

CITY OF CERES  
PLANNING COMMISSION  
MINUTES  
March 7, 2005

**MEETING CALLED TO ORDER:** 7:02 p.m.

**INTRODUCTION AND SWEARING IN OF NEW PLANNING COMMISSIONERS:**

Director of Planning and Community Development, Randy Hatch, introduced Bryan Bowman and Gary Del Nero as new planning commission members. Director Hatch then led Commissioner Bowman and Del Nero through their oath of office.

**SELECTION OF NEW CHAIRMEN**

Commissioner Meyers nominated Commissioner Felix, seconded by Commissioner Lane. Carried 5/0

**SELECTION OF VICE CHAIRMEN**

Commissioner Meyers nominated Commissioner Lane, seconded by Commissioner Bowman. Carried 5/0

**ROLL CALL:**

**PRESENT:** Bowman, Del Nero, Felix, Meyer, Lane

**ABSENT:** Student Commissioner Tate

**ALSO PRESENT:** Director of Planning and Community Development Randy Hatch, City Attorney Michael Lyons, Senior Planner Tom Westbrook, Planning Technician Lantz Rey

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Chairmen Felix

**CITIZEN COMMUNICATION:**

None

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

It was moved by Commissioner Lane, seconded by Commissioner Meyer, to approve the agenda as posted. Carried 5/0.

**APPROVAL OF MINUTES:**

1. February 7, 2005

Carried 4/0/1, Felix abstained

**CONFLICT OF INTEREST DECLARATION:**

None

**CONSENT CALENDAR:**

None

**CONSENT PUBLIC HEARING:**

None

**PUBLIC HEARING:**

2. 04-54 CUP

A Conditional Use Permit (CUP) proposal to construct a 137,156 square foot Home Depot store with 102,513 square feet of store and 34,643 square feet of garden center at 1451 E. Hatch Road. Application Number 04-54 CUP, *The Home Depot USA, Inc., applicant.*

Continued until March 21, 2005. It was moved by Commissioner Meyers, seconded by Commissioner Del Nero to continue. Carried 5/0

3. A Vesting Tentative Parcel Map (VTPM) proposal to subdivide two parcels totaling 1.97 +/- acres into three parcels at 2208 Pine Street. Application Number 05-02 VTPM, *Robert Wix, applicant.*

Senior Planner Westbrook gave report.

The Public Hearing was opened at 7:13

Max Garcia, of GDR engineering, Mitchell Rd, Ceres, representing Robert Wix. Spoke briefly about why Mr. Wix is attempting to split the lot.

The Public Hearing was closed at 7:15

Commissioner Meyer questioned where in the resolution does it state the changes to be made to the fence. Staff responded by reading condition #7.

It was moved by Commissioner Meyer, seconded by Commissioner Bowman. Carried 5/0

4. Vesting Tentative Subdivision Map (VTSM) proposal to subdivide 5.45 +/- acres into 44 parcels: three for commercial use, 40 for residential uses and one for a clubhouse, pool and tot lot. A

Planned Community Master Plan (PCMP) and Planned Community Development Plan (PCDP) were submitted to approve the three commercial buildings totaling 20,381 square feet and the 40 residential units at 1578 E. Whitmore. Application Numbers 40-12 PCDP, 04-13 PCMP & 04-14 VTSM, *Dinesh Sawhney, applicant*.

Senior Planner Westbrook gave report. Read in two changes.

1. Replace condition #8 in PC resolution 05-13 and condition #7 in PC resolution 05-14.

The condition reads as:

The applicant is permitted to have the drive through but shall ensure the landscape screening is provided to shield the vehicles. The applicant shall provide landscape screening to the satisfaction of the director of Planning and Community Development.

2. Replace condition #9 in PC resolution 05-13 and condition #20 in PC resolution 05-14

The condition reads as:

The applicant shall install an 8 foot masonry wall on the property line of lot A, B, and C, adjacent to the purposed residential. This block wall may be similar or a superior grade to the existing which is present on the east and south property line. The applicant will ensure that the this wall goes to the edge of the 28 foot private drive but allows for gates for vehicular and pedestrian access.

Commissioners questioned staff regarding:

- Easements of lots 37-40
- Building C southern property line
- Building C western property line
- Two car garages on the duplex units.

Staff responded by explaining that the driveways that provide access to the four units (lots 37-40) would indeed be an easement. Staff suggested the Commission move building C ten feet to the north away from the wall. Staff stated that the building code would allow Building C to be on the west property line because the fence is already a block wall, which is a four hour firewall, additionally the building on lot C would be constructed as a fire wall as well. Staff informed the Commission that the duplex units did have two car garages.

Open public hearing at 7:34

John Kesey 401 Crane, Turlock CA

Stated he was representing Dinesh Sawhney, applicant, and helped to develop a better plan than before. The new plans include single family homes, in a gated area which will generate pride of ownerships. The development now has tile roofs. Nice recreational area. Windows do not face one another. With Southern orientation for light. Feel it is a good scheme.

Commission asked questions regarding 5' access easement along southern and western property line.

Dinesh Sawhney, 418 Jefferson St Oakland Ca

Responded to Chairperson Felix, stating that they had no issue with the access easement.

Jim Wyatt 3530 Service Rd, Ceres Ca

Questions about

- Whitmore Avenue
- Adjacent wall/wrought iron fence
- Effects on his property

Staff answered Mr. Wyatt's questions.

