

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF: JULY 9, 2019

Item 1 - Zoning Interpretation Hearing (ZI-19;5-1). Request by Schmitz Cellars for a zoning ordinance interpretation pursuant to Amador County Code Section 19.60.070, Change in Use. Section 19.60.070 allows the legal nonconforming use of a building to be changed to another nonconforming use if the proposed use is found to be similar or more restrictive in nature than the previous use. The proposed change in use is the addition of a mobile food facility. The property was previously approved for wine blending, bottling, distribution, and tasting.

Applicant: Schmitz Cellars (Paul Schmitz, representative)

Supervisory District: 5

Location: 17585 Highway 49, Plymouth just south of Randolph Drive and the City of Plymouth corporate limits (APN 008-100-009)

A. General Plan Designation: R-R, Rural Residential (1 to 5 acre minimum parcel size)

B. Present Zoning: “R1A,” Single Family Residential & Agricultural District

C. Background: The subject property has been used in the past as a tire store, a hay and feed store, an antique and collectables store, and most recently as a wine blending, bottling, distribution, and tasting facility. In 2015, the applicant inquired as to the potential for using the subject property for a facility that would include the bottling, blending, and wholesale distribution of wines as well as a tasting room and retail sales of wine. The Planning Commission found those uses to be similar if not more restrictive because the proposed hours of operation were comparable to the businesses that previously occupied the site, and the indoor retail space was reduced from 2,400 square feet to 400 square feet.

The applicant is requesting that the addition of a mobile food facility be found to be consistent with the change in use standard of County Code Section 19.60.070. The proposed hours of operation of the mobile food facility are 5 days per week, Thursday through Monday, from 11:00 a.m. until 7:00 p.m.

D. Planning Commission Action: Following the public hearing, the Planning Commission may either:

1. Approve the change in use thereby finding the proposed addition of a mobile food facility to be similar or more restrictive in nature than the prior uses of the property.
2. Deny the change in use thereby finding the proposed addition of a mobile food facility to be dissimilar or less restrictive in nature than the prior uses of the property.

E. Findings: If the Planning Commission moves to find the proposed uses are similar or more restrictive in nature than the previous uses, the action must be based on specific findings *(please specify in the motion)* which are supported by materials or statements presented during the hearing.

