



CITY OF OAKDALE
PLANNING COMMISSION

December 3, 2008

Request: For a Major Use Permit 2008-34 to allow a powder coating business to be located in a C-2, General Commercial zone.

Location: 521 I Street

APN: 129-009-024

Zoning District: C-2, General Commercial District

General Plan: Central Business District Commercial (CBD COM)

Applicant/Owner: Lou Dias

Background

The conditional use permit was continued from the November 5, 2008 Planning Commission public meeting.

Setting

The proposed site is a 15,000 square foot parcel located at 521 I Street between 4th and 5th Avenue. Adjacent land uses, zoning and General Plan designations for the surrounding properties are summarized as follows:

| | Land Use | Zoning Designation | General Plan Designation |
|-------|---------------------------|--------------------------------|--------------------------------------|
| North | Single-Family Residential | R-1, Single-Family Residential | Medium-Density Residential |
| South | Cemetery | M-1, Light-Industrial | Industrial |
| East | Public Works Corp Yard | C-2, General-Commercial | Public/Semi-Public |
| West | Single-Family Residential | C-C, Central-Commercial | Central Business District Commercial |

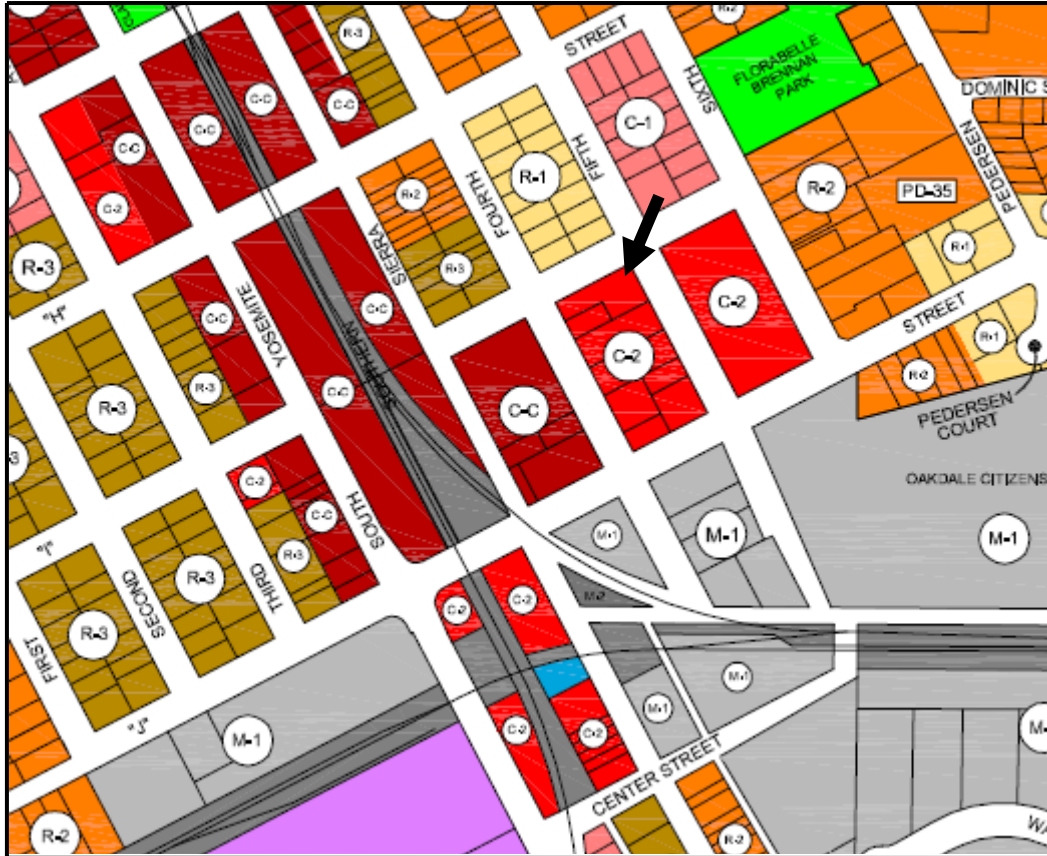
Analysis

Mr. Dias is requesting to locate a powder coating business within this existing 6,500 square foot commercial building. The commercial building was constructed a number of years ago and provided an office/storage facility, seven storage units, and an open space gravel area. There are no on-site parking spaces or landscaping provided in accordance with today's commercial zoning code standards.

