

**CITY OF WINTERS PLANNING COMMISSION AGENDA
-SPECIAL MEETING-**

Tuesday, October 12, 2010 @ 6:30 PM

City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 795-4910 #113
Email: jenna.moser@cityofwinters.org

Chairman: Pierre Neu
Vice Chairman: Glenn DeVries
Commissioners: Wade Cowan, Bruce Guelden, Corinne
Martinez, Phillip Meisch, Joe Tramontana
Administrative Assistant: Jenna Moser
Community Development Director: Nelia Dyer

I CALL TO ORDER 6:30 PM

II ROLL CALL & PLEDGE OF ALLEGIANCE

III CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. **NOTICE TO SPEAKERS:** Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

IV CONSENT ITEM

Approval of Meeting Notes from the August 10, 2010 special meeting and August 24, 2010 regular meeting of the Planning Commission.

V. STAFF/COMMISSION REPORTS

Current Projects List

VI DISCUSSION ITEMS:

A. *Public Hearing and Consideration of an application for a Conditional Use Permit for a gym to be located at 113 and 115 Main Street in Winters, California.*

The applicant, Reid Tileston, is proposing to locate an Anytime Fitness gym at 113 and 115 Main Street in a 4,000 square foot space. According to the applicant, the proposed gym will include cardio and strength equipment, 24 hour access into the gym, 24 hour security for its members, and private restrooms. The proposed gym will be accessible through a membership. The location of the proposed gym is in the Downtown Form Based Code Area, which is governed by Chapter 17.58 of the Winters Municipal Code (WMC). According to WMC Chapter 17.58, a "health club" requires Planning Commission approval of a conditional use permit.

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT ADMINISTRATIVE ASSISTANT OF THE COMMUNITY DEVELOPMENT DEPARTMENT POSTED THE AGENDA FOR THIS MEETING ON OCTOBER 7, 2010.



JENNA MOSER - ADMINISTRATIVE ASSISTANT

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

MEETING NOTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR

THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF \$25.00 FOR A SINGLE PACKET AND \$250.00 FOR A YEARLY SUBSCRIPTION.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA; HOWEVER, TIME LIMITS MAY BE IMPOSED AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, AUGUST 10, 2010**

DISCLAIMER: These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.

Formatted: Justified

Chairman Neu called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu

ABSENT: None

STAFF: City Manager John Donlevy, Community Development Director Nelia Dyer, City Attorney John Wallace, Contract Assistant City Attorney Laura Hollender, Contract Planner Heidi Tschudin, Contract Engineer Jim Fletter, Contract Traffic Engineer Bob Grandy, and Administrative Assistant Jenna Moser

Commissioner Meisch led the Pledge of Allegiance.

CITIZEN INPUT: None

COMMUNICATIONS:

Staff Reports: Community Development Director Dyer reviewed the agenda and the order of discussion.

Commission Reports: None

CONSENT ITEM

Approve minutes of the July 13, 2010 special meeting of the Planning Commission.

Motion by Commissioner Guelden, Second by Commissioner Tramontana to approve the minutes for the July 13, 2010 special meeting of the Planning Commission. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu

NOES: None

ABSTAIN: None

ABSENT: None

DISCUSSION ITEM

A. PUBLIC HEARING AND CONSIDERATION OF A PLANNING APPLICATION FOR A CONDITIONAL USE PERMIT, SITE PLAN/DESIGN REVIEW, SIGN PERMIT FOR A FREEWAY INFORMATION SIGN, VARIANCE FOR THE FREEWAY INFORMATION SIGN, AND CEQA

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, AUGUST 10, 2010**

CLEARANCE FOR A PROPOSED BURGER KING RESTAURANT, ARCO GAS STATION, AM/PM CONVENIENCE MART, AND TRUCK FUELING FACILITY.

Community Development Director Dyer provided an overview of the staff report, staff recommendations, site plans, and exhibits. City Manager John Donlevy provided a brief report on the existing signs in the City and surrounding area that are out of compliance under current regulations. (Please note that the Berryessa Gap Winery sign included in the slide presentation is not located within the Winters city limits).

Commissioner Guelden requested that the top curved portion of the sign read "Winters". Commissioner Tramontana stated he liked Commissioner Guelden's idea.

Commissioner Tramontana asked whether the freeway information sign could be moved north on the site. In response, both the project architect, Julio Tinajero, and Ms. Dyer stated that there were concerns regarding the location of the sign in relation to the location of the businesses advertised on the sign. Ms. Dyer stated that she would look into the matter.

Commissioner Martinez asked why staff could not consider the sign under the current standards rather than accept a variance. Ms. Dyer stated that staff informed the applicant that he could either comply with the City's current standards for freeway information signs or seek approval of a variance from Planning Commission to deviate from the current standards. Ms. Dyer added that staff recognizes the need to update the sign ordinance; however, staff determined that amending the sign ordinance was too big of a task for this one project.

Chairman Neu stated that he would like to follow the standards for signs that are already in place, and is not in favor of putting "Winters" on the top of the curved portion of the sign.

Mr. Sunny Ghai, the project applicant, stated that sign as proposed will draw people to the facility. He added that the current standards do not allow for a sign that one can view from I-505.

Commissioner Martinez asked Mr. Ghai if the sign as proposed meets his needs. Mr. Ghai responded yes.

Commissioner Martinez suggested stacking the signs rather than have them placed horizontally.

Chairman Neu stated that he does not support making the sign bigger.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, AUGUST 10, 2010**

Ms. Dyer read Condition of Approval #71, regarding the size and number of signs allowed per business.

Commissioner Martinez said she supported the stacking of the signs, and prefers a clean, streamlined look.

Ms. Dyer directed the Chairman to open the public hearing to receive comments. She added that once the public hearing is closed, staff and the Commissioners could review each action item with consideration of the comments from the public.

Chairman Neu opened the Public Hearing at 7:30PM.

Susan Hassett, Pleasants Valley Road, stated she does not care what kind of gas they offer and supported keeping the trees that are currently on the subject site. She also mentioned that she is concerned about the impact of this gas station to other fuel stations in town.

Kate Laddish, 400 Morgan Street, stated she appreciates the work of staff and the applicant in response to the comments from the Commission and the public at the January 26, 2010 Planning Commission meeting. Ms. Laddish also stated she is not in favor of the illuminated stripe and favors a streamlined sign design.

Jan Scheubert, 307 Main Street, voiced concerns about pedestrian safety on 128, and would like to see a sidewalk along SR 128 from Railroad Avenue to the project site.

Marcia Gibbs, 204 Main Street, said she was concerned about rushing this project through approvals, and has concerns with traffic, pedestrian safety, flooding, air quality, mitigation monitoring and cumulative impacts. Ms. Gibbs provided a letter to the Planning Commission for the record.

Dora Bermudez, 711 Taylor Street, stated she is worried about the health of children and teenagers in the community resulting from the consumption of the kind of food that Burger King offers.

Lourdes Figueroa, 711 Taylor Street, has concerns about obesity, diabetes, and heart problems resulting from the consumption of the kind of food that Burger King offers.

Shaunie Briggs, 822 Railroad Avenue, stated that she has concerns with recent newspaper headlines in the Winters Express regarding the project. She also expressed that she does not support any concentration of fast food and read Policy I.D.7 from the General Plan regarding the avoidance of any concentration of fast-food restaurants in Winters. Ms. Briggs added that she is not in favor of huge corporate signs near the City's gateway.

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Dave Richard Holdstock, 415 Dry Creek, voiced concerns about traffic generated by this project, entering and exiting on County Road 90. Mr. Holdstock provided a letter to the Planning Commission for the record.

Frank Martin, 815 Carrion Circle, supports the project, stating that he is a lifetime resident of Winters and that trucks have been entering and exiting at County Road 90 for years and years. Mr. Martin stated that he does not like people putting up roadblocks to development and said the sign should be even bigger.

Joe Castro, 104 Third Street, stated he is a lifetime resident of Winters and said that Mr. Ghai has done a good job with his design. Mr. Castro supports the size of the sign. Mr. Castro added that he does not think it is Mr. Ghai's responsibility to put in a sidewalk from I-505 to Railroad Avenue; however, he is concerned about the safety of children walking to and from the project

T.R. Martin, 31293 Russell, would like to see the sign standards revised. He also stated that supports the project and thinks it is long overdue. Mr. Martin stated that there are 16 restaurants in town and that competition is good for business.

Mike McCoy, 26738 County Road 34, ~~questioned the CEQA exemptions and is opposed to the project faulting the planning.~~ questioned the CEQA exemptions on the grounds that the project was not consistent with the Winters General Plan, did not adequately address traffic impact that were unique to this site, and not treated in the Winters General Plan, and was not responsive to significant new information about impacts that was not available at the time of the development of the Winters General Plan and General Plan EIR. He also advocated that the project be considered as part of a larger area wide plan which would set it in a context where its consistency with other General Plan elements could be judged. Mr. McCoy provided a letter to the Planning Commission for the record.

Susan Stackhouse, 101 Elliot Street, questioned the CEQA exemption, stating that the categorical exemption does not apply to this project. Ms. Stackhouse stated the city is approaching this area in a piecemeal fashion and does not support that. She also requested a project specific EIR. Ms. Stackhouse also has concerns about fuel leaks.

Javier Gutierrez, 1003 Hemenway, wants a plan in place for fuel leaks, and thinks the applicant is more concerned with the needs of Burger King than the needs of this community.

Mark Wilson, 208 Toyon, called the project "asphalt and blood" planning, and has concerns for pedestrian and traffic safety. Mr. Wilson asked for planning for fuel leaks, earthquakes, and HAZMAT incidents. Mr. Wilson also is concerned about graffiti. Mr. Wilson provided a letter to the Planning Commission for the record.

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Ana Kormos, 8870 Wintu Way, has public health and safety concerns related to the project and provided a petition against the project with signatures. Ms. Kormos wants to see more development in town but wants more time to determine the type of development.

Paul Meyer, 730 Lupine Way, spoke in favor of the project stating that Burger King is not an evil corporation. He also stated that the applicant is making an investment in the community. Mr. Meyer stated that the youth of the community has bigger concerns than cheeseburgers.

Bill Hailey, 25501 Buckeye Road, would like to see more thoughtful design sensitivity, stated concerns with flooding, and would like to see a ban on drive-through restaurants in Winters. Mr. Hailey provided a letter to the Planning Commission for the record.

Sally Brown, 24 East Main, stated concerns about being pressured to decide to quickly and stated that she would like to be able to wait until further gateway planning has been done. Ms. Brown provided a letter to the Planning Commission for the record.

Al Vallecillo, 204 Main Street, voiced concerns about the CEQA exemption. Mr. Vallecillo provided a letter to the Planning Commission for the record.

Cathy Cowan, 106 Third Street, stated she prefers the decorative aspects of the monument sign and likes the addition of a fourth "tenant" on the monument sign. Ms. Cowan also stated that she would like to see decorative awnings on the fuel canopies.

Jeff Ten-Pas, 24 East Main, stated he thinks the review of this project has been rushed and has issues with parking. He also stated that he objected to the recommendation of the Community Development Director's determination that the truck fueling facility was similar to an auto repair shop, and, therefore, allowed in the Light Industrial zone. Moreover, he objected to the City Manager assuming the role of the Economic Development Commission, without apparent authority, and doing design review on a project-by-project basis. Mr. TenPas provided a letter to the Planning Commission for the record.

Eric Doud, 15 Main Street, stated that he feels rushed in his review of the project and pressure on the Planning Commission to make a quick decision. Mr. Doud has concerns about aesthetics, safety and community welfare, and asked the Commission to postpone the decision. Mr. Doud provided a letter to the Planning Commission for the record.

Sunny Ghai, the applicant, stated that he has over a half million dollars in escrow right now and a decision is necessary.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, AUGUST 10, 2010**

Chairman Neu closed the Public Hearing at 8:46 PM and recessed for 5 minutes.

Commissioners returned to the dais at 8:56 PM.

Commissioner Cowan thanked staff, the applicant and the City Manager for the work on this item. Commissioner Cowan stated that he supports the sign with "Winters" at the top, and asked Mr. Ghai if the underground tank would cost more money. Mr. Ghai responded that there is a fee imposed by the State for underground tanks. The fee would be passed on as a cost to the customer.

Commissioner Cowan asked about Condition of Approval #82, regarding trash pickup. Mr. Ghai responded that trash pickup is done every 30 minutes along the paths of travel.

Commissioner Cowan suggested an alternative material to the black iron fence rails, and stated that while the illuminated red stripe is not a deal breaker for him, he reminded the applicant that the Commission suggested that it be removed from the design presented at the January 26, 2010 Planning Commission meeting, when the project was presented as an informational item. Mr. Ghai responded that if the Commission denies the stripe, the building would need to look more like a regular Burger King. Mr. Ghai added that his project team has already made many concessions on the design of the building.

Commissioner Cowan asked about corporate contributions to the community. Mr. Ghai responded that Burger King does fundraisers for local schools for scholarships and sports, and that all corporate donations go to local schools.

