



**CITY OF CORNING  
PLANNING COMMISSION AGENDA  
TUESDAY, DECEMBER 16, 2008  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

- A. **CALL TO ORDER:** at 6:30 p.m.
- B. **ROLL CALL:** Commissioners: Robertson  
Reilly  
Lopez  
Hatley  
Armstrong
- C. **MINUTES:**  
1. **Waive the Reading and Approve the Minutes of the October 21, 2008 meeting with any necessary corrections.**
- D. **BUSINESS FROM THE FLOOR:** If there is anyone in the audience wishing to speak on items not already set on the Agenda, please come to the podium, give your name and address, and briefly identify the matter you wish to have placed on the Agenda. The Commission will then determine if such matter will be placed on the Agenda for this meeting, scheduled for a subsequent meeting, or recommend other appropriate action. If the matter is placed on tonight's Agenda, you will have the opportunity later in the meeting to return to the podium to discuss the issue. The law prohibits the Commission from taking formal action on the issue, however, unless it is placed on the Agenda for a later meeting so that interested members of the public will have a chance to appear and speak on the subject.
- 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. **Rezone No. 2008-2; Ordinance No. 633; Review and make a recommendation to the Corning City Council on an Ordinance that would amend Chapters 17.10, 17.12, 17.14 & 17.16 of the Corning Municipal Code regarding Minimum Height, Bulk and Space Requirements in Residential Zones.**
- F. **REGULAR AGENDA:** All items listed below are in the order which we believe are of most interest to the public at this meeting. However, if anyone in the audience wishes to have the order of the Agenda changed, please come to the podium, state your name and address, and explain the reason you are asking for the order of the Agenda to be changed.
- F. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:**
- G. **ADJOURNMENT:**

**POSTED: DECEMBER 12, 2008**



**CITY OF CORNING  
PLANNING COMMISSION MINUTES  
TUESDAY, OCTOBER 21, 2008  
CITY COUNCIL CHAMBERS  
794 THIRD STREET**

**A. CALL TO ORDER:** at 6:30 p.m.

**B. ROLL CALL:**  
Commissioners: Robertson  
Reilly  
Armstrong  
Hatley  
Lopez  
Chairman:

All Commissioners were present.

**C. MINUTES:**  
**1. Waive the Reading and Approve the Minutes of the September 16, 2008 meeting with any necessary corrections.**  
Commissioner Reilly moved to approve the Minutes of the September 16, 2008 Planning Commission Meeting as written. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

**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. Variance 2008-1 – Mike Coffron:** Requesting Variance to Section 17.10.040(E) of the City Zoning Code in order to reduce the minimum sideyard setback from 6 feet to 5 feet for an existing residence located at 619 Almond Street, APN: 73-145-02.

Chairman Lopez introduced this item by title briefing members of the audience on the Variance request. Planning Director Stoufer informed the Commission that this residence replaced a previously existing residence on this parcel and stated the lot and residence size. He then informed the Commission that this building was allowed to be constructed due to Staff error and explained the circumstances surrounding this error. He also informed the Commission of the City Attorneys advice regarding this Variance request.

Chairman Lopez then opened the Public Hearing. Commissioner Robertson stated that she had some concerns regarding the wording, stating that she didn't want a precedent set tonight. Other members of the Commission stated that they didn't believe it would set a precedent. Planning Director Stoufer stated that the reasons for the Commission decision tonight could be listed in the conditions as well as noted in the minutes. With no further discussion Chairman Lopez requested a motion to close the Public Hearing. Commissioner Reilly moved to close the Public Hearing. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

Commissioner Reilly moved to adopt Subfindings and Findings 1-4 for Variance 2008-1 for 619 Almond Street and approve request for Variance 2008-1 acknowledging the reason for approval is due to Staff Error. Commissioner Robertson seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

3. Continued from September Meeting - Amendment to Condition #2, Variance 2007-1: Amend Condition No. 2 that prohibits eave encroachment to 5'-0" from the side property line. The amendment would allow eave encroachment to 4'-6" from the side property line. Property owner: Charles Nace, APN: 73-141-08, 712 Almond Street.

Chairman Lopez introduced this item by title stating it was a continued hearing from the September 16<sup>th</sup> Planning Commission Meeting. He then briefed the Commission and audience on the background of this proposed amendment as well as the discussion of the previous meeting. Chairman Lopez acknowledged that Mr. Nace was present in the audience.

Planning Director John Stoufer informed the Commission of the discussion held recently between himself, Building Official Terry Hoofard and Public Works Director John Brewer. Chairman Lopez asked Mr. Nace if he was willing to make the concession by extending his project 3 feet in the back and narrow it by 4 inches on each side. Mr. Nace stated no.

Commissioner Reilly asked Staff if the gutters already allowed would reduce the 5 feet setback to 4 feet; Building Official Hoofard stated technically yes. It was stated that rain gutter installation does not require a building permit and therefore would not be monitored.

Chairman Lopez stated his opinion that the Commission had already conceded with the gutter installation. Mr. Brewer brought up that Condition No. 2 could be modified and written to state should gutters be installed, the Variance could be recalled. Public Works Director John Brewer and Planning Director John Stoufer stated that they could quickly write the Condition. At that point, Commissioner Reilly moved to recess in order for Mr. Stoufer and Mr. Brewer to complete a written revision. Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.** The meeting was temporarily recessed at 7:00 p.m. to reconvene upon completion of the revision.

The Planning Commission Meeting reconvened at 7:05 p.m. After some discussion and explanation of the revision to Condition No. 2 of Variance 2007-1 and no further discussion, Commissioner Robertson moved to close the Public Hearing. Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

Commissioner Reilly moved to adopt Findings and Subfindings 1-2 and amend Condition No. 2 for Variance 2007-1 to state "No eave or rain gutter shall be closer than 4 feet 6 inches from a side property line and that the overhangs will have fire retardant facias and boxed eaves. Violation of this requirement will invoke action by the City in accordance with Section 17.58.060 (Revocation) of the City Municipal Code". Commissioner Armstrong seconded the motion. **Ayes: Lopez, Robertson, Reilly, Armstrong and Hatley. Opposed: None. Absent/Abstain: None. Motion approved by vote of 5-0.**

#### **F. REGULAR AGENDA:**

#### **4. Study Matter No. 2008-1; Discussion of Possible Ordinance to Amend Chapter 17.10 of the Corning Municipal Code Regarding Lot Standards for Building.**

Chairman Lopez introduced this item stating the recommendation of the City Attorney. Planning Director Stoufer stated that the proposed Ordinance would restrict the Lot Standards for building to a size of 20 feet wide by 40 feet in length minimum, possibly to be defined as a residence and will affect zonings R-1 through R-4. He stated that Staff is currently supportive of this and such an Ordinance would aid in public awareness of these 25 foot lots. If approved, Realtors would be required to disclose that a 25 foot lot would not be a buildable.

Chairman Lopez concurred that he thought a language revision to clarify the main building as a residence as Planning Director Stoufer suggested should be added.

No action taken. The Commission suggested that Staff alert Realtors of this upcoming possible Ordinance.

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

G. ADJOURNMENT: 7:25 p.m.

Lisa M. Linnert, City Clerk