

PLANNING DIRECTOR A G E N D A

March 18, 2010; 11:00 a.m.

CALL TO ORDER

- 1. APPROVAL OF MINUTES – February 10, 2010**
- 2. PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items)**

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Planning Director meeting.

*** * * * PUBLIC HEARING PROCEDURE * * * ***

- | | | | |
|----|--------------------------------|----|-----------------------------|
| A. | Staff comments | C. | Close hearing to the public |
| B. | Open the hearing to the public | D. | Project decision |

- 3. CONTINUED PUBLIC HEARING – None.**

4. PUBLIC HEARINGS

Items determined exempt from environmental review

- a. Work Training Center Use Permit Modification (PL09-00202) Application requesting to modify the terms and conditions of a previously approved use permit (modification of requirements for timing of public street frontage improvements) for property located at 7837 Skyway, Paradise, AP No. 051-163-039.
- b. Town of Paradise: Abandonment of Nonconforming Land Uses – Pursuant to provisions of Paradise Municipal Code section 17.39.200, the Planning Director on behalf of the Town of Paradise shall consider the evidence of record and determine whether or not to officially declare the nonconforming land use facilities of “Aloha Lodge” and “Aloha Paradise” that previously occupied properties located at 5424 and 5446 Black Olive Drive [AP Nos. 052-223-011, -012 and -013] as Abandoned.

- 5. OTHER BUSINESS - None.**

6. ADJOURNMENT

PARADISE PLANNING DIRECTOR
February 10, 2010 – 11:00 a.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 11:10 a.m.

1. APPROVAL OF MINUTES – January 21, 2010 meeting

The meeting minutes of January 21, 2010 were approved by the Planning Director.

2. PUBLIC COMMUNICATION - None.

3. CONTINUED PUBLIC HEARING – None.

4. PUBLIC HEARING

Item determined exempt from environmental review:

- a. Luther Use Permit (PL10-00002) Application proposing to replace a previous existing nonconforming land use [a \pm 480 sq. ft. residential garage] that was destroyed by a falling tree on commercial zoned property located at 5374 Black Olive Drive, Paradise, AP No. 052-231-003.**

Asst. Community Development Director Craig Baker reviewed the project application for which staff is recommending conditional approval.

The hearing was opened to the public. Appearing:

1. Joy Luther, Applicant. Ms. Luther acknowledged receipt of a copy of the staff report and concurred with the proposed project conditions.

The hearing was closed to the public.

The Planning Director proclaimed the adoption of the required findings listed below, and approved the Ray and Joy Luther use permit application (PL10-00002) subject to the following conditions of approval:

FINDINGS

- a. Find that, **as conditioned**, approval of the Luther use permit can be found to be consistent with the provisions of the Town of Paradise zoning ordinance as required because material evidence of record exists demonstrating that the original garage

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structure existed previously that it was lawfully established via issuance of a Town of Paradise building permit.

- b. Find that, **as conditioned**, approval of the Luther use permit can be found to be consistent with the goals and land use policies of the current 1994 Paradise General Plan because project approval would promote the replacement of a legal nonconforming structure for which evidence of record exists to demonstrate that it was lawfully established in its previous location.

GENERAL CONDITIONS OF USE PERMIT APPROVAL

1. If any land use for which a use permit is granted is not established with three years of use permit issuance, the use permit may become subject to revocation by the Town of Paradise.
2. Meet the requirements of the Town regarding the issuance of a building permit, compliance with all applicable construction codes and the scheduling of a final inspection prior to expiration of such building permit.
3. The proposed single-story garage shall be established in the same location as the previously-existing garage and shall be designed and constructed such that it does not exceed +480 square feet in floor area.
4. The proposed garage structure shall be painted the same color as the existing single-family dwelling on the site and shall be constructed with the same color roofing material as the existing single-family dwelling on the site.

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

5. OTHER BUSINESS – None.

6. ADJOURNMENT

The Planning Director adjourned the meeting at 11:20 a.m.

Planning Director

ATTEST:

Planning Secretary

M E M O R A N D U M

TO: Al McGreehan, Community Development Director **AGENDA NO. 4 (a)**

FROM: Craig Baker, Assistant Community Development Director

SUBJECT: Request to Modify the Terms and Conditions of a Previously Approved Use Permit Application (PL09-00202; Work Training Center); AP 051-163-039

DATE: March 11, 2010

BACKGROUND

On **September 1, 2009**, the Planning Director conducted a public hearing to consider a use permit application proposing to establish a licensed adult day care facility associated with the on-site production and retail sales of various artwork and crafts on property located at 7837 and 7849 Skyway in Paradise. At the conclusion of the public hearing, the Planning Director approved the use permit application subject to eleven conditions of project approval.

Condition No. 7 of the use permit currently requires the construction of public street frontage improvements along the full length of the public street frontage of the project site to the town-adopted C-1 road standard **within one year** of building occupancy and public patronage.

Subsequent to securing use permit approval from the Town of Paradise, the project applicants have proceeded toward fulfilling use permit conditions of approval and have recently determined that the cost of the required frontage improvements (+/- \$64,555.00) will be far in excess of an original cost estimate for the work (+/- \$21,321.00). As a result of this revelation, the project applicants have submitted a request to modify Condition No. 7 by extending the deadline by which the frontage improvements must be completed from one year from building occupancy to **three years** from building occupancy.

Written input provided by Town Engineer Dennis Schmidt has indicated support for granting the applicant's request for a two-year time extension. Mr. Schmidt's written comments also indicate a willingness to explore viable and reasonable options for reducing the cost of the improvements as any deadline for completion of the improvements approaches. Therefore staff is supportive of granting the applicant's request to modify Condition No. 7 of the Work Training Center use permit (PL09-00202).

REQUESTED ACTIONS

1. Open the scheduled and noticed public hearing and solicit testimony from the attending public.
2. Close the public hearing and approve the requested use permit modification by modifying Condition No. 7 to be worded in the following manner:

*“Post a bond or similar financial instrument with the Town of Paradise in a manner deemed satisfactory to the Town Engineer guaranteeing construction of all required public street frontage improvements within **three years** of building occupancy and public patronage.”*

3. Further modify the Work Training Center use permit by eliminating condition nos. 5 and 6, which have been fulfilled and are no longer necessary as use permit conditions of approval.
4. Direct staff to re-issue the Work Training Center use permit, modified as specified above, and to execute and record a new development agreement for public street improvements, modified in accordance with the modified use permit.