Commissioner Cowan stated that he would support a mansard roof on the proposed fuel canopies, similar to what was approved for the canopy at Berryessa Sporting Goods.

Commissioner DeVries thanked the applicant and his team for their hard work on the project. Commissioner DeVries stated that he is in favor of more contoured fuel canopies/awnings with slope, and would like for the applicant to consider a non-illuminated band. Jamal Fair, Burger King Representative, stated that the illuminated band is LED lit, energy saving, and a real enhancement to the building.

Chairman Neu stated he wants non-offensive lights at the project site.

Commissioner Guelden suggested the use of landscaping along the retaining wall to minimize graffiti prone areas. Ms. Dyer stated that a condition of approval could be added for that suggestion.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
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In response to Commissioner Tramontana's concern regarding the sign expressed earlier in the meeting, Ms. Dyer informed the Commissioners that the freeway information sign can be located in the M-1 section of the parcel.

Commissioner Martinez stated that she prefers a more streamlined and simple sign style, supports the landscaping along the retaining wall to minimize graffiti. Commissioner Martinez iterated the concerns of some members of the public regarding CEQA.

Commissioner Meisch stated he supported landscaping along the retaining wall to minimize graffiti prone areas, supports locating the monument sign farther north on the lot, and maximizing outdoor seating and bike spaces.

Chairman Neu stated he does not want a glaring light coming from the project area, he supports more sidewalks accessing that site, and is concerned about graffiti. Commissioner Neu stated that the project had come a long way and is pretty much pleased with it. He would support a shed canopy, not flat. Commissioner Neu said he supports appealing franchises and would like to see a solar panel element to this project. Commissioner Neu stated finally that he feels we are rushing the project.

Commissioner DeVries moved to approve the application for a Conditional Use Permit, Site Plan/Design Review, Sign Permit, Variance, and CEQA Clearance for a proposed Burger King Restaurant, Arco Gas Station, AM/PM Convenience Mart, and truck fueling facility with conditions as amended. Seconded by Commissioner Guelden.

Commissioner Martinez asked for the amended conditions to be read.

Ms. Dyer read the amended and added conditions of approval:

71. Pursuant to Winters Municipal Code Section 17.80.030(R)(2), the sign plan shall be modified to provide sign area for additional businesses on the freeway identification sign, to the satisfaction of the Community Development Director. The total sign area of the freeway identification sign shall not exceed 240 200 square feet (or 60 square feet per individual business).

*72. The sign plan shall be modified to remove the **arch (along with the City of Winters' logo) and the decorative cap located in the middle of the sign** from the freeway identification sign, to the satisfaction of the Community Development Director.*

*74. Pursuant to Winters Municipal Code Section 17.80.040, the building elevations showing the wall signs shall be modified to show wall signs on the **north west** and east elevations only and limited to a maximum total sign area of 100 square feet, to the satisfaction of the Community Development Director.*

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
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77. *The site plan and landscaping plans shall be modified to increase proposed landscaping, provide pedestrian improvements, and incorporate outdoor seating area (including a possible water feature within a courtyard or plaza design) along Grant Avenue, to the satisfaction of the Community Development Director.*

82. *Applicant shall be responsible for at least daily regular trash pick-up on- and off-site as related to customers littering packaging associated with purchases from the fast food and convenience store.*

85. *The retaining wall shall incorporate graffiti resistant materials. In addition, the applicant shall also be required to plant and maintain attractive climbing vegetation to screen and adorn the entire east elevation of the retaining wall, to the satisfaction of the Community Development Director.*

86. *All iron railing shall be powder coated to a complementary color, to the satisfaction of the Community Development Director.*

Commissioner Martinez moved to divide the question and consider five items separately. Chairman Neu seconded.

Heidi Tschudin, Contract Planner, advised the Commission to withdraw both of the motions in order for her to address the concerns and questions voiced by the public during the public hearing. Commissioner DeVries withdrew his motion. Commissioner Martinez withdrew her motion.

To address public's questions and concerns regarding CEQA, Ms. Tschudin stated that the 1992 General Plan EIR is still a valid document, the framework and mitigation is already in place regarding traffic and circulation, and that the term "peculiar" refers more to environmental peculiarity, not design.

Chairman Neu re-opened the Public Hearing at 10:35pm.

Jeff Ten Pas, 24 E Main Street, questioned about fill dirt required for the site. He also expressed his concerns regarding the traffic affects generated by the project as well as increased flooding resulting from the project and possible impacts to surrounding properties. He stated that these potential affects resulting from the project made the development parcel peculiar, and therefore, ineligible for the CEQA exemption proposed.

Kate Laddish, 400 Morgan Street, asked about timing of traffic improvements. Bob Grandy, the Contract Traffic Engineer from Fehr and Peers, stated the first improvement would be a stop sign from the southbound ramp from I-505 onto Highway 128/Grant Ave.

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Lynette McClure, asked how the City can rely on traffic studies from 1992. Mr. Grandy responded that the City's 1992 General Plan called for more traffic than the City has currently in build out estimates.

Shaunie Briggs, 822 Railroad Avenue, stated she does not support the sign variance and does not understand the documents. Ms. Briggs also asked if there are any additional applications for fast food restaurants at the City. Ms. Dyer responded no.

Lynette McClure, asked if any fast food restaurant has talked to the City about developing in Winters that have yet to submit a planning application. City Manager Donlevy stated "No".

Al Vallecillo, 210 Main, asked about the use of the infill exemption for this project. Ms. Tschudin responded that the site is surrounded by urban uses and land that is zoned for urban uses.

Joe Castro, 104 Third Street, stated he feels like the owner of the property is being shut down from developing it.

Kate Laddish, 400 Morgan Street, asked about the fueling canopy lighting. Ms. Dyer responded that it is addressed in the staff report.

Jeff Ten Pas, 24 E Main Street, commented on the patience of staff and the Commissioner this evening.

Chairman Neu closed the Public Hearing at 10:50PM.

Commissioner Cowan moved to:

- **Find the project to be exempt from further CEQA review pursuant to Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and/or pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines**
- **Approve the Conditional Use Permit (CUP)**
- **Approve the Site Plan/Design Review**
- **Approve the Sign Permit for the Freeway Information Sign**
- **Approve the Variance to Sign Ordinance**
- **Direct staff to file a CEQA Notice of Exemption, with conditions as amended.**

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, AUGUST 10, 2010**

Seconded by Commissioner Tramontana. Motion carried with the following roll call vote:

AYES: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana

NOES: Neu

ABSTAIN: None

ABSENT: None

COMMISSION/STAFF COMMENTS:

None

The meeting was adjourned at 11:00 p.m.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman

MEETING NOTES OF THE WINTERS PLANNING COMMISSION REGULAR MEETING HELD TUESDAY, AUGUST 24, 2010

***DISCLAIMER:** These notes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chairman Neu called the meeting to order at 6:30PM.

PRESENT: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu.

ABSENT: None

STAFF: Community Development Director Nelia Dyer, Contract City Attorney Laura Hollender, Administrative Assistant Jenna Moser

Commissioner Martinez led the Pledge of Allegiance.

CITIZEN INPUT: Kresta Nora Daly, 26778 County Road 34, provided a comment letter to the Planning Commission regarding her concerns with the minutes of the 8/10/10 Special Planning Commission Meeting.

Jeff TenPas, 24 East Main, provided written comments regarding the minutes of the 8/10/10 Special Planning Commission Meeting. He stated that staff did not include in the meeting notes that the letters of comment that were submitted to the Planning Commission by Bill Hailey, Sally Brown, Jeff TenPas, and Eric Doud. He also mentioned that staff did not include in the notes his objection to the recommendation of the Community Development Director that the truck fueling facility was a similar use to an auto repair shop and, therefore, allowed in an Industrial Zone. In addition, he stated that his objection to the City Manager assuming the role of the Economic Development Commission without apparent authority and doing design review on a project-by-project basis was missing from the meeting notes. Also, Mr. TenPas stated that his comments after the public hearing was reopened were not included in the notes.

Commissioner Tramontana asked that his comment regarding the location of the freeway information sign be included in the meeting notes.

Commissioner Martinez requested that the notes state that the Berryessa Gap Winery sign included in the sign presentation at meeting is not within the Winters city limits.

Commissioners concurred to bring the notes of that meeting back at the next regular meeting for approval with revisions by staff.

MEETING NOTES OF THE WINTERS PLANNING COMMISSION REGULAR MEETING HELD TUESDAY, AUGUST 24, 2010

COMMUNICATIONS: None

STAFF REPORTS: Community Development Director Dyer provided the latest Current Projects List, and reported that Item B would be continued off calendar.

COMMISSION REPORTS: None

CONSENT ITEM: Approve minutes of the August 10, 2010 Special Meeting of the Planning Commission. This item was continued to the September 28, 2010 Meeting.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of a Parcel Map Application for splitting one lot into two new lots at 101 East Grant Avenue.

Community Development Director Dyer provided an overview of the staff report and exhibits.

Commissioner Cowan asked if this item was strictly to deal with the parcel split, and not the re-alignment. Ms Dyer responded that this item was dealing with the parcel split only and the re-alignment was included in error.

Chairman Neu opened the Public Hearing at 6:45PM.

Javier Gutierrez, 1003 Hemenway, asked if this split would affect current use of the property. Ms Dyer responded "No".

Chairman Neu closed the Public Hearing at 6:47PM.

Commissioner Martinez asked that since the re-alignment was not part of this item that the verbiage be stricken from the recommendation. Ms Dyer provided the verbiage to strike the re-alignment dedication.

Motion by Commissioner Martinez, Second by Commissioner DeVries to approve Parcel Map Application for splitting one lot into two new lots at 101 East Grant Avenue.

AYES: Commissioners Cowan, DeVries, Guelden, Martinez, Meisch, Tramontana, and Chairman Neu

NOES: None

ABSTAIN: None

ABSENT: None

**MEETING NOTES OF THE WINTERS PLANNING COMMISSION REGULAR
MEETING HELD TUESDAY, AUGUST 24, 2010**

COMMISSIONER/STAFF COMMENTS: Commissioner Tramontana voiced concerns about bike safety in Winters and encouraged cyclists to obey the rules of the road.

Commissioner DeVries echoed Commissioner Tramontana's comments and also thanked the Andersen family for the dedication of their property to promote the public good.

Commissioner Martinez requested copies of the recent appeal of the Burger King/Arco project be made available to commissioners.

Chairman Neu voiced concerns about traffic and pedestrian safety at the entrance to Winters over the car bridge on Railroad Avenue and requested consideration of a sign and striping at that area. Chairman Neu also asked staff to bring back information regarding the "concentration of fast food" included in the current General Plan as he feels it is vague and would like it to be better defined.

The meeting was adjourned at 6:54PM.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT
Current Projects List as of September 23, 2010
(530) 795-4910, extension 114, www.cityofwinters.org

* *New information in italics*

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION
(1) Winters Highlands, Meyer Crest, Bert Meyer (530) 242-2010	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	City Council approved the Second Amendment to the Development Agreement on January 6, 2009.	Applicant submittal of Final Map and Improvement Plans.
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(4) Creekside Estates, Jim Wirth (916) 617-4248	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Amend Development Agreement, applicant submittal of Final Map and Improvement Plans
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 853-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	-Planning Commission approved Tentative Subdivision Map on November 23, 2004. -City Council approved the applicant's request for infrastructure funding on November 3, 2009.	Applicant submittal of Final Map and Improvement Plans.
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council at its January 15, 2008 meeting took final action by approving the Rezone Ordinance.	Applicant submittal of Final Map and Improvement Plans.

