

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

7:00 P.M., Tuesday, October 23, 2012
Valley Center City Hall at 121 S. Meridian Avenue

CALL TO ORDER:

Vice-Chairperson Park called the meeting to order at 7:00 p.m. with the following members present: Don Bosken, Gary Janzen, Danny Park, Ronald Colbert Sr., Terry Nantkes, and Steve Jackson. Absent: Ricky Shellenbarger & Dee Wretberg. One chair unassigned.

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

NEW BUSINESS

- A. A motion was made by Commissioner Janzen and seconded by Commissioner Bosken to nominate Danny Park for Planning Commission Chairperson. Motion passed unanimously.
- B. A motion was made by Commissioner Park and seconded by Commissioner Bosken to nominate Gary Janzen for Planning Commission Vice-Chairperson. Motion passed unanimously.
- C. A motion was made by Commissioner Park and seconded by Commissioner Bosken to nominate Community Development Director, Warren Utecht as Planning Commission Recording Secretary. Motion passed unanimously.
- D. A motion was made by Commissioner Janzen and seconded by Commissioner Jackson to nominate Don Bosken as the Planning Commission representative on the Site Plan Committee. Motion passed unanimously.
- E. A motion was made by Commissioner Park and seconded by Commissioner Janzen to nominate Ronald Colbert Sr. as representative on the Sidewalk Master Plan Steering Committee representative. Motion passed unanimously.
- F. A motion was made by Commissioner Colbert and seconded by Commissioner Jackson to adopt the Planning Commission/Board of Appeals and Site Plan Committee 2013 meeting Calendar. Motion passed unanimously.

AGENDA: A Motion was made by Commissioner Janzen and seconded by Commissioner Colbert to set the amended agenda. Motion passed unanimously.

APPROVAL OF SEPTEMBER 25, 2012 DRAFT MINUTES: Commissioner Jackson noted that on page 2, paragraph 5, sentence 1, the word "alternate motion" should be "substitute motion". A motion was made by Commissioner Colbert, seconded by Commissioner Jackson, to accept the amended September 25, 2012 minutes. Motion passed unanimously.

PUBLIC COMMENT: At 7:06 p.m. Chairperson Park opened the meeting for items not listed on the agenda. There were no comments. Public comment time was closed.

CITY PLANNING COMMISSION PUBLIC HEARING ON AMENDMENT TO THE TEMPORARY USES PERMIT SECTION OF THE ZONING REGULATIONS: Chairperson Park introduced Agenda Item #7, which is a public hearing on the Zoning Amendments to the City's Zoning Regulations. He welcomed everyone interested in this hearing and laid out a few ground rules.

- **NOTIFICATION:** Chairperson Park announced that according to the Recording

Secretary, a notice to this hearing was published in the Ark Newspaper on September 27, 2012. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There was no evidence to the contrary from anyone present, thus proper notification has been given.

- **EX PARTE COMMUNICATIONS:** Chairperson Park asked the Commission if any had received any ex parte verbal or written communication from a third party prior to this hearing, which they would like to share with all the members. No one responded.
- **ZONING ADMINISTRATOR'S REPORT:** Chairperson Park call on the Zoning Administrator, Warren Utecht, to provide comments regarding the zoning amendment regarding temporary uses. He explained that the Valley Center Chamber requested the changes on 17.06.02 Temporary Uses Permitted, saying that for the first time in 2012, several exhibitors decided to avoid the booth fees charged by the Chamber of Commerce during Fall Festival, and located elsewhere. Mr. Utecht explained the need for clarification to close loopholes to avoid future issues by revising the zoning regulations as follows:
 - Other than the traditional "Fall Festival" events sanctioned and permitted through the Valley Center Chamber of Commerce which have been approved by the City Council, and honor to Veterans Activities, temporary permits for carnivals, circuses, musical concerts, non-profit fund raisers, craft booths, or food vendors involved in a festival, or similar outdoor events and haunted houses at Halloween, must be approved by the City Council, with possible conditions by the Zoning Administrator. If the temporary use event is use city own facilities (i.e. City Parks or public right-of-way), then it must Temporary use applicants must submit an application and pay a fee of \$275. The Planning Commission shall review the application and forward a recommendation to the City Council for final consideration, approved by the Governing Body. Such uses need not comply with the bulk or lot size requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall meet the requirements of the vision triangle. (See Section 17.02.09 for definition of VISION TRIANGLE.)
- **PUBLIC HEARING:** Chairperson Park opened the public hearing at 7:07 p.m. There were no initial comments. Public hearing was closed at 7:15 p.m. Commissioner Janzen clarified that the public hearing was open for zoning comments. Commissioner Jackson commented about the RV motion. It was decided that after this clarification, the public hearing should be re-opened. Public hearing was re-opened at 7:17 p.m. Mr. Utecht reviewed the past three month's discussion concerning the RV regulations. The commissioners requested that Mr. Utecht revise the language for Recreational Vehicles. He explained the two options...

