

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 15, 2004

- I. **ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Marie Assali, Tony Cusenza, Kathleen Griffin, Jim Poore, Ray Souza, and Helen White.

Absent: Andrew Souza

Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Debra Whitmore, Senior Planner; Angela Freitas, Associate Planner; Bill Carlson, Associate Planner; Carole Maben, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Mike Newton, Environmental Resources Manager; and Eva Rosa, Planning Commission Clerk
- II. **PLEDGE OF ALLEGIANCE**
- III. **APPROVAL OF MINUTES**
 - A. December 18, 2003
Assali/Griffin, 3-0, **APPROVED**
Jim Poore, Ray Souza, and Helen White abstained.
- IV. **ELECTION OF 2004 PLANNING COMMISSION OFFICERS**
 - A. **MOTION TO NOMINATE ANTHONY CUSENZA AS CHAIR**
Griffin/R. Souza, Unanimous (6-0), **APPROVED**
 - B. **MOTION TO NOMINATE ANDREW SOUZA AS VICE CHAIR**
R. Souza/Poore, Unanimous (6-0), **APPROVED**
- V. **CORRESPONDENCE**

Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet and placed before them this evening:

 - A. Memo dated January 15, 2004 from Department of Planning and Community Development, regarding Item VII-A, Use Permit Application No. 2003-32 - Arthur S. Cota.
 - B. Two petitions received January 14, 2004 regarding Item VII-D, Use Permit Application No. 2003-33 - Piranha Produce, each signed by six residents who live near the current location of Piranha Produce Distribution Company.

- C. Memo dated January 15, 2004 from Department of Public Works, regarding Item VII-D, Use Permit Application No. 2003-33 - Piranha Produce.
- D. California Planning & Development Report, Vol. 18, No. 12 - December 2003

VI. CONFLICT OF INTEREST

- A. None.

VII. PUBLIC HEARINGS (* - Consent Items)

Commissioner Cusenza informed the public of the consent items and procedure.
Public hearing opened.
Public hearing closed.

CONSENT ITEMS

- *A. **USE PERMIT APPLICATION NO. 2003-32 - ARTHUR S. COTA** - Request to place a single-family dwelling on a 16.44± acre parcel (part of an Antiquated Subdivision) in the A-2-40 (General Agriculture) zoning district. The property is located south of Bliss Road, west of the Union Pacific Railroad, in the Ceres area. **THIS USE PERMIT APPLICATION HAS BEEN WITHDRAWN.**
APN: 063-27-56 (a portion of)
NO ACTION TAKEN ON THIS ITEM SINCE THE APPLICATION HAS BEEN WITHDRAWN.
- *B. **USE PERMIT APPLICATION NO. 2003-09 - PROTECTIVE ANGELS OF LAURIGAIL GERMAN SHEPHERDS** - Request for a dog kennel to house up to 25 dogs which will include breeding on a .50± acre parcel in the A-2-40 (General Agriculture) zoning district. The property is located at 9900 Crows Landing Road, north of W. Main and west of Bystrum Road, in the Turlock area. This project is Exempt from CEQA.
APN: 022-39-01
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/White, Unanimous (6-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *C. **VESTING TENTATIVE PARCEL MAP APPLICATION NO. 2003-50 - VILLA DEL LAGO** - Request to create two commercial parcels consisting of .52 acres and .38 acres in the PD 199 (Planned Development) zoning district. The property is located at Speno Drive, between Carmen Way and Annamarie Avenue, in the Patterson area. This project is Exempt from CEQA.
APN: 021-028-010
Staff Report: Bill Carlson Recommends **APPROVAL**.

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: No one spoke.

Public hearing closed.

Griffin/White, Unanimous (6-0) **APPROVED/THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- D. **USE PERMIT APPLICATION NO. 2003-33 - PIRANHA PRODUCE** - Request to construct and operate a wholesale produce distribution center on a 1.64-acre parcel and a portion of a 19.32-acre parcel in PD-261 located on the northeast corner of Golden State Blvd. and Barnhart Road in the Keyes area. This project is Exempt from CEQA.

APN 045-052-009 & 019

Staff Report: Debbie Whitmore Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: John Spenker, 4212 W. Barnhart Road, Turlock; Sharon Turnbull, 4121 W. Barnhart Road, Turlock.