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<p>(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506</p>	<p>Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.</p>	<p>Applicant declined option to purchase project property.</p>	<p>Project not active.</p>
<p>(9) Anderson Place, Eva Brzeski (415) 887-9300</p>	<p>Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.</p>	<p>First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat & RV storage, sale & repair approved by Planning Commission on May 27, 2008.</p>	<p>Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.</p>
<p>(10) Pearse Parcel Map, Thomas Pearse (530) 795-5901</p>	<p>Proposal for 4-unit parcel map at the south end of Third Street.</p>	<p>Planning Commission on October 9, 2007 approved project.</p>	<p>Applicant submittal of Final Map and Improvement Plans.</p>
<p>(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855</p>	<p>Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.</p>	<p>-Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008. -Community Development Agency purchased the subject site in Summer 2009. CDA issued RFP for development of site in October 2009.</p>	<p>-Community Development Agency to form Ad Hoc Committee to Review Proposals on January 19, 2010</p>
<p>(12) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000</p>	<p>Proposal to annex 80 acres (APNs 030-210-05 & 08) adjacent to County Road 88 and within the City's General Plan Area.</p>	<p>City issuance of incomplete application letter on February 1, 2008.</p>	<p>Project Inactive/Closed out</p>
<p>(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033</p>	<p>Proposal to construct 74 multifamily (workforce housing) units on 10.6 acres between Railroad Ave, and Dutton Street extension, north of East Grant Ave. To include 1-, 2-, 3-, and 4-bedroom units + a community center.</p>	<p>Planning Commission approved Site Plan (Design Review) and adopted MND and MMP on January 27, 2009. Appeal of PC's decision was filed on</p>	<p>Under Construction</p>

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			February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting. Applicant submitted improvement and building plans in October 2009.	
(14) St. Anthony's Catholic Church Parish & Rectory, Roman Catholic Church of Sacramento/McCandless & Associates (530) 662-9146	Proposal to construct a new Catholic Church and associated site work at the corner of Main & Grant Streets.		-On April 21, 2009, the City Council approved the ordinance to rezone the property, adding a PD overlay. -Applicant submitted improvement and building plans in December 2009.	Issuance of Building Permit(s)
(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214	Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.		Planning Commission approved the Design Review (Site Plan) on February 24, 2009.	Complete
(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767	Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue		Application was filed on January 29, 2009. Planning Commission approved the Conditional Use Permit for the project on March 24, 2009.	Complete
(17) The Tree House Children's Center, 418 Haven Street, (530) 304-8248	Application for a Conditional Use Permit to operate a children's center at 418 Haven Street		Application was filed on March 19, 2009. Planning Commission approved the Conditional Use Permit for the project on April 28, 2009.	Complete
(18) Winters Community Church, 113 Main Street, (530) 795-5530	Application for a Conditional Use Permit to operate a religious institution at 113 Main Street		Application was filed on April 6, 2009. Planning Commission approved the Conditional Use Permit on May 26, 2009.	Complete
(19) Turkovich Family Winery, 22-A Main Street, (530) 795-2767	Application for a Conditional Use Permit to operate a winery at 22-A Main Street		Application was filed on June 6, 2009. Planning Commission approved the Conditional Use Permit on July 14, 2009.	Complete
(20) Winters Healthcare Foundation Administrative	Application for a Conditional Use Permit to conduct an office use in a residential zone		Application was filed on July 8, 2009. Planning Commission	Complete

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Offices, 310 Main Street, (530) 795-5200		approved the Conditional Use Permit on August 25, 2009	
(21) AT&T Cell Tower Co-location at Rd 88 & Rd 32A, (916)601-1123	Application for a Conditional Use Permit to co-locate additional antennas on an existing tower at Rd 88 & 32A. The existing cell tower is located on City property	Application was filed on July 17, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009.	Complete
(22) City Parking Lot at Abbey and First Streets, (530) 795-4910	Design Review Application for the temporary renovation of the City's parking lot at First and Abbey Streets	Planning Commission approved the Site Plan on October 27, 2009	Submittal of improvement plans.
(23) 111-115 Main Street Façade Improvement Project (530) 795-3506	Design Review application for the façade improvement of 111-115 Main Street.	Application was filed on October 10, 2009. Planning Commission approved the Design review Application on October 27, 2009.	Applicant submittal of improvement and building plans.
(24) Main Street Cellars Wine Café, 9 East Main Street, Suite J (209) 304-7953	Application for a Conditional Use Permit to operate a wine bar at 9 East Main Street, Suite J	-Application was filed on October 30, 2009. Public hearing scheduled for November 24, 2009 -Planning Commission approved Conditional Use Permit on November 24, 2009	Building Permit Issued/ under construction
(25) Burger King/Union 76 at East Grant Avenue and County Road 90 (530) 755-4700	Application for a Design Review/Site Plan and Sign Permit to construct a co-brand fuel station, convenience store and fast food restaurant at East Grant Avenue and CR 90. A sign permit is required for the proposed freeway sign.	-Application was filed on December 7, 2009. The application was deemed "incomplete" by staff on January 4, 2010. - Public Hearing and Informational Item scheduled for January 26, 2010. -A public hearing was scheduled for a special Planning Commission meeting on August 10, 2010. The Planning Commission approved the application. On August 20,	

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		<p>2010, the City received a notice of appeal of the Planning Commission's Action. -Appeal Hearing was scheduled for a special City Council meeting on Wednesday, September 29, 2010.</p>
<p>(26) Tentative Parcel Map for Jordan Family (530)662-1755</p>	<p>Application for Tentative Parcel Map for property located southwest of I-505/SR 128 to realign the proposed Gateway Drive street alignment and reconfigure the lots to match the new alignment.</p>	<p>-Application was filed on December 16, 2009. The application was deemed "incomplete" by staff on January 12, 2010. -The application was deemed complete on March 10, 2010. A public hearing was scheduled for the May 25, 2010 Planning Commission Meeting. The Planning Commission recommended approval of the Tentative Parcel Map to the City Council. -The City Council held a public hearing and approved the tentative parcel map on June 5, 2010.</p>
<p>(27) Kristensen Drywall and Pearce Heating & Air Conditioning, 27990 CR 90, (530) 795-8800</p>	<p>Application for a Conditional Use Permit (CUP) to operate light general manufacturing uses in a Light Industrial (M-1) zone at 27990 CR 90.</p>	<p>Application was filed on February 18, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting. The Commission approved the CUP at the March 23, 2010 meeting.</p>
<p>(28) Briggs & Co., 820 Railroad Avenue, (530)</p>	<p>Application for a Conditional Use Permit (CUP) for extension of a non-conforming use at 820 Railroad</p>	<p>Application was filed on March 1, 2010. A public hearing for</p>

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795-9505	Avenue.	the application was scheduled for the March 23, 2010 Planning Commission meeting. The public hearing was continued off calendar. Another public hearing was scheduled for the August 24, 2010 Planning Commission meeting. The public hearing was continued off calendar by staff.	
(28) Preserve, Inc., 200 and 202 Railroad Avenue, (530) 795-3816	Application for a Conditional Use Permit (CUP) to amend an existing conditional use permit for on-site sale and consumption of alcoholic beverages at 200 and 202 Railroad Avenue to include the space at 3 Russell Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. The public hearing was continued to a special PC meeting on April 5, 2010. PC approved the CUP at the meeting on April 5, 2010.	Building Permit issued.
(29) Main Street Plaza, 111 Main Street, (530) 795-3214	Application for a Sign Permit and Variance to modify a nonconforming sign location at 111 Main Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. PC approved the variance at the meeting on March 23, 2010.	Building Permit issued
(30) New Single Family Home, 415 First Street, (916) 600-5401	Application for a Site Plan (Design Review) application for the construction of a new single-family, single-story house at 415 First Street	Application was filed on April 2, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.	Building Permit Issued/ Under Construction

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<p>(31) Addition to Existing Single-Family Residence, 455 Russell Street, (530) 867-6444</p>	<p>Application for a Site Plan (Design Review) application for the construction of a 1,500 square-foot addition to an existing single family residence at 455 Russell Street</p>	<p>Application was filed on April 9, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.</p>	<p>Building Permit Issued/ Under Construction</p>
<p>(32) Parcel Map for 101 East Grant Avenue, (530) 668-5883</p>	<p>Application for the dedication of right-of-way for the Walnut Lane Re-Alignment Project and splitting one lot into two new lots at 101 East Grant Avenue (APN 003-350-06)</p>	<p>Application was filed on June 1, 2010. A public hearing for the application was scheduled for the June 22, 2010 Planning Commission Meeting. It has been continued to a special meeting in July due to the need for additional time to process the preliminary map with Yolo County. A public hearing was scheduled for the August 24, 2010 Planning Commission. Parcel map was approved at the Planning Commission meeting on August 24, 2010.</p>	
<p>(33) 22 Main Street, (530) 795-2060</p>	<p>Application for a Conditional Use Permit (CUP) to operate a wine tasting room at a proposed boutique/gift shop to be located at 22 Main Street</p>	<p>Application was filed on June 10, 2010. Staff could not process the project until ordinance relevant to the project was amended. A public hearing for the project is scheduled for October 26, 2010.</p>	
<p>Code Enforcement Ordinance</p>	<p>Preparation of Ordinance to adopt Title 19 (Code Enforcement) to the Winters Municipal Code.</p>	<p>-Presentation to Planning Commission on November 24, 2009. -Presentation to City Council on December 1, 2009.</p>	

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			-Adopted by City Council in January 2010.	
General Plan Horizon Year Extension	Extend the General Plan Horizon Year Extension from 2010 to 2018.		CC approved the extension on September 1, 2009. Staff prepared and presented the Work Plan resulting from the extension to the PC on October 27, 2009	
Affordable Housing Ordinance	Preparation of an Ordinance to add Chapter 17.200 to the Winters Municipal Code (Zoning) pertaining to Affordable Housing Requirements		-Reviewed favorably by Affordable Housing Steering Committee on November 3, 2009. -PC recommended approval to City Council on November 24, 2009. -City Council adopted the Affordable Housing Ordinance on January 5, 2010	
Housing Element	Preparation and Adoption of Housing Element Update for the 2008-2013 Planning Period		City Council adopted the Housing Element Update on September 1, 2009.	Development of a work/implementation plan for the Housing Element
Abbey Street Partial Abandonment	Partial abandonment of East Abbey St to allow for Monticello development		PC accepted GP consistency report and recommended to Council 4/22/08. CDA at its September 2, 2008 meeting approved the DDA for the project.	Applicant submittal of improvement and building plans for the Monticello Project
Monticello Mixed-Use Project	Application for Site Plan Review and Design Review, and CUP for the construction of a mixed-use project (commercial/retail, office and residential) on 0.42 acre on the east side of Railroad Ave. between Abbey St. and Main St. in downtown Winters CBD.		CDA at its September 2, 2008 meeting approved the DDA for the project	Applicant submittal of improvement and building plans.
Public Safety Facility	Application for Site Plan Review and Design Review, CUP and Variance for the construction of the City's public safety facility on 2.78 acres of the Ogando-Hudson Subdivision (Grant Ave @West Main Street)		PC hearing on 7/22/08 – PC approved project subject to COAs presented in staff report.	Under Construction

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Affordable Housing Units

- Project #1:** 26 units for very low-income, 25 units for low-income, and 15 units for moderate-income households
- Project #2:** 2 units for low-income households
- Project #3:** 7 units for very low-income, 7 units for low-income, and 4 units for moderate-income households
- Project #4:** 1 unit for very low-income, 2 units for low-income, and 1 unit for moderate-income households
- Project #5:** 11 units for very low-income households
- Project #6:** 6 units for moderate-income households
- Project #7:** Not known whether residential units will be constructed
- Project #8:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #9:** 2 units for very low-income, 1 unit for low-income, and 1 unit for moderate-income households
- Project #10:** Not applicable
- Project #11:** Not applicable
- Project #12:** Not known at this time
- Project #13:** 74 units for very low-income and low income households
- Project #14:** Not applicable
- Project #15:** Not applicable
- Project #16:** Not applicable
- Project #17:** Not applicable
- Project #18:** Not applicable



PLANNING COMMISSION STAFF REPORT
October 12, 2010

TO: Chairman and Planning Commissioners
BY: Nelia C. Dyer, Community Development Director
SUBJECT: Public Hearing and Consideration of an Application for a Conditional Use Permit for a gym to be located at 113 and 115 Main Street in Winters, CA (APN 003-201-15)

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) receive the staff report; 2) conduct the Public Hearing to solicit public comment; and 3) approve the Conditional Use Permit submitted by Reid Tileston for the operation of a gym at 113 and 115 Main Street (APN 003-201-15).

PROJECT LOCATION: 113 and 115 Main Street between First and Second Streets in Downtown Winters (APN 003-201-15) (See Attachment 1)

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject location of the proposed use is designated CBD (Central Business District) by the General Plan and is zoned Main Street Downtown A (Main Street DA) in the Form Based Code for Downtown Winters (Winters Municipal Code (WMC), Chapter 17.58). The existing tenant space is approximately 4,000 square feet with two entries on Main Street. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	CBD	Secondary Streets DA	Residential
EAST	CBD	Main Street DA	Buckhorn Catering
SOUTH	CBD	Main Street DB	Retail Buildings
WEST	CBD	Main Street DA	Office

STATEMENT OF ISSUES: The project applicant, Reid Tileston, is seeking approval of a use permit to allow for a gym in an existing building at 113 and 115 Main Street. According to the WMC Table 17.58-2, the Main Street DA zone requires issuance of a use permit for a “Commercial Recreation and Entertainment” use. “Health club” is included as an example of this use in the WMC.

PROJECT DESCRIPTION: The applicant is requesting a conditional use permit to locate an Anytime Fitness gym within an existing building at 113 and 115 Main Street. Specifically, Mr. Tileston plans to lease a 4,000 square foot space within an existing building, adjacent to Buckhorn Catering. For historical reference, the space at 113 Main Street previously housed the Winters Community Church while Curves formerly occupied the space at 115 Main Street.

According to the applicant and the floor plan (See Attachment 2), the proposed gym or “fitness center” will include cardio machines, circuit training, free weights, an office for staff, and three restrooms (two with showers). Mr. Tileston and one to two part time personal trainers will operate the gym. Mr. Tileston hopes to enroll 400 to 500 members. The maximum occupancy of the 4,000 square foot space for a gym is approximately 75 (per conversation with Building Official). However, based on Mr. Tileston’s experience with a club of this size, he expects to have no more than 15 people in the club during typical peak usage times, which are Monday through Wednesday, 4 PM to 6 PM.

