

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

January 20, 2005

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Andrew Souza, Rachelle Antinetti, Marie Assali, Tony Cusenza, Allen Layman, Mike Navarro, Jim Poore, and Ray Souza.
- Absent:
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Senior Planner; Carole Maben, Assistant Planner; Joshua Mann, Assistant Planner; Jack Doering, Assistant County Counsel; Ron Cherrier, Senior Land Development Coordinator, Public Works Department; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Eva Rosa, Planning Commission Clerk.
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S FORUM**
- A. No one spoke.
- IV. APPROVAL OF MINUTES**
- A. January 6, 2005
Poore/R. Souza, 7-0, **APPROVED.**
Commissioner Navarro abstained.
- V. CORRESPONDENCE**
- Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo dated January 20, 2005 from Planning Department regarding Item VII-C - Use Permit Application No. 2004-18 - Loretelli Produce Market.
- B. Directions and information regarding Stanislaus County Planning Commissioners Workshop to be held Saturday at the Samaritan Village, Hughson.
- VI. CONFLICT OF INTEREST**
- A. Commissioner Cusenza has known the Loretelli family for four generations, however, this will not have a bearing on his ability to render an impartial decision.

VII. PUBLIC HEARINGS (* - Consent Items)

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

*** CONSENT ITEMS**

- *A. USE PERMIT APPLICATION NO. 2004-14 - LAURA OVERTON** - Request to establish a private dog kennel to house up to thirty-five (35) dogs. The 4.3-acre parcel is in the A-2-40 (General Agriculture) zoning district. The property is located at 3800 S. Quincy Road, south of Whitmore Avenue and north of Service Road, in the Hughson area.

Item VII-A is removed from Consent Calendar and will be heard under Non-Consent Calendar.

- *B. USE PERMIT APPLICATION NO. 2004-16 - L & L PIT STOP** - Request to restore the legal nonconforming restaurant use of a 1,496 square foot building on a 2.84 acre parcel located in the A-2-40 (General Agriculture) zoning district. There are no uses currently operating in the subject building and the building was last used as a restaurant 10± years ago. The proposed restaurant will operate Monday thru Friday, 6:00 a.m to 3:00 p.m., Saturday, 7:00 a.m. to 3:00 p.m. and will be closed on Sundays. A total of nine parking spaces are proposed and access to the site will be from Highway 132 (Maze Boulevard). The property is located on the south side of Highway 132, between Paradise/Gates Road and Russell Road, in the Modesto area. A Negative Declaration will be considered.
APN: 012-047-008
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.
FAVOR: None.
Public hearing closed.
Layman/Assali, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

Item VII-A was removed from Consent Calendar.

- A. USE PERMIT APPLICATION NO. 2004-14 - LAURA OVERTON** - Request to establish a private dog kennel to house up to thirty-five (35) dogs. The 4.3-acre parcel is in the A-2-40 (General Agriculture) zoning district. The property is located at 3800 S. Quincy Road, south of Whitmore Avenue and north of Service Road, in the Hughson area. This project is Exempt from CEQA.
APN: 018-058-012
Staff Report: Carole Maben Recommends **APPROVAL**.
Public hearing opened.

OPPOSITION: John Stapp, 3906 S. Quincy Road; Sharon Zimmerman, neighbor; Joe Fletcher, 3936 S. Quincy Road.

FAVOR: Laura Overton, applicant.

OPPOSITION: John Stapp, 3906 S. Quincy Road.

Public hearing closed.

Layman/Assali, 5-3 (Cusenza, Navarro, Poore) **DENIED THE PROJECT.**

- C. USE PERMIT APPLICATION NO. 2004-18 - LORETELLI PRODUCE MARKET- (Continued from December 16, 2004 Planning Commission Meeting.)** Request to establish a 3,000 square foot produce market on a 16.2 acre parcel in an A-2-10 (General Agriculture) zoning district. The project is located on the north side of Claratina Avenue, west of Coffee Road, in the Modesto area. A Negative Declaration will be considered.

