

**VALLEY CENTER
PLANNING COMMISSION/BOARD OF APPEALS
MINUTES**

7:00 P.M., Tuesday, September 25, 2012
Valley Center City Hall at 121 S. Meridian Avenue

CALL TO ORDER:

Chairperson Davis called the meeting to order at 7:00 p.m. with the following members present: John Dailey, Don Bosken, Dee Wretberg, Gary Janzen, Kathryn Schroeder, Danny Park, and Steve Jackson. Absent: Ricky Shellenbarger.

Staff Present: Mayor Mike McNow. Warren Utecht and Deby Taylor, Community Development Department.

SET/AMEND AGENDA:

Motion was made by Commissioner Park, seconded by Commissioner Schroeder, to set the agenda as presented. Motion passed unanimously.

APPROVAL OF AUGUST 28, 2012 DRAFT MINUTES:

Motion was made by Commissioner Schroeder, seconded by Commissioner Wertberg, to accept the August 28, 2012 minutes as presented. Motion passed unanimously.

PUBLIC COMMENT: None.

Motion was made and seconded to call the Board of Appeals to order.

BOARD OF APPEALS PUBLIC HEARING FOR A VARIANCE OF A FENCE.

Community Development Director, Warren Utecht, presented a Variance request from the Petitioner, Pamela Malone, requested a Fifteen (15) foot front yard fence variance to allow a 6-foot high wood privacy fence (4-foot fence with 75% open is required). Mr. Utecht stated that he had attempted to contact the owner when the fence was being built, but due to the recent sale of the property, his communication was delayed. His major concern was that the 6 foot privacy fence, which encroaches into the right-of-way, may cause a severe lack of visibility for someone backing out of an adjacent driveway. The driver's car would be in the street before oncoming traffic could clearly be seen. He stated he felt it is a dangerous situation and would qualify as a "safety" issue. Commissioner Dailey disagreed and stated that the driver would just need to take more caution when backing out of the driveway.

Chairperson Davis opened the hearing for comments from the public at 7:13 p.m.

1. Petitioner, Pamela Malone, 232 N. Colby, emotionally voiced her apology. She stated that she did not know that a permit was necessary. She told the Commissioners that she had called City Hall before building the fence and was told she didn't need a permit. However, she did not know the name of the person she spoke with. She also stated that she had walked through the surrounding neighborhood and measured other fences to determine if her fence would be appropriate.
2. Bill Williamson, 235 N. Dexter, voiced his support for Ms. Malone. He did not agree with the ordinance requirements and took offense over this enforcement action. Mr. Williamson remarked that he feels the fence is a nice addition to the neighborhood.

There were no other comments from the public. Chairperson Davis closed the public hearing at 7:24 p.m. and asked the Community Development Director for his recommendations. Mr.

Utecht pointed out that City Hall works diligently in supplying accurate information for people who call about fence issues. His recommendation for the Variance was to either:

1. Deny the variance and require the petitioner to rebuild the fence to meet code and not build any portion of a fence in the public right-of-way.
2. Grant the variance, subject to removal of the nine foot section of wooden fencing on the back of the property abutting 235 Dexter and the next 15 feet of wooden fencing on 2nd Street to create a "vision triangle" for purposes of safety, and if the City determines that a sidewalk is needed on 2nd. Street, the property owner, at the time of sidewalk construction, will pay for the cost of removing that portion of the fence in the public right-of-way. Note: No permit will be granted for a fence in the public right-of-way other than to connect a cyclone fence back to the wooden fence left under option 2.

The Commissioners discussed the options. Commissioner Janzen commented on the other fences on the block, which were also in violation, pointing out the problem of previous non-enforcement of ordinances. Commissioner Dailey felt the request fell under 17.10.08.D (1.a) as a *unique* situation because of the location of the neighboring driveway. Therefore, he considered it a candidate for the variance and since the intersection was clear, it should be considered. He stated that those backing out of the neighboring driveway would just have to use more precaution. Chairperson Davis felt that it was obviously in the right-of-way and should be moved.

Based on variance standards as defined in 17.10.08(D) and other issues discussed by the Planning Commission regarding the Malone fence variance petition, Chairperson Davis made a motion to deny the petitioned fence variance due to its location in the right-of-way. The motion was seconded by Steve Jackson.

