

CITY OF CERES
PLANNING COMMISSION
MINUTES

July 20, 2009

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

ROLL CALL:

PRESENT: Kachel, Kline, Smith, Williams

ABSENT: Del Nero (excused)

ALSO PRESENT: Interim Development Services Director/City Engineer Glenn Gebhardt, Interim City Planner Tom Westbrook, Associate Planner James Michaels, City Attorney Mike Lyons, Administrative Secretary Linda Ryno

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Williams.

APPROVAL OF MINUTES:

1. June 15, 2009.

It was moved by Commissioner Kline, seconded by Commissioner Kachel, to approve the minutes as presented. Carried 4/0.

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATION:

None

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

It was moved by Commissioner Kachel, seconded by Commissioner Smith, to approve the agenda as posted. Carried 4/0.

NEW BUSINESS:

None

PUBLIC HEARING(S):

2. Public hearing to consider 08-21 GPA 08-21/08-22 MRCSP Amendment/08-24 SPSP at 2936 Roeding Road.

Interim City Planner Westbrook gave a report.

The public hearing was opened at 6:14 p.m.

Bob DeGrasse, the architect for the project, said that he agreed with the conditions with the exception of:

- Item 17 on page 18 and asked that verbiage be added, “with final approval of TID”.
- A3 on page 16, expires 24-30 months instead of 18 months.

Mr. DeGrasse also distributed a revised site plan that showed the gas station on the corner.

Commissioner Smith asked if item 17 on page 18 which required overhead electrical lines be undergrounded was a requirement of the Mitchell Road Corridor Specific Plan?

Interim City Planner Westbrook responded that it’s a General Plan policy and that staff agrees with the verbiage requested by Mr. DeGrasse on item 17, page 18. Staff also has no objection to the site plan presented to the Commission.

Chairperson Williams asked if item A3 affected their ability to decide on the project at this meeting.

Interim City Planner Westbrook responded that language in the Municipal Code states the term of the specific plan site plan.

City Attorney Lyons reinforced Mr. Westbrook’s comment and that the Planning Commission does not have the authority to lengthen the initial approval period, but would be able to approve an extension.

William Kent, 3212 Vernal Drive, stated his concerns:

- Low Density Residential is perfectly viable for this property;
- Concerned moving forward without a current traffic study;
- San Joaquin Valley Air Pollution Control District’s letter in which they comment there is no significant impact. Felt a traffic study would change their opinion.
- Is there a similar property development within the city limits or the SOI that is typical;

- Believes driveways on Roeding are too narrow and would be significantly better if wider to allow cars to queue;
- Signage. Development at the northeast corner of Mitchell/Roeding continually put signage on sidewalk impeding pedestrian traffic. How will signage be addressed.

Mr. Kent asked if this development will change the fabric of his community? He further stated that he believes history shows Ceres has done a poor job of policing illegal signs.

Marsha Harris, 3517 Archcliffe Drive, advised the Commission that she has a signed petition from her neighbors supporting the development, but until the architect distributed the new site plan at tonight's meeting, the neighbors were not aware of any two-story buildings.

Interim City Planner Westbrook responded that the only change in the new site plan was the access point. The site plan and traffic study are current and that the applicant had addressed all concerns raised in the traffic study.

Ms. Harris asked how many two story buildings there were? Interim City Planner Westbrook responded two. With that, Ms. Harris submitted the letter of support from 14 neighbors.

Mr. DeGrasse stated the driveway at Roeding/Vernal has been designed for left-out, right-out and right/left in.

The public hearing was closed at 6:32 p.m.

Commissioner Kline commented that the eastern property line lines up with the existing Orchard Park Center, extending the commercial development away from Mitchell Road.

Commissioner Kachel believes that the General Plan designation of HC is not accurate since the property doesn't serve Highway 99 and also feels that it is obtrusive to the residents and the future school; feels a office development might be more appropriate. He also questioned how heavy commercial with residential across the street would conform to General Plan Policy 3J3. He ended his comments by stating that he can't support because the property is clearly not Highway Commercial oriented.

