



Planning Commissioners Present: Krista Bernasconi, Donald Brewer, Sam Cannon, Robert Dugan, Gordon Hinkle, Audrey Huisking, David Larson

Planning Commissioners Absent:

Staff Present: Paul Richardson, Director, Planning & Housing
Chris Burrows, Senior Planner
Nela Luken, Senior Planner
Wayne Wiley, Associate Planner
Derek Ogden, Associate Planner
Robert Schmitt, Assistant City Attorney
Carmen Bertola, Recording Secretary

WELCOME 7:00 PM

PLEDGE OF ALLEGIANCE - Led by Commissioner Cannon

ORAL COMMUNICATIONS

Teresa Gemignani, Roseville, expressed concerns with the parking layout, ingress and egress at Roseville Square, particularly at the Harding BI signal with the new Chase Bank drive through. She said that she has observed that the striping for stop signs are worn away and do not appear to be lined up with the traffic lanes. She would like the parking lot restriped sooner than later and considers its current state a liability to both the City and the property owner.

CONSENT CALENDAR

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

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

IV-A. MINUTES OF MAY 26, 2011.

MOTION

Commissioner Cannon made the motion, which was seconded by Commissioner Bernasconi, to approve the Consent Calendar as submitted.

The motion passed with the following vote:

Ayes: Cannon, Bernasconi, Larson, Hinkle, Dugan, Huisking

Noes:

Abstain: Brewer

Commissioner Brewer abstained from the minutes of May 26, 2011 due to his absence from the meeting.

NEW BUSINESS

V-A. NRSP PCL M-31 TEMPORARY CONSTRUCTION YARD – 9000 WOODCREEK OAKS BL – FILE #2010PL-008 (AP-000377). The applicant requests approval of an Administrative Permit to continue to operate an existing temporary construction yard for an additional period of two years. Applicant/Property Owner: Daryle Hassler, JMC Homes. (Ogden)

Associate Planner, Derek Ogden, presented the staff report and responded to questions.

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

Marcus Lo Duca, Lo Duca and Avdis, representing John Mourier Construction, Inc., Roseville, addressed the Commission and responded to questions. He stated that he had received a copy of the staff report and was in agreement with staff's recommendations and asked the Commission to move forward with Option A which would allow the Temporary Construction Yard to remain in place for an additional two years.

Bruce McCallister, JMC Homes, reviewed the reasons for needing a construction yard and responded to questions from the Commission.

Public Comment:

- Mary Circle, St John's Church, asked the Commission to approve the two year extension requested by JMC

Commission Discussion:

- Review of outreach efforts by City to contact affected residents;
- Review of permit history for project;
- One resident has voiced concerns with the construction yard;
- Owner has made an effort to improve and upgrade the perimeter esthetics of the construction yard to better blend in with the neighborhood;
- JMC was commended for working hard to maintain a good appearance;
- During the Administrative Permit process the Building Dept. does review the temporary building construction plans; and with a temporary use, no building permit is required. Building Inspectors have been out to the site.

Chair Huisking temporarily closed the public hearing and asked for a motion.

MOTION

Commissioner Bernasconi made the motion, which was seconded by Commissioner Hinkle, to Adopt the 3 findings of fact, and approve Option A which approves the Administrative Permit for a period of two years with seven (7) conditions of approval as submitted in the staff report.

The motion passed with the following vote:

Ayes: Bernasconi, Hinkle, Brewer, Cannon, Dugan, Larson, Huisking

Noes:

Abstain:

Chair Huisking called a recess at 7:32pm.

Chair Huisking reconvened the meeting at 7:35pm.

V-B. HOME OCCUPATION PERMIT – REVOCATION HEARING - SIGN OF LIGHT – 9499 HIGHLAND PARK DR – FILE #ZCC-000433.

