

CITY OF CERES
PLANNING COMMISSION
MINUTES

DECEMBER 20, 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 Glenn Gebhardt, City Attorney Michael Lyions, Redevelopment and Economic Development Manager Bryan Briggs, Planning and Division Manager Tom Westbrook, Associate Planner James Michaels, Secretary Sally Estrada

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson 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 5/0.

CONSENT CALENDAR:

None

PUBLIC HEARING(S):

1. 10-01 ANNEX/10-02 GPA/10-13 PZ/10-04 ASPA; Reconsideration of a previously approved project involving the development of a 16,813 square foot commercial building for retail use with a drive-thru pharmacy at the northwest corner of Hatch Road and Central Avenue. The proposal requires the approval of an annexation, a general plan amendment, a rezoning, and an architectural and site plan approval. The City Council considered this item on November 8, 2010, and directed the Planning Commission to reconsider the proposal regarding traffic improvements and site access. Wildeman & Similie Development, LLC, applicant.

Associate Planner, James Michaels presented the staff report.

- Commissioner Del Nero asked if the left hand access would still be clear for going north on Central Avenue. Mr. Westbrook responded yes, the Central Avenue access is a full access.
- Commissioner Del Nero asked, are you widening the right hand turn lane on Central Avenue.

Mr. Westbrook replied that the condition that staff is including in our recommendation would be to extend that turn pocket all the way up to that driveway access. What is being proposed by CVS with a revised a site plan, is a turn pocket that is only 70 feet in depth. It should be important to note, that at the City Council Meeting, although this is one of their concerns, they didn't specify they wanted a turn pocket of a certain length. They thought it was important to have a turn pocket. Mr. Westbrook thinks the expectation was, with the revised traffic study, that that would give us some counts that would require it. If it had, then there would a specified depth of a turn pocket. But the traffic study didn't say that. CVS listened to what the Council had said, and to make the site work for all of their needs in terms of parking counts, etc., this is what they could make work; a 70 foot depth.

- Commissioner Del Nero asked if the old building was owned by CVS or are they renting. Mr. Westbrook responded that the building is currently owned by CVS. Once this building is constructed and occupied, they will be looking to lease it or to sell it to someone else for another commercial use.
- Commissioner Del Nero asked to clarify that during the study, you say there was a 55% increase in traffic, in comparison to the first study. Associate Planner Michaels clarified that the increase was reflected in the morning study, between 7:30 a.m. and 8:30 a.m.
- Commissioner Smith requested a follow-up on a couple of questions that Commissioner Del Nero had on the right turn lane. Council is proposing the right turn lane be 70 feet and then extend onto Hatch Road once you turn.

Mr. Westbrook explained that the Planning Commission in their approval of this project in October required no traffic lane. The City Council, during their deliberations thought that to alleviate the existing condition, we think there needs to be some type of traffic lane. Because the traffic counts were conducted the first time without the benefit of Ceres Unified schools being in session, I think the assumption may have been that when those counts are done when schools are in session, that it's going to tell us, that yes, not only is a traffic lane needed for a right turn lane, but to give us some type of depth. The revised traffic study didn't do that. What staff heard at the Council Meeting was that they wanted a traffic lane, but again they didn't tell us what depth they wanted. We are going to assume that it's from the Hatch and Central intersection all the way back to the driveway. That may be overkill. Would it be the best scenario for the intersection in terms of alleviating the existing condition? Yes; however, because the traffic study didn't give us a depth and didn't say it was required, we're just recommending that depth. CVS has said they can make it work with the 70 foot turn pocket. When this project is ultimately presented to the City Council, they may say that 70 feet is enough. Staff is erring on the side of caution to say, Council we heard you, we are recommending approval for a turn pocket, the entire length.

- Commissioner Smith asked about extending it along the project's frontage to Hatch. Are you proposing to extend it once you turn? Mr. Westbrook replied no, it will just be on the Central Avenue side.
- Commission Kline asked how many cars will 70 feet hold. Mr. Westbrook responded three, possibly four.
- Commissioner Kline asked about someone wanting to turn left out of the parking lot, and being able to see past the line of cars in the turn pocket, turning in.
- Commissioner Kline also questioned about a turn pocket on Central Avenue, when heading north on Central. Mr. Westbrook responded that yes, there is a turn pocket.
- Commissioner Molina asked if this is will be a 24-hour store. Mr. Westbrook replied no. Commissioner Molina asked what the operating hours will be. Mr. Westbrook stated that the applicant is here and that they will answer the question.

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

David Mendonsa – 1332 North Central Avenue, Ceres stated that he had concerns in the beginning. Has had a meeting with the developer and owner of the property where certain aspects of the revised plan were explained, and concessions were made as “good neighbor” feeling with the CVS people and the owner of the property. We appreciate that. Although we are located across the street, we are affected by the project. The biggest improvement will be the addition of curbs and gutters if this project goes forward, which will improve storm drainage, curtail u-turns and make it safer for the pedestrians (school children). This revised plan is much better than the first one, and we are in favor of it and would welcome it to our neighborhood.

