

CITY OF CERES
PLANNING COMMISSION
MINUTES

August 3, 2009

MEETING CALLED TO ORDER: 6:10 p.m.

ROLL CALL:

PRESENT: Del Nero, Kachel, Kline, Smith, Williams (Arrived at 6:14 p.m.)

ABSENT: None

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

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Vice Chair Smith.

APPROVAL OF MINUTES:

None

CONFLICT OF INTEREST DECLARATION:

None

CITIZEN COMMUNICATION:

None

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

It was moved by Commissioner Kline, seconded by Commissioner Kachel, to approve the agenda as posted. Carried 4/0/1 (Williams absent).

NEW BUSINESS:

1. Public hearing to consider Tentative Parcel Map 09-11 and Architectural Site Plan Approval 09-12 to subdivide 10.62 +/- acre parcel into two parcels and allow for the development of a drive-thru restaurant at 1451 Hatch Road. Zoned C-2, Community Commercial. Scarbrough Management Corporation, applicant.

Associate Planner Michaels gave a report.

Commissioner Smith asked if staff agreed with the additional condition that was being proposed.

Associate Planner Michaels responded saying that staff created a condition that would meet the needs of the City and applicant.

Commissioner Kachel commented that the agreement would be for the exclusive use of the restaurant.

Commissioner Del Nero asked if Home Depot would be over parked with the addition of the restaurant?

Associate Planner Michaels responded saying they would be over parked by 102 spaces.

Commissioner Kline asked for clarification on the seasonal sale area of the Home Depot.

Associate Planner Michaels responded the sales area does not affect the parking and that the spaces just west and east of the site of the seasonal area are for the restaurant.

Commissioner Smith asked for clarification on the parking spaces; that if Home Depot has 528 parking spaces, but only are required to have 342, are the seasonal parking spaces included in the 342?

Associate Planner Michaels responded that the 43 that are required for the seasonal just need to be subtracted from their total required of 342.

Interim City Planner Westbrook reiterated that the seasonal sales parking area of Home Depot is not included in the overall total; the ratio of parking spaces is to the store. Mr. Westbrook further commented that even with the addition of Burger King, there's still an additional 60+ more spaces and the seasonal sales parking spaces are only utilized various times of the year, not year round.

The public hearing was opened at 6:22 p.m.

Dan Zoldak, of Lars Andersen & Associates, Inc., thanked staff for all their help. He stated that it was corporate decision by Home Depot to overdevelop their property with too many parking stalls and now they are trying to get rid of some of their properties, in

Ceres as well as other cities. Mr. Zoldak continued that the applicant would like all of their stalls in their parking lot, but there are restrictions with Home Depot and that they have cross access easements with property to the north and west; Home Depot likes to keep control of their truck access route. Mr. Zoldak then asked the Commission to consider modifying the condition as stated to allow a cross access parking agreement with Home Depot to provide the required number of stalls for the project; Home Depot is committed to giving them the nine parking stalls on their parking lot. Mr. Zoldak asked what the definition of "on site" is as they believe they are meeting the requirement based on their interpretation of the word.

Commissioner Smith asked if the applicant's representative was asking for consideration of parking other than the staff recommendation and that he was asking for a parking agreement that would be irrevocable and that the spaces would be used exclusively for the restaurant.

The public hearing was closed at 6:35 p.m.

Commissioner Kline stated he is concerned with parking, just as he had been for In Shape and the Auto Zone on Mitchell Road, that continues to be a problem. He asked if employee parking is taken into consideration. He also expressed concern about the placement of a seasonal lot by Home Depot and how that would intrude into the parking spaces as there is a drive aisle to the east.

Commissioner Kachel said he also had concerns about customers having to park and then walk across the drive thru lane. He did state, however, that he was okay with the cross access easement.

Chairperson Williams echoed the concerns of parking and asked if the same thing applied to the Carl's Jr./Staples to the east?

Interim City Planner Westbrook responded that there is a reciprocal parking access easement on that property.

The public hearing was re-opened.

Mr. Zoldak approached the podium and clarified that the one condition they were talking about was on the tentative map. The ASPA also mentions 20 parking stalls and requested modification as well to Page 21, condition C2, Page 19 B5. He asked that "on-site" be removed and that will provide 20 stalls.

Interim City Planner Westbrook agreed with Mr. Zoldak's request.

The public hearing closed at 6:37 p.m.

It was moved by Commissioner Kachel, seconded by Commissioner Smith, to approve PC Resolutions 09-20 and 09-21 with the above mentioned correction.

Carried 5/0.

PUBLIC MEETING:

None

UNFINISHED BUSINESS:

None

MATTER INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Chairperson Williams apologized for being late and said she has begun a new job as Program Manager for the Howard Training Center.

Commissioner Kachel indicated that he attended the Mayor's State of the City Address.

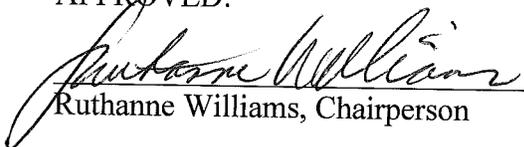
Interim City Planner Westbrook also stated that he attended the State of the City Address and said he agreed that the budget situation will be tough, but they'll pull together and get through it.

The Commission commented that Interim City Planner Westbrook was doing a terrific job.

ADJOURNMENT:

The Commission adjourned at 6:40 p.m. to the next regularly scheduled meeting of August 17 2009.

APPROVED:


Ruthanne Williams, Chairperson

ATTEST:


Tom Westbrook, Interim Secretary