

City of Bishop  
**PLANNING COMMISSION MINUTES**  
City Council Chambers – 301 West Line Street  
Bishop, California 93514

**December 17, 2009**

CALL TO ORDER:

Chairman Foote called the meeting to order at 7:30 P.M.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairman Foote.

COMMISSIONERS PRESENT:

Hardy, Foote, Lowthorp, Crom, Hess, Huntley and Bloom

COMMISSIONERS ABSENT (Excused):

none

OTHERS PRESENT:

Richard F. Pucci, City Administrator  
Gary Schley, Public Services Officer  
Michele Thomas, Secretary

PUBLIC COMMENT

Chairman Foote asked if anyone wished to speak on a subject not calendared on the Agenda. There was no public comment.

APPROVAL OF MINUTES

MOTION

Commissioner Hardy moved to approve the Minutes of the April 23, 2009 meeting as written.

Ayes: Hardy, Lowthorp, Bloom and Foote

Abstain: Crom, Huntley, Hess

MOTION CARRIED: 4-0

## MOTION

Commissioner Crom moved to approve the Minutes of the November 24, 2009 meeting as written.

Ayes: Crom, Hess, Lowthorp, Bloom, Foote and Hardy

Abstain: Huntley

MOTION CARRIED: 6-0

## CORRESPONDENCE

## PUBLIC HEARING

Chairman Foote opened the public hearing at 7:33 PM.

- (3) Request for a Conditional Use Permit to set aside the minimum parking requirement for a gym use and allow a residential use in a commercial zone at 175 Clarke Street which is in a C-1 zone (General Commercial and Retail).

Colin Broadwater stated he is interested in opening a cross-fit strength and conditioning training facility in Bishop to offer our community a better way to reach their health and fitness goals. The goal is to start small in the garage and grow to a larger facility in town. The only legal issue is parking. Broadwater feels parking will not be an issue as clients will primarily use the gym before 9 AM or after 5 PM while other local businesses are closed. Due to the size of the facility, it is difficult to have more than three clients at one time. Also, many clients would walk or bike, rather than drive a vehicle.

Ted Metz, property owner, spoke in support of the gym with his major interest being that the property remains a residential property grandfathered in 1941. Pucci explained that if the Conditional Use Permit goes into effect, the property is no longer a grandfathered use. It would change from a legal non-conforming use to a conditional use permit. The CUP would set aside the parking requirements and in addition, allow for a residence in a commercial area.

Chairman Foote closed the public hearing at 7:47 PM.

## NEW BUSINESS

- (6) Request for a Conditional Use Permit to set aside the minimum parking requirement for a gym use and allow a residential use in a commercial zone at 175 Clarke Street which is in a C-1 zone (General Commercial and Retail).

Lowthorp is concerned whether the CUP for the residence would continue if the gym facility were to move out of the property. Pucci and Tracy explained that the CUP is listed stating the residence would stay a residence without a commercial business.

A gym has the highest parking requirement with four needed spaces. Huntley asked how many parking places are there to be waived. Pucci stated that all five parking requirements are needed to be waived, four for the gym and one for the residence. If the business were to change at a later date to an office space, it would only require one parking space.

Crom made a motion to allow for a conditional use permit to set aside the minimum parking requirement for a gym use and allow a residential use in a commercial zone at 175 Clarke Street which is in a C-1 zone (General Commercial and Retail) with the requirements of no more than three clients from the hours of 9:00 am to 5:00 pm and the abandonment of use as a fitness center would not constitute abandonment of the right to use the property as a single family residence.

Ayes: Crom, Lowthorp, Bloom, Huntley, Hess, Foote and Hardy

MOTION CARRIED: 7-0

#### PUBLIC HEARING

Vice Chairman Foote re-opened the Public Hearing at 7:59 PM. Commissioner Hardy stated that he would have to disqualify himself as he and the clients have an ongoing business relationship. He left the Council Chambers for the duration of discussion and action on this agenda item.

- (4) Request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage to 232 sq. ft. of signage at the McDonald's Restaurant, 562 North Main Street, which is in a C-1 zone (General Commercial and Retail).