The hours and days of operation of the proposed gym are 24 hours per day, seven days per week. During the times that there are no staff members in attendance, members can access the club using a “proximity access control system” which reads their membership card or key fob. This system determines if the key or the card is valid and if the member should be admitted to the club. Cameras, tailgate sensors, an alarm, an automated external defibrillator, and panic buttons will be employed to assure the safety and security of the club members upon entry into the facility. See Attachment 4 (Community Information Guide - Anytime Fitness) for more information regarding the safety and security systems employed at Anytime Fitness facilities.

The leased space is in a building shared with co-tenant, Buckhorn Catering. A private parking lot will be shared between the two tenants. Presently, there are 31 total parking spaces in the parking lot, 7 of which are being used by Buckhorn Catering vehicles and equipment. There are no handicap accessible spaces or bicycle parking on site. There are 12 on-street parking spaces on Main Street in front of the subject property.

According to the project description, the proposed club will play music below 45 DBA in the club 24 hours per day. In addition, the lights in the club and the two front lights by the entry door will remain lit 24 hours per day.

ANALYSIS: According to Chapter 17.20 (Use Permits) of the Winters Municipal Code, when reviewing applications for use permits, the Planning Commission shall find all of the following

conditions to be fulfilled. Staff's analysis of each condition is provided under each condition.

1. *The requested use will be in conformity with the general plan.*

"Health Clubs" are allowed in the Central Business District (CBD) land use designation. According to the General Plan, the CBD designation provides for restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and compatible uses. Health Clubs are considered service and/or compatible uses in the General Plan.

Goal I.D. Policy I.D.1 of the Winters General Plan states:

"The city shall promote expansion of a range of retail goods and services offered in Winters to capture a larger share of expenditures by Winters' residents and minimize the need for Winters' residents to shop outside the city."

Presently, Winters does not have a 24-hour co-ed fitness center. If a Winters' resident wishes to use a service of this type, he or she must travel outside of the city to Vacaville, where this use is currently available. Having this type of facility in town will help satisfy the General Plan goal noted above.

2. *The requested use is listed as a conditional use in the zone regulations or elsewhere in this section, or, where an interpretation was necessary, a determination was made by the community development director or planning commission that the proposed use would require a use permit.*

According to the Winters Municipal Code Table 17.58-2, the Main Street DA zone requires issuance of a use permit for a "Commercial Recreation and Entertainment" use. "Health club" is included as an example of this use in the WMC.

3. *The requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood.*

The goals of both the Form Based Code for Downtown Winters (Chapter 17.58 adopted in October 2009) and the Downtown Master Plan (March 2006) are to improve the district as a public place and to solidify it as a thriving, small-scale, walkable commercial district. The proposed use would contribute to the achievement of these goals by creating an active retail space in the downtown area. In addition, members of the gym may take the opportunity to visit other local businesses downtown such as the Putah Creek Café, El Pueblo or Chuy's Taqueria for a meal or Ace Hardware to purchase a necessary item, which can help to contribute to the financial stability of Downtown Winters. Therefore, the requested use is consistent with the intent and purposes of the zone in which it is located, and will not detrimentally impact the character of the neighborhood.

4. *The requested use will not be detrimental to the public health, safety or general welfare.*

Staff has determined that the proposed use will not adversely impact the nearby residents

or businesses. The requested use is in an existing building, and any construction to prepare the space for the proposed use will be limited to the interior of the building for a limited period of time. Also, the 24-hour operation could benefit adjacent properties from a security standpoint, with the entry and club itself lit 24 hours a day and (potentially) constant presence of club members.

5. *Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities or services will be provided;*

Three bathrooms will be provided, two of which will include showers. The floor plans indicate that the two bathrooms with showers will be accessible. The Building Official will require that at least one accessible bathroom be installed for this use.

As mentioned previously, there are 31 off-street parking spaces available. According to Winters Municipal Code, Table 17.58-15 (Parking), 1 space per 400 square feet is required for commercial uses. Therefore, 10 spaces are required for this use, which is presently available. However, there are no accessible parking spaces available on the private lot. Prior to certificate of occupancy for the proposed use, the building shall owner provide parking restriping plan to the Community Development Department for review and approval, which shall include two (2) accessible spaces; including 1 van accessible space (See Condition 9).

In addition, there are no parking spaces for bicycles on site. The building owner will be required to provide bicycle parking prior to the certificate of occupancy for the proposed use (See Condition 9). According to Table 17.58-15, .03 bicycle spaces per 1,000 square feet are required. The total square feet of the existing building is approximately 11,000. Therefore, 3 spaces are required for the building.

The existing building has adequate facilities and services such as water, sewer, and electricity.

6. *The requested use will not create a nuisance or enforcement problem within the neighborhood; and*
As mentioned previously, the proposed club will play music below 45 DBA in the club 24 hours per day, which is consistent with Winters Municipal Code, Chapter 8.20 (Noise), specifically Tables 7-1 (Exterior Noise Level Limits) and 10-1 (Interior Noise Level Limits). 45 DBA is equivalent noise of normal living, such as talking or a radio in the background. To ensure consistency with the local noise regulations, staff has included Condition 16. Otherwise, staff does not anticipate that the proposed use will create a nuisance or enforcement problem within the neighborhood.
7. *The requested use will not result in a negative fiscal impact upon the city.*
No fiscal impact is anticipated from the proposed use.

METHODOLOGY: Two actions are required to process the proposed project:

- 1) Confirmation of CEQA exemption finding - Section 15301 (Existing Facilities)
- 2) Approval of the Conditional Use Permit and the attached conditions

APPLICABLE REGULATIONS: This project is subject to several regulations:

- o The California Environmental Quality Act (CEQA)
- o State Planning and Zoning Law
- o City of Winters General Plan
- o City of Winters Zoning Ordinance

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. Two methods of public notice were used: a legal notice was published in the Winters Express on Thursday, September 30, 2010 and notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, October 7, 2010.

ENVIRONMENTAL ASSESSMENT: The proposed use is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities).

RECOMMENDED FINDINGS FOR A HEALTH CLUB (ANYTIME FITNESS) AT 113 AND 115 MAIN STREET (CONDITIONAL USE PERMIT)

CEQA Findings:

1. The proposed project is exempt from CEQA review under §15301 (Existing Facilities)
2. The CEQA Guidelines §15301 (Existing Facilities) exempts projects that involve minor alterations to existing facilities where negligible or no expansion occurs to the current use. The proposed use will not expand the facility.

General Plan and Zoning Consistency Findings:

1. The proposed use is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Central Business District and uses for this designation include service or compatible uses such as health clubs. Also, the use is consistent with Goal I.D. Policy I.D.1 of the Winters General Plan.
2. The proposed use is consistent with the provisions of the Zoning Ordinance. According to the

Winters Municipal Code (WMC) Table 17.58-2, the Main Street DA zone requires issuance of a use permit for a “Commercial Recreation and Entertainment” use. “Health club” is included as an example of this use in the WMC.

3. The proposed use will not be detrimental to the public health, safety, or general welfare.
4. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities or services will be provided for the proposed use;
5. The proposed use will not create a nuisance or enforcement problem within the neighborhood.
6. The proposed use will not result in a negative fiscal impact upon the city.

RECOMMENDATION

Staff recommends approval of the permit by making an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE CONDITIONAL USE PERMIT FOR A HEALTH CLUB (ANYTIME FITNESS) AT 113 AND 115 MAIN STREET PROJECT BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Approval of the Conditional Use Permit and subject to the conditions of approval attached hereto.

ALTERNATIVES: The Commission can elect to modify any aspect of the approval or to deny the application. If the Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

CONDITIONS OF APPROVAL FOR A CONDITIONAL USE PERMIT FOR A HEALTH CLUB (ANYTIME FITNESS) AT 113 AND 115 MAIN STREET LOCATED ON ASSESSOR PARCEL NUMBER 003-201-15, WINTERS, CA 95694.

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, Attachments 1 through 5, and conditions of approval set forth below. Any deviations from the project descriptions, attachments or conditions must be reviewed and approved by the Community Development Director for conformity with this approval. Deviations may require modification to the permit and/or environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. The applicant shall defend (with attorneys approved by the City), indemnify and hold harmless the City of Winters, its agents, officers, and employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, its advisory agencies, appeals boards, or legislative body concerning this approval. This City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense.
3. The applicant's acceptance of this permit and/or commencement of construction and/or operations under this permit shall be deemed to be acceptance by the applicant of all conditions of this permit.
4. The use permit approval shall expire one year from the Planning Commission approval date, unless prior to the expiration a business license is issued, or a building permit is issued for any tenant improvements, if applicable, and construction is commenced and diligently pursued toward completion and the use is initiated, or an extension is requested and approved.
5. Upon six (6) months after ceasing the use granted by the permit, the permit shall be void and a new conditional use permit shall be required.
6. Failure to comply with the conditions identified herein may result in the immediate revocation of this conditional use permit.
7. Off-street parking for the subject use was determined on the basis of Winters Municipal Code, Table 17.58-15 (Parking). The subject use requires a minimum of 10 parking spaces.
8. Bicycle parking for the subject use was determined on the basis of Winters Municipal Code, Table 17.58-15 (Parking). The subject use requires a minimum of 1 bicycle parking space.
9. Prior to certificate of occupancy of the subject use, the property owner(s) shall provide a restriping plan for the parking lot for review and approval by the Community Development Department. The restriping plan shall include two (2) accessible parking spaces, one (1) of which shall be a van accessible space, and a proposed location for bicycle parking. Also, prior to the certificate of occupancy of the subject use, the property owner(s) shall restripe the parking lot and install bicycle parking consistent with the restriping plan approved by the Community Development Department.
10. All conditions identified herein shall be fully satisfied prior to occupancy, unless otherwise stated.

11. Pursuant to Winters Municipal Code Section 17.80.080, the applicant shall apply for a sign permit with the Community Development Department prior to certificate of occupancy and installation of any signs for the subject use. Building permit shall be obtained as necessary for installation.
12. Pursuant to Winters Municipal Code Section 5.04.040, the applicant shall apply for a business license and receive approval of a business license from the City prior to commencement of the subject use.
13. The applicant shall comply with all applicable sections of the City of Winters Municipal Code and any other applicable relevant plans of affected agencies.
14. The applicant shall obtain all necessary permits and clearances from the Winters Community Development, Fire and Public Works Departments prior to commencement of the subject use at this location.
15. The applicant shall secure all necessary permits from any other affect agencies prior to commencement of the subject use.
16. Pursuant to Winters Municipal Code, Chapter 8.20 (Noise), specifically Tables 7-1 (Exterior Noise Level Limits) and 10-1 (Interior Noise Level Limits, the interior noise levels of the subject use will not exceed 45 DBA.

ATTACHMENTS:

1. Location Map
2. Floor Plan
3. Applicant's Project Description
4. Community Information Guide - Anytime Fitness
5. Proof of Mailing and Legal Publication of Public Hearing Notice

