

CITY OF CERES
PLANNING COMMISSION
MINUTES

October 18, 2010

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

ROLL CALL:

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

ABSENT: None

ALSO PRESENT: Public Works Director/City Engineer Glenn Gebhardt, Finance Director Sheila Cumberland, Planning and Building Division Manager Tom Westbrook, Redevelopment & Economic Development Manager Bryan Briggs, Associate Planner James Michaels, City Clerk Cindy Heidorn, Secretary Sally Estrada

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Smith.

APPROVAL OF MINUTES:

1. August 2, 2010.

It was moved Commissioner Kline; seconded by Commissioner Kachel to approve the minutes as presented. 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 Kachel, seconded by Commissioner Del Nero, to approve the agenda as posted. Carried 5/0.

CONSENT CALENDAR:

None

NEW BUSINESS:

None

PUBLIC HEARING(S):

2. 10-01 ANNEX/10-02 GPA/10-13 PZ/10-04 ASPA; Proposal for the development of a 16, 813 square foot commercial building for retail use with a drive-thru pharmacy on two parcels at the northwest corner of Hatch Road and Central Avenue. The proposal involves seven parcels and requires the approval of an annexation, a general plan amendment, a rezoning, and an architectural and site plan approval. The architectural and site plan approval only affects two of the seven parcels. Wildeman & Simile Development, LLC, applicant.

Associate Planner, James Michaels introduced the item outlining the project, site description and the general plan and zoning compliance.

The overall project area involves seven parcels that total 9.6 +/- acres are located at the northwest corner of Hatch Road and Central Avenue. Five of the seven parcels are situated along Central Avenue and have single-family homes and the two remaining parcels are positioned 300 feet west of Central Avenue are operated by Stanislaus County Office of Education.

The applicant is requesting approval to develop a 16, 813 square foot commercial building for retail use and a drive-thru pharmacy proposed at the northwest corner of Hatch Road and Central Avenue which involves two of the seven parcels within the annexation area.

The seven parcels are currently designated LDR, Low Density Residential in the General Plan and do not have a City zoning Designation. With the approval of the project entitlements, the two parcels involved in construction of the drive-thru pharmacy store are proposed to have a General Plan designation of NC, Neighborhood Commercial with a prezone designation of (C-1) Neighborhood Commercial and the General Plan designation for the remainder of the parcels involved in the annexation will remain LDR, Low Density Residential with a prezone designation of (R-1) Single Family Residential.

Staff also submitted to the Planning Commission a revision to the Conditions of Approval No. B 10 (c) which states:

“Prepare deed and legal descriptions to dedicate a minimum of ten (10’) feet along Central Avenue for the remaining three single-family residences to the north of the proposed pharmacy store **and For properties that execute the dedication documents,** install curb, gutter and sidewalk improvements along the frontage areas of these residences to the

satisfaction of the Engineering Division. **The applicant will not be responsible for future improvements along the frontage of properties who do not execute dedication documents in a timely manner.** The applicant shall also replace any damage that has occurred to the existing curb, gutter and sidewalk improvements along what will be the drive-thru pharmacy store's frontage of Central Avenue."

Mr. Michaels explained that this change requires the Applicant to incur the expense of installing curb, gutter and sidewalk for those residents that chose to dedicate 10' of their property to the City, however if they do not wish to do so, the property owner will be responsible for the cost of any improvements should they be required in the future.

Commissioner Kline asked why the additional lots north of the project area were not also being annexed. Leaving them out creates a small pocket on west side of the street.

Staff responded that in fairness to the developer, they only took the parcels directly connected to the project so as not to require them to provide curb, gutter and sidewalk for the entire street, which was consistent with direction provided by Stanislaus LAFCO.

The public hearing was opened at 6:18 p.m.

- APPLICANT: Joe Simile – Simile Construction addressed the Commission, thanking them for their consideration and introducing Armstrong Development who will be purchasing the property.
- APPLICANT: Josh Eisenhut, representing Armstrong Development, thanked staff for the many hours of work on the project. And requested the following changes to the Conditions of Approval:

Condition of Approval No. B 8 – staff is requesting a terra cotta color be applied to the upper panel areas for the building. Mr. Eisenhut expressed concern that the CVS Pharmacy logo is a terra cotta color and would be hard to see if the top of the building were also a darker color. He requested that the lighter color remain on the top portion of the buildings so the lettering would be more visible. *Staff agreed with Mr. Eisenhut and did not object to amending the condition.*

Condition of Approval No. 10(c) – Mr. Eisenhut stated that he felt that the cost of these improvements would be costly to the developer and requested that the Commission waive the requirement or provide some type of concession. *Staff disagreed with Mr. Eisenhut and said the condition was included as it supports policies of the General Plan. Furthermore staff submitted amended condition B10(c) which allows flexibility if the applicant is unable to obtain necessary dedication from property owners to make required improvements.*

Commissioner Kachel asked what will happen to the old store site.

- APPLICANT: William McDermott representing Armstrong Development responded that CVS has developed its own internal Real Estate Department and they have developed a

portfolio of backfill tenants. It is in their best interest to rent the building as quickly as possible. Mr. McDermott further stated that Armstrong Development are willing to take on the cost of the Curb, Gutter and Sidewalk installation if that is the desire of the Planning Commission and Council.

