

CITY OF CERES
PLANNING COMMISSION
MINUTES

October 5, 2009

MEETING CALLED TO ORDER: 6:00 p.m.

ROLL CALL:

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

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, Administrative Secretary Linda Ryno

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Williams.

APPROVAL OF MINUTES:

1. September 21, 2009.

It was moved by Commissioner Del Nero, seconded by Commissioner Kline, to approve the minutes as presented. Carried 4/0/1. Commissioner Smith 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 Kachel, seconded by Commissioner Smith, to approve the agenda as posted. Carried 4/0.

NEW BUSINESS:

2. 09-14 ASPA; Proposal to construct a 10,800 square foot warehouse at 2825 Railroad Avenue.

Associate Planner Michaels gave a staff report, explaining staff suggested revision to condition 2 b, page 10.

Commissioner Kline asked if an existing parcel that's been in business in Ceres for a number of years decides to underground the existing overhead electrical/utility lines on Railroad Avenue and pays their portion, who would pay the other portion?

Interim Director Gebhardt responded that the reality is the burden of paying for the undergrounding is on the person whose side of the street has poles and that is why the City is offering the deferred undergrounding agreement as a way of handling the recommendation that is in the General Plan. Mr. Gebhardt further explained that there are three options: underground; pay in lieu fee; or, defer agreement that puts off the condition for ten years and if the City hasn't made the improvement in that time, the requirement goes away.

The public hearing was opened at 6:14 p.m. and seeing no one in the audience, the public hearing was closed.

Commissioner Del Nero asked about the colors of the building; which Associate Planner Michaels shared with the Commission.

Interim City Planner Westbrook reminded the Commission that they needed to be sure and add the revised condition to any motion. Commissioner Kline asked if the applicant had seen the revised condition. Interim City Planner Westbrook responded affirmatively.

It was moved by Commissioner Kline, seconded by Commissioner Smith, to adopt PC Resolution 09-27 approving 09-14 ASPA with the modification to condition 2b:

- 2b. Enter into a deferred undergrounding improvement agreement with the City to guarantee half the cost of utility undergrounding along both sides of the street along the frontages of Railroad Avenue and Kinser Road, if these improvements are requested by the City within the next 10 years, and if the area to be undergrounded is at least the entire block long. The agreement shall retain the option, at the discretion of the applicant, to pay the in-lieu fee at any point prior to expiration of the agreement, at a cost not to exceed \$75 per front foot of frontage along these two streets. Payment of the in-lieu fee will constitute complete satisfaction of this condition. In addition, the definition of an entire block shall be understood to include from McCord Way to Railroad Avenue on Kinser Road, and from Kinser Road to Whitmore Avenue on Railroad Avenue.

Carried 5/0.

PUBLIC HEARING(S):

2. 09-16 CUP; Proposal to allow a personal training facility at 1920 Foundry Court.

Associate Planner Michaels gave a report.

The public hearing was opened at 6:23 p.m.

Dale DeBoer, 1214 L Street Suite 3, Modesto, advised the Commission that he was available to answer any questions and that the center is 20% occupied.

The Commission asked about specifics of operating times and number of clients.

Yader Reyes, the owner, stated it would be one on one personal training. Commissioner Williams commented that it would not be like a gym then and Mr. Reyes responded affirmatively that it would not be a gym.

Interim City Planner Westbrook advised the Commission that Mr. Reyes asked staff if he could start at 6 am and if the Commission concurs, the Resolution would need to be amended.

It was moved by Commissioner Kachel, seconded by Commissioner Kline, to adopt PC Resolution 09-28 approving 09-16 CUP with the following modification to condition B(1)(a)(i)(ii):

1. This Conditional Use Permit is approved to allow a subject to compliance with the following conditions:
 - a. The applicant is permitted to operate this use during the following day and times:
 - i. Monday through Thursday: 6am to 8 pm
 - ii. Friday and Saturday: 6am to 12 pm (noon)
 - iii. Sunday: Closed

Commissioner Kline asked since buildings aren't occupied, he would like to see a condition that each time a building becomes occupied, that the parking requirement is revisited.

Interim City Planner Westbrook responded that staff has placed a six month staff review on the CUP and that since the center is only 20% occupied, conceivably it will have more tenants at the time of the six month review as well as the one year review.

Commissioner Kline asked what happens at 18 months and the buildings are fully occupied? Interim City Planner Westbrook responded that the applicant understands that

this location is not the long term answer and also said that even at 100% occupancy, Mr. Westbrook doesn't feel it will have the parking issues of In-Shape on Mitchell Road. Carried 4/1; Commissioner Kline voting no.

PUBLIC MEETINGS(S):

None

UNFINISHED BUSINESS:

None

MATTER INITIATED BY PLANNING COMMISSION AND STAFF

None

REPORTS:

Commissioners Kachel and Kline stated they gave presentations to Central Valley High School regarding the student commissioner position and left applications for interested students. They further asked Mrs. Ryno to email the school and see if any applications had been filled out.

There was some discussion regarding the vacant student commissioner seat.

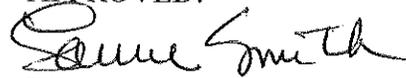
Commissioner Smith commented that she was satisfied with the process of both schools having juniors and seniors compete through the application and interview process.

Commissioner Kachel commented that he'd like to see the applications already received be given to the Mayor and have someone selected soon for the vacant student commissioner seat.

ADJOURNMENT:

The Commission adjourned at 6:46 p.m. to the next regularly scheduled meeting of November 2, 2009.

APPROVED:



Laurie Smith, Vice Chairperson

ATTEST:



Tom Westbrook, Interim Secretary