

Planning Commissioners Present: Donald Brewer, Sam Cannon (Arrived 7:29pm), Rex Clark, Robert Dugan, Gordon Hinkle, Kim Hoskinson, Audrey Huisking

Planning Commissioners Absent:

Staff Present: Paul Richardson, Director, Planning & Redevelopment  
Kevin Payne, Assistant Director, Planning & Redevelopment  
Chris Burrows, Senior Planner  
Dave Allison, Captain, Roseville Police Department  
Gene Paolini, Chief Building Inspector  
Mike Isom, Senior Planner  
Robert Schmitt, Assistant City Attorney  
Carmen Bertola, Recording Secretary

**PLEDGE OF ALLEGIANCE** - Led by Commissioner Dugan

**ORAL COMMUNICATIONS** None.

**CONSENT CALENDAR**

Chair Clark asked if anyone wished to remove any of the items from the Consent Calendar for discussion.

Chair Clark asked for a motion to approve the CONSENT CALENDAR as listed below:

**IV-A. MINUTES OF MAY 22, 2008.**

**IV-B. DESIGN REVIEW PERMIT FOR RESIDENTIAL SUBDIVISION – 10091 CROCKER RANCH RD – NRSP CROCKER RANCH NORTH PHASES 3A & 3B– FILE # 2008PL-039 (PROJECT # DRP-000255).** The applicant requests approval of a Design Review Permit for Residential Subdivision (DRRS) to allow modifications to the Small Lot Residential (RS) Supplemental Design Standards and to allow modifications to the RS Development Standards for 102 lots within Phases 3A & 3B. Proposed modifications include eliminating the requirements for a front yard stagger, two-story mix, and separation between two-story elements. Additionally, in-lieu of the useable rear yard open space requirement, the rear yard setback requirement would be increased. Applicant/Owner: John Mourier Construction. (LaTorra)

**This item was removed from the Consent Calendar by a member of the Public.**

Senior Planner, Mike Isom, presented the staff report and responded to questions.

Chair Clark opened the public hearing and invited comments from the applicant and/or audience.

Resident, Adidia Iracaroccu, Roseville, asked that Item IV-B be pulled from the calendar. He is concerned that the proposed changes asked by the developer will decrease the side yard setback, privacy between homes, and decrease the value of the surrounding homes.

Applicant, Greg Forrest, JMC Homes, 1430 Blue Oaks Blvd., Suite 190, Roseville, addressed the Commission and responded to questions from the Commission as well as concerns from the resident.

Resident, David Larson, Roseville, expressed his support of the project both as a resident and a board member of the Blue Oaks Neighborhood Association.

Discussion:

- Appearance of front yard stagger without actual stagger of buildings;
- Increase of backyard setback from 15 feet to 18 feet;
- Second story window placement;
- Concern with direct line of sight between homes, neighbors can see into each others' homes.

MOTION

Commissioner Dugan made the motion, which was seconded by Commissioner Hoskinson, to Adopt the two (2) findings of fact for the Design Review Permit for Residential Subdivision; and Approve the Design Review Permit for Residential Subdivision subject to the 10 conditions of approval as submitted in the Staff Report.

The motion passed with the following vote:

Ayes: Dugan, Hoskinson, Hinkle, Huisking, Brewer, Clark

Noes:

Abstain:

**IV-C. CONDITIONAL USE PERMIT – 313 HIGH STREET – NORTH ROSEVILLE R.E.C. CENTER EXPANSION – FILE # 2008PL-025 (PROJECT # CUP-000051).**

The applicant requests approval of a Conditional Use Permit to expand a recreation use (the North Roseville R.E.C. Center) located in an Attached Housing (R3) zone district. The proposed expansion will include the placement of a 960 square-foot portable building, a 320 square-foot cargo container, and construction of a 1,320 square-foot playground area with fencing. Applicant: Becky Carlson, North Roseville R.E.C. Center. Owner: Board of Directors, North Roseville R.E.C. Center. (Wiley)

MOTION

Commissioner Brewer made the motion, which was seconded by Commissioner Hoskinson, to approve Item IV-A and Item IV-C of the Consent Calendar as submitted.

The motion passed with the following vote:

Ayes: Brewer, Hoskinson, Huisking, Hinkle, Dugan, Clark

Noes:

Abstain: Huisking

Commissioner Huisking abstained from the minutes due to her absence from the meeting of May 22, 2008.

**OLD BUSINESS**

**V-A. APPEAL OF THE PLANNING DIRECTOR'S DETERMINATION – 1100 ORLANDO AVE – THE ROSEVILLE STATION & ULTRA LOUNGE – FILE # 2008PL-044; PROJECT #APP-000002.** The applicant is appealing the Planning Director's Determination that the use of the property at 1100 Orlando Avenue for a nightclub (The Roseville Station and Ultra Lounge) is no longer permitted as a legal nonconforming use. The Planning Director has determined that the on-site nightclub activities have been expanded without securing the appropriate entitlements or permits. By expanding the use without appropriate approvals, the property has lost its prior legal nonconforming status that allowed a nightclub which was ancillary to a restaurant, at this location. Owner: Mr. & Mrs. Irving Ross. Applicant: Corey Travis. (Payne) **THIS ITEM WAS CONTINUED FROM THE MEETING OF MAY 22, 2008.**

Assistant Director, Kevin Payne, presented the staff report and responded to questions. He noted that additional information had been received since the publishing of the Staff Report.