The proposed land use is located on a city block that is a range of land uses from an alternative education system at the very southern end of the block with several automotive services midblock to this proposed use at the north end of the block. The powder coating business would be contained within the building and would not have any outdoor operations. The use also does not appear to produce odors or excessive noise that could be a neighborhood concern. The hours of operation are typical business hours of 8 a.m. to 6 p.m. up to six days a week which mirror the other commercial operations.



Proposed Location



The zoning designation for the site is C-2, General Commercial and the General Plan Land Use Designation is Central Business District, Commercial. The proposed project would be consistent with the commercial designation.

The C-2, General Commercial Zoning Code Section (36-12.3) does not specifically identify this land as being permitted; however, Section 36-12.5 (Major and Minor Use Permits) (B)(17) provides *“any other retail business or service establishment which is determined by Planning Commission Resolution to be consistent with the purpose of this Section and which will not impair the present or potential use of adjacent property.”*

The applicant is seeking the Planning Commission’s support under this broad category to permit this business to be located in the C-2 zone. The use could be considered a similar business based on the automotive uses on this block. The powder coating business will be required to comply with current zoning code standards for building, planning, fire and public works and have been included in the conditions of approval.



Staff is recommending the applicant provide on-site parking spaces as there is sufficient space on-site to meet this standard.

However, staff is not requesting any landscaping (to meet zoning code standards) because the site is developed with buildings or concrete. A commercial landscape standard is typically located in the front portion of the property (adjacent to the street) adding aesthetic appeal and given the developed transitional area (residential, commercial and industrial) landscaping at this juncture would be an unreasonable expense and would have limited community benefit.

Environmental Analysis

The project is determined to be Categorical Exempt in accordance with the California Environmental Quality Act Section 15301, Existing Facilities.

Summary

Staff is recommending approval of the major use permit for the powder coating business as it appears to be a compatible land use based on the varied commercial and residential land uses in this area.

Recommended Findings

General Plan

The proposed Major Use Permit is consistent with the City of Oakdale General Plan.

CEQA

The project has been reviewed to be in compliance with CEQA (California Environmental Quality Act) and the appropriate determination has been made.

Conditional Use Permit

The project is deemed to be a reasonable extension of the existing development patterns.

The site for the proposed use has adequate access which shall mean that the site design is of a size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, landscaping and other features pertaining to the application.



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Recommended Action

Should the Planning Commission approve the request, the following motions would be appropriate:

1. "I move the project is Categorical Exempt in accordance with the California Environmental Quality Act, Section 15301 Existing Facilities."
2. "I move to approve the powder coating business land use request to be located at 521 I Street within a C-2, General Commercial District based on the findings and conditions of approval."

Attachments

- A. Resolution No. 2008-XX

ATTACHMENT A



IN THE PLANNING COMMISSION
OF THE CITY OF OAKDALE
STATE OF CALIFORNIA

PLANNING COMMISSION RESOLUTION 2008-XX

**RESOLUTION OF THE CITY OF OAKDALE PLANNING COMMISSION
TO APPROVE A POWDER COATING FACILITY AT 521 I STREET (129-009-024)**

THE CITY OF OAKDALE PLANNING COMMISSION DOES HEREBY RESOLVE THAT:

WHEREAS, a request has been submitted by Lou Dias to operate a powder coating business at 521 I Street, Oakdale, CA (Assessor Parcel Number 129-009-024) pursuant to the Zoning Ordinance. The property is zoned General Commercial (C-2) District and has a General Plan land use designation of Central Business District (CBD); and,

WHEREAS, the Commission finds this powder coating business to be consistent with the purpose of the C-2, General Commercial zone and is of similar operation to the land uses referenced in Section 36-12.5 (General Commercial section) Major and Minor Use Permits of the Oakdale Municipal Code; and,

WHEREAS, the project is Exempt from the California Environmental Quality Act (CEQA) under Section 15332 (Infill Development); and,

WHEREAS, the Planning Commission held a duly noticed public hearing on Wednesday, November 5, 2008, considered staff recommendations for approval, heard public testimony and adopted findings.

