

Minutes
Clayton Planning Commission Meeting
Tuesday, March 12, 2013

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon
Vice Chair Gregg Manning
Commissioner David Bruzzone
Commissioner Sandra Johnson
Commissioner Dan Richardson

Absent: None

Staff: Interim Community Development Director Kenneth Craig
Assistant Planner Milan Sikela, Jr.

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Johnson to report at the City Council meeting on March 19, 2013.

Public Comment

Richard Brisbon, 5569 Morningside Drive, indicated the following:

- My comments are concerning an old fence and a new fence and public laws being enforced on private lands.
- We contacted the City regarding locating a new wrought iron fence on our property and were told it was alright to place our fence in the location where we have started to install it. A week later, we received a stop work order.
- It is my understanding that a neighbor of ours complained about us installing the wrought iron fence. My neighbor indicated that she wanted to install a fence in the same location as our wrought iron fence and was told she could not install her fence in that location.
- After I received the stop work order, I tried to file an appeal, but was told that the appeal process is not the proper way to proceed under these circumstances.
- I was subsequently told to write a letter to the City, which I did on February 20, 2013.
- I then received a letter from the City Attorney which stated that I was able to build a six-foot fence 10 feet from our front property line; however, the current location of our wrought iron fence is 30 feet from our front property line.
- I understand that there are easements along Morningside Drive—one easement is 30 feet wide and one easement is 50 feet wide.
- It is my understanding that the easements on Morningside Drive were established so that, at some future time, a City street would be installed.
- The installation of the City street never happened, yet we are being told by the City that we have to follow City street ordinances even though Morningside Drive is a private lane.

- Our neighbor recently constructed a custom residence and was approved by the City to install trees, shrubbery, and a mailbox in the same area that we are being told we cannot build a fence.
- One of my complaints is how we were treated by the City. My wife, Deena Stephens, initially called the City to get permission to build the fence in the subject location and was told that the fence could be up to six feet in height at 10 feet behind the front property line. As a result, we started to build the fence in the subject location.
- The neighbor has pit bulls and I worry about them because my grandchildren play in the front. So I wanted to construct the fence in order to protect my grandchildren.
- The location of my fence is in line with other fences on the street. If my fence is in violation, then all the other fences on the street are in violation.
- I was told that this would be brought before the Planning Commission.

Deena Stephens, 5569 Morningside Drive, indicated the following:

- My parents owned the property since I was 10 years old.
- I bought the property from my parents 15 years ago.
- There is an easement that the City owns that has a fence located at the edge of the 30-foot easement.
- My confusion stems from the fact that the City Attorney said that the item was going to be scheduled to go before the Planning Commission today.

Approval of Minutes

2. Approval of minutes from the meeting of February 26, 2013.

Vice Chair Gregg Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as presented. The motion passed 5-0.

Public Hearing

- 3A. **SPR 01-13, Site Plan Review Permit, Allen and Jeanine Blatter**, 113 Forest Hill Drive, APN 118-480-016. A request for a site plan review permit to consider the construction of a second-story balcony to be located on the rear of an existing two-story single-family residence. The balcony measures approximately 340 square feet in area and is located approximately 12 feet above ground level. *Continued from the meeting of February 26, 2013.*

Chair Haydon opened the continued public hearing.

Assistant Planner Milan Sikela presented the staff report.

The applicant, Jeanine Blatter, indicated she was in agreement with the staff recommendation.

Commissioner Bruzzone asked the applicant if there were any plans to install an awning or other shade structure above the balcony. *The applicant indicated that the sun generally shines on the opposite (south) side of the residence so no shade structure would be installed over the balcony.*

Commissioner Johnson asked the applicant if any landscaping would be installed on the balcony. *The applicant indicated that no landscaping would be installed on the balcony.*

Commissioner Richardson indicated that he was comfortable with the project as proposed.

Vice Chair Manning indicated the following:

- He disagreed with the neighbors' claims that the balcony would impact views and privacy.
- The neighboring property is higher in elevation than the subject property. Someone standing in the neighboring property would be able to look down upon the subject property; as a result, he did not feel that the balcony would impact the privacy of the neighboring property.
- The view from the neighboring property is to the right of where the balcony would be located; therefore, the balcony would have negligible impacts to the views down Clayton Valley from the neighboring property.

Commissioner Johnson agreed with Vice Chair Manning that the balcony would have a nominal impact upon the views from the neighboring property.

Commissioner Bruzzone indicated the following:

- I agree with the other Planning Commissioners.
- A good analysis was provided in the staff report regarding how the view from the neighboring property changed from different locations in the back yard of the neighboring property looking out toward Clayton Valley.
- The applicant has done a good job at working with her neighbors.

Chair Haydon indicated the following:

- I conducted a site visit to the neighboring property.
- The balcony would cause a negligible impact to views from the neighboring property.
- The view from the neighboring property is massive, with the balcony only taking up a very small component of the view corridor.
- There is a secondary viewing platform in the northeast corner of the neighboring property that allows for an even bigger view down Clayton Valley.

Commissioner Richardson moved and Vice Chair Manning seconded the motion to approve Site Plan Review Permit SPR 01-13, with the findings of approval and condition of approval recommended by staff. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

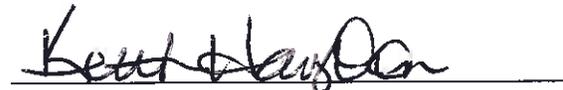
Community Development Director Kenneth Craig provided updates on Toll Brothers moving forward with closing escrow on the affordable housing unit, the status of the Silver Oak Estates residential subdivision, Annual Progress Report going before the City Council, Town Center parking waiver extension, and Request For Proposals being mailed out for the upcoming 2014-2022 Housing Element Update. In addition, he reminded the Planning Commissioners that their Form 700s are due by April 1, 2013 and that Chair Haydon's and Commissioner Richardson's terms will be expiring in June 2013.

6B. Commission — None.

Adjournment

7. The meeting was adjourned at 7:47 p.m. to the regularly-scheduled meeting of March 26, 2013.


Submitted by
Kenneth Craig
Interim Community Development Director


Approved by
Keith Haydon
Chair

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