Chair Clark opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Len Travis, The Station and Ultra Lounge, 1100 Orlando Ave., Roseville, addressed the Commission and responded to questions. He stated that he had received a copy of the staff report and was not in agreement with staff's recommendations.

He disagreed with the following:

- Decision to revoke The Station dance permit;
- Requiring removal of "second" dance floor;
- Requiring the carpeting of the "second" dance floor for restaurant use;
- Questioned the accuracy of Attachment 4B showing the 500 foot nightclub boundary lines;
- Statements claiming that The Station is not used as a restaurant;
- Fixed seating in restaurant areas and wings;
- Mr. Travis believes there was a second dance floor in 1996.

The following persons addressed the Commission:

- Cory Travis, Roseville, part owner of 1100 Orlando Ave., addressed the Commission and responded to questions. He explained that there are high emotions due to the cost of proposed implementations and the potential loss of revenue. He stated that fixed seating had already been implemented along one dining area. Booths are fixed along the walls of the "2<sup>nd</sup> dance floor". Discussed carpeting of dance floor; sound mitigation; sprinkler/fire safety issues brought up to code, and bringing them back to the 1996 standards, as a restaurant with ancillary nightclub.
- Don Dahl, Sacramento, contractor and entertainment director. Explained what mitigation has been put in place to regulate the noise levels from the music. Sunday, June 22<sup>nd</sup> was the last day of the "nightclub" entertainment. Shared future direction for business.
- Mrs. Carol Ross, Scottsdale, AZ, one of the owners of 1100 Orlando, expressed her desire to comply with what Staff is requiring.

There was discussion on the following:

- Disappointment that changes have not been implemented since hearing on May 22, 2008;
- Verification of nightclub 500' map accuracy;
- The station floor plans, provided as attachments in the staff report, clearly show size of kitchen;
- Follow-up visits to The Station;
- Reluctance of appellant to make changes to The Station in order to bring it back to its nonconforming status;
- Business may continue as a restaurant and bar; the dance permit was revoked by the Police Department;
- Review of procedures to apply or reinstate dance permit;
- Appellant does not want to do what is necessary to comply;
- Concern that the police log was so long in relation to the business. Police Captain Dave Allison, responded, saying nothing changed since previous hearing. The Station continued operation as a nightclub and not a restaurant. Nightclub operations caused the problems, not the restaurant;
- Commission expressed desire to see something successful at this location. Best way to help them is to deny the appeal and allow them to start at ground zero and begin fresh;
- Good faith efforts on the part of the appellant do not appear to have been made to bring business into compliance;
- Testimony has not been provided that clearly shows use as a restaurant and not primarily a nightclub;
- Recommendation to deny the appeal.

Chair Clark closed the public hearing and asked for a motion.

## MOTION

Commissioner Brewer made the motion, which was seconded by Commissioner Dugan, to deny the Appeal thereby upholding the Planning Director's determination that the property has lost its legal nonconforming status to operate a nightclub.

The motion passed with the following vote:

Ayes: Brewer, Dugan, Cannon, Huisking, Hinkle, Hoskinson, Clark

Noes:

Abstain:

Chair Clark called a five minute recess.

Chair Clark called the meeting to order.

## **REPORTS/COMMENTS/COMMISSION/STAFF**

### **A. ELECTION OF PLANNING COMMISSION CHAIR AND VICE-CHAIR**

Chair Clark asked for nominations for Planning Commission Chair and Vice-Chair

#### **MOTION**

Commissioner Hoskinson made the motion which was seconded by Commissioner Hinkle to appoint Commissioner Brewer as Chair of the Planning Commission.

The voting was unanimous in favor.

Staff reviewed duties of Design Committee representatives

#### **MOTION**

Commissioner Hoskinson made the motion which was seconded by Commissioner Huisking to appoint Commissioner Dugan as Vice-chair of the Planning Commission.

The voting was unanimous in favor

### **B. ELECTION OF DESIGN COMMITTEE REPRESENTATIVE AND DESIGN COMMITTEE ALTERNATE**

Chair Clark asked for nominations for Design Committee Representative and Alternate

Commissioner Hinkle made the motion which was seconded by Commissioner Huisking to appoint Commissioner Hoskinson as the Design Committee Representative.

The voting was unanimous in favor

Commissioner Hoskinson made the emotion which was seconded by Commissioner Cannon to appoint Commissioner Dugan as the Design Committee Alternate.

The voting was unanimous in favor

### **EXPRESSIONS OF THANKS FOR OUTGOING COMMISSIONER REX CLARK**

Chair Clark expressed his gratitude and appreciation for being able to serve the people of Roseville over the last 10 years and looked forward to continuing his public service in other roles.

Commissioners expressed their appreciation to Chair Clark.

Chair Clark was presented with a plaque expressing the City's gratitude for his service and dedication.

## ADJOURNMENT

Chair Clark asked for a motion to adjourn the meeting.

### MOTION

Commissioner Huisking made the motion, which was seconded by Commissioner Brewer, to adjourn to the meeting of July 24, 2008. The motion passed unanimously at 8:52 PM.