

CITY OF CERES
PLANNING COMMISSION
MINUTES

APRIL 16, 2012

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

ROLL CALL:

PRESENT: Kachel, Molina, Smith

ABSENT: Chapman, Del Nero

ALSO PRESENT: Deputy City Manager Sheila Cumberland, City Attorney Michael Lyions, Planning, Building & Housing Division Manager Tom Westbrook, Director/City Engineer Toby Wells, Redevelopment and Economic Development Manager Bryan Briggs, Associate Planner James Michaels, Deputy Chief Mike Borges, Secretary Ann Montgomery

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Molina.

APPROVAL OF MINUTES:

1. It was moved by Commissioner Smith; seconded by Commissioner Kachel, to approve the minutes from the March 19, 2012 meeting; Carried 3/0.

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 3/0.

CONSENT CALENDAR:

None

PUBLIC HEARING(S):

2. Conditional Use Permit (CUP) 06-11 Amendment; Proposal to modify the existing conditional use permit that allows the operation of a flea market at the Ceres Drive In. CFMG Invst, LLC, applicant.

Associate Planner, James Michaels presented the staff report. He reported that when public notices went out, staff received e-mail correspondence from two property owners that were concerned with access and parking associated with the operation. To address their concerns, staff prepared some language that will need to be added to two conditions of approval:

- Item B. #21 – “Parking on roadways and other properties (not associated with the flea market operation) is expressly prohibited, unless the flea market management obtains written consent from such property owners.”
- Item B. #22 – “Access to the flea market from the Whitmore Avenue entrance via the existing access easement shall be expressly prohibited on Fridays.”

Commissioners Questions:

- Commissioner Smith asked for clarification regarding the live entertainment on Fridays from 6 p.m. to 8 p.m., but no alcohol; beer and wine sales for Sundays only.

Mr. Michaels stated that is correct; that’s what the applicant is proposing.

- Commissioner Smith inquired about the dollar a day license fee.

Mr. Michaels explained that was something that Department of Finance had come up with in 2006, he believes. They will need to work with the Department of Finance to make sure that gets taken care of.

Mr. Westbrook further explained that the Flea Market operators have the business license. They charge everyone a dollar a day. The actual vendors themselves don’t pay the mill tax. The owner of the Flea Market pays the meal tax, based upon the sales of the concession stands and the rentals of the spaces. But they will pay sales tax, of which the City will benefit.

- Commissioner Kachel asked what kind of lighting there will be in the evenings.

Mr. Michaels responded that has not been discussed at this time, but we do have a condition of approval that states if they are to propose lighting, they will need to have it approved by the Planning Department.

- Commissioner Kachel inquired about there not being any sensitive light receptors in that area that he can think of, that will be affected by night time lighting.

Mr. Westbrook clarified that no; it's primarily an industrial area. The eastern edge is the Ceres Cemetery, and Highway 99 flanks it to the north.

The public hearing was opened at 6:08 p.m.

- Diego Castillo – representing the Ceres Flea Market

Mr. Castillo thanked everyone for their time, especially James Michaels, Tom Westbrook and the Planning Department for their willingness to guide them and help bring this project back to the community. He also wanted to emphasize that public safety is their number one priority. They will rely heavily on the recommendations of the Chief of Police, Police Department and private security to ensure public safety. They are very excited to partner with the City of Ceres to bring this project back to the community.

Questions from Commissioners:

- Commissioner Smith commented that the addition of the Farmers' Market to the Flea Market is great. She asked if this was the Farmers' Market that was previously operated by the Partners for Healthy Children.

Mr. Castillo replied yes; the operation that has been currently going with the Farmers' Market will cease and they will join ventures with us at our location.

Mr. Castillo explained that they were not asking for any changes to the previous Conditional Use Permit, as far as live entertainment and alcohol sales.

Mr. Michaels clarified the only change that staff recommended was live entertainment starting time; changing from 6:00 a.m. to 10:00 a.m.

- Chairperson Molina inquired about Public Safety and Mr. Castillo working with the Chief of Police and the Police Department, with having to do with entertainment and beer combined.

Mr. Castillo stated that is correct, and also any concerns the community may have with having both live entertainment and the beer and wine. He reported that they have already met with the Chief of Police and the Police Department and will obviously implement a plan that will be successful for both parties, so we don't add any additional work to their current busy schedules.

- Commissioner Kachel asked Mr. Castillo about the two additions to the Conditions of Approval that were presented tonight; if he was aware of them, and if he's okay with those wordings.

Mr. Castillo responded that yes and we're fine with that.

The public hearing was closed at 6:13 p.m.

Mr. Westbrook noted that the City is excited about the possibility of having the Farmers' Market in this location. When this operation does begin, you may not see the Farmers' Market right away. It's simply because they need to get the restroom facilities built, so there is hot water for vendors to wash their hands and so forth. If they get the operation going fairly quickly, and they haven't completed the construction of the restroom facilities, it'll have to put the Farmers' Market on hold for a bit, until those are complete. The Department of Environmental Resources stated that port-a-potties may be used at the beginning, on a temporary basis.

Commissioner Kachel commented that he likes what's being done here. He thinks it's great it's opening up again, and can see that a lot of thought has gone into it. If we can get the Farmers' Market going again, that would just be an outstanding addition.

Commissioner Smith is very happy to see the Flea Market revived, and very happy to see the addition of the Farmers' Market.