ATTACHMENT 1

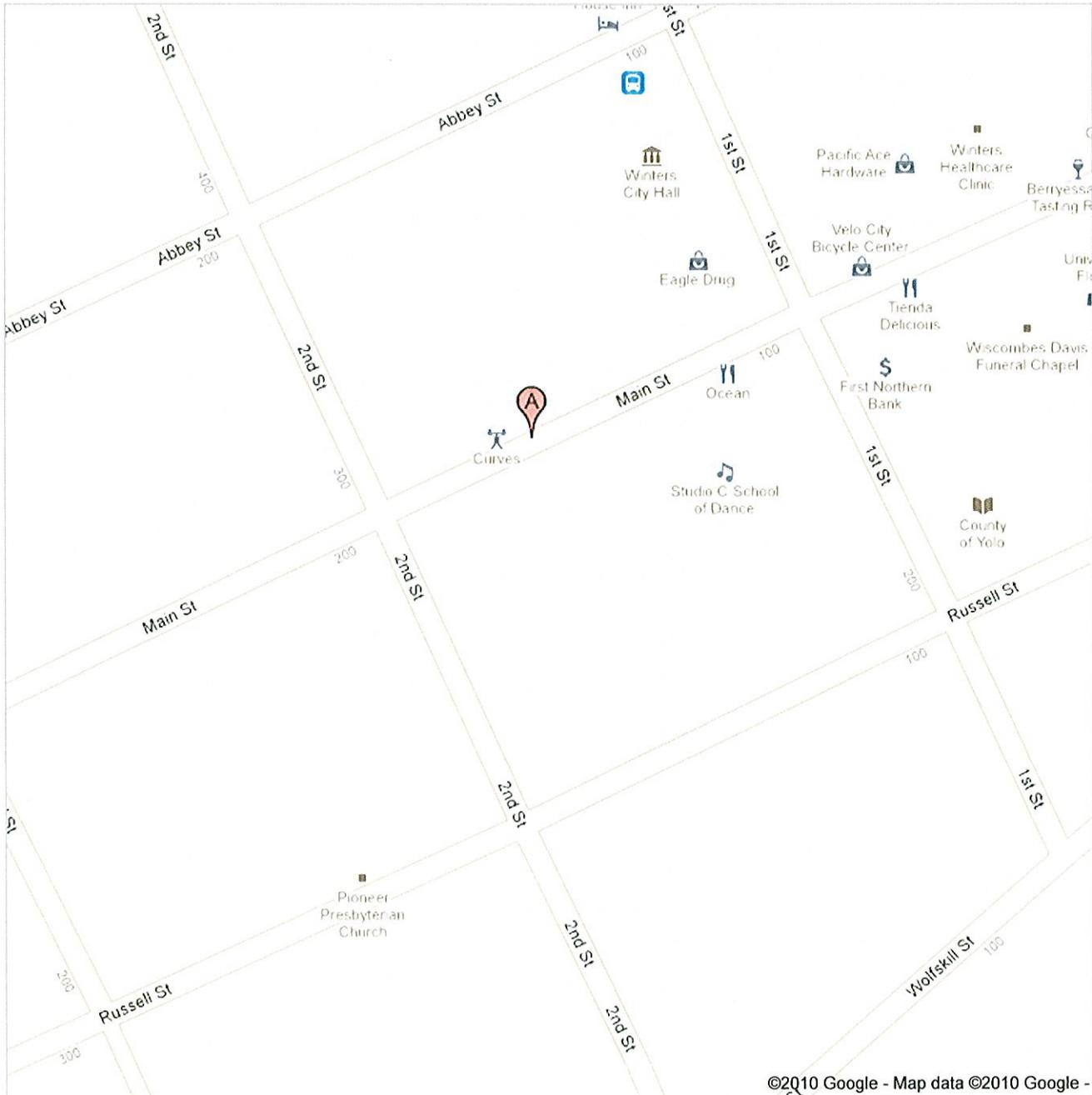


Address **113 Main St**
Winters, CA 95694

Get Google Maps on your phone



Text the word "GMAPS" to 466453

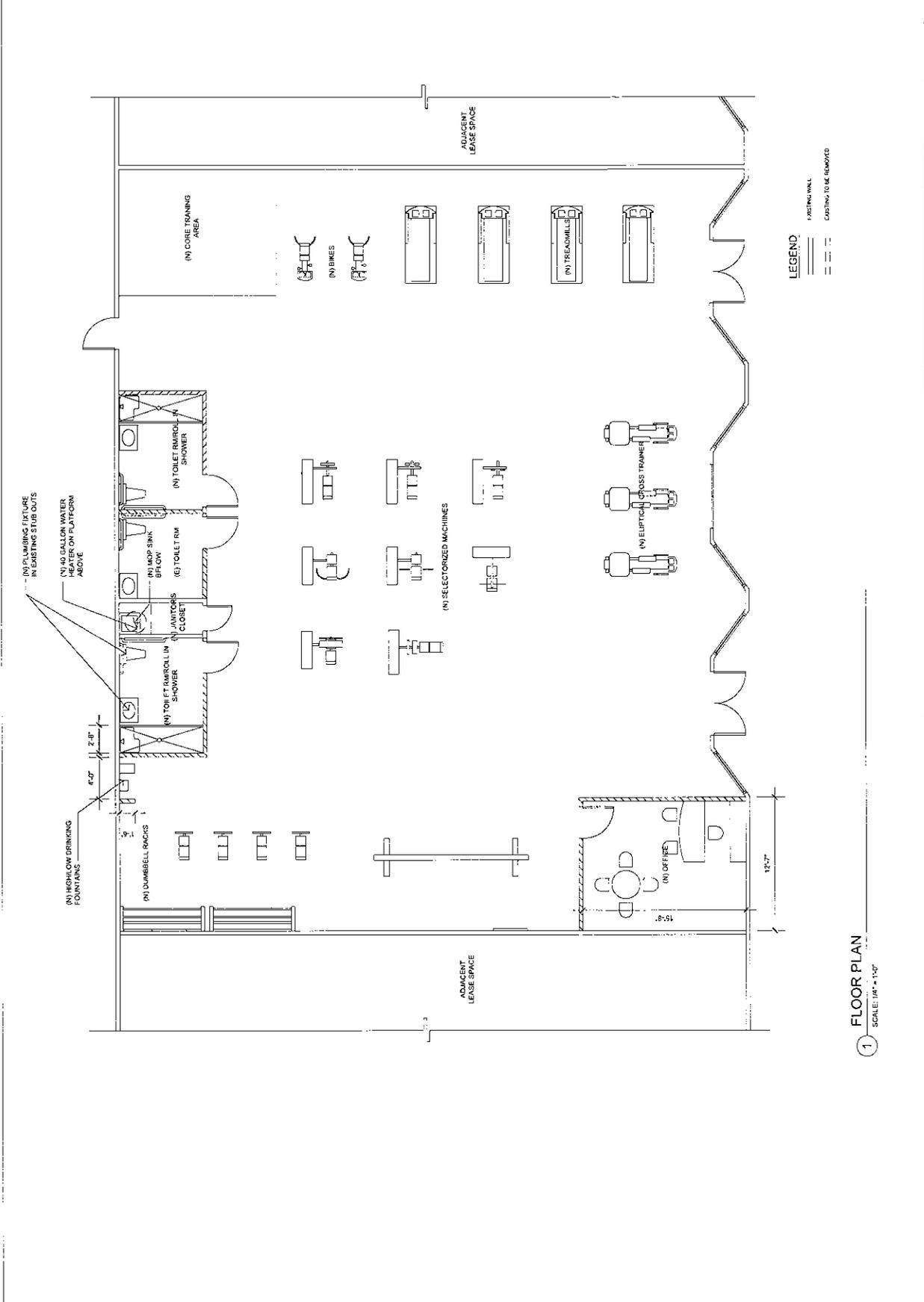


ATTACHMENT 2

REVISIONS	DESCRIPTION	DATE
△		
△		
△		
△		
△		
△	STAMP	

**ANYTIME FITNESS
113 MAIN STREET
WINTERS, CA**

SHEET TITLE	FLOOR PLAN
DATE	9 SEPT 19
DRAWN BY	NKL
CHECKED BY	RT
SCALE	AS NOTED
SHEET	SD-2



LEGEND

---	EXISTING WALL
---	CASTING TO BE REMOVED

1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

ATTACHMENT 3

Anytime Fitness Project Description

Anytime Fitness Winters will be a 24-hour co-ed fitness center offering state of the art cardio machines, circuit training, free weights, and personal training. The club will offer Winters residents convenience, cleanliness, a non-intimidating workout environment, and a community-oriented club. The club expects to be open on December 31, 2010.

Owner/Operator Reid Tileston, a club manager, in addition to one or two part time personal trainers will run the club. The club will target to enroll between 400 to 500 members. During peak usage times, Monday through Wednesday 4 PM to 6 PM, the club expects to have no more than 10 people in the club and because members often drive to the club together and select members will walk or ride their bikes to the club; we rarely expect to fill the allocated parking spaces.

The club expects to have, on average, one UPS/Fed-Ex Delivery per week and forty member vehicular visits per day. No hazardous waste will be used for the construction or operation of the club. The club will play music below DBA 45 in the club 24 hours per day; the lights in the club will remain lit 24 hours per day and the two front lights by the member door will remain lit 24 hours per day. The club will operate 24 a hours day, at times with no staff members, and will employ a sophisticated member safety and security system featuring cameras, tailgate sensors, an alarm, an AED, and panic buttons during unstaffed hours. A detailed description of the member safety and security system can be found in the Community Guide.

ATTACHMENT 4

**ANYTIME
FITNESS.**
Express



Community Information Guide

 **ANYTIME
FITNESS®**

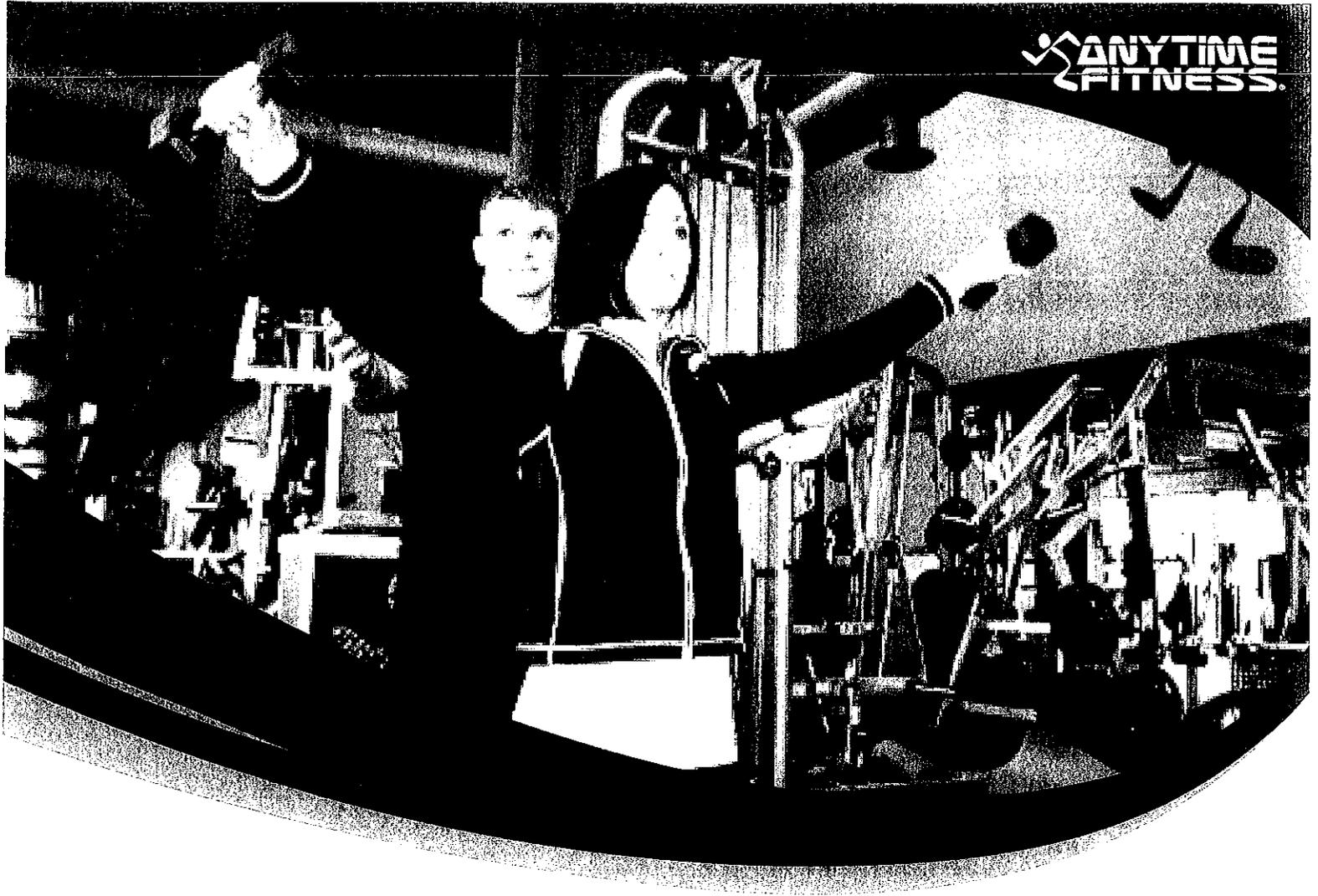


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Fast Facts

Anytime Fitness is the #1 co-ed fitness club in the world with more than 1,300 clubs now open!

Accolades:

- The International Health, Racquet and Sportsclub Association's annual IHRSA Global 25, published in the July 2009 issue of Club Business International, found Anytime Fitness added 369 units in 2008 – more than any other club company in the industry.
- The Minneapolis St. Paul Business Journal named Anytime Fitness #1 on its "Fast 50" list of the Fastest Growing Companies in Minnesota for 2008, based on a two-year revenue growth rate of 348%.
- In its 2010 Franchise 500® rankings, Entrepreneur magazine awarded Anytime Fitness the following:
 - Franchise 500 Rank - #43 (up from #47 in 2009)
 - Fastest-Growing Franchises - #12
 - Top Global Franchises - #37 (up from #41 in 2009)
- USA Today and The National Minority Franchising Initiative named Anytime Fitness among the "Top 50 franchises for minorities" (November, 2009 & 2008).
- Honored as "Military Friendly Franchise" by GI-Jobs (April 2010)
- MoneySense named Anytime Fitness #6 on its list of Top 10 Global Franchises Under \$50k
- For the 5th year in a row, Franchise Business Review honored Anytime Fitness with its top rating and an "FBR 50 Franchisee Satisfaction Award."

Watch us grow:

- 1,584% growth rate (2004 – 2009).
- A new club opens every business day.
- A new member joins every 3 minutes.