Kevin Mazzu, McDonalds owner-operator, is requesting an additional 74 sq. ft. to the already existing 158 sq. ft. signage. He recently remodeled the restaurant with an enclosed play land to make it more available year round. As of today, Mazzu states that the business has grown 50% with the new play land enclosure. The signage would only be on the front and the southern side of the new building.

Foote has a concern with the size of the signage and would like to know if there were any other options available. Mazzu explained that the signs are from corporate and only come in one size.

Chairman Foote closed the public hearing at 8:14 PM.

## NEW BUSINESS

- (7) Request for a Conditional Use Permit to increase the allowable 80 sq. ft. of signage to 232 sq. ft. of signage at the McDonald's Restaurant, 562 North Main Street, which is in a C-1 zone (General Commercial and Retail).

Huntley commented that the conditional use permit should have been completed before the signage was ordered. Huntley feels there should be more options with additional sizes.

Foote would like the existing signage to be decreased to accommodate the new signage requested. Huntley also agrees with reducing existing signage before adding the new play place signs. Foote would also like to see options for the new signage with different sizes.

Lowthorp suggested the removal of three 'M' window decals, 42 sq. ft., and then add the two new play place signs. At the moment, there are two 'M' window decals and an 'M' arch sign that was in the drive-thru, but recently vandalized, that are included in the existing total 158 sq. ft.

Lowthorp made a motion to increase the allowable 80 sq. ft. of signage by adding two Play Place signs to an estimated 190 sq. ft. total at the McDonald's Restaurant, 562 North Main Street, which is in a C-1 zone (General Commercial and Retail) with the condition of removing two 'M' window decals and not replacing a third 'M' arch sign on the facilities north wall.

Ayes: Lowthorp, Crom, Hess, and Foote

Noes: Huntley, Bloom

MOTION CARRIED: 4-2

Commissioner Hardy has rejoined the meeting at this time.

## PUBLIC HEARING

Chairman Foote re-opened the Public Hearing at 8:45 PM.

- (5) Request for a Conditional Use Permit to set aside the minimum parking requirement for a proposed 2200 sq. ft. batting cage facility at 186 Willow Street which is in a C-2 zone (General Commercial).

Proponent Tim Reid expressed his ideas for opening a batting cage in the City of Bishop as a positive incentive for youth as well as adults. There would be two batting cages and one pitching mound along with approximately two employees at one given time.

Commissioner Crom asked Reid what the hours of operation are expected to be. Reid explained that they would like to be open from 7:00 am to 10:00 pm seven days a week, if he is able to keep it full. Crom then asked about noise from the building. Reid stated that the noise will be minimal. They will be using batting practice balls made out of rubber and it will have a false floor covered with linoleum. Lowthorp then asked if there will be any sort of PA system or radio. Reid said no, if there is to be anything, it would be a TV possibly.

Randy Fendon, speaking for his parents Jerry and Shirley Fendon the building owners, is in full support of the batting cages.

Chairman Foote closed the public hearing at 7:50 PM.

#### NEW BUSINESS

- (8) Request for a Conditional Use Permit to set aside the minimum parking requirement for a proposed 2200 sq. ft. batting cage facility at 186 Willow Street which is in a C-2 zone (General Commercial).

Foote stated she feels this is a great idea and a perfect location especially being within walking distance to the City Park.

Crom and Hardy also feel it is a great idea and believes there will be adequate parking for the business.

Huntley asked if the CUP would remain in effect if the batting cage would no longer be on the property. Tracy stated no, unless the commission were to put in a condition with the permit. The concern is with the driveway easement going up to the business for fire access. The driveway easement can not be used for parking. Reid said that he and the employees will inform everyone using the batting cages that there is no parking in the driveway.

Huntley made a motion to set aside the minimum parking requirement for a proposed 2200 sq. ft. batting cage facility at 186 Willow Street which is in a C-2 zone (General Commercial) with the condition of the Conditional Use Permit being for a batting cage with a pitching mound only.

Ayes: Lowthorp, Crom, Huntley, Bloom, Hess, Foote and Hardy

MOTION CARRIED: 7-0

STAFF AND COMMISSION REPORTS:

ADJOURNMENT:

Chairman Foote adjourned the meeting at 9:05 P.M. The next scheduled meeting will be January 26, 2010 at 7:30 P.M. in the City Council Chambers.

---

Chairman Foote

---

Michele Thomas, Secretary