

PARADISE PLANNING DIRECTOR

April 5, 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 11:05 a.m.

1. APPROVAL OF MINUTES – March 18, 2010 meeting

The meeting minutes of March 18, 2010 were approved by the Planning Director.

2. PUBLIC COMMUNICATION

1. Patrick Denny. Mr. Denny expressed his interest in purchasing the property at 8585 Skyway for a care facility, and asked for guidance on the procedure. Planning Director McGreehan referred him to the CDD staff to review the property file.

Because of limited time, the Planning Director agreed to hear agenda item 4(a) next.

4. PUBLIC HEARING

a. Item proposed to be determined exempt from environmental review:

WENDY'S SITE PLAN REVIEW PERMIT (PL10-00225) 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.

Community Development Technician Susan Hartman reviewed the project applications for which staff is recommending conditional approval.

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

The applicant and contractor acknowledged their late receipt of a copy of the staff report. Joe Johal is the other project applicant who probably received the staff report, but did not forward it to them.

After a ten minute recess for the applicant's review of the staff report, the meeting was reconvened.

The applicants concurred with the recommended conditions of approval. Joe Holt is the contractor for Wendy's.

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- a. Jim Harding, representing neighboring homeowners. Mr. Harding submitted a letter of concern for the proposed project, but acknowledged to the Planning Director that he did not send it to the applicant. A copy of the letter was given to the applicant. Mr. Harding has no objection to the proposed restaurant. Since the drive thru is proposed to be open until midnight, there is a concern that the light standards should be moved to shield the light away from neighboring residences. In addition, as designed, the trash enclosure and receptacles are 30-40 feet from nearby homeowner residences, which will present an undue impact to them. A change in the site plan design may rectify the problem. Mr. Harding talked to the project contractor about moving the trash receptacle, and he would like to see a noise and sound barrier. Although Northern Recycling and Waste Services would like easy access to the garbage, Mr. Harding would rather see the source of noise moved back from the property line.

Susan Hartman reported that town staff suggested to Mr. Harding at an earlier date that project landscaping could provide a barrier to the trash enclosure, but the applicant had not been advised of this potential.

The hearing was closed to the public by the Planning Director.

After receiving public testimony, the Planning Director continued the hearing to Thursday, April 15, 2010 at 2:00 p.m. to afford the applicant an opportunity to address issues that were raised during the hearing concerning noise impacts and the location of the garbage receptacle. He encouraged the applicant to coordinate a meeting with town staff before the continued hearing is reconvened to discuss the placement of the solid waste containers relative to nearby residences as well as lighting on the project site.

5. CONTINUED PUBLIC HEARING

Item determined exempt from environmental review

- a. **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**

Planning Director McGreehan explained that this hearing was continued from March 18, 2010 because a letter was received from the property owner's attorney requesting more time to submit evidence on the property owner's behalf. The Planning Director acknowledged receipt of the evidence from attorney Michael Sosnowski dated March 31, 2010. In addition, the Planning Clerk provided three Town established and maintained property files to the Planning Director, and he acknowledged receipt of the files as material evidence in considering the abandonment issue. The Planning Director also acknowledged receipt and

reviewed a letter dated April 29, 2009, from Town Manager Charles L. Rough to Eric Almquist of the Oroville Economic and Community Development Corporation.

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

1. Patrick Denny, local construction contractor, and prospective buyer of the subject property. Mr. Denny requested that this meeting be continued to afford him and other prospective buyers more time to research and pursue possible purchase of the property through the foreclosure process. The property has been on the market for less than two months. Mr. Denny would like to establish a recovery facility for single mothers and their children.
2. Jim Ratekin, representing prospective buyer Gary Bess. Mr. Ratekin stated that although he has no authority to speak on behalf of Mr. Bess, his son-in-law, he knows that Mr. Bess is interested in purchasing the property for a commercial office for grant writing and motivational speaking and he has 15 employees. Mr. Ratekin requested more information about the property's zoning.

The Planning Director stated that the property is in two different zones, both are commercial, and one is more permissible than the other. The Planning Director referred him to the CDD staff for clarification.

The Planning Director closed the hearing to the floor and continued the hearing to Thursday, April 15, 2010 at 2:00 p.m. to afford him additional time to review more thoroughly the material evidence in the record to ultimately determine if the land use has been abandoned.

5. **OTHER BUSINESS** – None.

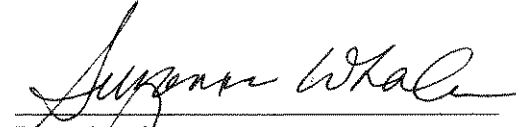
6. **ADJOURNMENT**

The Planning Director adjourned the meeting at 11:41 a.m.



Planning Director

ATTEST:



Planning Secretary