FAVOR: Dave Romano, 1020 10th Street, Modesto, representing Piranha Produce; Jeff Sacchini, Piranha Produce.

Public hearing closed.

Griffin/White, 5-1 (R. Souza), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH REVISED CONDITION OF APPROVAL NO. 10 TO READ AS FOLLOWS:**

10. **ALL DRIVEWAY LOCATIONS AND WIDTHS SHALL BE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. ONE MEDIAN OPENING WILL BE PERMITTED ALONG THE FRONTAGE OF PIRANHA PRODUCE AT ITS MAIN DRIVEWAY ENTRANCE ON GOLDEN STATE BLVD. THE LOCATION OF THIS DRIVEWAY AND MEDIAN OPENING ARE DICTATED BY THE LOCATION OF THE DRIVEWAY FOR THE APPROVED VALLEY PETERBILT DEVELOPMENT (PD-273) ON THE WEST SIDE OF GOLDEN STATE BLVD. THE CURRENTLY UNDEVELOPED PORTION OF PD-261 THAT IS ADJACENT TO, AND SOUTH OF PIRANHA PRODUCE MAY BE ALLOWED A MEDIAN OPENING IF THERE IS A MINIMUM OF 600 FEET BETWEEN THE TWO OPENINGS AND THERE IS SUFFICIENT DISTANCE TO SAFELY ACCOMMODATE IT NORTH OF A LEFT TURN POCKET AT THE BARNHART/GOLDEN STATE INTERSECTION. IF THIS SECOND MEDIAN OPENING IS POSSIBLE, THEN THE DRIVEWAY LOCATION FOR VALLEY PETERBILT SHALL ALSO DICTATE THE LOCATION OF THIS OPENING. IF A SECOND MEDIAN OPENING IS NOT POSSIBLE, THE PIRANHA PRODUCE DRIVEWAY SHALL BECOME A COMMON SHARED DRIVEWAY IN ORDER TO PROVIDE LEFT-TURN**

MOVEMENTS FOR THE FUTURE DEVELOPMENT AND A RIGHT-IN/RIGHT-OUT DRIVEWAY MAY BE PERMITTED DEPENDING UPON ITS LOCATION.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

A. **APPOINTMENTS TO GENERAL PLAN UPDATE COMMITTEE**

Nominations of: Commissioners Cusenza and Griffin as appointees to the General Plan Update Committee, and Commission Assali as alternate.

R. Souza/Poore, Unanimous (6-0) **APPROVED.**

IX. CITIZEN'S FORUM

A. No one spoke.

X. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF JANUARY 6, 2004

A. The Board set a public hearing for February 10, 2004 at 9:30 a.m. to hear an appeal on the Planning Commission's approval of Use Permit Application 2002-28, Santa Fe Aggregates.

B. The Board considered Rezone Application 2003-06 and Tentative Map Application 2003-02, Del Rio Lago. This was a request to create 47 parcels in the Del Rio area and the Board continued this item until February 3, 2004 at 9:25 a.m.

BOARD OF SUPERVISORS' ACTION OF JANUARY 13, 2004

A. The Board did meet this date, however, there were no significant items affecting the Planning Commission at this hearing.

MISCELLANEOUS & ON THE HORIZON

A. Please remember that on January 24, 2004, the annual Planning Commissioner's Workshop will be held at Diablo Grande. All of you should have been contacted by staff and made known whether or not you could attend the workshop. If your plans change, please let us know.

B. **February 5, 2004**

1. One Parcel Map
2. One Use Permit
3. One Rezone with a Parcel Map

C. **February 19, 2004**

1. Airport Land Use Commission Meeting
2. Two Parcel Maps
3. Two Use Permits
4. Two Time Extensions Requests
5. One Rezone

XI. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A.** County Counsel informed the Commission that Charles Pringle, representing Laurin Windus Trust - Parcel Map Application No. 2002-18, filed a lawsuit against the County and the City of Modesto. The property is located at the west end of Robertson Road, west of Carpenter Road, south of Paradise Road, in the Modesto area.

XII. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

Ron E. Freitas, Secretary

(The above is a summary of the minutes of the Planning Commission. Complete tape(s) of the meeting are available from the Planning Director.)

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**XII. RECONVENE AS NUISANCE ABATEMENT HEARING BOARD
(See Nuisance Abatement Hearing Board Minutes)**