Interim City Planner Westbrook responded that HC uses are permitted in the MRCSP; that properties that front off Mitchell are all HC. The proposed school is on the property to the west and that when Mr. DeGrasse began the development application process, the City was not aware of the School District's plan for a school site-the City only became aware of it in the last two months.

Commissioner Kachel further commented that he didn't believe schools and commercial development made good neighbors.

Chairperson Williams noted the traffic study was dated March 20, 2009; Mr. Westbrook confirmed and said that he would provide a copy of the study to Mr. Kent.

Commissioner Kline commented that the traffic is shown as less than significant; with the revised plan showing the gas station, the traffic flow will increase. He also said that he's concerned with signage as well-with the center that far back with existing businesses in front, how will it be marketed?

Interim Director Gebhardt responded that the traffic study did not talk about the generation of residential traffic and that he feels there's more of an issue with the school locating next to commercial development.

The public hearing was re-opened at 6:51 p.m.

Mahesh Ranchhod of American USA Homes, said that several years ago he attempted to develop a high density residential project with 38 units and the neighbors were against that; with the real estate market, the only way to develop is commercial. Also said that he tried to purchase the property to the west (where the proposed school is locating) but the owner didn't want to sell and stated that there will be an eight foot block wall between the school and the commercial development.

The public hearing was closed at 6:57 p.m.

Interim City Planner Westbrook commented that even if the property were designated CC, the MRCSP allows the same permitted uses as the HC designation.

It was moved by Commissioner Kline, seconded by Kachel, to deny PC Resolution 09-16.

AYES: Kline, Kachel
NOES: Smith, Williams
ABSENT: Del Nero

There was discussion among the Commission on continuing the item. City Attorney Lyons said there is no requirement on the part of the Commission to continue the public hearing.

Gebhardt asked for clarification on the vote. City Attorney Lyons responded that a split vote is an automatic denial.

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

Mr. Kent encouraged the Commission to reach a resolution tonight and further stated that it's a beautiful project and would enjoy seeing it; this location is the wrong location.

Mr. DeGrasse, representing the applicant, asked the Commission to vote.

The public hearing was closed at 7:11 p.m.

It was moved by Commissioner Smith, seconded by Commissioner Williams, to adopt PC Resolution 09-17.

AYES: Smith, Williams
NOES: Kline, Kachel
ABSENT: Del Nero

It was moved by Commissioner Smith, seconded by Commissioner Williams, to adopt PC Resolution 09-18.

AYES: Smith, Williams
NOES: Kline, Kachel
ABSENT: Del Nero

It was moved by Commissioner Smith, seconded by Commissioner Williams, to adopt PC Resolution 09-19.

AYES: Smith, Williams
NOES: Kline, Kachel
ABSENT: Del Nero

3. Public Hearing to consider 09-06 GPA/09-07 RZ/09-08 ASPA at 2334 6th Street.

Associate Planner Michaels gave a report.

Commissioner Kline asked for clarification on 5 a & b on page 20 and if the requirement is to underground utilities or relocate? Associate Planner Michaels responded that they would be doing both.

The public hearing was opened at 7:24 p.m.

Kathy Ratto, 2313 6th Street, stated she bought the home 10 years ago because of the residential character of the neighborhood. She commented on the following:

- An assisted living facility across the street had created increased foot traffic and a myriad of other issues until they lost their license;
- The proposed colors and elevations do not blend with the existing residences;
- Vacant commercial directly behind them-why create more commercial;
- Impossible to make a left now from Sixth to Whitmore;
- Signage;
- If this business moves, the residents will have no say in the next commercial venture.

Lorna Elness, 10545 Kimberly, Manteca, said that she and her husband bought the property at 2328 6th Street, for his mother. Her concerns were:

- The property would be empty at night and people will walk off Whitmore into the back parking lot and loiter;
- If her mother has to move because of age issues, their house would be hard to rent because no one wants to live next to a commercial project;
- The 8' wall between their property will make it a risk to back onto the street.

Kyle Ray, 2324 N. 6th, stated his concerns:

- He already has traffic and garbage problems with the existing commercial development behind his property;
- Proposed colors don't blend in with existing residences.