The first option would be to go back to the previous version of the regulations that allowed recreational vehicles in the front yard year-round, provided they are not any closer than 5 feet from the right-of-way line. The revisions made to the previous language shown below are for purposes of clarity:

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 7 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.

The second option is a compromise solution which may address many concerns expressed by recreational vehicle owners. The proposed language that follows would also alleviate the concerns of those property owners who signed a petition asking for more regulation for the purpose of protecting "public health, safety and welfare":

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

- A. A recreational vehicle can be parked temporarily in the front yard up to 48 hours before and after use, otherwise no portion of a recreational vehicle can be parked in the front yard setback (see definition of "Yard, Front" in 17.02.09 and setback dimensions in subject property's zoning

classification).

- 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. Appeal of the Community Development Director's decision can be made to the Board of Appeals according to 17.10 of these regulations.
- C. Recreational vehicles, either owned by the property owner or by someone else visiting the property owner, shall not be utilized for living purposes, except for temporary lodging of not more than 7 days at one time, and not more than 14 days in a calendar year.
- D. The temporary or permanent recreational vehicle storage area must be on concrete, asphalt, gravel or other hard surfaced material approved by the City of Valley Center.

Chairperson Park asked if there were members of the public who had anything new to share about the recreational vehicles. 7:22 - 7:23 p.m. Jim Patterson, 315 E. Fourth Street, commented that he didn't feel it was a safety issue and requested that we go back to the pre-2011 regulation. There were no other comments. The open meeting was closed at 7:23 p.m.

- **DELIBERATION:** There were no further comments from the Commissioners.

Commissioner Jackson made a motion to accept the zoning changes with the first option to go back to the pre-2011 regulation on the RV amendment. There was no second to his motion. Motion failed. Commissioner Nantkes made a motion and Commissioner Colbert seconded to accept the zoning changes with the second option being the compromise RV amendment. 5 - Commissioners; Colbert, Janzen, Park, Bosken and Nantkes voted to accept the motion. 1 - Commissioner; Jackson voted against.

Commissioner Jackson asked for clarification on voting requirements to pass the zoning regulations. Mr. Utecht read from the Planning Commission bylaws concerning passage of a zoning amendment, which states there must be a simple majority of the 9 members to pass the amendment. With 5 members voting for the motion, it passed.

CASE NUMBER: VAC-2012-1

CITY PLANNING COMMISSION PUBLIC HEARING ON ALLEY VACATION: Chairperson Park introduced Agenda Item #8, which is a public hearing for the vacation of a public right-of-way, more specifically a 20 foot wide alley. He welcomed everyone interested in this hearing and laid out a few ground rules.

- **NOTIFICATION:** Chairperson Park announced that according to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on September 20, 2012, and notices were mailed to 13 property owners of record in the 200 foot notification area dated September 20, 2012. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There was no evidence to the contrary from anyone present, thus proper notification has been given.
- **EX PARTE COMMUNICATIONS:** Chairperson Park asked the Commission if any of them have received any ex parte verbal or written communication from a third party prior to this hearing which they would like to share with all the members. No one responded.
- **ZONING ADMINISTRATOR'S REPORT:** Chairperson Park called on the Zoning Administrator, Warren Utecht, to provide comments regarding the Vacation request for the alley directly south of 123 N. Cedar Avenue. Mr. Utecht explained the request petitioned by Jeff Niedens who wants to construct a duplex on an adjacent parcel and

needs the unused alley to make a buildable lot.