Items of interest:

- Anytime Fitness is the first and only co-ed fitness franchise in the world with more than 1,300 clubs.
- Anytime Fitness clubs are now open in 48 states, Canada, Australia, New Zealand, Mexico, and India.
- By the end of 2010, Anytime Fitness expects to have territories sold in Europe, Asia, The Middle East, and beyond.
- 56% of Anytime Fitness franchisees own multiple clubs or franchise territories.
- The Anytime Fitness Express model is designed for clubs with under 2,500 square feet and a market size typically less than 5,000 people. This is an ideal offering for rural markets or as a complement to a full-sized club in an existing territory.

Anytime Fitness, LLC
12181 Margo Ave S | Hastings, MN 55033 | anytimefitness.com | 800.704.5004

Minnesota Franchise Reg. #4424

For New York residents: This advertisement is not an offering. An offering can only be made by a prospectus filed first with the Department of Law of the State of New York. Such filing does not constitute approval by the Department of Law.

Convenience & Affordability

Most recognize the need for exercise, but few actually make it happen. Convenience is often cited as a hurdle. And, finding a club that is affordable and welcoming can be a challenge. It seems that many are still looking for that elusive fitness club.

Anytime Fitness, the world's first 24-hour fitness, tanning, and reciprocal membership franchise, offers the convenience and affordability many people are seeking.

At Anytime Fitness, members can workout any time of the day or night. They use a security-access card to enter the club, even when it is not staffed.

Convenience is the number one service Anytime Fitness provides its members. Due to a territory structure that allows clubs to be placed every three miles in densely populated areas, 90% of our membership lives within .5 to 5 miles of their main club. This availability is an advantage for all members, but especially for seniors, who may not have the ability or desire to travel far from their home. Many members can walk

to their club from either home or work, reducing their dependence on driving or using mass transit.

Inside each club, members will find topnotch equipment that is safe and easy-to-use. Our strength-training equipment does not include free weights. Rather, we use plate-loaded systems, which allow for solo workouts that do not require a spotter or exercise partner. While increasing safety and reducing injuries, this type of equipment also spans the varying fitness levels of our members, which ranges from beginner to elite.

With membership dues typically less than \$49 dollars a month, Anytime Fitness clubs offer an affordable fitness option for everyone. In contrast to the low price tag, Anytime Fitness clubs are scrupulously clean and bright, with expertly designed workout areas. Each club has one main workout room that is well lit and offers a full view of the club's external surroundings. Plus, Anytime Fitness offers private and secure restrooms and changing areas.

Testimonials

Safety is of the highest concern to Anytime Fitness, which is why each club is equipped with the latest in access, security, and surveillance systems. This level of protection has been noticed by those in law enforcement. Here's what they had to say...

April 17, 2007

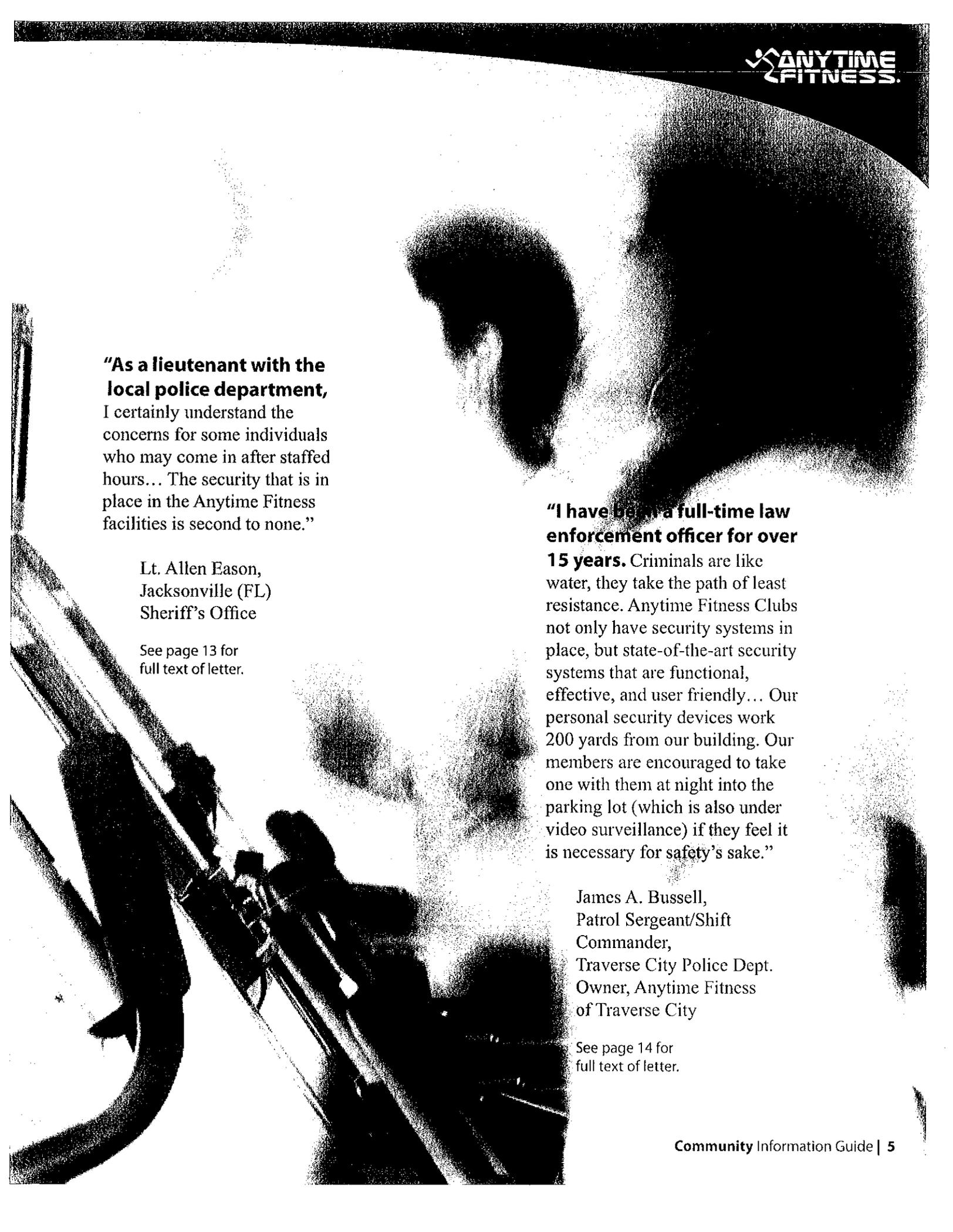
To whom it may concern,

I am a police officer for the St. Paul Police Department, where I have worked for over 11 years. When looking for a fitness facility, my husband came across the Anytime Fitness located at 1679 Suburban Avenue in St. Paul, Minnesota. This facility is located in the team district where I currently work as an investigator, so I am extremely familiar with crime statistics in that area. I compared Anytime Fitness with other available clubs in the area, and we ultimately chose Anytime Fitness for several reasons.

I believe the facility has taken necessary and reasonable precautions to protect the safety of patrons, particularly during non-staffed hours. There are wireless personal security devices available that are easily accessible to use in the event of an emergency. They also have a 24-hour security system that is active at all times. Furthermore, there are bubble cameras throughout the facility. There are floor-to-ceiling glass windows all along the front of the club, which allow easy viewing of the entire facility. The entrance is very well lit, as well as the club. Almost all of the equipment is Nautilus type equipment, which can be operated by one person and is very safe to use. The free weight benches have safety bars to prevent the weight bar from falling and injuring a person. All of the cardiovascular equipment has emergency stop mechanisms, and is located in the front of the facility. The doors automatically lock after a person enters and leaves, and are only opened with a passkey.

As a police officer, I cannot make official endorsements. However, my husband and I feel that the Anytime Fitness club in St. Paul does provide members with a reasonable degree of safety and security during non-staffed hours.

Sincerely,
Tina Kill
Tina.Kill@ci.stpaul.mn.us



“As a lieutenant with the local police department, I certainly understand the concerns for some individuals who may come in after staffed hours... The security that is in place in the Anytime Fitness facilities is second to none.”

Lt. Allen Eason,
Jacksonville (FL)
Sheriff’s Office

See page 13 for
full text of letter.

“I have been a full-time law enforcement officer for over 15 years. Criminals are like water, they take the path of least resistance. Anytime Fitness Clubs not only have security systems in place, but state-of-the-art security systems that are functional, effective, and user friendly... Our personal security devices work 200 yards from our building. Our members are encouraged to take one with them at night into the parking lot (which is also under video surveillance) if they feel it is necessary for safety’s sake.”

James A. Bussell,
Patrol Sergeant/Shift
Commander,
Traverse City Police Dept.
Owner, Anytime Fitness
of Traverse City

See page 14 for
full text of letter.

Security Systems

“How can a club securely offer 24-hour access?”

Using a proprietary access system, Anytime Fitness clubs are open to their members on a 24-hour basis. **The access system is fully integrated with our member check-in software and onsite security systems, which include closed-circuit television and tailgate detection for entry doors.** All this allows members to feel secure in the clubs, even when they are not staffed.

On average, Anytime Fitness clubs have 600 members. Of that membership, approximately 10% choose to workout between the hours of 10:00 PM and 5:00 AM. Using advanced member tracking software, we know there is rarely only one person in the club during those hours. Even so, the use of personal security devices is strongly encouraged by club owners during non-staffed hours.

Law enforcement officials familiar with the Anytime Fitness security systems concur that the systems effectively deter criminal activity. (Letters supporting this conclusion can be found in the addendum on pages 14-16.) We are proud to state that with nearly 1,000 clubs in operation across the nation, the custom-designed security and surveillance systems in use at our clubs have worked to ensure member safety.

The following information describes the typical security scenarios for entering and leaving the club, using the security and remote monitoring systems, and using the tanning suites:

Typical Entry Procedure

The main member entrance door is equipped with a proximity access control system.

To gain entrance, the member holds their key fob or membership card in front of a device called a proximity reader.

The proximity reader gathers information from the member’s key fob/card and transmits it to a computer inside the fitness center. The computer system will then determine if the key is valid and if the member should be admitted to the club.

If valid, the computer transmits an OK signal back to the proximity access controller. The receipt of an OK signal triggers a release mechanism in the door, either a door strike or a magnetic lock. The member can then enter the facility.

Typical entry procedure continued on next page...

Security Systems

Typical entry procedure continued...

As the member enters, they pass by a mechanism called a tailgate detection system. This system validates only one person to enter the facility at a time.

If more than one person tries to enter the facility on one key/card access, an audible alarm is triggered by the tailgate system. This alarm will notify the member that someone has entered the facility behind them.

The tailgate system also triggers another alarm to the Digital Video Recorder (DVR), which will speed up the images per second on the member entrance door camera.

The DVR also creates an alarm log within itself to notify the club owner that a tailgate violation had occurred, and to allow for easier video review.

Each club is equipped with a number of surveillance cameras. They offer adaptable camera positions using a three-axis system. For added security, a smoke-colored dome is placed over each camera to conceal the direction its lens is pointing. For more information, see Typical Use of Remote Monitoring (CCTV and DVR).

A dedicated high resolution camera is positioned by the member entrance door for added security.

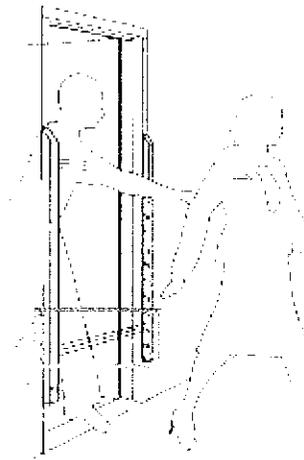
Typical Use of the Remote

Monitoring System (CCTV and DVR):

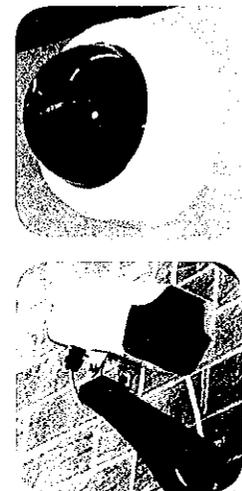
The main purpose of the CCTV (Closed Circuit Television) system is for the member's safety and peace of mind. The components of the CCTV system are the Digital Video Recorder, the security cameras, and software and hardware integration with the club's computer system.

Typically, member activities are recorded over each day, unless an incident or emergency requires further review or investigation. If this is the case, the owner of a facility will have the ability to review selected video footage and extract it from the DVR for future reference.

No audio recordings of any kind are used in Anytime Fitness facilities.



Tailgate Detection System



Surveillance Cameras

Security Systems

Typical Use of the Security System

Anytime Fitness clubs make use of a multi-zone security system. In this setup, **24-hour zones are active at all times, and burglary zones are armed manually.**

A 24-hour zone is continuously active, and can secure areas of your club that are vulnerable during your operating hours or supply immediate help in case of emergency or injury.

The 24-hour zone includes wired and wireless personal security devices (PSD).

PSDs offer instant emergency notification in the event of a serious accident or illness.

When a PSD button is pressed, the security monitoring company will immediately call the local authorities, and next they will contact the facility/club owner.