NOW, THEREFORE, BE IT RESOLVED that the **CITY OF OAKDALE PLANNING COMMISSION** has determined that a powder coating business is consistent with the purpose of the General Commercial (C-2) District and is of similar operation of the principal uses specifically referenced in Section 36-12.5 of the Oakdale Municipal Code.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 3rd DAY OF DECEMBER, 2008 by the following vote:

| | | |
|----------|----------------|-----|
| AYES: | Commissioners: | () |
| NOES: | Commissioners: | () |
| ABSENT: | Commissioners: | () |
| ABSTAIN: | Commissioners: | () |

Steven Howie, Chairperson
Planning Commission

Attest:

Danelle Stylos, Secretary
Planning Commission



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Exhibit A
Conditions of Approval

1. The applicant shall defend, indemnify, and hold harmless the City of Oakdale, or its agents, officers or employees from any claim, action or proceeding against the City which attacks, attempts to set-aside, void, or annul, this approval by the Administrative Hearing Officer concerning the Major Use Permit which action is brought within the time period provided for in Section 66499.37 of the State Government Code. The City shall promptly notify the developer/applicant of any claim, action, or proceedings and shall cooperate fully in such defense. (PLNG)
2. Granting of this Major Use Permit is conditional and revocable. This permit may be revoked if the use is found to be detrimental to the health, safety, morals, comfort and/or general welfare of persons residing or working in the neighborhood, or the general welfare of the City of Oakdale and/or conditions herein are not complied with. (PLNG)
3. All building and/or free standing site signs will require a separate sign permit and approval of the Community Development Department. Signs will be scaled to the building and colors will be compatible with the building and surrounding district. (PLNG)

PRIOR TO ISSUANCE OF BUILDING PERMIT

4. No construction shall occur on-site prior to the issuance of a building permit. (BLDG)
5. Payment of all applicable City and County Facility Fees will be required at the time of building permit issuance. (PLNG)
6. The project site shall include five parking stalls including one handicap parking stall. All required customer parking for the proposed use will be accommodated in a lighted, paved and unfenced off-street parking lot.
7. Tenant improvements shall be submitted prior to any facility modifications. All drawings shall be to scale, and drawn by a design professional. (BLDG)
8. Applicant shall obtain an environmental clearance from an appropriate environmental assessment agency. (BLDG)
9. Three sets of detailed fire protection sprinkler system plans to be reviewed and approved (design must meet NFPA13 standards). (Fire)
10. Three sets of underground fire protection sprinkler system and/or on-site hydrants and piping to be reviewed and approved (See standard details 10-K through 10-O). (Fire)
11. Three sets of a fire alarm system to be reviewed and approved (design to meet the California Fire Code). (Fire)
12. Three sets of a fire protection sprinkler monitoring system to be reviewed and approved (design to meet the California Fire Code). (Fire)



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13. Three sets of a facility entry/master key "Knox Box" key safe for rapid entry (See standard details 10-H & 10-H-1). (Fire)

PRIOR TO CERTIFICATE OF OCCUPANCY

14. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Refer to Standard Details 10-D through 10-D-5. (Fire)
15. Fire extinguishers are required; location, type and size shall meet California Fire Code requirements. (Fire)
16. A sampling manhole must be installed per City Standards on the sewer service(s) serving this property.(PW)
17. A sidewalk must be installed along the Fourth Street frontage of this property at least five (5) feet in width per City Standards.
18. A backflow device must be installed per City Standards on all water services serving this property.

ADVISORY CONDITIONS

19. A check payable to the Stanislaus County Clerk Recorder for \$57 to cover the filing fee for the Notice of Exemption per the California Environmental Quality Act shall be submitted to the Community Development Department within forty-eight (48) hours of project approval. (PLNG)
20. Install a light on the north side of the building to minimize graffiti. (Police)

Note: Fire Department standards are available at www.ci.oakdale.ca.us/fire/standards.htm