

CITY OF CHICO PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING OF
July 7, 2016

Municipal Center
421 Main Street
Council Chambers

Commissioners Present: Toni Scott, Chair
 John Howlett, Vice Chair
 Cynthia Arregui
 Bob Evans
 Margaret Worley

Commissioners Absent: Dale Bennett
 Ken Rensink

Staff Members Present: Mark Wolfe, AICP, Community Development Director
 Brendan Vieg, Principal Planner
 Mike Sawley, AICP, Associate Planner
 Matt Johnson, Senior Development Engineer
 Andrew Jared, Assistant City Attorney
 Stina Cooley, Administrative Assistant

1. ROLL CALL

Chair Scott called the meeting to order at 6:30 PM. Commission members and staff were present as noted.

2. EX PARTE COMMUNICATION

Commissioners Worley & Arregui stated they had driven by the project site. Commissioner Arregui stated she had spoken with staff regarding Item 4.1.

3. CONSENT AGENDA

3.1 Approval of Minutes

June 16, 2016 Minutes

Chair Scott requested to amend page 3 of the minutes so that the statement “Commissioners requested clarification from the applicant regarding design, consolidated open space and the design along Little Chico Creek” be placed prior to “Chair Scott Re-opened the public hearing at 7:40 PM”. There were no objections.

Commissioner Worley moved to approve the minutes as amended, Commissioner Evans seconded the motion, which passed (5-0-2; Bennett & Rensink Absent)

4. PUBLIC HEARING ITEMS

4.1 Use Permit 16-02 (Scott) – 968 East Avenue, APN 015-230-031 – A request to operate a cardroom with 7 game tables located within an 800 square foot area of an existing nightclub/sports bar (“Quackers”). The request includes authorization for 24-hour business operation within 300-feet of a residential zoning district. The site is designated Regional Commercial on the General Plan diagram and in the CR-AOB2 (Regional Commercial-Aircraft Operations B2) overlay zoning district. This project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Senior Planner Bob Summerville provided a project overview.

Staff responded to Commission questions regarding the project’s proximity to a school, design of the proposed fence, lighting, security, and alcohol sales. Mr. Summerville stated that the cardroom would be subject to a rigorous annual review by the California Gaming Commission which includes issues related to security, operations, and safety.

Chair Scott opened the public hearing at 6:41 PM.

John Scott, the applicant, addressed the Commission. Mr. Scott stated that he appreciated the hard work of the staff to bring the project to this point.

Mr. Scott responded to questions from Commissioners regarding the project’s request for 24-hour operation, security, and frequency of tournaments. Mr. Scott stated that he did not intend to operate 24 hours on a daily basis, but that it provides a safe guard in the event that a game must continue. It is not appropriate to simply shut a poker game down. He stated that this situation is anticipated mainly during tournaments.

Robert Mowry, Owner of “Quackers”, addressed the Commission. Mr. Mowry stated he has planned many upgrades to the building. He will also be increasing his hours of operation in the bar and food service areas. Mr. Mowry stated that the plan is to increase the lighting in the parking lot, and the proposed fence between the project site and the school is 217 feet long. Mr. Mowry stated that there is a proposed smoking area behind the building so it will not be visible to the school. Mr. Mowry stated that while food & beverage service would continue while the card room was open, all alcohol sales must adhere to the ABC licensing laws and no alcohol can be sold after 2 AM.

Chair Scott closed the public hearing at 6:55 PM.

Commissioner Evans moved that the Planning Commission adopt Resolution 16-08, approving Use Permit 16-02 (Scott), based on the required findings and subject to the conditions contained therein. The motion was seconded by Commissioner Worley.

Commission discussion continued. Chair Scott stated she was concerned about the project's 24-hour operation. She requested examples of other businesses that had approval for 24-hour operations. Senior Planner Summerville stated there were several fast food restaurants and pharmacies that are currently open 24 hours.

Commissioner Evans stated that the application is for a Conditional Use Permit, if any issues arise during the operation, the conditions can be reviewed at that time. Commissioner Evans called for the question.

Chair Scott called for a vote. The motion passed (3-2-2; Arregui & Scott opposed; Bennett & Rensink absent)

5. REGULAR AGENDA

5.1 Consideration of a Public Hearing to receive comments on the Draft Environmental Impact Report (DEIR) for the Wal-Mart Expansion Project -

The Planning Commission will consider whether or not there shall be a Public Hearing to receive comments on the Draft EIR and, if so, in what forum such a Public Hearing will be conducted.

Community Development Director Wolfe presented the item. Director Wolfe stated that the Wal-Mart Expansion Draft Environmental Impact Report (DEIR) is currently in the public review and comment process. As the deciding body for the project, the Planning Commission must decide: 1) if a public hearing will be held to hear public comment on the adequacy of the EIR; and 2) if a hearing is held, will the Planning Commission preside over the hearing or if staff will facilitate the hearing.

Staff responded to questions regarding the DEIR and the public review process.

Chair Scott opened the meeting to public comment at 7:10 PM. No members of the public wished to address the Planning Commission. Chair Scott closed the public comment period.

Commissioner Worley moved the Planning Commission conduct a public hearing to receive comments on the adequacy of the Draft Environmental Impact Report at its

regularly scheduled July 21, 2016 meeting. Commissioner Howlett seconded the motion, which passed (5-0-2; Bennett & Rensink absent).

6. **BUSINESS FROM THE FLOOR**

None

7. **REPORTS & COMMUNICATIONS**

7.1 **Planning Update**

Community Development Director Wolfe stated that there were no other items on the agenda for the July 21, 2016 meeting, therefore, the public hearing for the draft Environmental Impact Report for the Wal-Mart Expansion project will be the only item.

8. **ADJOURNMENT**

There being no further business from the Commission, the meeting adjourned at 7:13 PM to the **Adjourned Regular Meeting of Thursday, July 21, 2016.**

7/21/16
Date Approved

Mark Wolfe
Mark Wolfe, AICP
Community Development Director /
Planning Commission Secretary