Shmitz Cellars - Aerial View

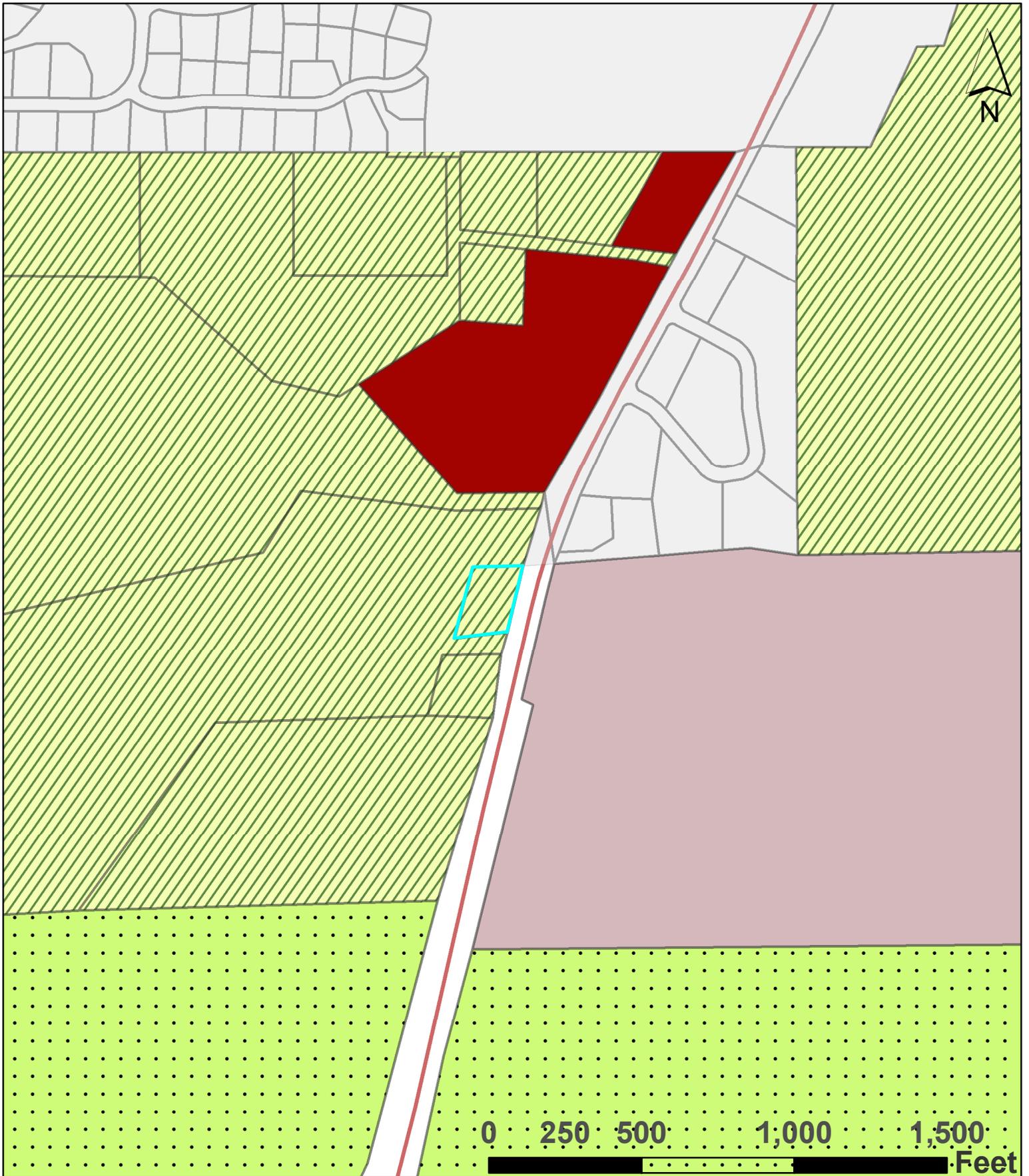


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

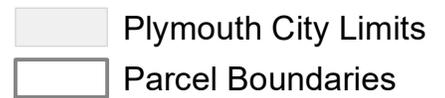
0 50 100 200 300 400 500
Feet

Parcel Boundaries
Plymouth City Limits

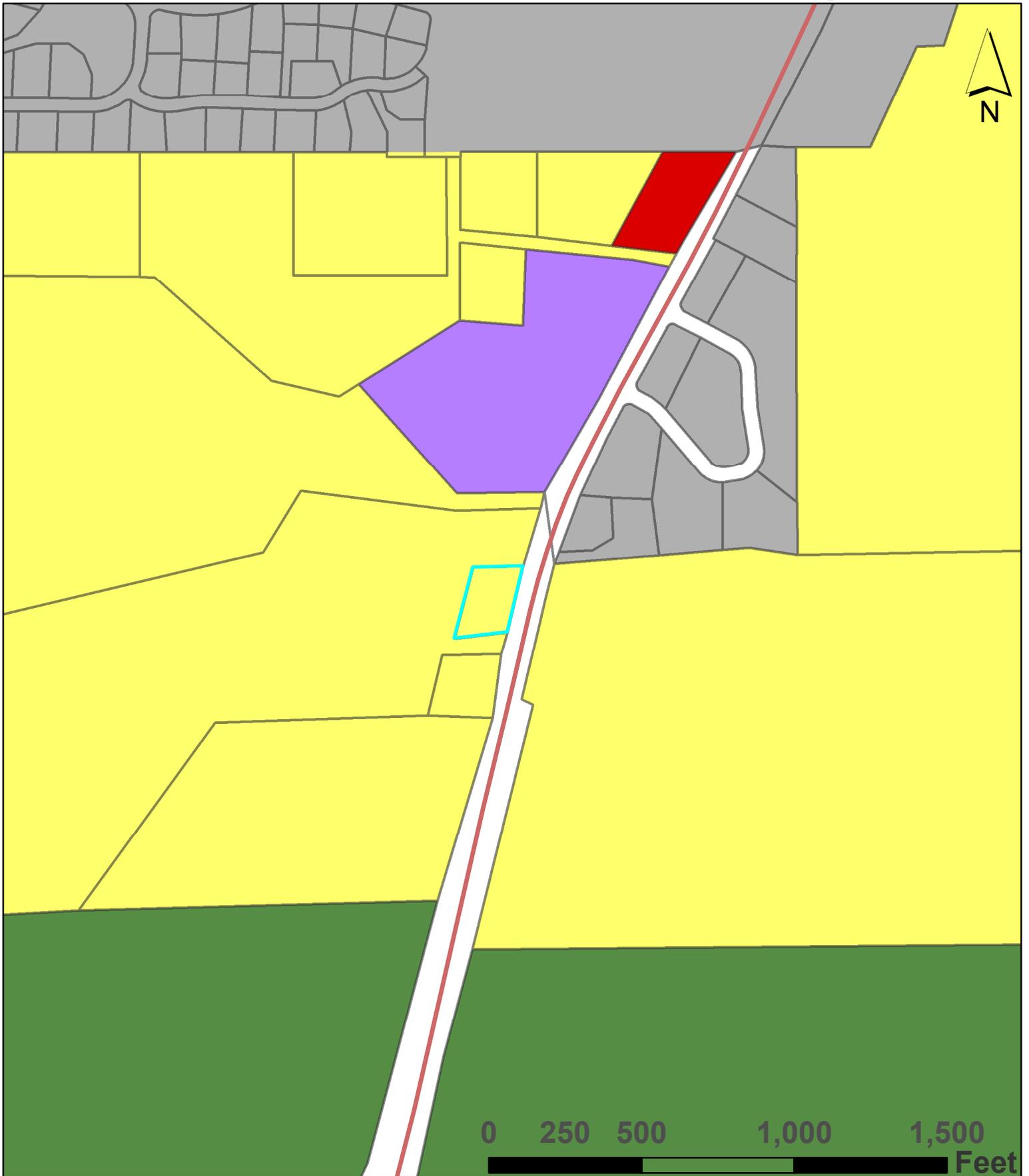
Shmitz Cellars - Zoning



Zoning



Shmitz Cellars - General Plan Designation



GeneralPlan



Application Procedure For Use Permit Interpretation Amador County Planning Department

The following explains the purpose and need for the Nonconforming Commercial Use Interpretation for Schmitz Wines at 17585 Hwy 49 Plymouth, CA..

Need for None Conforming Commercial Use Interpretation: The current zoning of Assessor Parcel No. 008-200-009-000 property is "R1A" Single Family Residential and Agricultural District. As of 1.13.15 Amador County Planning Department approved a change in use to another nonconforming use for Schmitz Wines Wholesale Bonded Cellar Storage and Tasting Room Retail Consumer Sales. I would like to request an additional nonconforming use be approved to park a Mobile Food Facility (Food Truck / Trailer) on the property offering cooked food for sale to consumers.

