

CITY OF CERES
PLANNING COMMISSION
MINUTES

June 15, 2009

MEETING CALLED TO ORDER: 6:01 p.m.

ROLL CALL:

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

ABSENT: None

ALSO PRESENT: City Engineer Glenn Gebhardt, Senior Planner Tom Westbrook, City Attorney Mike Lyons, Administrative Secretary Linda Ryno

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Williams.

APPROVAL OF MINUTES:

None

CONFLICT OF INTEREST DECLARATION:

Chairperson Williams stated that she was a customer of Wyatt Insurance and asked the City Attorney for a ruling on whether she should declare a conflict. City Attorney Lyons asked Ms. Williams if she had paid more than \$500 in the last 12 months to the insurance company

CITIZEN COMMUNICATION:

None

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

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

NEW BUSINESS:

None

Chairperson Williams left the room.

PUBLIC HEARING(S):

1. Public hearing to consider Zoning Ordinance Text Amendment (ZOTA) 09-04; on-site electronic changeable copy signs.

Senior Planner Westbrook gave a report and Power Point presentation.

Commissioner Del Nero asked if this item had been brought to the Commission previously.

Westbrook replied that the previous application was for both on and off-site signs which the Planning Commission recommended denial to the City Council. Mr. Westbrook further stated the application before them is for only on-site signage.

Commissioner Del Nero then asked about graffiti being an issue. Senior Planner Westbrook responded that generally there isn't a lot of graffiti on signs and that it's an unknown.

Commissioner Del Nero asked how many signs are there on Mitchell Road that could be affected by this new provision? Senior Planner Westbrook responded that signs with these components are expensive and that once the economy turns around, there might be an increase.

The public hearing was opened at 6:25 p.m.

Dirk Wyatt, the applicant, thanked staff for being so helpful and commented that this "how we can help the public" philosophy is so different than the old "how can we deny".

Mr. Wyatt asked that the Commission amend staff's proposal with the following:

Allow 25 feet in height from the proposed 6';

Do not use the term "zone districts".

Offices on Mitchell Road should be allowed 25' high and maximum of 32 square feet.

Sign would not be seen if sign was placed lower. Would like 4' tall and 8' wide for the electronic sign components.

Mr. Wyatt also commented that he feels his situation is unique because the sign for his business is in a 6' wide lawn area.

The public hearing closed at 6:36 p.m.

Commissioner Kline agreed that the applicant has a visibility issue, but that he was afraid of what it opens up. He also said that he likes the stationary sign that the Hatch Road BID has on Hatch Road. Kline further stated that he feels four seconds for copy change is too quick, but that he does agree with the sign height, but disagrees with electronics.

Commissioner Kachel agreed with Mr. Wyatt that staff has done a terrific job, that it appears this request appears to be that of a specific policy question.

There was further discussion by Senior Planner Westbrook; specifically that all nine tenants on the Wyatt property can advertise on the sign.

Commissioner Del Nero asked how many of these signs are there going to be in Ceres and will the cost be prohibitive? She further stated that because of the economy, there may not be many, but that she's thinking of the future when the economy turns around, there could be a plethora.

Commissioner Smith stated that she had the same concerns as Commissioner Del Nero and that she was concerned how our community looks as you drive into it. She further stated that it's a hard issue, that the ordinance is excellent, but that she's not in favor of changeable copy sign.

Commissioner Kachel asked why staff recommended approval.

Senior Planner Westbrook responded that staff believes there should be allowances for on-site signage and that staff had received preliminary feedback from the City Council, and was directed to take the request through the application process.

The public hearing re-opened at 6:45 p.m.

Dirk Wyatt re-approached the podium. He commented that Mitchell Road is probably the busiest road in Stanislaus County and as such, is a terrific venue to advertise businesses. Mr. Wyatt also said that neon is the more technological advanced way to advertise a business. Because of the expense, Mr. Wyatt stated that he didn't think there would be a lot of businesses taking advantage of the new changeable copy signs.

Commissioner Kline asked for specifics on the proposed sign pedestal and asked about the existing sign on Mr. Wyatt's property of less than one acre and that the project site's frontage is a lot wider than deep. Commissioner Kline also asked if Orchard Park shopping center directly to the south, would be able to have a sign as well.

Senior Planner Westbrook responded that Mr. Wyatt's sign is a legal, nonconforming sign that he received a building permit for in 1991 or 1992 and that yes, Orchard Park is on a different parcel, so they could also have a changeable copy sign.

The public hearing was closed at 6:52 p.m.

Commissioner Kline stated that visibility and aesthetics are an issue and that he was concerned that the property to the south could also have a sign.

Commissioner Smith said that there are other businesses along Mitchell Road near the freeway that have yet to be developed which could be eligible to also have a changeable copy sign.

Commissioner Kachel stated that Mr. Wyatt's sign was unique looking, but thought changeable copy would be more appropriate every 20 seconds.

The public hearing was re-opened at 6:58 p.m.

Mr. Wyatt commented that he wouldn't want to be limited to changeable copy every 20 seconds; that his proposed 4 seconds is similar to Cal Trans.

The public hearing was closed at 6:59 p.m.

It was moved by Commissioner Kachel to recommend approval of Resolution 09-11 recommending to the City Council for the adoption of a zoning ordinance text amendment to amend the Ceres Municipal Code to allow provisions for on-site electronic changeable copy signs. The motion died due to the lack of a second.

Commissioner Kline stated he would be interested in a more aesthetically please sign ordinance, but not one that included changeable copy signs.

It was moved by Commissioner Kline, seconded by Commissioner Del Nero, to recommend to the City Council to deny the proposed Zoning Ordinance Text Amendment. Carried 3/1/1. Commissioner Kachel voting no and Chairperson Williams abstaining.

Chairperson Williams returned to the room at 7:07 p.m.

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:

None

REPORTS/COMMUNICATION:

Commissioner Kline asked for an update on the recruitment of a student commissioner.

Senior Planner Westbrook responded that staff thought there was going to be another

meeting with selected members of the Commission and the leadership class at Central Valley High School. Chairperson Williams said that it was too late in the school year, and that in September she would be coordinating such a meeting. Ms. Williams then asked what the process was for selecting a student commissioner.

Senior Planner Westbrook responded that the process is the same, that the Community Development Director makes a recommendation to the City Council, who makes the actual appointment.

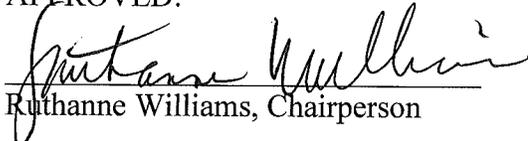
Commissioners Kachel and Kline agreed that since the Chairperson made an agreement with CVHS to wait until September, that the Commission would need to stand by that. Commissioner Kline said that he will notify Ms. Cooper when the school year begins that the reason she hadn't heard anything was that the meetings with CVHS students will take place in September.

Commissioner Kachel reminded everyone that the ribbon cutting ceremony is taking place at the Community Center at 4:00 tomorrow.

ADJOURNMENT:

The Commission adjourned at 7:18 p.m. to the next regularly scheduled meeting of July 20, 2009, in the new Community Center.

APPROVED:


Ruthanne Williams, Chairperson

ATTEST:


Tom Westbrook, Interim Secretary