Commissioner Kline asked Mr. Mendonsa for clarification of the curbs and gutters being put in on your side of the street with this revised plan. Mr. Mendonsa responded that is correct; it has been presented, but not at a cost to the City. Mr. Westbrook clarified that the folks that are developing this project, not at the city's urging, have talked to some of the folks on the east side of Central Avenue and have come to an agreement with them. Installation of curb gutters and sidewalk on the east side of Central Avenue is not a part of this resolution. If they can come to some agreement, where the property owners will dedicate the land to the City, so that we have the necessary right-of-way, and the applicant, at their cost, put in these improvements, when the applicant comes to the podium, we will address this.

Thomas Brooke – 1404 Central Avenue, Ceres. He met with one of the developer's representatives. He is in favor of the project. The proposed changes are good and he would like a "No U-Turn" sign installed, heading north.

Commissioner Smith had a question with the drainage problem at Walgreens. Glenn Gebhardt responded stated that improving that drainage is part of what the developer is offering on that side of the street.

Representative for Applicant – Joe Simile, one of the Master Developers on the project – 422 Coldwell Avenue, Modesto, highlighted some of the changes to the plan:

- Eliminated 5 parking stalls on the Central Avenue side for right hand turn approach.
- Re-angled trash enclosure, so it's not the first thing you see.
- Extended the bus-bay on Hatch Road to be basically a deceleration lane, going in a right hand turn, into the property from Hatch Road.
- The driveway, per Planning's request, was shifted to align with the Walgreens driveway on the other side.

Mr. Simile feels that this is the perfect location for the project; it suits the area. Jobs will be created, city revenue will be collected. The corner is "D" rated and we are trying to upgrade it.

Galen Wildeman, other Master Developer on the project – 3800 Crandall Way, Modesto, and also owner of the property located at 1429 North Central Avenue, Ceres thanked the Planning Commission for taking the time to hear us, both tonight and two months ago. He commented that adding the turn lane is a major improvement that wasn't required. He also shared that in speaking with resident, Mrs. LouAnn Wierman, 1409 North Central Avenue, she expressed great concern about the safety of the students walking on the road, next to the oncoming traffic, especially with the large puddles of water. For the safety of the students, we are looking at developing an entire block. We are looking to address the drainage issue; we're willing to fix and re-board. We're also planning to extend the sewer line. This project is a win for the community as well as CVS.

- Commissioner Kline asked the Master Developers, since the property on the east side is in the county, and it's not part of this project, we can't require it to be part of the

project, but if the people on the east side would like to designate 10 feet for curb and gutters, then they can do that; how far down are you planning on extending it? Mr. Wildeman replied, directly across the street, the three houses down from the current Walgreens. Commissioner Kline's then asked about 10 additional houses on the east side of the street. Mr. Wildeman remarked that they can't afford to annex all of the county residences on the east side of the street.

- Commissioner Molina commented that he understood that the Master Developers had met with the residents of the east side, but asked if they had received positive feedback from the residents on the west side. Mr. Wildeman replied yes, 6 of the 7 houses on that side of the street were positive.
- Commissioner Smith asked Mr. Wildeman if he would be able to answer questions regarding economic impact of the project. Mr. Wildeman responded that he would leave that to Armstrong Development.

Applicant - Josh Eisenhut – with Armstrong Development, 1375 Exposition Blvd., Suite 101, Sacramento, CA. We've reviewed the Staff Report and have a few items that we'd like to discuss:

1. Proposed right-turn lane on Central Avenue
2. Access to the site from Hatch Road
3. Perceived economic impact of the vacation of the existing store and relocating the CVS pharmacy to the site

The first item – the right turn lane on Central Avenue. A full-length right turn lane would be more beneficial than the proposed 70 foot lane. The traffic study has been re-conducted, and there are no recommendations that say an additional traffic lane should be required. We are voluntarily proposing this turn lane to help alleviate existing conditions.

Second item – Access point off of Hatch Road. As proposed in the Conditions of Approval by staff, the project would be allowed left turn movements until, at the discretion of the City Engineer, it be further restricted to right-in, right-out. We have no issues with that current proposed condition. We understand that further down the road, there is a proposed median, along the entire Hatch Road.

Third item – Economic impact of the existing store. Armstrong Development is the preferred developer for CVS in Northern California, Arizona, Nevada, Texas and a number of other areas. There are several examples of uses of previous sites, in other areas, such as grocery stores, Fresh and Easy's, Trader Joe's, AutoZones, Arts & Crafts Stores, Ace Hardware, and other retail stores.

Mr. Eisenhut answered the question regarding the store's operating hours. Currently the standard hours are 8:00 a.m. – 10:00 p.m.; however, we'd like to retain the right to operate 24 hours, if the demand is there.