- **PUBLIC HEARING:** Chairperson Park opened the public hearing at 7:35 p.m. 7:35 - 7:36 p.m. Jeff Niedens, 521 W. 81st North. (applicant) Mr. Niedens introduced himself and asked if there were any questions from the Commissioners. No questions were asked.
7:36 - 7:38 p.m. Linda Rumble and Gregg Geiger, 500 W. Main. They had questions concerning the property changes. They asked that the alley vacation be tabled at this time in order for them to have more discussion with the applicant. They asked if Mr. Utecht would be willing to join the discussion. Mr. Utecht agreed to meet with them. The commission asked Mr. Niedens if this would be acceptable. He stated that he wanted to do it right the first time and consented to the request.
7:39 p.m. the Public Hearing was closed.

Chairperson Park made a motion and Commissioner Bosken seconded, to table the decision on the vacation request to the November 27, 2012 Commission meeting. Motion passed unanimously.

CASE NO. Z-2012-3

CITY PLANNING COMMISSION PUBLIC HEARING ON REZONING 123 N. CEDAR DRIVE FROM C-2 GENERAL COMMERCIAL TO R-2 TWO-FAMILY RESIDENTIAL: Chairperson Park introduced Agenda Item #9, a public hearing on Case No. Z-2012-3 which is for a rezoning amendment requesting a change from the present C-2 General Commercial District to R-2 Two-Family Residential District. Chairperson Park asked the Commission if any of them intend to disqualify themselves from participating in this case because they or a relative own property in the area of notification or have a conflict of interest. No disqualifications were noted and a quorum of 6 were present for this hearing. The Chairperson welcomed everyone interested in this hearing and laid out a few ground rules.

- **NOTIFICATION:** Chairperson Park announced that according to the Recording Secretary, a notice to this hearing was published in the Ark Newspaper on September 20, 2012, and notices were mailed to 13 property owners of record in the 200 foot notification area dated September 20, 2012. The record shows that at least 20 days elapsed between the publication and mailing dates and the hearing date. There was no evidence to the contrary from anyone present, thus proper notification has been given.
- **EX PARTE COMMUNICATIONS:** Chairperson Park asked the Commission if any of them have received any ex parte verbal or written communication from a third party prior to this hearing which they would like to share with all the members. No one responded.
- **ZONING ADMINISTRATOR'S REPORT:** Chairperson Park called on the Zoning Administrator, Warren Utecht, to provide comments regarding the re-zoning. He gave the property background and went through 17 criteria and gave explanations for eachone.
- **PUBLIC HEARING:** Chairperson Park opened the public hearing at 7:42 p.m. 7:52 - 7:53 p.m. Jeff Niedens, 521 W. 81st North. (applicant) Mr. Niedens described his intentions to upgrade to the property. He assured the Commission that there would be adequate parking and thanked the commissioners.
7:54 - 7:56 p.m. Linda Rumble and Gregg Geiger, 500 W. Main. Property owner, Ms. Rumble was concerned as to what effect a duplex may have on her 95 year-old home she considered a possible Historical Landmark. Commissioner Janzen stated that rezoning from C-2 to R-2 would be a safer option for their property as with C-2 zoning they could be subject to numerous worse case scenarios.
7:56 p.m. The Public Hearing was closed.

After discussion it was decided that Agenda #9 should be decided at the same time as Agenda #8. Commissioner Jackson made a motion and Commissioner Bosken seconded to table the decision on the zoning request to the November 27, 2012 Commission meeting. Motion passed

unanimously.

THERE WERE NO COMMUNICATIONS.

ITEMS BY PLANNING COMMISSIONERS:

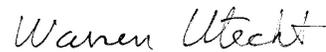
- Danny Park - Welcomed the new commissioners and thanked them for volunteering.
- Don Bosken - Shared that the commission is not against RVs and assured the public that Mr. Utecht and the commission will work with the public on this matter.
- Ronald Colbert Sr. - This is a learning experience for him.
- Gary Janzen - none
- Terry Nantkes - none
- Steve Jackson - Welcomed the new commissioners.

ADJOURNMENT:

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

Time of Adjournment 8:01 p.m.

Respectfully submitted,



Warren Utecht,
Planning Commission Secretary

Minutes approved by the Valley Center Planning Commission on November 27, 2012.

 /Danny Park/
Danny Park, Chairperson
WU/dt