

PARADISE PLANNING DIRECTOR

May 4, 2010 – 2:00 p.m.

**Town Council Chambers, Room 9
5555 Skyway, Paradise**

M I N U T E S

CALL TO ORDER

Planning Director Al McGreehan called the meeting to order at 2:06 p.m.

1. APPROVAL OF MINUTES – April 15, 2010 meeting

The meeting minutes of April 15, 2010 were approved by the Planning Director.

2. PUBLIC COMMUNICATION – None.

3. CONTINUED PUBLIC HEARING

Item proposed to be determined exempt from environmental review:

WENDY'S SITE PLAN REVIEW PERMIT (PL09-00225) AND TREE FELLING PERMIT (PL09-00250) APPLICATIONS: Proposal for Town approval to establish a drive-in service facility in association with a restaurant, and the felling of ±12 qualifying trees on property located at 5987 Clark Road, Paradise; AP No. 053-120-079 (Continued from April 15, 2010)

The hearing was opened to the public by the Planning Director. Appearing:

Planning Technician Susan Hartman reported that the project architect requested a continuance of this public hearing to address changes to the proposed project plans. The changes included a modification to the solid waste enclosure location, which resulted in two fewer parking spaces and reduced the number of seats in the restaurant, and also modification of the parking facility lighting in response to concerns by a neighboring, multi-family housing property owner during the public hearings on April 5 and 15, 2010. A new revised 6 foot masonry wall is proposed to allow for an additional landscape strip. Those changes have been submitted and, therefore, Town staff is recommending conditional approval of the project application.

1. Joe Holt, contractor for Wendy's. Mr. Holt did not receive a copy of the staff report. He was given a copy to review. Mr. Holt concurred with the recommended conditions of project approval.
3. Ken Kuldip, property owner. Mr. Kuldip concurred with the recommended project conditions.
4. Jim Harding, Jr., neighboring property owner. Mr. Harding expressed his

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appreciation to the Wendy's project staff who were cooperative and responsive to his concerns. He asked for clarification of some issues of future development on the site.

The Planning Director closed the public hearing. The Planning Director adopted the following findings as presented by staff and approved the Wendy's Site Plan Review Permit subject to the conditions listed below:

FINDINGS

1. Find that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the State CEQA Guidelines.
2. Find that the project, as conditioned, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a restaurant land use in an area zoned for such use.
3. Find that the project, as conditioned, is in compliance with all applicable regulations of the Community Commercial zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - a. The project is located within an area that has been altered from its natural state by long-established residential and commercial land uses;
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants are known to exist in the immediate project vicinity.
6. Find that the proposed tree felling activity meets the criteria for tree felling permit approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the proposed facility establishment, parking and grading improvement plans.

GENERAL CONDITIONS OF SITE PLAN REVIEW APPROVAL

1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the permit's effective date, the site plan review permit may

become subject to revocation by the Town of Paradise.

2. Site improvements (building, signs, lighting, landscaping, etc.) shall conform to all Town of Paradise applicable design standards.
3. All work within the Clark Road public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.
4. Required landscape plans for the proposed commercial building associated with the drive-in service facility shall be designed to provide for the installation and maintenance of street trees in accordance with the requirements of the Town Engineer and landscape plantings specifically chosen and arranged to screen and soften the appearance of the drive-in service facility from pedestrians and vehicular traffic along Clark Road.
5. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
6. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements.

CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

ROADS AND ACCESS

7. Submit and secure Town Engineer review and approval of an appropriate number of copies of the project site's public street frontage and off-site improvement plans to include the construction of new driveway aprons to serve the proposed driveway encroachments along Clark Road and the installation of a drainage inlet along Shadowbrook Way.
8. Submit an Engineer's Estimate with a detailed estimate of both onsite and offsite improvements to the Public Works Department (Engineering Division).

DRAINAGE

9. Provide a final design solution for drainage per requirements of the Town Engineer and the **INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998**. Drainage facilities shall be designed in a manner that provides for the establishment of all necessary drainage improvements to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.

SANITATION

10. Complete the requirements of the Town Onsite Sanitary Official concerning application, final system design, and the issuance of permit approvals for the installation of a sewage treatment

and disposal system improvements to serve all proposed facilities. Provide evidence thereof to the Town Community Development Department (Community Safety Services Division).