- Commissioner Kline asked Mr. Eisenhut what the distance is from the corner of Hatch and Central to the driveway? Mr. Gebhardt replied that it was about 220 feet, and it will hold approximately 10 cars, in theory. Commissioner Kline commented if turn lane is extended 160/170 feet, it will hold a few more cars. It's a great idea for the turn lane to be there, but have to worry about the traffic. If we extended the turn lane all but 70 feet, so people could see to turn; how many more parking spots would that eliminate? Mr. Westbrook responded that the quantity would fall below the threshold. Armstrong and Mr. Simile have conveyed to staff that the parking, as it's situated now is at 90 degrees to the building, which is the preference of CVS. They can't extend the lane anymore and afford to lose spaces, unless they change the configuration of the parking lot, which they are not willing to do.
- Commissioner Kline asked if any consideration was done, regarding the left turn into the site from Hatch Road. The traffic light gets backed up there because they do have a turn lane. Was consideration done of people trying to avoid that light, by going around the outside of the building to get onto Central? Mr. Eisenhut said it is "one-way" traveling south bound around the back of the building. As long as people follow the signs, there shouldn't a problem with that happening.

Sandy Singh – one of the landlords for Walgreens, explained he was not in attendance at the last meeting due to being out of town, but he did send his written opposition to the plan. He wanted to be here tonight to state his opposition. This location is located right across from Walgreens, and Walgreens has a limited amount of customers. Putting another pharmacy right across the street would cut into the business that Walgreens has, and will eventually put us out of business.

The public hearing closed at 7:05 p.m.

Commissioner Kline finds it difficult to support this project because of the annexation. Concern about county pockets.

Commissioner Smith is happy to see applicant working with residents regarding gutters. The 70-foot turn lane will be a positive addition. Due to traffic issues, I support that it be a right in/out only.

Commissioner Molina was pleased that the applicant has paid attention to details with improvements.

Commissioner Kachel stated everyone involved has done a really nice job with solutions and appreciates the work done by all.

Commissioner Molina motioned to adopt PC Resolution No.10-19 with the 70-foot right turn lane and deny access from Hatch Road, left into the site. Mr. Westbrook clarified that there are two Conditions; 6e (right in/right out, left in) and 7a (70-foot right turn lane), which need to be amended. Commissioner Smith seconded the motion; motion passed 4/1. Commissioner Kline opposed.

NEW BUSINESS:

2. Recommendation to select a member of the City of Ceres Planning Commission to attend the Downtown Business Owner's Ad Hoc Focus Group to discuss downtown revitalization

Bryan Briggs, Redevelopment and Economic Development Manager, presented a request to have a member of the Planning Commission to attend an Ad Hoc Focus Group that the Redevelopment Agency staff is attempting to convene. It is going to be guided by a professional who does group facilitation out of Modesto IMC Consulting.

Commissioner Molina commented that he had told Mr. Briggs that he would like to have more of the downtown people attend our meetings. He volunteered to be the Planning Commission's representative to the Ad Hoc Focus Group. Commissioner Kline proposed that perhaps the Vice Chairman of the Planning Commission be appointed to the position, in 2011, which will be coming up in January.

Commissioner Smith asked about the purpose of the Planning Commission appointment; will there be a voting requirement. Mr. Briggs replied no and explained that they wanted CDRAB/Planning Commission to be involved in the beginning to implement the Downtown Specific Plan. We're hoping that the City Council on the 10th, will have taken action on the Plan, and will be able to begin formulating ideas. We feel one of the Planning Commission members should be part of that process. Commissioner Smith stated that with the appointment to this committee, it doesn't preclude any other commission members from attending or participating in the meetings. Mr. Briggs suggested checking with the City Attorney on "open Brown Act." Mr. Lyons commented that he thought there was a limited number that the consultant was going to accept to work with. His concern would be with Brown Act issues, if you send more than a quorum. Commissioner Smith suggested it could be easily cured with public notice. Mr. Briggs commented that we want the business owners to believe it's their Ad-Hoc committee. Mr. Westbrook appreciates the enthusiasm of the Planning Commission members to participate in this Ad Hoc Focus Group, but Staff recommends that only one representative from the Planning Commission attends, and reports back to the Commission.

Commissioner Kachel motioned that Commissioner Kline be appointed as the Planning Commission representative for the Downtown Business Owner's Ad Hoc Focus Group; Commissioner Molina seconded; Carried 5/0.

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTER INITIATED BY PLANNING COMMISSION AND STAFF

3. Stanislaus County Planning Commissioners Workshop, "Save the Date."

Mr. Westbrook announced that the date has been changed to Saturday, March 5th at Modesto Centre Plaza. Once he receives more details, he will poll the commissioners to see if there is interest in attending.

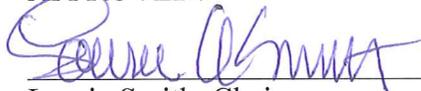
REPORTS:

- Chairperson – Commissioner Smith reported that she was reappointed to the Planning Commission for an additional four years, at the last Council Meeting.

ADJOURNMENT:

The Commission adjourned at 7:32 p.m. to the next regularly scheduled meeting of Tuesday, January 18, 2011.

APPROVED:



Laurie Smith, Chairperson

ATTEST:



Tom Westbrook, Secretary