- David Mendoza, resident, addressed the commission stating that he lives on the opposite side of Central as the proposed project. Mr. Mendoza cited drainage and traffic as problems on that section of Central Avenue. He would like to be annexed into the City and receive curb, gutter, sidewalks and lights. *Staff responded saying that because Mr. Mendoza's property was east of Central Avenue he was not being considered with this annexation. However, formerly the City was pursuing Walnut Manor Island annexation area and with that effort Mr. Mendoza's property would be annexed. Unfortunately, that project is not currently moving forward due to current economic conditions.*

Chairperson Smith concurred that traffic and drainage is a real problem at that intersection and requested that staff look into the problem and see if there is anything that can be done regarding the drainage issue. *Staff responded that they would.*

- Mike Mendoza, resident concurred with his father's comments.
- Percy Martinez, resident located in the proposed annexation area stated that he does not want curb, gutter or sidewalk on his property. He also raised concerns with the traffic study and requested that another be done. Mr. Martinez stated that the traffic study was done a day prior to the opening of Ceres Unified School District schools and was therefore not accurate. *Staff responded saying that the two schools just south of the annexation were in session but would have to check on schools operated by the Ceres Unified School District.*
- Douglas Blue, representing Mr. Martinez cited the following concerns:
 - The report does not take into account population growth.
 - The intersection at Hatch and Central will be impacted and take a lot longer to get through.
 - Doesn't feel this project meets the needs of the community.
- Mary Martinez, resident reiterated that she did not want the curbs, gutter and sidewalk installed on her property. She also felt that there was not enough notification to surrounding property owners regarding the proposed project. *Staff responded saying that with amended condition B10 (c) if the property owner does not want improvements installed, the applicant will not be required to do so. Further, regarding noticing, State Law requires a 300' minimum but this project noticed out to a 1,000' in addition to posting on-site and publishing a notice in the Ceres Courier.*

Staff responded as follows:

Curb, gutter and sidewalk are not a requirement as noted in amended condition B10(c). The property owner does not have to get the improvements, however, if at a future date modification are made to their property that will require the installation of curb, gutter and sidewalks, the property owner will be responsible for the cost of doing so.

The most impacted time for a traffic study is the evening (P.M.) commute traffic. Even though public school was not in session, the numbers will not change significantly for the P.M. peak as school is not in session at that time. Traffic generated by the schools is primarily outside of the stores regular business hours.

The public hearing was closed at 7:30 p.m.

It was moved by Commissioner Molina; seconded by Commissioner Kachel, to adopt PC Resolution 10-15. Carried 4/1. Commissioner Kline no.

It was moved by Commissioner Kachel; seconded by Commissioner Molina to adopt PC Resolution 10-16. Carried 4/1. Commissioner Kline no.

It was moved by Commissioner Kachel; seconded by Commissioner Del Nero to adopt PC Resolution 10-17. Carried 4/1. Commissioner Kline no.

It was moved by Commissioner Smith; seconded by Commissioner Kachel to adopt PC Resolution 10-18. Carried 4/1. Commissioner Kline no.

It was moved by Commissioner Kachel; seconded by Commissioner Del Nero to adopt PC Resolution No. 10-19. Carried 4/1. Commissioner Kline no.

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTER INITIATED BY PLANNING COMMISSION AND STAFF

None

**ADJOURN AS THE PLANNING COMMISSION TO THE CERES DOWNTOWN
REVITALIZATION AREA BOARD**

MEETING CALLED TO ORDER: 7:41 p.m.

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

ABSENT: None

ALSO PRESENT: Public Works Director/City Engineer Glenn Gebhardt, Finance Director Sheila Cumberland, Planning and Building Division Manager Tom Westbrook, Redevelopment & Economic Development Manager Bryan Briggs, Associate Planner James Michaels, City Clerk Cindy Heidorn, Secretary Sally Estrada

CONFLICT OF INTEREST DECLARATION:

None

NEW BUSINESS:

Bryan Briggs Redevelopment/Economic Development Manager presented the report to the Board. Mr. Briggs stated that during the first quarter of FY 2010/11, the CDRAB received \$4,171.48 in revenue and expended \$10,784.74.

Mr. Briggs highlighted the following Agency Staff CDRAB Activities for the first quarter:

Downtown Specific Plan – staff hopes to have the EIR Plan to the Planning Commission later this year.

Community Center Parking RFP – it is anticipated that the parking lot will be completed prior to the Ceres Street Fair in May.

Curb, Gutter, Sidewalk Improvements – 5th and 9th streets is completed.

Whitmore House Master Plan- RDA staff is working with the Public Works Staff to implement the actions contained in the Master Plan.

Water Tower Repaint – Structural Engineer will test the integrity of the tower.

ACTION: The Board Accepted the Report.

RECONVENE AS THE PLANNING COMMISSION: 7:45 p.m.

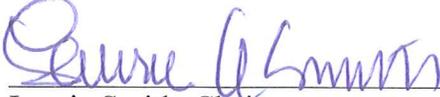
REPORTS:

Staff distributed additional information to the Planning Commissioners regarding the Mitchell Ranch project.

ADJOURNMENT:

The Commission adjourned at 7:48 p.m. to the next regularly scheduled meeting of November 1, 2010.

APPROVED:



Laurie Smith, Chairperson

ATTEST:



Tom Westbrook, Secretary