

**CITY OF ANTIOCH  
PLANNING COMMISSION**

**Regular Meeting  
6:30 p.m.**

**February 4, 2015  
City Council Chambers**

Chairman Hinojosa called the meeting to order at 6:32 P.M. on Wednesday, February 4, 2015 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, February 11, 2015.

**ROLL CALL**

Present: Commissioners, Miller, Westerman, Zacharatos and Chairman Hinojosa  
Absent: Commissioner Motts  
Staff: City Attorney, Lynn Tracy Nerland  
Director Community Development, Tina Wehrmeister  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

Chairperson Hinojosa presented former Commissioner Baatrup with an honorary street name plaque recognizing his years of service on the Planning Commission. She stated it was pleasure to have served with him on the Commission and he would be missed.

Commissioner Westerman stated he enjoyed working with former Commissioner Baatrup. He recognized his professionalism while serving on the Commission and stated he would be missed.

Commissioner Miller thanked Former Commission Baatrup for his service and stated it was pleasure to have served with him on the Commission.

Director of Community Development Wehrmeister thanked former Commissioner Baatrup for his service and professionalism.

Former Commissioner Baatrup thanked the City of Antioch and Planning Commission for the presentation and stated it was a great experience. He recognized the professionalism of City staff and encouraged the Commission to continue to improve Antioch.

## **CONSENT CALENDAR**

**1. Approval of Minutes: January 21, 2015**

***On motion by Commissioner Westerman, seconded by Commissioner Miller, the Planning Commission approved the minutes of January 21, 2015, as presented. The motion carried the following vote:***

**AYES: Hinojosa, Zacharatos, Miller and Westerman**

**NOES: None**

**ABSTAIN: None**

**ABSENT: Motts**

## **CONTINUED PUBLIC HEARING**

- 2. UP-14-13 – INK'D UP TATTOO –** Juanito Valentine requests approval of a use permit to operate a tattoo studio employing three to four people with hours of operation from 10:00 am to 10:00 pm daily. The proposed studio is located in an existing commercial development and no exterior modifications to the building are proposed. The project site is located at 1614 A Street, on the northwest corner of 17th and A Streets (APN 067-360-002).

Chairperson Hinojosa announced the applicant had appealed this item to the City Council and no further action was necessary at this time.

Director of Community Development added that this item was tentatively scheduled to be heard by the City Council at their February 24, 2015 meeting.

## **NEW PUBLIC HEARING**

- 3. Z-13-04 – The City of Antioch** requests approval of a Zoning Ordinance text amendment to establish regulations regarding the location of tobacco and paraphernalia retailers. The proposed ordinance would be applicable city-wide.

Director of Community Development Wehrmeister presented the staff report dated January 29, 2015 recommending the Planning Commission approve the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) establishing zoning regulations for Tobacco and Paraphernalia Retailers within the City of Antioch.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister explained the Zoning Ordinance and General Plan did not define sensitive uses however typically the ordinance itself defined it. She added a senior center was considered recreational and would be a sensitive use; however a senior apartment complex would not fall under the definition by virtue of the age of the population.

In response to Commissioner Westerman, Director of Community Development Wehrmeister explained the five hundred (500) foot buffer would be between any establishment that falls under the definition of a tobacco and paraphernalia retailer.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister stated Code Enforcement would follow up on businesses found to be in violation; however she did not have the status of each case.

In response to Commissioner Zacharatos, Director of Community Development Wehrmeister clarified offenses would be remedied by the Code Enforcement Department.

Director of Community Development Wehrmeister stated almost all retailers the City inspected had issues.

Chairperson Hinojosa opened the closed the public hearing with no speakers requesting to speak.

Following discussion, Planning Commission consensus supported the zoning ordinance as written and directed staff to provide a list to the City Council of the existing businesses that would be grandfathered in by the ordinance.

