Milgeo. Director Zuidervaart pointed the location out on a drawing showing that this area falls within a larger front area.

Commissioner McCusker commented that this new home will be a vast improvement to what was previously there. Commissioner Collins concurred and added that it is nice to see developers do these projects to improve the neighborhood.

Commissioner Van Essen commented that she is in favor of this project and that she has seen some of K. Wentworth's other projects and he does a nice job.

MOTION: MOVED/SECONDED (VAN ESSEN/MCCUSKER) AND CARRIED BY A 5-0 VOTE TO APPROVE VARIANCE (V16-01) FOR 808 RIPONA AVENUE BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS IN THE STAFF REPORT

1.2 ANNUAL REVIEW OF DEVELOPMENT AGREEMENTS, The Planning Commission will conduct an annual review of the development agreements for Colony Plaza, Calvary Reformed Church, Gil Plaza, Cornerstone II, Orchard View, Ripon Crossing, Alexandra Place, Silverstone, Ripon Gardens II and River Road Subdivision to determine whether or not the proponents have complied in good faith with the terms or conditions of their individual agreements.

Director Zuidervaart explained that this is an annual report the City is required perform. Director Zuidervaart explained that there are 54 Development Agreements on the master list but only 10 are considered active. Director Zuidervaart then gave a breakdown of the 10 active agreements by type and status. 2 of the 5 residential DA's are 100% built out; 2 are currently under construction and 1 has not yet begun. Of the 3 commercial projects; two are due to expire in 2017 and the third is undeveloped. There is 1 that is a mixture of commercial and residential, Ripon Gardens II. The last Development agreement is not considered residential, commercial, or industrial. It is for Calvary Reformed Church and is considered still active and in compliance with their agreement.

Director Zuidervaart said that he is looking for the Planning Commission to prepare a report to the City Council adding that he would be happy to prepare the report for them if they so desire.

Commissioner McCusker asked if there is anything in the works for the commercial properties. Director Zuidervaart replied that the Commercial site for Ripon Gardens II will be brought before the Planning Commission for review and approval.

Commissioner Van Essen asked Director Zuidervaart to explain the process should a Development Agreement expires. Director Zuidervaart said that a Development Agreement locks in fees and other conditions for a developer. If the agreement expires the applicant will have to comply with any new regulations and fees that have been established.

PUBLIC HEARING OPENED

Proponents: None

Opponents: None

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (COLLINS/MCCUSKER) AND CARRIED BY A 5-0 VOTE TO DIRECT STAFF TO PREPARE A WRITTEN REPORT TO THE CITY COUNCIL AGREEING THAT THERE HAS BEEN COMPLIANCE IN GOOD FAITH WITH THE TERMS AND CONDITIONS OF ALL THE PRESPECTIVE DEVELOPMENT AGREEMENTS.

2.0 GENERAL PLANNING

2.1 MAJOR SITE REVIEW (SR16-07) for Jim Aartman c/o Van Boven Construction, a request to construct a 4,950 square foot metal storage building on a 2.360 (+/-) acre vacant site adjacent to an existing trucking facility under the same ownership. The project site is located at 924 S. Acacia Ave in the M2 (Heavy Industrial) district. **This project is Categorical Exempt from CEQA Section 15303 (e).**

Director Zuidervaart introduced the staff report into the record and said that this is a request for a 4,950 square foot metal building for personal storage. The proposed building is 55' x 90' and the building height is approximately 18'-4". The drawing indicates that there will be four roll up doors and one man door.

Director Zuidervaart said that the placement of the structure on site is anticipating taking advantage of the City's setback adjustment allowance that is part of the Ripon Municipal Code. The setback adjustment allowance states that setbacks can be varied upon approval from the Planning Director and Ripon Fire District and ratified by the Planning Commission if they so agree.

Director Zuidervaart said that the adjacent property owner was sent notification of the reduced setback request allowing them to comment if they so desire. Director Zuidervaart then provided the standard setbacks in industrial and said that the applicant is seeking to adjust the rear and interior side setback from twenty (20') feet to sixteen (16') feet for the rear and from twenty (20') feet to ten (10') feet for the interior side. Planning Staff and the Ripon Consolidated Fire District have reviewed the requested setback adjustments and support the building placement as proposed.

Director Zuidervaart said that the applicant has indicated that there will be no electrical within or on the new building.

Applicant: Jim Aartman (Spring Creek Dr.) said that he is here to answer any questions that the Planning Commission might have.

Commissioner Van Essen asked if the adjacent property to the north was his and J. Aartman replied yes, and this is where the access will be from. Commissioner Van Essen asked if the storage will be for his personal vehicles only or does he intend to rent out space.
J. Aartman replied that it is for his personal vehicles only.

Commissioner Van Essen said that she does not see any problems with this and Chairman Saljian concurred.

MOTION: MOVED/SECONDED (MCCUSKER/LONG) AND CARRIED BY A 5-0 VOTE TO APPROVE SR16-07 FOR 924 S. ACACIA BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF THE STAFF REPORT

2.2 DISCUSSION: CARGO/STORAGE CONTAINERS AND CONSTRUCTION BINS

Director Zuidervaart explained that this item on the agenda is for discussion purposes only and no action would be taken tonight. Director Zuidervaart defined industrial cargo containers and said that they come in a variety of sizes and are also used as storage.

Director Zuidervaart said that the City currently does not address cargo/storage containers and would like to address these in residential and other zones. Staff is seeking a Planning Commission recommendation for consideration of adding regulations for these in our Municipal Code.

Residential Districts:

Quantity: Consideration for the number the cargo storage containers that could be allowed on a lot. The thought is for one temporary container per residential lot with the issuance of a permit.

Commissioner Van Essen asked if this includes POD's. Director Zuidervaart replied yes.