The Planning Department requests that the Planning Commission hold a public hearing to discuss violations of the Home Occupation Permit for Sign of Light sign business and the ongoing violations and code enforcement actions related to the storing of commercial vehicles and business related material in a residential neighborhood in conjunction with the home based business. Property Owner: William Batterman, Sign of Light. (Wiley)

Associate Planner, Wayne Wiley, presented the staff report and responded to questions. He noted that a number of emails had been received today from neighbors expressing concerns with his home business practices and requesting the Commission recommend the Council revoke his permit. Copies of the emails were distributed to the Commission as an Addendum to the Staff Report.

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

Applicant, Bill Batterman, 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 admitted to the violations and explained that expenses were keeping him from finding a truck/equipment storage facility away from his home. He asked the Commission to allow him to retain his Home Occupation permit.

Public Comment:

- None.

Commission Discussion:

- Applicant has over \$4,000 in outstanding fines for non-compliance;
- Encourage applicant to comply with City ordinances;
- Traditional forms of enforcement have not rectified the situation;
- Concern with safety of neighborhood children around trucks and equipment;
- Trucks, booms, and client signs cannot be stored at his home;
- Want him to have a successful business, but that business does not belong in a residential area;
- Applicant's business has outgrown his home base;
- Options for locating business in appropriate area near applicant's home.

Chair Huisking temporarily closed the public hearing and asked for a motion.

MOTION

Commissioner Larson made the motion, which was seconded by Commissioner Brewer, to Adopt the finding of fact; and Recommend that the City Council revoke the Home Occupation Permit for Sign of Light as submitted in the staff report.

The motion passed with the following vote:

Ayes: Larson, Brewer, Bernasconi, Cannon, Dugan, Hinkle, Huisking

Noes:

Abstain:

V-C. PHASED LARGE LOT TENTATIVE SUBDIVISION MAP – 6810 FIDDYMENT ROAD - SIERRA VISTA SPECIFIC PLAN – FILE # 2007PL-044 (SUB-000145). The applicant requests approval of a Phased Large Lot Tentative Subdivision Map to subdivide the Sierra Vista Specific Plan property into 150 large lots conforming to the land use plan adopted May 5, 2010. The proposed map does not include the Computer Deductions parcel which was formerly a part of the application. Applicant: MacKay & Soms Civic Engineers – Scott Haskell, Owner: Sierra Vista Owners Group – Jeff Jones (Luken/Lindbeck).

Senior Planner, Nela Luken, presented the staff report and responded to questions. Staff stated that they had received a letter from the Law Offices of Brigit S. Barnes, on behalf of her clients, disputing the Planning Commissions' legal ability to act on the proposed Phased Large Lot Tentative Subdivision Map. Staff subsequently prepared a response which was then electronically forwarded to Ms. Barnes Office on Thursday afternoon, as well as copied to the Planning Commission, Attorneys, and all other interested parties. Hard copies were also provided. Staff reviewed their response to Ms. Barnes.

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

Marcus Lo Duca, Lo Duca & Avdis, Roseville, representing the SVSP land owners, addressed the Commission and responded to questions. He stated that he had received a copy of the staff report and was in agreement with staff's recommendations. In response to a letter received yesterday from the Offices of Brigit S. Barnes, he stated that he has not now, nor has he ever represented the clients of Brigit S. Barnes (Martinez/Computer Deductions, Inc.). And he believes the reasons given for disputing the proposed tentative map is a private matter that should be settled in a court of law and have no bearing on the proposal set before the Commission tonight.

Public Comment:

- Brigit S. Barnes, Esq., Attorney for co-owners of the parcel located at the southwest corner of Fiddyment Rd and Pleasant Grove Bl., Mr. Ralph Martinez and Ms. Vickie Martinez (Martinez Trust), and Computer Deductions Inc. She went over the letter she had sent to Commissioners and Staff. She reiterated that her clients believe that removal of their property from the SVSP will negatively impact the circulation and drainage plans previously approved by Council. She reviewed claims as to who had the legal right to sign as owner(s) of the CDI/Martinez parcel making the current Development Agreement null and void. She stated that the Planning Commission would be unable to adopt the Phased Large Lot Map until the documents were corrected to reflect the change in traffic circulation and drainage ways due to the removal of the Martinez/CDI property based on CEQA mitigation requirements. She then responded to questions from the Commission.
- Deputy City Attorney, Robert Schmitt, responded to Mrs. Barnes allegations regarding the Sierra Vista Development Agreement with Martinez/CDI. He also reviewed the Commissions role for the purpose of the action brought before them this evening. The issue regarding the validity of the Development Agreement is a separate matter and the City is preparing for litigation.
- Tim Tarron, Attorney for JMC and its' affiliates, he stated that he does not represent the entire group of owners, just JMC and one other owner. Tonight he is speaking just for JMC and its affiliates. They chose not to respond to Ms. Barnes' letter in writing, but chose to respond on the record to categorically deny the allegations contained in the letter. He agreed that there is a private dispute between Ms. Barnes' clients and JMC. That dispute, however, is not one that the City should be dragged into, nor be expected to resolve. Nor should the process be expected to influence how that private dispute is resolved. He noted that there are appropriate forums for that.

Commission Discussion:

- Staff reviewed the EIR Mitigation process and development agreement language referring to comments brought up by Ms. Barnes;
- Nothing that precludes the Commission from acting on the map.

Chair Huisking temporarily closed the public hearing and asked for a motion.

MOTION

Commissioner Hinkle made the motion, which was seconded by Commissioner Larson, to Adopt the three findings of fact as listed in the staff report and approve the Phased large Lot Tentative Subdivision Map, with 39 conditions of approval as submitted in the staff report.

The motion passed with the following vote:

Ayes: Hinkle, Larson, Brewer, Dugan, Cannon, Bernasconi, Huisking

Noes:

Abstain:

REPORTS/COMMENTS/COMMISSION/STAFF

A. ELECTIONS

i. Chair & Vice-Chair

Commissioner Brewer made the motion which was seconded by Commissioner Cannon to re-elect Audrey Huisking as the Planning Commission Chair, and re-elect Gordon Hinkle as the Planning Commission Vice-chair, for the 2011-2012 service year.

The Motion passed unanimously.

ii. Design Committee Representative

Commissioner Cannon made the motion which was seconded by Commissioner Hinkle to re-elect Audrey Huisking as Design Committee Representative, and re-elect David Larson as Design Committee Representative-Alternate, for the 2011-2012 service year.

The Motion passed unanimously

REPORTS FROM STAFF

- There will be a Design Committee Meeting on August 18th. Council appointed Mike Matroni to the Design Committee to fill the vacancy left by Anna Robertson who termed out in June.
- Responses to previous requests for information were provided in the written report. There were no questions.

COMMISSIONER COMMENTS

- Commend the residents, staff, volunteers, and workers who participated in the recent swimming competitions at the Roseville Aquatics Center;
- Concern with parking and traffic flow, particularly when exiting around the Roseville Aquatics Center when large events are held;
- Concern with shape of roundabout near the gas station at the Galleria. Seems there is a point that juts out and is a traffic hazard;
- Compliance issues regarding cars parked on the front lawn/concrete pad at a residence that is being used as storage yard. Police Department handles inoperable vehicles.
- Commend Building Department for working with an owner to improve and remodel a previously vacant and gutted residential home on Edgewater; and for working with the homeowner in the improvement and remodeling of an older home on Park Drive;
- What can the City do to require owners (bank or private) to keep up the properties that are in foreclosure? Call Code Enforcement if there are issues to address.
- Bill Burke, City of Roseville Code Enforcement Inspector, addressed the Commission and responded to questions. He explained the role of the Code Enforcement Hotline (774-5501) and encouraged residents to use this number for complaint purposes. Callers may leave their name and phone number or they may call anonymously.

ADJOURNMENT

Chair Huisking asked for a motion to adjourn the meeting.

MOTION

Commissioner Cannon made the motion, which was seconded by Commissioner Hinkle, to adjourn to the meeting of August 11, 2011. The motion passed unanimously at 8:47PM.