

STANISLAUS COUNTY PLANNING COMMISSION

REVISED MINUTES

REGULAR MEETING

March 18, 2004

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
Present: Chair Tony Cusenza, Rachelle Antinetti, Marie Assali, Kathleen Griffin, Allen Layman, Jim Poore, Ray Souza, and Helen White.
- Absent: Andrew Souza
- Staff Present: Ron E. Freitas, Director; Bob Kachel, Senior Planner; 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; Eva Rosa, Planning Commission Clerk
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. March 4, 2004
Griffin/Poore, 7-0, **APPROVED**
Helen White abstained.
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet and placed before them this evening:
- A. Petition received March 8, 2004, signed by residents of Denair, regarding Item VII-I, General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, Tentative Map Application No. 2002-02 - Riopel & Associates.
- B. Letter received March 8, 2004 from William "Bill" M. Daly, regarding Item No. VII-I, General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, Tentative Map Application No. 2002-02 - Riopel & Associates.
- C. Fax received March 10, 2004 from Denair Municipal Advisory Council regarding Item No. VII-I, General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, Tentative Map Application No. 2002-02 - Riopel & Associates.

- D. Fax received March 12, 2004 from Denair Municipal Advisory Council regarding Item No. VII-I, General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, Tentative Map Application No. 2002-02 - Riopel & Associates. (Fax received March 10th did not include second page of letter.)
- E. California Planning & Development Report, Vol. 19, No. 2 - February 2004.
- F. Invitation and registration form to American Planning Association's luncheon on April 8, 2004.
- G. Letter dated March 5, 2004 and received March 11, 2004 from Department of Conservation regarding Item VII-E, - Parcel Map Application No. 2003-53 - Cerutti.
- H. Faxed letter dated March 15, 2004 from William P. Cerutti (Parcel Map Application No. 2003-53 - Cerutti) responding to letter from Department of Conservation.
- I. Letter dated March 18, 2004 from Department of Planning and Community Development, regarding Item VII-F, Parcel Map Application No. 2003-54 - Steve and Lois Farinha.
- J. Maps and pictures presented by Mid Valley Engineering regarding Item No. VII-I, General Plan Amendment Application No. 2003-01, Rezone Application No. 2003-03, Tentative Map Application No. 2002-02 - Riopel & Associates.

VI. CONFLICT OF INTEREST

- A. Commissioner Antinetti is familiar with some individuals with Item VII-H, Shiraz Ranch, but this will not have bearing on her ability to render an impartial decision.
- B. Commissioner Assali has a conflict of interest with Item VII-I, Riopel & Associates, and will be stepping down during for this item.
- C. Commissioner Ray Souza has a conflict of interest with Item VII-I, Riopel & Associates, and will be stepping down for this item.
- D. Commissioner Poore is familiar with parties involved in item VII-D, Runyan Country Estates, but this will not prevent him from rendering an impartial decision.
- E. Commissioner Cusenza is familiar with Mr. Bruno, Item VII-I, Riopel & Associates, but will not cause a conflict.

VII. PUBLIC HEARINGS (* - Consent Items)

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

Item *C - USE PERMIT APPLICATION NO. 2003-31 - ISLAMIC CENTER OF MODESTO removed from Consent Agenda, to be heard as a Non-Consent Item)

Public hearing closed.

