

CITY OF CERES
PLANNING COMMISSION
MINUTES

March 19, 2007

MEETING CALLED TO ORDER: 7:03 p.m.

ROLL CALL:

PRESENT: Bowman, Del Nero, Meyer, Smith, Williams

ABSENT: None

ALSO PRESENT: Community Development Director Kenneth Craig, Senior Planner Tom Westbrook, Engineering Services Supervisor Len Guillette, City Attorney Michael Lyions, Assistant Planner Lantz Rey, Planning Technician Carla Cervantes, Admin. Secretary/Planning Tech. Linda Ryno

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Meyer

APPROVAL OF MINUTES:

1. March 5, 2007.

It was moved by Commissioner Williams, seconded by Commissioner Del Nero, to approve the minutes as presented. Carried 5/0.

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATION:

None

APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND CERTIFICATION OF POSTING:

It was moved by Commissioner Bowman, seconded by Commissioner Smith, to approve the agenda as posted. Carried 5/0.

CONSENT CALENDAR:

None

PUBLIC HEARINGS:

2. 07-04 VTPM; Proposal to subdivide a 14,641 square foot lot at the northeast corner of Richland Avenue and Stonum Road.

Planning Technician Cervantes gave a report.

The public hearing was opened at 7:07 p.m.

Laurel Stendaro, 1737 River Road, expressed her concerns with the following:

- Driveways exiting onto Richland;
- Narrowest part of Richland
- Area is mostly ranchettes and/or large lots-most over 9,000 square feet;
- Concerned that two-story homes will affect the quality of another home they own just to the east of the subject property.
- The property sits higher than existing homes that abut the property.

Chairperson Meyer asked Ms. Stendaro what she envisions for the property? Ms. Stendaro responded that they would prefer one single story home that would exit onto Stonum, rather than Richland.

Lela Cannon, 1822 Rainbow Lane, stated that she had been taking daily walks along this section of Richland Avenue for more than 20 years and she was upset when the city eliminated a traffic lane for curb and gutter.

Commissioner Smith asked staff for a history of Richland Avenue and the fact that the street width differs.

Engineering Services Supervisor Guillette responded that a previous General Plan showed Richland Avenue going over the river and that it would develop to a 105 foot width. Mr. Guillette further commented that plans for Richland to go over the bridge were dropped in the last General Plan; therefore, there is no need for Richland Avenue to be 105' wide. The City recently put in sidewalk north of Nadine Avenue and that everything is in motion for Richland to become a collector street; the curbs and gutter south of this project will also be re-aligned.

Director Craig commented that the past practice of piece meal projects is why the City Council is trying to get a more regional approach to an infrastructure program. Director Craig also commented that larger lots were originally created in 2005, but the zoning ordinance allows for 6,200 square foot lots in the R-1 Zone.

Max Garcia, Garcia Davis Ringler, P O Box 1033, Ceres, representing the applicant, stated that originally Richland Avenue was so wide because it was the main route to the hospital which was located further south on Richland. After the hospital closed, the City of Modesto deleted the bridge over the river from their General Plan and Ceres did the same.

Mr. Garcia addressed the concern of Ms. Stendaro regarding two-story homes. He stated that normally Mr. Ledbetter builds single-story homes, but that he could not guarantee that. He further commented that Mr. Ledbetter agreed to the conditions in the draft resolution approving the vesting tentative parcel map.

It was moved by Commission Williams, seconded by Commissioner Smith, to approve 07-04 VTPM and adopt PC Resolution 07-11. Carried 5/0.

3. 07-05 CUP; Proposal to construct an 8,700 square foot office at 1051 Partee Lane.

Assistant Planner Rey gave a report.

The public hearing was opened at 7:36 p.m.

Norm Wilson, 609 15th Street, Modesto, representing the applicant, stated that his client agreed with the conditions in the draft PC Resolution.

Nick Toma, supervisor of the Parole Office that is currently located on Whitmore Avenue, stated they have been in that location since 1990 and that they typically sign leases in increments of 5-7 years.

Commissioner Williams asked if historically there are issues with the parolees reporting to the office?

Mr. Toma responded that there may be an isolated issue, but because of staffing, it typically does not escalate into something that affects their neighbors.

Commissioner Smith expressed her concerns about:

- Proximity of schools to existing site;
- Beer & wine sales not far from new site;
- Theft to surrounding businesses;
- Were other tenants near the new location notified?

Chairperson Meyer also commented that she spoke to several tenants and that they were not aware of the proposed use.

Director Craig responded that the City is required by law to notify property owners within 300', but staff is administratively planning to notice tenants also.

Mr. Toma spoke again advising the Commission that the office is staffed with eight agents, two supervisors, and three clerical employees.

Mr. Ginosso of Buena Vista Moving, 1050 Partee Lane, said that he, as well as other tenants in the business park, were not notified about the new tenants; he only found out when Chairperson Meyer visited the site. Mr. Ginosso further commented that he believed renters have rights, that his due process was not met and asked the Commission to continue their decision in order that all the tenants could be notified.

Mr. Wilson commented that although the tenants may have concerns, there was a letter from the Ceres Police Department stating they had no issues or concerns.

The public hearing was closed at 8:05 p.m.

Commissioner Williams commented that she understood Mr. Ginosso's concerns, but also felt the property owners should be accountable to their tenants.

Commissioner Bowman commented that he had been shopping at Richland Market for 30 years and didn't even know that the parole office was located nearby.

Director Craig advised the Commission that if there are concerned about educating and notifying the tenants, that they should continue the item.

Commissioner Williams commented that she likes the project and the location and doesn't feel it needs additional conditions.

The public hearing was re-opened at 8:10 p.m.

Mr. Ginosso commented again that he thought his due process rights were violated.

Director Craig explained the appeal period.

City Attorney Lyons further explained the appeal process by stating that anyone could appeal a decision of the Planning Commission to the City Council.

Fred Miller, 3431 Millbrook Avenue, Modesto, representing the buyer and seller, commented that it's very difficult to find a suitable location for a parole office in the City Limits and that staff had suggested Miller Industrial Park to his client. Mr. Miller suggested that the parole office might consider having an open house for their neighbors.

The public hearing was closed at 8:21 p.m.

Commissioner Smith commented that she supports the location; that she also strongly encourages the applicant to get to know their neighbors to and let them know it's a safe place.

Commissioner Del Nero stated he had been in the office about 20 times and saw minimal problems.

Chairperson Meyer expressed her concern about notification and that she felt, in the future, not only the property owners, but tenants within 300', should be notified.

It was moved by Commissioner Bowman, seconded by Commissioner Williams, to approve 07-05 CUP and adopt PC Resolution 07-10. Carried 5/0.

PUBLIC MEETINGS:

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:

None

REPORTS:

Chairperson Meyer thanked Assistant Planner Rey for participating in the Dr. Suess read-along night and that she was looking forward to the conference in San Diego.

Commissioner Bowman reminded everyone that Relay for Life was going to be on April 28 and invited everyone to participate.

Commissioner Williams thanked Planning Technician Cervantes for a job well done for her first staff report.

Director Craig advised the Commission of the programs they might want to attend at the San Diego Conference and invited them to attend the Blueprint Planning Process meeting on April 12, from 6:30-8:30 p.m.

ADJOURNMENT:

The Planning Commission adjourned at 8:37 p.m. to the regularly scheduled Planning Commission meeting of April 16, 2007.

APPROVED:

Brandy Meyer, Chairperson

ATTEST:

Kenneth H. Craig, Secretary