History of Site Use: The site has been used as a Retail Consumer Sales first as a retail tire consumer sales and service from 1975 through 1995, and then as a retail consumer sales and service feed store from 1996 through 2012, and then as a retail consumer sales and service antique store from 2013 through August 12th 2015, and now as Schmitz Wines Wholesale Bonded Cellar Storage and Tasting Room Retail Consumer Sales from August 13th 2015 through the present.

Proposed Additional New Use: I would like to request an additional nonconforming use be approved to park a Mobile Food Facility (Food Truck / Trailer) on the property offering cooked food for sale to consumers. Offering a variety of cooked fresh fish, beef, lamb, pork and sandwiches, any of the Mobile Food Facility parked on site will have a current Amador County Health Permit in place on the MFF. Our current Tasting Room clients are asking for food to enjoy with our wines when they stop in.

Parking: The existing driveways will be used for Ingress and Egress along with the existing parking spaces.

Proposed Improvements: There are no plans to expand any of the existing buildings.

Operating Days / Hours: The wholesale cellar storage facility will be open Monday – Friday from 8am to 5pm. The tasting room will be open Thursday – Monday from 10am to 6pm. The MFF will be open Thursday – Monday from 11am to 7pm.

Regards,


Paul Schmitz
Schmitz Wines
17585 Hwy 49
Plymouth, CA 95669

5-30-2019



Date : 6-22-15
 Title: PARKING LAYOUT
 Location: 17585 CALIFORNIA 49, PLYMOUTH, CA 95669

PARKING LAYOUT