Commissioner Dailey voiced his desire to make an substitute motion to approve the variance and give Ms. Malone the space she needs with the condition that in the event a sidewalk would be constructed the landowner would be financially responsible to remove the fence. This motion is to be recorded with the Registrar of Deeds for future reference. The motion was seconded by Commissioner Wretberg. The vote was six commissioners approving the variance with Commissioners Davis and Jackson against.

With the alternate motion passing, the original motion to deny the variance was negated.

BOARD OF APPEALS PUBLIC HEARING FOR A SIDE YARD VARIANCE.

Mr. Utecht presented Variance Petition #2012-03 from Robert Rogers, 1527 W. 69th Street N. who is requesting a Fifteen (15) foot non-residential side-yard setback variance to allow carports to be built up to the property line with no setback. Mr. Rogers shared that he desired to add removable carports to provide a more weather protected area for his customer's vehicles.

Chairperson Davis opened hearing for comments from the public at 7:45 p.m. No one came forward. Chairperson Davis closed the public hearing at 7:45 p.m.

There was a short discussion by the commissioners. Based on the City Staff recommendations and discussion by the Planning Commission, Commissioner Schroeder made a motion to approve the 15 foot side-yard variance. Motion was seconded by Commissioner Dailey. The motion passed unanimously.

The Board of Appeals meeting was closed and the Planning Commission meeting reopened.

CITY PLANNING COMMISSION'S 2nd PUBLIC HEARING ON ALL AMENDMENTS TO THE ZONING REGULATIONS, INCLUDING THE RECREATIONAL VEHICLE LANGUAGE UNDER

THE ACCESSORY USES SECTION (CH 17.06)

Chairperson Davis opened hearing for comments from the public at 7:47 p.m. Since last month's Public Hearing focused most of its time for RV related issues, Chairperson Davis requested that RV related issues be voiced second so that other issues get proper attention. Please, limit your comments to three or four minutes.

1. 7:48 - 7:56 p.m. Bill Arick, 335 S. Meridian, expressed his concern over the permit requirement for signs. He felt that signage fees add extra expense for the small businesses. He stated that temporary signs bring in business and the city should do whatever it can to keep businesses open. Commissioner Dailey stated he was on the Sign Committee around 8 to 10 years ago and maybe it could be looked at again. Mr. Arick thanked the commissioners for their time.
2. 8:03 - 8:07 p.m. June Marci, 101 S. Emporia. June wanted to express her thoughts of Valley Center from a Realtor's prospective. She shared the importance of curb appearances. Stated that folks perceive the community as a quiet place that looks friendly. She also mentioned the perception and reputation of bad drainage. She suggested that Valley Center be assertive in promoting our city. "Keep moving. I appreciate what you are doing in the area of aesthetics.

Mr. Utecht made reference to the Downtown Neighborhood Overlay District , Zoning Ordinance, page 77. On item F. Conditional Uses that are Prohibited in the Overlay District, he stated that #3. Motion Picture Theaters, except drive in type, was a mistake and should have been deleted last year. The commission noted that #3 should be removed. Mr. Utecht also asked the commissioners concerning the wording of a liquor store prohibited in the overlay District on page 76, D-5. The consensus was to leave the wording as is. There was also discussion concerning airports and location of hangers. Commissioner Wretberg had a question regarding access to the hangers.

End of comments not relating to Recreational Vehicles.

At the August 25, 2012 meeting, the Valley Center Planning Commission instructed the Community Development Department to bring back an amended "Recreational Vehicle" wording consistent with previous language prior to the December 6, 2011 Zoning Regulations.

Mr. Utecht stated that after the meeting last month he had received communication from other citizens. He presented a petition to the Planning Commission that he had received prior to the meeting. It expressed the desire to leave the current ordinance concerning recreational vehicles in place and not changing it back to the ordinance from five years ago. It opposed changing the ordinance for safety reasons, as well as the desire to be known as a community with a high quality of life and have a reputation that will draw new residents and businesses to our city. There were 81 signatures on the petition.

The requested revised amendment, was read as follows.

5. Storage of Recreational vehicles may be stored on the driveway or on a graveled or paved surface parallel and immediately adjacent to the driveway or on the side or rear yard of a residential lot, but not on any part of the lawn area within the front yard setback of a residential lot by the occupant who is the vehicle owner, provided that:
 - a. they shall not be utilized for living purposes, except for the convenience of temporary lodging not more than seven days at any one time and not exceeding ___ days in a calendar year, and ~~when, provided they are not stored in a front yard, and,~~
 - b. they are not located closer than five feet from the front lot line, which is also the right-

of-way line.