CONSENT ITEMS

- *A. PARCEL MAP APPLICATION NO. 2004-01 - STEPHEN HICKS** - This is a request to create parcels of 10.0 and 14.5 acres in an A-2-10 (General Agriculture) zoning district. The property is located at 11254 Walnut Avenue, north of Oakdale. This project is Exempt from CEQA.
APN: 002-016-009
Staff Report: Bob Kachel Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R.Souza, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *B. TIME EXTENSION APPLICATION NO. 2004-02 FOR REZONE NO. 2001-21 - CROSSROADS FEED AND RANCH SUPPLY** - This is a request for a 2-year time extension to initiate the expansion of an existing feed and seed ranch supply business on a 9.97 acre site in the PD 268 (Planned Development) zoning district. The project is at 118 Albers Road, located on the northeast corner of Albers Road and Yosemite Boulevard (State Route 132) in the Empire/Waterford area.
APN: 009-014-023
Staff Report: Sara Lytle-Pinhey Recommends **APPROVAL OF 2-YEAR TIME EXTENSION**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R. Souza, Unanimous, (8-0) **APPROVED 2-YEAR TIME EXTENSION AS OUTLINED IN THE STAFF REPORT.**
- *C. USE PERMIT APPLICATION NO. 2003-31 - ISLAMIC CENTER OF MODESTO**
(Item removed from Consent Agenda, to be heard as a Non-Consent Item)
- *D. TIME EXTENSION APPLICATION NO. 2004-02 FOR TENTATIVE MAP NO. 99-08 - RUNYAN COUNTRY ESTATES** - This is a request for a one-year time extension to April 18, 2005 to allow Tentative Map No. 99-88, in PD 245 (Planned Development) zoning district, to remain active. The subdivision site is on a 10-acre parcel which will be split into 20 lots and is located on the north side of Tuolumne Road, adjacent to existing residence fronting Lester Road, in the Denair area.
APN: 024-049-011
Staff Report: Sarah Lytle-Pinhey Recommends **APPROVAL OF ONE-YEAR TIME EXTENSION TO APRIL 18, 2005**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R. Souza, Unanimous (8-0) **APPROVED ONE-YEAR TIME EXTENSION TO**

APRIL 18, 2005.

- *E. PARCEL MAP APPLICATION NO. 2003-53 - CERUTTI** - This is a request to create 13 parcels of 40+ to 46.2 acres from two parcels totaling 520+ acre in the A-2-40 (General Agriculture) zoning district. The properties are located at 2100 Orestimba Road, east side of Eastin Road, between Orestimba and Shiells Roads in Newman area. Development resulting from this project will be on individual well and septic systems. A Mitigated Negative Declaration will be considered.
APN: 026-020-014, 026-020-018
Staff Report: Bill Carlson Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R. Souza, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- *F. PARCEL MAP APPLICATION NO. 2003-54 - STEVE AND LOIS FARINHA** - This is a request to create two parcels of 20+ (gross) acres from a 40+ (gross) acre site in the A-2-20 (General Agriculture) zoning district. The property is located at the southeast corner of Almond and Locust Avenues, north of Pomelo Avenue, in the Patterson area. Requesting an indefinite continuation.
APN: 048-016-028
Staff Report: Carole Maben Recommends **CONTINUE HEARING TO APRIL 15, 2004**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R. Souza, Unanimous (8-0) **APPROVED CONTINUANCE TO APRIL 15, 2004.**
- *G. PARCEL MAP APPLICATION NO. 2004-02 - VILLA DEL LAGO/DOMINIC SPENO**
This is a request to create two commercial parcels of .95 acres and .90 acres in Planned Development 199 (PD199). The property is located at 14950 Rogers Road, north of Speno Drive and south of Rogers Court, in the Patterson area. This project is Exempt from CEQA.
APN: 021-028-024
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R. Souza, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

- *H. **USE PERMIT APPLICATION NO. 2003-15 - SHIRAZ RANCH, LLC** - This is a request to construct a 7,000 square foot building to be utilized for offices, fruit packing, and cold and dry storage, using fruit produced on site on a portion of a 283± acre site in the A-2-40 (General Agriculture) zoning district. There will be a maximum of 10 employees with the hours of operation typically being Monday through Saturday, 7:00 a.m. to 4:00 p.m. The property is located at 24143 Bell Road, west side of Bell Road and east of Interstate 5, in the Newman area. A Negative Declaration will be considered.
APN: 026-013-029, 026-013-049 and 027-017-055
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Griffin/R. Souza, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- C. **USE PERMIT APPLICATION NO. 2003-31 - ISLAMIC CENTER OF MODESTO - (Item removed from Consent Calendar, to be heard as a Non-Consent Item)**
This is a request to modify Use Permit No. 94-24 to allow expansion of an existing 1,326 square foot building to 6,000 square feet for religious practice, add additional parking spaces, and a 1,440 square foot mobile office that will be used in the interim for religious activities during the renovation of the building and then be used as an administrative office on 1.64 acres in the R-A (Rural Residential) zoning district. The property is located at 1445 N. Carpenter Road, west side of N. Carpenter Road and north of Shaddox Avenue, in the Modesto area. A Negative Declaration will be considered.
APN: 081-028-015
Staff Report: Carole Maben Recommends **REMOVAL OF CONDITIONS OF APPROVAL NO. 24 AND 25, AND APPROVAL OF PROJECT**.
Public hearing opened.
OPPOSITION: Robert Sargent, 1624 Shaddox Avenue, Modesto; David Newton, 1617 Shaddox Avenue, Modesto; Jess Passalacqua, 2917 Laramie Drive, Modesto.
FAVOR: Hassan Marei, 3567 Windham Circle, Stockton; Mostafa Nazi, 905 Fontana Ct., Modesto; Moses Saleh, 655 Coad Lane, Riverbank; Sayed Kadar, 1421 Shaddox, Modesto.
Public hearing closed.
Layman/White, 6-2 (Assali and Griffin) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, AND REMOVING CONDITIONS OF APPROVAL NO. 24 AND 25.**