SITE DEVELOPMENT

11. Submit three (3) copies of a detailed engineered site plan showing all project improvements and facilities as proposed and required. Plans shall be prepared by a registered civil engineer (including final parking facility design) and submitted to the Public Work Department (Engineering Division) for review and approval. Pay required engineered site plan checking fee. Construction and drainage improvement plans must be approved **PRIOR** to construction or installation of the required facilities.
12. Apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements. Pay applicable grading permit fees per current fee schedule.
13. Properly abandon or relocate any easements that conflict with the design of the project.
14. Submit a detailed soil erosion prevention plan to the Town Public Works Department for approval by the Town Engineer **PRIOR** to the start of any earthwork. Show all erosion control devices and sedimentation basins required by Paradise Municipal Code 15.04.280.
15. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of construction plans, interior automatic fire sprinkler plans, building permit applications, and all applicable Town adopted construction and fire code requirements.
16. Secure the issuance of a Town approved tree-felling permit prior to felling any qualifying trees.

TREE FELLING

17. Submit application with fee and secure Town Planning Director review and approval of a professionally designed and accurately mapped "Tree Protection Plan" for the proposed project that provides for tree planting placement as well as existing tree protection measures (fencing, etc.); and prior to the commencement of ground disturbance site work (grading, etc.) for the project.
18. All qualifying trees proposed to be retained and any native saplings proposed to be retained on the site as replacement trees shall be protected during construction activities in a manner consistent with the Town of Paradise Suggested Practices for Protection of Trees on Commercial, Quasi-Public and Multi-Family Residential Construction Sites.
19. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all related project site improvement construction that has the potential to effect trees to be retained.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATES OF OCCUPANCY

ROAD AND ACCESS

20. Pay appropriate fees, provide the appropriate bonds and insurance certificates, obtain town issued encroachment permit and construct all design-approved work in the right-of-way (including driveway approach and utility relocations). All design features shall meet ADA requirements and comply with the Caltrans A-87 standard, Town ordinances, accepted engineering standards and the requirements of the Town Engineer. Street frontage and driveway improvement plans must be approved **PRIOR** to the construction or installation of the required facilities.

SITE DEVELOPMENT

21. Construct all necessary site, drainage, access, wastewater treatment/disposal and other facilities improvements as required by the Town Engineer and the Town Onsite Sanitary Official. All construction shall be in conformance with generally acceptable engineering and construction practices.
22. Submit landscaping plans and application fee to the Community Development Department (Planning Division) in accordance with Paradise Municipal Code requirements. **IMPORTANT NOTE:** No final building inspection or occupancy shall be permitted until the landscape plans for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).
23. Install a masonry wall along the western and southern perimeter of the proposed parking facility as shown on the revised site plan submitted May 3, 2010.

FIRE PROTECTION

24. Meet all other project requirements of the Paradise Fire Department in accordance with the Fire Department development review comments/conditions dated revised November 17, 2009 and on file with the Town Community Development Department.

SANITATION

25. Meet all requirements of Town onsite sanitation staff regarding inspection and approval for the construction and final design of the onsite sewage disposal system.

CONDITIONS OF LAND USE OPERATION

26. Any exterior speakers or communication systems installed to facilitate customer orders shall be operated in a manner that does not create noise disturbances across a real property line and in accordance with Town of Paradise noise ordinance regulations.

27. Any future function of the drive-in service facility that contributes to or creates a traffic or pedestrian hazard shall be corrected to the satisfaction of and in a manner deemed acceptable to the Town Engineer.
28. The initial daily hours of operation assigned to the drive-through facility shall be restricted to between the hours of 10:00 a.m. to 11:00 p.m. Approximately one month prior to the one year anniversary of the project's business opening services operation, the Town reserves the right to reconsider this project condition of approval for possible amendment.

It was announced that the decision of the Planning Director can be appealed within seven days of the decision date.

4. **PUBLIC HEARING** – None.

5. **OTHER BUSINESS** – None.

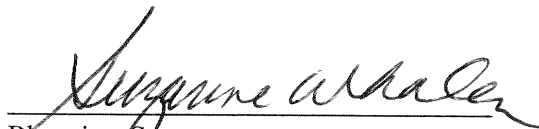
6. **ADJOURNMENT**

The Planning Director adjourned the meeting at 2:20 p.m.



Planning Director

ATTEST:



Planning Secretary