If emergency personnel are dispatched to the club when it is not staffed, they may obtain a key from a knock box. This is a small box installed on the exterior of the club, near the entry door.

The burglary zone includes the motion detector, wireless door contacts, and glass break detectors. The exterior doors of the club are protected with wireless door contacts. Installing this type of detector will deter club members from opening a service or employee entrance door to allow nonmembers into the club when it is not staffed.

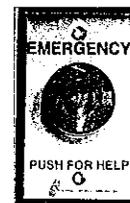


The club's business office is secured using a passive infrared motion detector. This type of detector will not register movement from outside a window, eliminating false alarms.

When a burglary zone is tripped, the security monitoring company will call the facility/club owner first, and next they will contact the local authorities, if directed to do so by club personnel.



First Aid Kit



Wired Personal Security Device



Wireless Personal Security Device

Security Systems

Typical Exit Procedures

The member will exit through the same door in which they entered.

As the member leaves, they will engage a free-exit mechanism. Examples of this mechanism include a paddle or crash bar. Regardless of the type of mechanism that is installed, it will be a mechanical device and not an electrical one. This means that a loss of power will not affect a member's ability to exit the facility.

The tailgate system is also equipped with a free-exit control, which means that a member does not have to hold their key/card in front of a proximity reader to exit the facility.

Typical Tanning Procedure

The member enters the tanning suite (entering does not require their card/key) and locks the door from the inside.

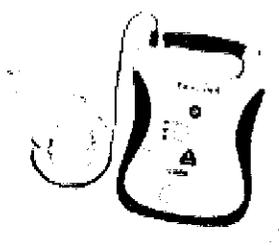
Once inside, a member can begin their tanning session by having their key/card read by a proximity reader, which is located inside the tanning suite.

After the key/card is read, the club's computer system will verify that the member is eligible to use the tanning facilities. It will also verify that the member has not already tanned on the same day. The system will not allow a member to tan more than once within a 24-hour timeframe.

Finally, the system will turn on the tanning bed and allow it to run for a pre-determined amount of time.

Emergency Equipment

As of April 28, 2008, Anytime Fitness, Inc. instituted a policy that requires each of its franchised locations to have an Automated External Defibrillator (AED) installed on site. The AED must be installed in such a manner that it is accessible to and in clear view of all members. The new mandated AED policy affects all currently open clubs and all clubs that are in the development process. By September 1, 2008, all clubs must have an AED on site.



In addition to the security system components, the following items must be installed at each Anytime Fitness club:

- A telephone for 911/Emergency call access and a corresponding sign that labels it as such.
- A sign in plain view with an advisory warning that indicates members of a non-staffed health spa should be aware that working out alone may pose risks to their health and safety.
- A sign in plain view providing instruction in the use of the Automated External Defibrillator (AED) and in cardiopulmonary resuscitation.



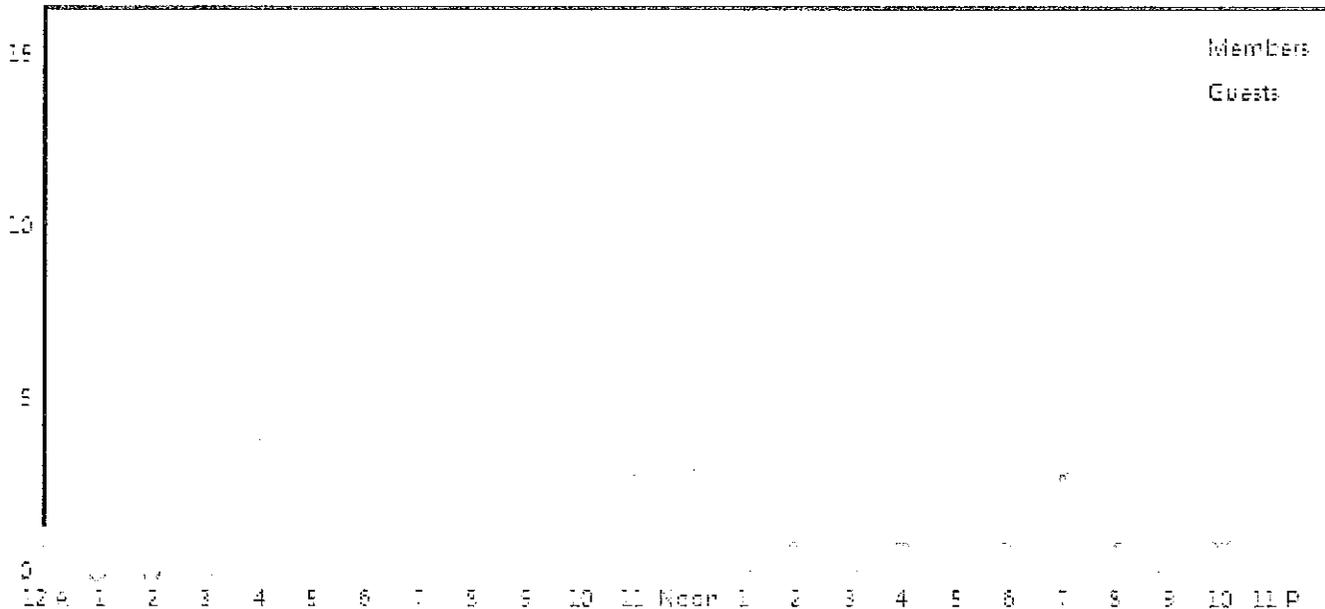
Usage Statistics

Anytime Fitness provides round-the-clock convenience to accommodate the busy lifestyles of our members. Although most of our members workout between 8 a.m. and 9 p.m., it's important that clubs remain open 24 hours a day to meet the needs of nurses, police officers, and others who work unusual hours.

As illustrated by the chart below, depicting hourly usage at a typical Anytime Fitness club, relatively few members visit the clubs between 10 p.m. and 5 a.m. Thus, noise and traffic during nighttime hours are not an issue.

Finally, because many of our members visit the clubs in pairs, arriving together, Anytime Fitness clubs do not require many parking spaces—typically 10 or fewer—even during peak hours.

Typical Anytime Fitness Club Usage by Hour



FAQs

Do you offer integrated technology systems?

Anytime Fitness offers a turnkey management system that has been successfully implemented in hundreds of clubs. Working with preferred solutions providers, our clubs benefit from complete systems integration. For example, access and security systems, billing and payment processing, membership and data management, tanning suite access systems, Point of Sale integration, and vending solutions.

What is membership reciprocity?

As a member-focused business, we are proud to offer the benefit of membership reciprocity. Club members have made it clear that they love this benefit, as it allows them to use hundreds of clubs nationwide for the price of a standard monthly membership. Plus, reciprocity clearly adds to the convenience we offer our members, which is the top reason consumers choose one particular club over another. In this way, Anytime Fitness stands alone, as no other fitness franchise offers the combination of 24-hour access and reciprocity between clubs.

Do you have corporate wellness programs in place?

Many corporations are now proactively encouraging their employees to make time for regular exercise. The benefits of regular exercise by employees are numerous. As workers increase their activity levels, they also improve

their health and may even prevent diseases. Anytime Fitness will work with corporations or businesses of any size to create customized wellness programs for their employees.

Do you participate in health plan reimbursement programs?

Many health plans are now reimbursing a portion of their member's health club fees. In doing so, they hope to motivate members to join a fitness club and increase their activity level. The health plan partners believe becoming more active will empower their members to take charge of their health, especially in regard to disease prevention. Six major health plan partners currently offer reimbursement programs to Anytime Fitness club members. The trend for these programs is on the rise, and our offerings are sure to increase in the coming months and years.

What type of service can a member expect at Anytime Fitness?

We clearly post our staffed service hours. Members can rely on those postings and will have access to a service professional during those hours. We respond to inquiries and requests within 24 hours. We offer a welcoming and clean environment to everyone, regardless of his or her fitness level or ability. Members can rely on a supportive atmosphere that encourages them to strive for and meet their fitness goals.

When is a gym not a gym?

Usage Permit and Zoning Class Considerations

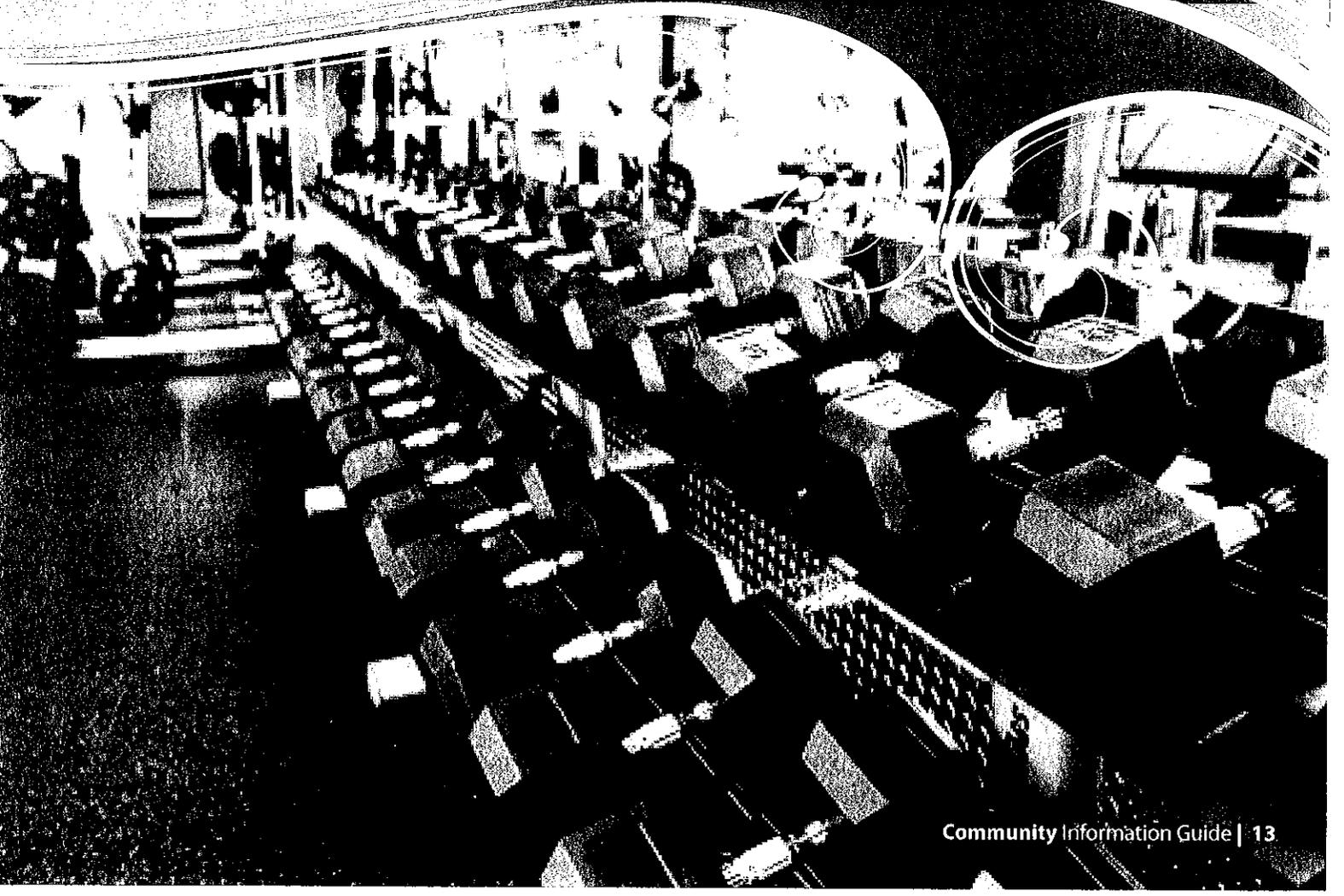
Many municipalities use terms like “gymnasium” or “health club” to define certain facilities for usage permit and/or zoning classification purposes. Issues may arise, however, if those definitions presume that the applicant gym or health club is a large facility—occupying tens of thousands of square feet, serving thousands of members and requiring dozens or hundreds of parking spaces.

Anytime Fitness clubs typically occupy less than 6,000 square feet, serve approximately 700 members and require less than a dozen parking spaces. Thus, care should be taken so that appropriate usage permits and zoning classifications are applied.

In many instances, rather than “gymnasium” or “health club,” the most accurate term to apply to an Anytime Fitness club, for usage permit and/or zoning purposes, might be “studio” or “boutique” or a similar term. The customer profile, time spent in the facility, and traffic effects of an Anytime Fitness are much more similar to a personal spa or salon than a traditional, “big box” fitness center.

To avoid unnecessary confusion or delays, these sorts factors should be considered and discussed before a usage permit is completed and filed with municipal officials.





Addendum

April 17, 2007

Mark,

I'm writing you to let you know just how important proper security is for our business. As a lieutenant with the local police department I certainly understand the concerns for some individuals who may come in after staffed hours. We have been in business now for almost a year and we have not had one incident concerning security. **The security that is in place in the Anytime Fitness facilities is second to none.**

From the keycard reader at the door which captures the members name and picture to the nine cameras in our facility, it has made even the "smallest" woman feel safe during the late night early morning hours. Obviously in my job dealing with public safety on a daily basis, members almost expect me to have the best security in place for their safety. We tell each new member about our tailgate system, recorded cameras, and the panic buttons.