Dinesh Sawhney, questioned the legality of asking buyers about their finances per PCDP condition #10. Asked questions about qualifying.

Staff stated that they were looking for individually unidentifiable information. Simply trying to comply with state mandates for tracking affordability.

Staff commented in response to Mr. Wyatt that PC resolution 05-14 condition #19 states: The applicant shall provide an access point to the property on the east, lining up with the parking lot driveway on Lot "A." This access way must be 27' in width. A 6' high wrought iron fence shall be provided to prevent pedestrian and vehicle access to the east until such time as the property to the east develops.

Mr. Wyatt, stated

- He wants the condition removed.
- He wants to decide if and when to open up to Mr. Sawheny property.

Staff stated

- That we cannot go back and get the easement later.
- In favor of cross access easements for traffic circulation

Commission questioned staff about

- Costs
- Possible problems with Mr. Wyatt's future development

Staff answered questions

Mr. Wyatt stated

- He did not want the condition
- He believed access would impact future development

Commissioner Meyer questioned Mr. Wyatt on why the commission should not go forward.

Staff clarified

- That they do prefer cross access easement.

- That it does not make sense that a customer would be required to pull out on to Whitmore Ave and then turn into another commercial facility next door

Commissioner Lane stated

- He agreed with staff
- Voiced concerns that the residential area to the south could use Mr. Wyatt's property as an entry and exit.

Mr. Wyatt stated

- That cars from the residential area will use his property as a short cut.
- Again asked that he be allowed to develop how he wants.

Public hearing closed at 7:52

Chairperson Felix restated

- That this is a whole new product.
- Verified that the project met requirements.

Director hatch agreed.

Director hatch went over upgrades to property.

Reopened public hearing at 7:54

Mr. Wyatt stated he and Mr. Sawhney were the people affected.

Closed public hearing at 7:54

Chairperson Felix restated the conditions.

Commissioner Lane stated

- That he sees two land uses.
- Asked if the Mini-storage had access to Mr. Sawhney property. Staff responded: no
- Stated he thought it was unfair to Mr. Wyatt.
- Concerned with residential impact.

Commissioner Meyer stated

- She appreciated the work put in by the property owner.
- Disagreed that traffic would be an issue.

Commissioner Del Nero

- Asked to clarify the location of the no parking signs.
- Questions about approval process
- Agreed that traffic was not an issue, but since both property owners agreed to not have an access easement Commissioner Del Nero saw no need to force the issue.

Director Hatch restated the no parking area and answered questions.

Commissioner Bowman stated he saw both sides of the issues.

Chairperson Felix stated

- That he leaned toward the easement to provide for traffic flow.
- He saw no current need for access, but if the easement is left in it would be easier if an issue comes up for future development.
- Stated his concerns involving the use of drive thru.
- Had no issue in leaving the easement in.

Commissioner Lane stated neither property owner wanted the access easement.

Staff Clarified that the access easement Condition was #7 in 05-13, #19 in 05-14 and #10 in 05-15. Pointed out all those would need to be modified if Commission wants to change.

Commissioner Lane moved PC 05-12 be adopted without change. Seconded by Commissioner Meyer. Approved 5-0

Commissioner Lane moved to remove #7 and revise conditions #8 and #9 in PC 05-13. Seconded by Commissioner Meyer. Approved 5-0

Commissioner Lane moved to amend PC 05-14 by removing #19 and replacing #7 and #20, seconded by Commissioner Meyer. Approved 5-0.

Commissioner Lane moved to amend PC 05-15 by removing #10, seconded by Commissioner Meyer. Approved 5-0.

## **NEW BUSINESS:**

An Architectural and Site Plan Approval (ASPA) proposal to construct a 2,050 square foot commercial building for a small office space and laundromat facility at 1930 E. Hatch Road. Application Number 04-56 ASPA, *Rai Mirmal, applicant*.

Senior Planner Westbrook gave report

Chairperson Felix wanted clarification on the issue of the City requiring a bathroom facility.

Staff clarified that the Commission could eliminate the condition for a bathroom facility.

Randall Kavanaugh 705 Hughson Ave, Hughson CA

Representing the Owner stated

- this is a good use for this location in proximity to planned Apartment complex.

- The restroom would become a public restroom, creating problems.
- The owner has no problem stubbing the pipes for the future construction for the bathroom.

Commission question Kavaungh about

- Hours of operation
- Where the clientele will come from

Kavaungh, stated

- They planned to be open 6am-10pm.
- hopeful most customers would come from the apartment complex.

Commission stated

- Good idea to plumb for a future bathroom
- Questioned the number of access points.

Staff explained that they will have one in and one out, the access will be shifted 50' to the east.

Commissioner Meyer moved to adopted resolution PC 05-11 removing condition #8, seconded by Commissioner Bowman.

#### **UNFINISHED BUSINESS:**

None

#### **OTHER BUSINESS:**

None

#### **COMMISSION COMMENTS/REPORTS:**

Meyer, Lane and Felix welcomed the two new commissioners.

Chairperson Felix asked staff about the possibility of attending the league of California Cities conference.

Staff responded that it will not happen due cost concerns given Southern California locations, next year in Monterey. Commissioners may be able to attend.

#### **STAFF COMMENTS/REPORTS:**

None

#### **ADJOURNMENT:**

The Planning Commission adjourned at 8:21 p.m. to the next scheduled Planning Commission meeting of Monday, March 21, 2005.

APPROVED:

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Richard Felix, Chairperson

ATTEST:

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RANDY HATCH, Secretary