7:10 p.m. Commissioners Assali and Ray Souza left the Chambers and did not vote.

- I. **GENERAL PLAN AMENDMENT APPLICATION NO. 2003-01, REZONE APPLICATION NO. 2003-03, TENTATIVE MAP APPLICATION NO. 2002-02 - RIOPEL & ASSOCIATES** - This is a two part request. Part one is a request to amend the general plan and rezone a 19.16 acre parcel from Urban Transition/General Agriculture to Planned Development to allow for the development of a 4.43 acre dual-use drainage basin with a .25 acre park site. Part two is a request to create 53 residential lots of 8,000+ square feet from a 13.77 acre site, consisting of two parcels. Access to the proposed subdivision will occur via three connections (Zeering Road, Corona Way, and Chalmer Way) or one connection (Zeering Road) to the existing Denair street systems. The project site is located on the north side of Zeering Road, between N. Gratton Road and Arnold Road, in the Denair area. A Mitigated Negative Declaration will be considered.
APN's: 024-022-005, 024-020-002, and 024-021-043
Project returned to Planning Commission by the Board of Supervisors.
Staff Report: Angela Freitas Recommends **APPROVAL OF OPTION ONE AS OUTLINED IN THE STAFF REPORT.**
Public hearing opened.
OPPOSITION: Robert Scott, 4024 Mills Street; Lisa Wynn, 4048 Mills Street; Lisa Steiner, 4929 E. Zeering Road; Rusty Wynn, 4048 Mills Street; Tom Benton, 4216 Dominguez Drive; Bill Daly, 2720 Yale Avenue, Turlock; Art Serpa, 4901 Corona Way.

8:00 p.m. - Recessed

8:15 p.m. - Reconvened

Art Serpa, 4901 Corona Way; Mike Steiner, 4929 E. Zeering Road; Michelle Hillerman, representing Denair MAC; Ronda Rose, 5000 Chalmer Way; Rusty Wynn, 4048 Mills Street, Denair.

FAVOR: Chris Hawke, Mission Valley Property representing Matt Bruno; Ken Anderson, KAnderson Transportation Engineers.

OPPOSITION: Lisa Wynn, 4048 Mills Street; Bill Daly, 2720 Yale Avenue, Turlock.
Public hearing closed.

Griffin/White, 5-1 (Poore) **APPROVED THE STAFF RECOMMENDATION OF OPTION ONE AS OUTLINED IN THE STAFF REPORT.**

9:30 p.m. Commissioners Assali and Ray Souza returned to the meeting.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Initiation of Zoning Ordinance Amendment for Large-Scale Retail Developments

Poore/Griffin, Unanimous (8-0), directed Planning and Community Department staff to initiate a zoning ordinance amendment for large scale retail developments.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF MARCH 9, 2004

- A. There were no items affecting the Planning Commission on this meeting.

BOARD OF SUPERVISORS' ACTION OF MARCH 16, 2004

- A. The Board did not meet on this date.

MISCELLANEOUS & ON THE HORIZON

- A. The Planning Commission decided they would like to conduct a workshop regarding the Williamson Act on a Saturday in May. Director Freitas will schedule the date.
- B. Director Freitas reminded the Commissioners that the deadline for turning in their 700 Forms is April 1, 2004.

April 1, 2004

1. East Oakdale Projects: Hillsborough II, Lands of Schutz, and Kushar
2. Three Use Permits
3. One Parcel Map

Due to the size of the projects scheduled for April 1st, there will be no Nuisance Abatement Hearings that evening.

April 15, 2004

1. One Use Permit

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Commission Cusenza thanked Staff and the Commission for their hard work on the projects before the Commission tonight.

XI. ADJOURNMENT

The meeting was adjourned at 9:45 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)**