



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, MAY 19, 2009
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: at 6:32 p.m.

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present except Commissioner Hatley.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the April 21, 2009 meeting with any necessary corrections.**

Commissioner Reilly moved to approve the Minutes of the April 21, 2009 Planning Commission Meeting as written. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly and Armstrong. Opposed: None. Absent: Hatley. Abstain: None. Motion was approved by a 4-0 vote with Commissioner Hatley absent.**

D. BUSINESS FROM THE FLOOR: None.

E. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

- 2. Amend Use Permit 2008-250; Applicant AAA Truck Wash has applied to convert existing second story storage area into a three (3) bedroom apartment of approximately 1,860 square feet to house employees of the Truck Wash.**

Chairman Lopez introduced this item by title with a brief description of the site location and intended use. Planning Director John Stoufer clarified that the actual square footage of the apartment unit would be 1,860 square feet. He informed the Commission that the application for the massage parlor at this location had been rescinded. Mr. Stoufer stated that the only issue would be the conversion of the upstairs storage unit to an apartment. Mr. Stoufer also stated that Mr. Nelson, Engineer for the applicant is present to address any questions. Commissioner Reilly clarified exactly what was currently upstairs.

Mr. Stoufer stated that Commissioner Hatley was unable to be present tonight, however he was in the office today and spoke with Mr. Stoufer stating some of his concerns in regards to enforcement of Conditions. He also clarified exactly what a Use Permit is and the limits of their enforcement. Mr. Stoufer informed the Commission that a letter had been received from the property owner on the east (Vera Chandler) requesting that a fence be erected (an eight foot high commercial chain-link fence would be ideal). Ms. Chandler stated that should this barrier be required and constructed she would have no objections to the proposed use.

Commissioner Reilly confirmed that the property in question has only one owner.

Chairman Lopez then opened the public hearing at 6:48 p.m. Mr. Nelson addressed the Commission stating that the property owner is of Indian culture and generally they live where they work. They have also experienced some vandalism which they are hoping to eliminate by living at the site. Mr. Nelson stated that they are considering installing a restaurant downstairs at some

future date. He stated that they might not start the apartment at this time, but rather approach the Commission at a later date for a Permit to install a restaurant and do the apartment at that time. Planning Director Stoufer informed the Commission that they are not considering a restaurant at this time, only the apartment. Mr. Nelson stated that the property owner works seven days a week and it would be more convenient for them to live at the site.

Mr. Stoufer emphasized that the Commission needs to consider the Conditions. At this time there is no Condition requiring the fencing. Commissioner Robertson stated she did not see any problem with adding the requirement for chain link fencing. Chairman Lopez stated that he didn't believe it made sense at this time to require the fencing since there is no fencing on the side. He also stated he was concerned with the enforcement issue. Commissioner Reilly stated that he has concerns with some of the statements Mr. Nelson made relating to others in the Community interested in doing the same (building an apartment above/adjacent to the business), and that they are waiting to see how this goes. Mr. Reilly stated that he likes to see residential in Residential Zones, and commercial businesses in Commercial Zones; he really doesn't like Mixed Use Zones. Commissioner Armstrong stated some of his concerns, and asked if this is intended to be an additional income property through residential rental fees.

With no other comment Commissioner Robertson moved to close the public hearing. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly and Armstrong. Opposed: None. Absent: Hatley. Abstain: None. Motion was approved by a 4-0 vote with Commissioner Hatley absent.**

Commissioner Reilly moved to deny Use Permit 2008-250. Commissioner Armstrong seconded the motion. **Ayes: Lopez, Reilly and Armstrong. Opposed: Robertson. Absent: Hatley. Abstain: None. Motion to deny Use Permit 2008-250 was approved by a 3-1 vote with Commissioner Hatley absent.**

F. REGULAR AGENDA:

3. Study Matter: Draft Street Vending Ordinance – Continued discussion of a Draft Street Vending Ordinance.

Chairman Lopez asked Mr. Stoufer if he had attended the Chamber of Commerce meeting prior to the last meeting; Mr. Stoufer stated that he had and that the Chamber Board had agreed with the verbage, however they would like to see something requiring door to door vendors to carry proof of possessing a business license similar to what Chairman Lopez suggested. It was acknowledged that doing this would be difficult to police.

Mr. Stoufer stated that if the Commission would like additional language added, or changed, now would be the time to add it before the Public Hearing. Chairman Lopez suggested contacting the City of Williams to see if they have some type of verbage that we could use. Commissioner Reilly stated that the proposed Ordinance is written very well, especially the section on Operational Requirements and the highlighted sentence at the bottom of this section. Commissioner Reilly stated that he completely trusts City Staff in reference to what they feel would be warranted. Chairman Lopez stated that he believes it is very well written and that the Commission should move forward with this. **No Action Required.**

G. ITEMS PLACED ON THE AGENDA FROM THE FLOOR: None.

It was announced that a Special Meeting would be held on June 2, 2009 at 6:00 p.m. for the Housing Element. The regularly scheduled Recreation Meeting will follow at 7:30 p.m.

H. ADJOURNMENT: 7:33 p.m.

Lisa M. Linnet, City Clerk