

CITY OF CERES  
PLANNING COMMISSION  
MINUTES

May 7, 2007

**MEETING CALLED TO ORDER:** 7:00 p.m.

**INTRODUCTION OF PLANNING MANAGER** Barry Siebe:

Community Development Director Craig expressed his joy and delight in the appointment of Barry as the Planning Manager.

Planning Manager Siebe told the Commission he was also excited to be with the City and is looking forward to working with the Commission.

**INTRODUCTION OF STUDENT COMMISSIONER** Orhi Amino:

Community Development Director Craig told the Commission that he felt the addition of Ms. Amino was a very exciting opportunity for the City.

**ROLL CALL:**

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

**ABSENT:** None

**ALSO PRESENT:** Community Development Director Kenneth Craig, Planning Manager Barry Siebe, Senior Planner Tom Westbrook, Engineering Services Supervisor Len Guillette, City Attorney Michael Lyons, 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. April 16, 2007.

It was moved by Commissioner Williams, seconded by Commissioner Smith, to approve the minutes as presented. Carried 4/0/1. Commissioner Bowman abstained.

**CONFLICT OF INTEREST DECLARATION:**

None

**CITIZEN COMMUNICATION:**

None

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

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

**CONSENT CALENDAR:**

2. PC Resolution No. 07-12 Affirming the Action to Deny CUP 06-51 for Prime Shine Carwash.

It was moved by Commissioner Smith, seconded by Commissioner Williams, adopting PC Resolution No. 07-12 affirming the denial of CUP 06-51. Carried 4/0/1. Commissioner Bowman abstained.

**PUBLIC HEARINGS:**

3. 04-33 CUP; Six month review of Pizza Love.

Planning Technician Cervantes gave a report.

The public hearing was opened at 7:14 p.m.

Raul Luna, 429 Montague, Modesto, the owner, advised the Commission that he feels his business is an asset, not a liability. He further commented that things are beginning to pick up and they are getting ready to open the interior dining area.

The public hearing was closed at 7:17 p.m.

It was moved by Williams, seconded by Bowman, to adopt PC Resolution 07-16 including the requirement for another review in five years. Carried 5/0.

4. 06-46 ANNX; Annexation of 23.48+/- acres just east and south of the southeast corner of Mitchell and Service Roads.

Senior Planner Westbrook gave a report commenting that there was some language change to PC Resolution 07-15 and that the latest version was on the dais in front of each of them.

Commissioner Del Nero asked for clarification on the annexation process.

Community Development Director Craig responded that if the Planning Commission agrees with the annexation request, it would be forwarded to the City Council. The City Council would then authorize the filing of an application to the Local Agency Formation Commission (LAFCO). Ultimately, LAFCO makes the decision to bring the property into the City of Ceres.

Commissioner Smith asked if the three existing single family homes would be required to connect to city water and sewer.

Senior Planner Westbrook responded that if any of those three properties elected to develop, that they would be required to hook up to city services.

Commissioner Bowman asked what would happen if their sewer failed?

Engineering Services Supervisor Guillette responded that if sewer connection is less than 250 feet from their property, that they would be required to connect.

Senior Planner Westbrook commented that all property owners have agreed to the annexation request.

The public hearing was opened at 7:29 p.m.

Max Garcia, Garcia-Davis-Ringler, representing the applicant, commented that it takes about one year to get through the annexation process; that the applicant wanted to have the annexation complete because it makes it more marketable.

Jim McCarthy, also representing the applicant, said that there are already several interested parties.

The public hearing was closed at 7:33 p.m.

It was moved by Commissioner Bowman, seconded by Commissioner Williams, to adopt PC Resolution 07-14 recommending the City Council adopt a negative declaration for the annexation. Carried 5/0.

It was moved by Commissioner Bowman, seconded by Commissioner Del Nero, to adopt the revised PC Resolution 07-15 recommending the City Council approve the annexation. Carried 5/0.

**PUBLIC MEETINGS:**

5. 07-08 ASPA; proposal to construct a 3,300 square foot metal building at 1941 Foundry Court.

Planning Technician Cervantes gave a presentation and advised the Commission that earlier in the day, staff received an email from the applicant requesting items 6 and 17 be deleted from Exhibit A, Conditions of Approval of PC Resolution 07-13.

The public hearing was opened at 7:44 p.m.

John De Angelis, 5222 Pirrone, Salida, representing the applicant, advised the Commission that the business is currently located in Ripon, but that the owner lives in Ceres and would like to relocate his business to Ceres.

Mr. De Angelis disagreed with staff regarding condition 17. Mr. De Angelis argued that state law allows design built contractor to draw plans and that the wording that staff is recommending is not practical. He further commented that it should be deleted because at the time of building permit submittal, the building division will require an engineer or architect's stamp on those plans.

Mr. De Angelis also disagreed with condition 6. He commented that the north elevation will not be seen from the street and that he felt it was too costly to stucco that side of the building. He further commented that there was a new metal building across the street that had no architectural upgrades and reminded the Commission that the building is located in an industrial zone.

Chairperson Meyer asked staff about the building across the street from the applicant.

Senior Planner Westbrook responded that that the project was approved in 2004, but was just recently constructed.

Community Development Director Craig responded that the City Council's direction is to raise the bar and require nicer, higher quality projects.

Commissioner Williams stated that she took issue at Mr. De Angelis' negative comments and all that she had asked of him was an example of some of their other projects and he didn't even provide that.

Mr. De Angelis then told the Commission that he would just like to forget what he had said earlier, and that he can work with Planning Staff.

Gary Schwartz, 1341 Carla Court, Ripon, also representing the applicant, commented that they have gone to the trouble and expense to make the front of their building very attractive, unlike other buildings in the area; and further, he commented that the Commission had probably not even visited the site.

Commissioner Smith expressed her disappointment with both Mr. De Angelis' and Mr. Schwartz' comments that were directed toward the Commission; that she does take the time to visit the site of any project that is before the Commission. She also commented, that based on both Mr. De Angelis' and Mr. Schwartz' negative comments, she was concerned with what kind of relationship they could have with staff.

The public hearing was closed at 8:15 p.m.

Senior Planner Westbrook advised the Commission that he had been working with Mr. De Angelis and that Mr. De Angelis has been very responsive to any of staff's questions.

It was moved by Commissioner Bowman, seconded by Commissioner Smith, to adopt PC Resolution 07-13 as submitted, approving 07-08 ASPA. Carried 5/0.

**UNFINISHED BUSINESS:**

None

**MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:**

None

**REPORTS:**

Chairperson Meyer welcomed Planning Manager Siebe and Student Commissioner Amino to the Commission.

Commissioner Williams said that they would like to see more city involvement at the Ceres Street Faire. The Commission concurred that they would also like to see a booth that would showcase to the public the development that is going on in town.

Community Development Director asked the Commission if they would be interested in exploring an earlier meeting time. After some discussion, the Commission concurred that they would like to meet at 6:00 p.m. City Attorney Lyons suggested that staff take the item to a future City Council meeting for the Council's information.

**ADJOURNMENT:**

The Planning Commission adjourned at 8:41 p.m. to the regularly scheduled Planning Commission meeting of May 21, 2007.

APPROVED:

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Brandy Meyer, Chairperson

ATTEST:

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Kenneth H. Craig, Secretary