The security system alone has sold many memberships for our club. Just as important as the integrated security system is to the club it is also the "security" your members give to the club. My members will notify me if there is someone that tries to come into the club after hours. They act, in conjunction with the cameras, as an extra set of eyes in the facility.

Lt. Allen Eason
Jacksonville (FL) Sheriff's Office
Ph: 904-859-6883

Addendum

Mr. Daly,

I have been a full-time law enforcement officer for over 15 years. Criminals are like water, they take the path of least resistance. **Anytime Fitness Clubs not only have security systems in place, but state-of-the-art security systems that are functional, effective, and user friendly.**

I'm not aware of any other fitness center in Northern Michigan with security systems and procedures even remotely close to what Anytime Fitness offers.

We've been in operation almost four months. In that time, we've had NO thefts, NO assaults, NO injuries.

Our club is smaller and the interior layout is open by design. "Big Box" clubs, even when staffed, have multiple unsecure access points, isolated areas, and in my opinion are less safe even when staffed. Victims are more vulnerable when assailants are afforded isolation with the victim in an unmonitored environment (such as an empty aerobics room, steam room, closet, or office). Which is safer, a half awake minimum wage employee at 3 in the morning on the main floor of a 3 story gym, or our facility? For that matter, are employees mandated to be on every floor of a multi-story hotel?

I've issued 6 key fobs to our local Sheriff Department. Our facility is in a neighboring township. They have been issued to each midnight shift commander. Their department has immediate access to our club. I'm 100% positive that law enforcement will have quicker access to my facility than any other in town. How can we give out 6 keys to law enforcement and other gyms can't? Because of our security system, the ability to track access, and the ability to "turn our keys off" whenever we need to.

Our personal security devices work 200 yards from our building. Our members are encouraged to take one with them at night into the parking lot (which is also under video surveillance) if they feel it is necessary for safety's sake. In my opinion, ordinances and laws that prohibit our type of facility from operating stem from a lack of familiarity with the technology, procedures, and systems we have in place.

Anytime Fitness clubs help members achieve their fitness goals for many reasons, but one of the primary reasons is that it offers 24/7/365 availability. Our members feel a sense of ownership, which in itself is another level of security our club offers. I love walking into our club on a weekend or holiday and joking with members about how many gyms in town are open (the answer is ONE). If mandatory staffing was legislated in our community, the responsible officials could expect over 500 formerly happy and content citizens (not to mention their friends and family members) to be contacting them with their concerns.

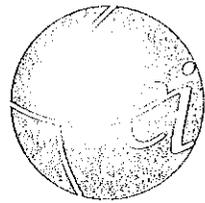
continued on next page...

Addendum continued from page 14...

It's 1:11 AM as I write this letter (I'm working late again). I have one 25 year old female in the gym right now. She's here 3 nights a week around this time. I just asked her how this is working for her. She said she loves it. She works afternoons and goes to college during the day. If it wasn't for our facility, she'd have nowhere to workout. I asked her if she's ever felt vulnerable in our club. She laughed and said no. I asked her why. She said because of all the security we have. Everything is on camera.

I've dedicated a large portion of the last 15 years of my life to serving and protecting the citizens of our community. I've given over 100 presentations to community groups and schools concerning police operations, K9 operations, and schools about "Stranger Danger". With that said, and while also being an owner of an Anytime Fitness club, the assertion that our clubs are unsafe upsets me. If you feel I can be of anymore assistance please let me know.

Sincerely,
 James A. Bussell
 Patrol Sergeant/Shift Commander, Traverse City Police Department
 Owner, Anytime Fitness of Traverse City
traversecity@anytimefitness.com



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A DIVISION OF THOMPSON ENTERPRISES, LLC

Anytime Fitness, Inc.
Attn: Chuck Runyon
12181 Margo Avenue South
Hastings, MN 55033

Re: Insurance Program for Anytime Fitness franchisees

Dear Mr. Runyon,

I wanted to take this opportunity to thank you and your team for the fantastic work you do with your franchisees regarding training and systems. The Anytime Fitness model has not only proven to be an excellent business opportunity for a future club owner, it has also developed into one of the safest business operations this industry has ever known.

We have been able to track the claims activity for the Anytime Fitness franchisees for several years now and we are happy to report that claim frequency and claim severity are both extremely low. This has enabled us to restructure the premium pricing with the insurance company underwriters on behalf of your franchisees which has translated into premium savings amounting to several hundred and, in some cases, thousands of dollars in insurance costs.

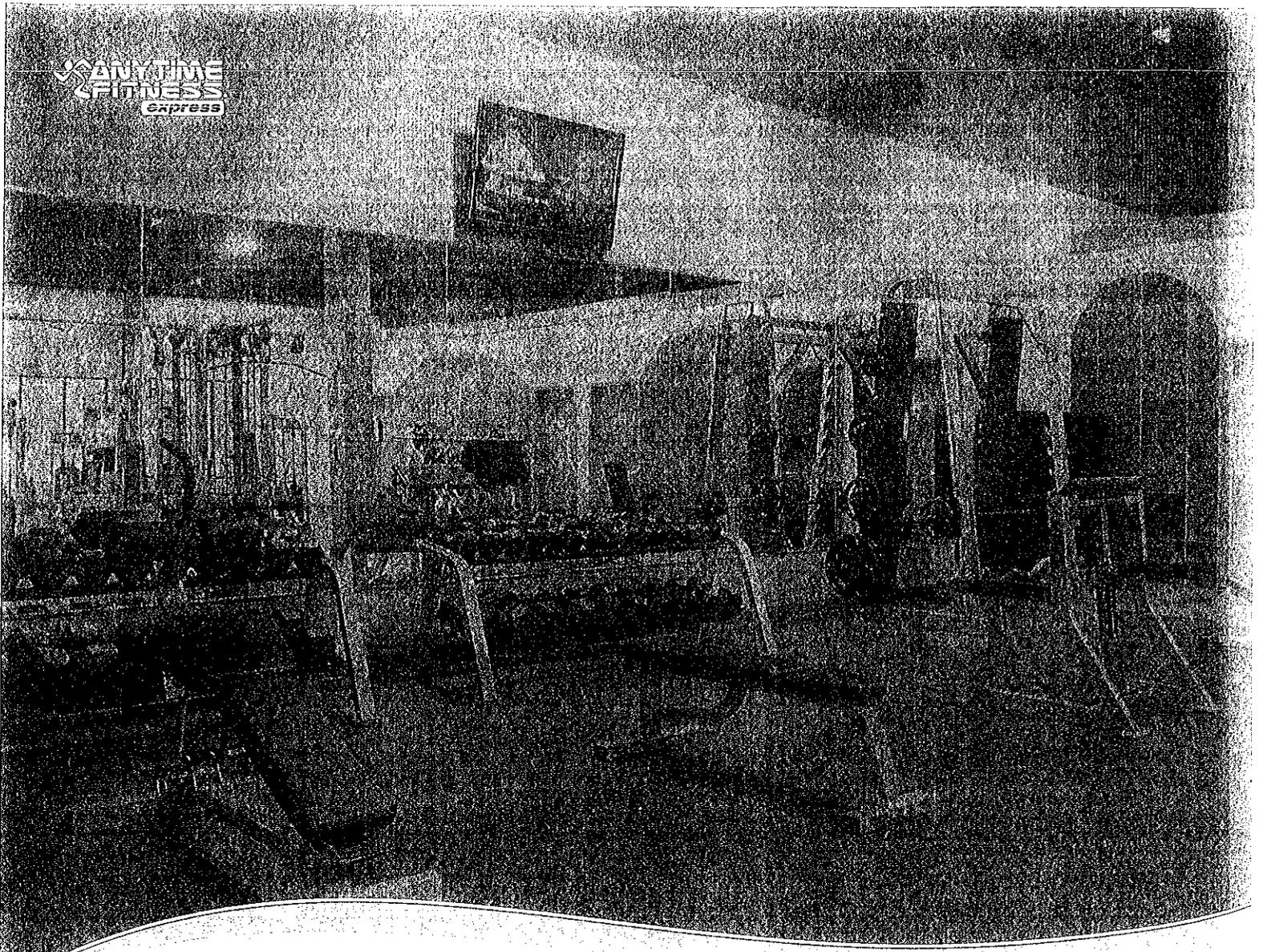
The combination of a smaller health club physical plant, minimal wet areas, easy to use equipment and digital surveillance, creates an extremely safe workout environment thereby enabling us to provide you with the best insurance policy available at a very low cost to your franchisees.

We are committed to continue to provide your club owners with excellent coverage, great premium pricing, and the very best customer service for many years to come. Thank you again for your support and please let me know if there is anything you need from us to help your franchisees going forward.

Sincerely,

Ken M. Reinig,
Senior Vice President

**ANYTIME
FITNESS**
Express



**ANYTIME
FITNESS**[®]

www.anytimefitness.com

ATTACHMENT 5

MAYOR:
Michael Martin
MAYOR PRO TEM:
Woody Fridae
COUNCIL:
Tom Stone
Harold Anderson
Cecilia Acuna-Curry



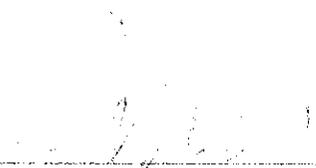
MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Michael Sebastian
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Donlevy, Jr.

PROOF OF SERVICE BY MAIL

I am Jenna Moser, Administrative Assistant for the Community Development Department of the City of Winters. I am over the age of 18 years. My business address is 318 First Street, Winters, CA 95694.

On September 14, 2010 I served the foregoing Notice of Action by depositing a true copy thereof in The United States Mail in Winters, CA, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows: See attached mailing labels.

I certify under penalty of perjury under the laws of California that the foregoing is true and correct, and that this document is executed on September 14, 2010 at Winters, California.



Jenna Moser, Community Development Administrative Assistant



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Winters will conduct a public hearing by the Planning Commission on Tuesday, September 28, 2010 at 6:30 p.m. at the City Hall, City Council Chambers, 318 First Street, Winters, California, to consider an application for a conditional use permit for a gym to be located at 113 and 115 Main Street in Winters, California.

The applicant, Reid Tileston, is proposing to locate an Anytime Fitness gym at 113 and 115 Main Street in a 4,000 square foot space. According to the applicant, the proposed gym will include cardio and strength equipment, 24 hour access into the gym, 24 hour security for its members, and private restrooms. The proposed gym will be accessible through a membership. The location of the proposed gym is in the Downtown Form Based Code Area, which is governed by Chapter 17.58 of the Winters Municipal Code (WMC). According to WMC Chapter 17.58, a "health club" requires Planning Commission approval of a conditional use permit.

The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Agency, 318 First Street, Winters, CA 95694 or nelia.dyer@cityofwinters.org. In addition, the staff report will be available on the City's website at http://cityofwinters.org/administrative/admin_council.htm starting Thursday, September 23, 2010.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

For more information regarding this agenda item, please contact Nelia Dyer, Community Development Director at (530) 795-4910, ext. 114.

25 First Street	:	COUNCIL MEMBERS	MAYOR	CITY CLERK	
Winters, CA 95694	:	Gregory Aguilar-Carey	Michael Martine	Nanci Mills	
Phone: (530) 795-4910	:	Harold Anderson	MAYOR PRO TEM	TREASURER	CITY MANAGER
Fax: (530) 795-4937	:	Tom Stone	Wanda Eridac	Michael Sebastian	John W. Donley, Jr.

PROOF OF PUBLICATION
(2016.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF YOLO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter; I am the principal clerk of THE WINTERS EXPRESS, a newspaper of general circulation, printed and published in the City of Winters, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of December 21, 1951, Case Number 12163; that the notice, of which the annexed is a printed copy, set in type not smaller than non-pareil, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: September 16, 2010.
I verify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 16th day of September, 2010.

CHARLES WALLACE


Signature

City of Winters, California

NOTICE OF PUBLIC HEARING

Notice of Public Hearing



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The purpose of the public hearing will be to provide citizens an opportunity to make their comments on the project known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Agency, 318 First Street, Winters, CA 95694 or nona.dyer@cityofwinters.org. In addition, the staff report will be available on the City's website at http://cityofwinters.org/administrative/admin_council.htm starting Thursday, September 23, 2010.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nancy Davis at (530) 248-4500, ext. 111. Please make your request as early as possible and ahead of our regular business day before the start of the hearing.

The City does not transcribe its public hearings. If you wish to obtain a verbatim transcript of the hearing, you must request it in writing at least 10 business days before the public hearing.

If you wish to appear at the hearing and you are unable to appear, the planning commission will accept the hearing by video conference. If you wish to appear by video conference, you must request it in writing at least 10 business days before the public hearing. For more information, please contact the Planning Commission at (530) 248-4500.