It was moved by Commissioner Kachel; seconded by Commissioner Smith to make determinations project exempt for environmental review pursuant to CEQA guidelines 15301, Class 1 for Existing Facilities, approve 06-11 Conditional Use Permit Amendment, subject to the findings and conditions contained in the Staff Report, and adopt PC Resolution 12-05, including the amendments to Conditions #21 and #22; Carried 3/0.

NEW BUSINESS:

None

PUBLIC MEETING(S):

None

UNFINISHED BUSINESS:

None

MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

None

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

MEETING CALLED TO ORDER: 6: 19 p.m.

ROLL CALL:

PRESENT: Kachel, Molina, Smith

ABSENT: Chapman, Del Nero

ALSO PRESENT: Deputy City Manager Sheila Cumberland, City Attorney Michael Lyons, Planning, Building & Housing Division Manager Tom Westbrook, Director/City Engineer Toby Wells, Redevelopment and Economic Development Manager Bryan Briggs, Associate Planner James Michaels, Deputy Chief Mike Borges, Secretary Ann Montgomery

CONFLICT OF INTEREST DECLARATION:

None

NEW BUSINESS:

1. FY 2011-12 Quarterly (3rd) Report for period ending March 31, 2012.

Bryan Briggs, Redevelopment and Economic Development Manager presented the staff report for the 3rd Quarter Report for CDRAB.

Questions from Commissioners:

- Commissioner Smith suggested that in the future he note that the revenue figures are an “estimate” on the report, if the amount(s) are not available from the Finance Department.
- Commissioner Smith also commented that in regard to CDBG funds, the City of Modesto uses CDBG funds for economic development. They have identified a line item in their annual actual action plan for a Revolving Loan Fund, which they have started doing in Modesto. It’s for new, start-up and existing businesses. They’ve used it successfully in the past year for two businesses:
 - An existing business, which needed some capital to buy some equipment. The City gave them a loan, and it was so successful, that they were able to pay the

loan back prior to the term, without any interest, in full, in a single payment. And, since that time the business has been able to hire five additional employees. It allowed them to buy some equipment, which allowed them to bid for jobs.

- A start-up business, for a commissary for food vending trucks; to provide a place for them to stock their truck with perishables and then at the end of the day, dispose of waste. (According to the health department, you have to have a restaurant or commissary that will take your discharge.)

Mr. Briggs stated that he appreciated that and will definitely contact Commissioner Smith this week to get more information.

- Chairperson Molina asked Mr. Briggs to elaborate on the Vacant Site Survey and how that is going to work out.

Mr. Briggs explained that they've driven around the city and identified every vacant industrial and retail site, using the base map. We contacted the real estate broker that had a sign located or we did a property search and profile. Then we contacted the owner directly to see if they'd be interested in including their site on our Vacant Site Survey. We received about 80-85% response rate; we're still waiting on one commercial broker who probably has 20 listings throughout the city. Once he responds to us, that would leave five parcels unaccounted for. What we would do, is post that on our website under a link that says Economic Development. We have one currently; we'll just fill that in with this information and links to The Alliance, or other GIS related sites that would provide layers of median income, number of housing units, information that brokers and developers would use to invest in our community.

It was moved by Commissioner Smith; seconded by Commissioner Kachel, to accept the FY 2011-12 Quarterly (3rd) Report for the period ending March 31, 2012; Carried 3/0.

RECONVENED AS THE PLANNING COMMISSION at 6:27 p.m.

REPORTS:

Commission – Commissioner Kachel reported that three of the Commissioners attended the League of California Cities Planners Conference in San Jose last month. Mr. Chapman had the opportunity to attend several classes that were specifically designed for new Commissioners. He found the break-out sessions to be very effective. This year the CEQA session was chaired by Brian Smith, and it was done very well. Commissioner Kachel is not sure the main sessions were really relevant to Planning Commissioners; one was on redevelopment and another about technology, which he thought was more of an “info-mercial.” However, all the other sessions he attended were very well done and he would like to thank the City Council for allowing them to attend.

Staff – Mr. Westbrook stated that he echoes Commissioner Kachel’s sentiment about the break-out sessions. They were very informative and a good refresher for everyone, especially for the Planning Commission who don’t get exposed to those things on a day-to-day basis.

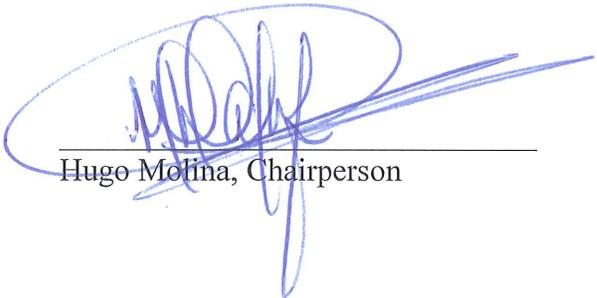
Mr. Westbrook shared three informational items:

- The LAFCO project for the West Landing was approved, but then has subsequently been challenged. It’s still too early in the process to see where that’s going to go, but it puts the annexation on hold at this point.
- For those of you who wish to go and can attend the Ribbon Cutting ceremony at Rancho San Miguel Market, this Wednesday at 8:30 a.m. in front of the store. They moved into the former Raley’s store on Hatch Road.
- Just a reminder, the Ceres Street Faire is coming up on May 5th and 6th.

ADJOURNMENT:

The Commission adjourned at 6:33 p.m. to the next regularly scheduled meeting of Monday, May 7, 2012.

APPROVED:



Hugo Molina, Chairperson

ATTEST:



Tom Westbrook, Secretary