

CITY OF CERES
PLANNING COMMISSION
MINUTES

December 15, 2008

MEETING CALLED TO ORDER: 6:02 p.m.

ROLL CALL:

PRESENT: Del Nero, Kachel, Kline, Smith, Williams

ABSENT: None

ALSO PRESENT: Community Development Director Kenneth H. Craig, Planning Manager Barry Siebe, Interim City Engineer Michael Brinton, Redevelopment/Economic Development Manager Bryan Briggs, City Attorney Mike Lyons, Senior Planner Tom Westbrook, Associate Planner James Michaels, Administrative Secretary Linda Ryno

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Del Nero.

APPROVAL OF MINUTES:

1. November 17, 2008.

Commissioner Kline pointed out that on page 5, the vote should be 4/1, Commissioner Kline voting no.

It was moved by Commissioner Kachel, seconded by Commissioner Kline, to approve the minutes with the correction noted above. 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 Williams, seconded by Commissioner Kachel, to approve the agenda as posted. Carried 5/0.

CONSENT CALENDAR:

None

NEW BUSINESS:

None

PUBLIC HEARINGS:

2. 08-18 CUP; Public hearing for a proposal to consider a conditional use permit to establish a bar/cocktail lounge with live entertainment at 3018 E. Service Road.

Associate Planner Michaels gave a report.

Chairperson Del Nero asked for clarification on Rohde Road configuration and if there were any houses to the south of the project.

Director Craig responded that the long term plan for the road is to be re-aligned to make the area more developable.

Commissioner Kline commented that he noticed the original floor plan showed an office, but the revised floor plan didn't show an office. He also asked about a walk-in freezer. Commissioner Kline also asked about the ABC license application on page 8 and that the applicant answered yes to one of the questions. Mr. Kline further inquired as to why staff did not point that out in the staff report.

Director Craig said that certainly staff should have made reference to that, but he also reminded the Commission that they are charged with determining if the proposed use is allowed per right or if a conditional use permit is required.

Commissioner Smith continued that the application says a yes answer requires an attachment explaining why, but that the attachment wasn't included.

Planning Manager Siebe advised the Commission that the ABC licensing is separate from the approval by the City and not necessarily pertinent to the use.

Commissioner Smith said that she didn't agree with Mr. Siebe and thinks it's extremely relevant.

Commissioner Kline asked if the CUP application goes to the City Council? Director Craig responded that the Council charges the Planning Commission with the approval.

Planning Manager Siebe further commented that the Public Safety Department was present at the predevelopment meeting and that their comments, if any, were incorporated into the Conditions of Approval for this application.

The public hearing was opened at 6:24 p.m.

Stacy of Commercial Architecture, representing the applicant, advised the Commission that the applicant was not present, but he did show his honesty by answering the question. She further stated that she did not know the specifics of the ABC license question.

The public hearing was closed at 6:26 p.m.

Director Craig stated that if it was a serious violation, that ABC wouldn't issue the license.

Commissioner Williams asked where other bars were located in Ceres. Planning Manager Siebe responded that there are other facilities, but types of licenses vary. He believed the closest facilities selling alcohol are the Arco and Chevron stations which have off-sale licenses. The conditional use permit before them strictly prohibits off-sale.

Commissioner Kachel stated he was disappointed that the owner wasn't present as he would like an answer to the question.

City Attorney Lyons advised the Commission that they could continue the matter and direct the applicant to be present so the Commission can properly evaluate the application.

The applicant's representative, Stacy, said there are no time implications for approval of the use permit and that the issue is really about the use; she commented that how his specific business is run is not really a concern of the conditional use permit application.

Commissioner Williams replied that she prefers to have the applicant present and feels it's in the best interests of the City of Ceres.

Chairperson Del Nero commented that he thinks ABC will take care of the issue, if there is one.

Commissioner Williams further commented that she feels very passionately about what's best for the City and didn't believe a bar is appropriate.

Planning Manager Siebe advised the Commission that this type of use is generally allowed by right. Because the property is located within the MRCSP and is within 300' of a residential use, a conditional use permit is required, which requires approval by the Planning Commission.

Planning Manager Siebe said that during initial discussions, it was mentioned that the bank was going in the location that Lantz said. He further commented that the MRCSP requires separation between commercial and residential property be accomplished with a wall. Mr. Siebe further advised the Commission that the Planning Commission will make a determination on the buildings that will be constructed once an application is filed.

Director Craig advised the Commission that staff will note to file Mr. Peterson's concerns and will work with all property owners.

Brian Heron, representing the applicant, commented that his client would have preferred not to spend \$100,000 for a wall.

The public hearing was closed at 7:03 p.m.

Commissioner Kline asked if Mr. Peterson could submit a letter requesting shrubs be planted instead of trees? Director Craig replied that it's premature since the Planning Commission is looking at the subdivision map, not the architecture site plan approval.

It was moved by Commissioner Kline, seconded by Commissioner Smith, to adopt PC Resolution 08-35 with condition B5 modified to read:

5. All easements and agreements required for this project shall be recorded upon acceptance of the final map.

Carried 5/0.

4. Public hearing to determine if the Clinton Whitmore Mansion should be designated a historic landmark.

Redevelopment/Economic Development Manager Briggs gave a brief presentation.

The public hearing was opened at 7:12 p.m.

Cary Pope, owner of the Mansion, expressed how proud he and Mrs. Pope were of what has taken place at the Mansion and believes it is appropriate to request placement in the National Register.

The public hearing was closed at 7:15 p.m.

It was moved by Commissioner Kachel, seconded by Commissioner Williams, to adopt PC Resolution 08-36. Carried 5/0.

PUBLIC MEETINGS:

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:

None

REPORTS/COMMUNICATION:

Commissioner Kachel commented that both his term and Chairperson Del Nero's were expiring December 31, 2008. Although he applied for re-appointment, he wanted to thank staff and the Commission for the jobs they do.

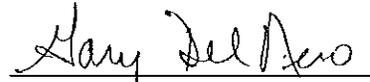
Director Craig invited the Planning Commission to the annual workshop on January 24 and said that he would have Administrative Secretary Ryno contact them to see if they were interested in attending.

Commissioners Del Nero and Kachel said they would attend if they were still members; Commissioners Kline and Smith said they would be attending.

ADJOURNMENT:

The Commission adjourned at 7:27 p.m. to the next regularly scheduled Planning Commission meeting of Tuesday, January 20, 2009.

APPROVED:



Gary Del Nero, Chairperson

ATTEST:



Kenneth H. Craig, Secretary