Existing zoning regulations today prohibit Recreational Vehicles in the front yard area. "Compromise language" to the recreational vehicle section of the Zoning regulations is being recommended as an alternative for Planning Commission consideration, which is as follows:

5. Recreational vehicles can be parked on a residential lot, provided:

- A. A recreational vehicle can be parked in the front yard up to 48 hours before and after a travel event, otherwise recreational vehicles cannot be parked on a paved surface in the front yard setback area.
- B. The exception to section 17.06.01.B.5 is if it can be shown by the property owner that it is dimensionally impossible or physically inaccessible to park a recreational vehicle in the side or rear yard on the residential lot where the owner of the recreational vehicle resides. The Community Development Director will review individual exception petitions and may grant a nonconforming certificate applicable to the existing owner or renter of the property.
- C. Recreational vehicles shall not be utilized for living purposes, except for temporary lodging for not more than (____) days at one time, and not more than (____) days in a calendar year.
- D. A recreational vehicle storage area must be on a concrete, asphalt, gravel or other hard surfaced material approved by the City of Valley Center.

Public Hearing part two - relating to recreational vehicles.

- 3. 8:24 - 8:26 p.m. Elnora E Waller, 416 Southwind Dr., Mrs. Waller stated that they have no access to the back to be able to park their RV properly. She shared her concern that they may not be able to keep it because of the parking situation.
- 4. 8:26 - 8:28 p.m. Gen Hawkins, 1004 Westwind Dr., Mr. Hawkins asked about other "unsightly" vehicles that are in the community. He stated that many driveways are short and would be difficult to park RVs properly under this ordinance.
- 5. 8:28 - 8:32 p.m. Pat Schuessler, 608 N. Birch, Mrs. Schuessler made the comment that during last month's meeting there were others who wanted to speak in favor of the ordinance but due to the volatile atmosphere at the meeting, they choose not to speak. She thanked June for her comments as a realtor and shared her desire for Valley Center to progress. She stated that this was a safety issue as well as visual, commenting that who would be responsible if someone gets hurt. She thanked the planning commission for a "compromise" regulation.

There was no other sharing from the public. Chairperson Davis closed the public hearing at 8:33 p.m.

Due to another hearing on the Zoning Text, The Community Development Director recommended that the Planning Commission consider their options and make a final decision at the regularly scheduled Planning Commission meeting on October 23, 2012.

Commissioner Dailey made the motion to defer any action until the October 23rd Planning Commission meeting. Commissioner Schroeder seconded, and all agreed.

NEW BUSINESS:

Community Development Director, Mr. Utecht stated that he was looking for a volunteer from the Planning Commission to serve on the Pedestrian and Bicycle Facilities Steering Committee,

which will be reviewing the work being done on the Pedestrian and Bicycle Facilities Master Plan. It would involve up to, but not more than three night meetings.

COMMUNICATIONS:

Mr. Utecht presented a letter from the Chamber of Commerce requesting an amendment to the Zoning Regulations regarding the temporary use section of the Zoning Regulations. This request would “close the gap” in the temporary use permit procedure between the Chamber of Commerce requirement for booth registration and City issuance of a Temporary Use Permit. Since the changes have not been forwarded to the City Council, it was recommended that a public hearing for just this one amendment be published in the Ark Newspaper for the October 23rd. Planning Commission meeting.

Chairperson Davis made a motion to direct the Planning staff to place a legal notice in the Ark Newspaper for a public hearing regarding temporary uses. Motion was seconded by Commissioner Dailey. Motion passed unanimously.

ITEMS BY PLANNING COMMISSIONERS:

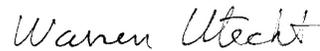
- John Dailey - none
- Don Bosken - none
- Dee Wretberg - none
- Gary Janzen - none
- Jaque Davis - none
- Kathryn Schroeder - Appreciated the people who came out.
- Danny Park - none
- Steve Jackson - none

ADJOURNMENT:

Motion made by Commissioner Park and seconded made by Commissioner Jackson to adjourn. Motion passed unanimously

Time of Adjournment 8:52 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Approved by the Valley Center Planning Commission on October 23, 2012.

Jaque Davis, Chairperson

WU/dt