Location: a) In a driveway providing it does not encroach into the sidewalk area and a minimum of one garage space remains accessible.
b) on a street providing it does not block the driveway; is thirty feet from any intersection; ten feet from all driveways; a minimum of 6" from the curb so that the gutters are not blocked but no more than eight and one-half (8 ½) feet from the curb; and contain reflectors on all sides. Another consideration is to require liability insurance as they can be a safety hazard.

Duration: Without an active building permit you would be limited to ten (10) calendar days; twice in a calendar year. With an active building permit you would be limited to thirty (30) calendar days with the option for one (1) thirty (30) day extension. A kitchen remodel can take approximately thirty (30) days.

Commissioner Collins asked if you could put the container in front of a neighbor's house. Director Zuidervaart replied no, it would have to be placed in front of your own residence and ten (10) feet from any driveways.

Commissioner McCusker asked if there will be restrictions on the size. Director Zuidervaart replied that this can be researched and addressed.

Chairman Saljian asked if they need an application to have a container no matter if it is for ten (10) or thirty (30) days. Director Zuidervaart replied yes and added that the City will want to look at the proposed placement and dimensions of the container if placed in the street.

Commercial/Office/Mixed Use:

Quantity: Two (2) temporary containers per business to support a seasonal event/twice a year.

Location: Placed in the rear of a lot or non-conspicuous location. Not in the front areas.

Duration: Ninety (90) consecutive days with two (2) seasonal events per year.

Commissioner Long said that there is a recycling center behind SaveMart that uses these containers and he does not believe they have been notified. Director Zuidervaart said that they would be taken into consideration.

Commissioner Collins asked Director Zuidervaart to explain what he means by seasonal. Director Zuidervaart replied that this could be a big summer event or during a holiday where they need extra storage for a limited period of time.

Commissioner Van Essen asked what if you have four (4) events with a shorter duration of time. Director Zuidervaart replied that these are all good discussion points and we could craft wording to address this.

Chairman Saljian commented that ninety (90) seems like a long time.

Commissioner Long commented that schools take care of bins that they use for recycling. Director Zuidervaart replied that schools will fall under a different category (public/semi-public).

Industrial Districts:

Quantity: Cannot exceed lot coverage with a maximum of four containers per lot or one (1) cargo container per acre with a maximum of five (5) per 100 acres.

Commissioner Long said that we will want to make sure that there is something in the code that requires a certain distance between each container for fire and access safety. Director Zuidervaart commented that it would get routed to fire and PD for review. Director Zuidervaart also commented that it is recommended that they not be stacked.

Chairman Saljian asked if in doing research he saw any that provided a percentage (like 25% or less). Director Zuidervaart replied that a percentage might be something to consider.

Commissioner McCusker wondered if we should not address anything for industrial as there is already maximum lot coverage.

Chairman Saljian commented that he would not like to see a small building that covers 10% of the lot and the rest is filled up with these containers. We want people to invest in the property and our community by building a warehouse if they need more storage.

Commissioner Collins asked about the downtown retail area if they can have these containers. Director Zuidervaart replied that the downtown would not allow for permanent storage containers.

Placement: Would have to meet the setback requirements of the zone. If allowed close to streets or residential, the container would need to be screened from view.

For long term use, the applicant would be subject to a minor use permit. A ninety (90) day or less permit, would be approved by the Planning Director.

The cost of the temporary permit has not been determined but would cover staff time.

Schools, Public/Semi-Public, Sports Fields (C5)

Director Zuidervaart said that schools and recreation facilities use these containers in conjunction with sporting equipment and field maintenance. An example is Jack Tone Golf Course.

Director Zuidervaart asked if the Commission would like to limit the number or limit the Size.

Location: Placed in an inconspicuous location. Screening may be required.

Commissioner Van Essen asked if churches should be included in this. Director Zuidervaart replied that most churches are in a residential district. Director Zuidervaart said that he would prefer to not allow churches to have a storage container except for on a temporary basis.

Misc: Storage Containers shall not be stacked or modified by adding windows. Rooftop ventilation is okay with the application of a building permit.

Storage containers cannot be used for habitation.

Construction Dumpsters:

These are typically there for a short period of time. As similar to cargo/storage containers; would be permitted one (1) dumpster in driveway or street with permit. Cannot block driveway or storm water.

Duration: Ten (10) calendar days without an active building permit. This can be discussed

With an active building permit, thirty (30) days with one (1) extension.

Director Zuidervaart said that staff is looking for direction from the Planning Commission and if they wish staff will come back with something more formal to discuss and consider.

Chairman Saljian commented that we might want to give churches more considerations for use.

Director Zuidervaart commented that these bins should be more of a fix for temporary storage if they run out of room. Not permanent.

Commissioner Collins asked what the rules for subdivisions under construction would be. Director Zuidervaart commented that these uses could be addressed in the site plan application for the project.

Chairman Saljian commented that often times when a project is under construction they will have a dumpster on the site for the duration of the project to keep the site clean.

Commissioner Van Essen said that she thinks that Director Zuidervaart is asking if we want to put time parameters on the length of time a dumpster can be placed at a construction site.

Commissioner Van Essen commented that she does not consider a church as Residential. Director Zuidervaart commented that if there is a remodel or expansion going on we can consider the duration of the placement. Director Zuidervaart added that he does not want to see a container on a church site as a permanent device. We need to find a balance.

Director Zuidervaart will bring something back at a future meeting for review and consideration.

Commissioners' Reports: None

Director's Reports: There will be a couple projects to review next month. One of the projects is for the commercial property on River Road and North Ripon Road. The other project is for a church site.

Adjournment: To the next regular meeting of Monday, November 14, 2016 at 6:00 P.M.