Commissioner Smith asked Mr. Ray if his primary concern was the criminal activity or the residential compatibility? Mr. Ray responded, the residential compatibility.

Yvette Elness, 2328 6th Street, expressed her concerns:

- Concerned that the commercial traffic won't be watching for the neighborhood children;
- Very difficult to back out of her driveway now.

Mrs. Lorna Elness spoke that the back driveway should at least be eliminated.

Mrs. Ratto re-approached the Commission and said that the bottom line is the neighbors want the property to stay residential.

Max Garcia-GDR Engineering, told the Commission because it's on Whitmore and commercial abuts it, it only made sense that it should also be zoned commercial. He further commented that the applicant would like the house to look like a residence, but city staff informed them that it needed to be enhanced. Mr. Garcia further re-iterated that the use is Office, not commercial and doesn't believe the driveway on 6th Street will be utilized; the main driveway is on Whitmore. The applicant's comments are:

- Condition B5 of Resolution 09-13. There is only 150' of frontage. Undergrounding this amount doesn't make sense when Central to Moffet is all above ground. Also doesn't believe the City has made any analysis for an in-lieu fee. Would prefer a looped pole to get it out of the sidewalk.
- Condition C4. Impact fees. Agree only on additional footage, which is the standard way its figured.
- Condition C9. Trash enclosure. Strictly office, so he prefers a toter that can be taken to the street on collection days. A trash enclosure isn't needed for two toters.

Dirk Wyatt, 3525 Mitchell approached the podium in response to Commissioner Smith's question of where the building's primary entrance will be located. Mr. Wyatt said the front entry will be on Whitmore Avenue.

The public hearing was closed at 8:01 p.m.

Chairperson Williams asked if there was a distance requirement between commercial and office? Interim City Planner Westbrook responded that commercial is equivalent to retail and that although the residents are saying the proposal is for a commercial development, it is for office space.

Commissioner Kline commented:

- that the address should be Whitmore, not 6th
- so many poles on Whitmore, would like to see the undergrounding requirement eliminated.

Commissioners Kachel and Williams stated they agreed with the residents that the colors should be softened to fit in with the existing homes.

Interim Director Gebhardt stated the undergrounding requirement is that of the General Plan and that if a small section of poles are required to be undergrounded, you can actually wind up with more pole than you started with. He said he was willing to talk about an in-lieu fee.

It was moved by Commissioner Kline, seconded by Commissioner Smith, to adopt PC Resolution 09-12. Carried 4/0.

It was moved by Commissioner Kline, seconded by Commissioner Smith, to adopt PC Resolution 09-13. Carried 4/0.

It was moved by Commissioner Kline, seconded by Commissioner Smith, to adopt PC Resolution 09-14. Carried 4/0.

It was moved by Commissioner Kline to eliminate conditions B5a & b of PC Resolution 09-15. There was discussion among the Commission, staff, and City Attorney Lyons regarding the Commission not having the authority to waive undergrounding. Commissioner Kline withdrew his motion.

The public hearing was re-opened at 8:25 p.m.

Max Garcia, GDR, requested the ASPA go to the Council.

City Attorney Lyons responded that the Municipal Code states the ASPA doesn't go to the Council unless it's appealed.

It was moved by Commissioner Smith, seconded by Commissioner Kline, to adopt PC Resolution 09-15 with the recommendation that the City Council, as a separate item, review the undergrounding and in-lieu policies. Carried 4/0.

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF:

None

REPORTS/COMMUNICATION:

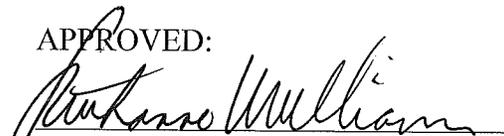
Commissioner Kline announced he will be pulling papers for the City Council.

Interim City Planner Westbrook reminded the Commission of the Mayor's State of the City Address that will be held on July 23 in the Community Center and that there will be the TID Power Plant public meeting on July 30.

ADJOURNMENT:

The Commission adjourned at 8:33 p.m. to the next regularly scheduled meeting of August 3, 2009.

APPROVED:



Ruthanne Williams, Chairperson

ATTEST:



Tom Westbrook, Interim Secretary