**RESOLUTION NO. 2015-02**

***On motion by Commissioner Westerman, seconded by Commissioner Zacharatos, the Planning Commission approved the resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) establishing zoning regulations for Tobacco and Paraphernalia Retailers within the City of Antioch.***

***AYES: Hinojosa, Zacharatos, Miller and Westerman***

***NOES: None***

***ABSTAIN: None***

***ABSENT: Motts***

Director of Community Development Wehrmeister stated that due to the time constraints the list of grandfathered business may not be included in the staff report; however, a list would be provided to the City Council at the February 10th meeting for entry into the record.

Chairperson Hinojosa requested a notation be added to the staff report that the Planning Commission provided this direction.

- 4. Z-15-01 – The City of Antioch** requests approval of a Zoning Ordinance text amendment to establish regulations regarding the location of bingo operations. The proposed ordinance would be applicable city-wide.

Director of Community Development Wehrmeister presented the staff report dated January 27, 2015 recommending the Planning Commission approve the attached resolution recommending the City Council adopt the ordinance (Exhibit 1 to the proposed resolution that is Attachment A) establishing zoning regulations for Bingo Operations within the City of Antioch.

In response to Chairperson Hinojosa, City Attorney Nerland explained the issue before the Planning Commission was regarding zoning and land use issues. She noted the restrictions on the business pursuant to the penal code would be heard by the City Council.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister explained bingo operations would be ancillary to other operations that had their own use permit requirements. She added bingo operations were not intended to be a stand-alone use or business; therefore they were not separately identified to require a use permit. She noted bingo operators were typically a third party vendor that worked with non-profits and when they applied for a business license through the City, staff would be able to determine if the location was in compliance with the zoning ordinance.

City Attorney Nerland added that the challenge was to have a mechanism to deal with the 24/7 bingo use without burdening the limited police department staffing or requiring every church and school to obtain a use permit when the City had received no complaints on those uses.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister stated that one of the applications for a bingo hall operation was withdrawn and staff had not heard from the other applicant. She noted if City Council adopted the ordinance, they would be able to respond to that applicant, close the application and return her deposit. She added that many statements made by the applicant regarding their application contradicted the penal code.

In response to Commissioner Zacharatos, Director of Community Development Wehrmeister explained that when applicants applied for a business license, they typically provided documentation of their charitable status.

Chairperson Hinojosa opened the closed the public hearing with no speakers requesting to speak.

Following discussion the Planning Commission consensus supported the ordinance as written.

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**RESOLUTION NO. 2015-03**

***On motion by Commissioner Miller, seconded by Commissioner Westerman, the Planning Commission approved the attached resolution recommending the City Council adopt the ordinance (Exhibit 1 to the proposed resolution that is Attachment A) establishing zoning regulations for Bingo Operations within the City of Antioch.***

**AYES:** *Hinojosa, Zacharatos, Miller and Westerman*

**NOES:** *None*

**ABSTAIN:** *None*

**ABSENT:** *Motts*

**ORAL COMMUNICATIONS**

Chairperson Hinojosa announced Commissioner Pinto had resigned and it had been a pleasure to have served with him. She recognized Director of Community Development Wehrmeister for her years of service with the City of Antioch. She stated it was a pleasure working with her and she had served the City well and would be missed.

Director of Community Development Wehrmeister stated it was great working with the Planning Commission and they would be missed.

Commissioner Westerman thanked Director of Community Development Wehrmeister for all her hard work and it had been a pleasure working with her. He stated she had done a tremendous job working for the City of Antioch.

Commissioner Miller agreed and wished Director of Community Development Wehrmeister well in her new position.

Commissioner Zacharatos stated it was great working with Director of Community Development Wehrmeister and congratulated her on her new employment opportunity.

City Attorney Nerland added that in addition to being an incredible Director of Community Development, during the downturn of the economy she was also responsible for the Parks and Recreation Department which she had handled with grace and optimism. She added that she would be sorely missed.

Director of Community Development Wehrmeister thanked everyone for their kind words and introduced Kitty Eiden as the Minutes Clerk.

Chairperson Hinojosa welcomed Ms. Eiden and stated she looked forward to working with her.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

None.

**ADJOURNMENT**

Chairman Hinojosa adjourned the Planning Commission meeting at 7:13 P.M.

Respectfully Submitted,  
Kitty Eiden