APN: 082-007-006

Staff Report: Angela Freitas Recommends **APPROVAL SUBJECT TO STAFF REPORT WITH REVISED CONDITION OF APPROVAL NO. 1, DELETED CONDITIONS NO. 17 AND 36, NEW CONDITIONS 41, 42, AND 43.**

Public hearing opened.

OPPOSITION: None.

FAVOR: Dave Romano, 1020 10th Street (presented Commission with handout of applicant's proposed revisions to Conditions of Approval); Bill Loreтели, Jr., 509 Hamden Lane; Mike Normoyle, 814 14th Street; Peter Cowles, Director, City of Modesto Public Works Department.

7:40 p.m. Recessed

7:55 p.m. Reconvened

Public hearing closed.

Navarro/R. Souza, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE MEMO DATED JANUARY 20, 2005, AND AMEND THE FOLLOWING CONDITIONS OF APPROVAL:**

1. This use is to be conducted as described in the application and supporting information (including the plot plan), as approved by the Stanislaus County Planning Commission and/or the Board of Supervisors and in accordance with other laws and ordinances. **Approval is subject to a revised plot plan/site plan reflecting Condition of Approval No. 41 allowing for one access point to Claratina Avenue to be at the location of the westerly access as shown on the plot plan/site plan.**
- ~~17. Only interim right-in-right-out vehicular access from the property onto Claratina Avenue shall be allowed and the interim access shall be removed as soon as an alternate access is available to the property.~~
- ~~36. Only interim right-in-right-out vehicular access from the property onto Claratina Avenue shall be allowed from this project in conformance with the City's Circulation Policies and the City's Standard Specifications (see~~

~~V.B.4.c on pages V-3, 4 of the General Plan, as well as the Expressway Access Standard Specifications -- See attached of Attachment "H" of the Staff Report for UP 2004-18). Prior to issuance of a building permit, the applicant shall enter into an agreement with the City of Modesto to provide that the interim access shall be removed as soon as an alternate access is available to the property. Security in the form of cash, bonds, or letter of credit would need to be held by the City to protect the City for the cost of the ultimate removal of the interim access. The interim access will also generate discussion as to the need for a liability insurance policy for the interim time period.~~

41. **Prior to the issuance of a building permit, the applicant shall obtain an encroachment permit from the City of Modesto Public Works Department for one access point to Claratina Avenue. The access shall be at the location of the currently approved westerly access as shown on the site plan.**
42. **Subject to the provisions of Conditions 43 below (regarding future availability of alternative access from the north and to Coffee Road), access to the Produce Market shall remain available through the access point approved with the City-issued encroachment permit until such time as the City builds out Claratina as a 6-lane expressway. At that point, the terms and conditions of which access, if any, will be allowed, will be subject to review and approval by the City Council.**
43. **At such time as the properties to the north develop and access from the property to Coffee Road becomes available, applicant shall close and remove the access to Claratina Avenue and utilize the access to the north.**

- D. USE PERMIT APPLICATION NO. 2004-19 - CERES CHRISTIAN CHURCH -**
Request to modify an existing church operation by allowing Sunday school classrooms to be used as a day care facility (up to 92 children). The 16.5-acre parcel is in the A-2-10 (General Agriculture) zoning district. The property is located at 3502 Roeding Road, east of McGee Avenue and west of Esmar Road, in the Ceres area. This project is Exempt from CEQA.
APN: 069-021-037
Staff Report: Joshua Mann Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: None.

8:35 p.m. Recessed
8:40 p.m. Reconvened

FAVOR: Pastor Rob Hidahl; Pastor Dave Rose, Ceres Christian Church.
Public hearing closed.
Assali/Cusenza, Unanimous (8-0), **APPROVED THE STAFF RECOMMENDATION**

AS OUTLINED IN THE STAFF REPORT.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. Appointed Commissioners Assali, and Cusenza to the General Plan Update Committee, with Commissioner A. Souza as the alternate.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS MEETING OF JANUARY 11, 2005

- A. The Board sent back to the Planning Commission an appeal of Planning Commission decision for Use Permit No. 2004-13, Mc Henry Golf Center. The appellant and the applicant both requested the item be returned to the Planning Commission for review of a new site plan.
- B. The Board approved Rezone Application No. 2004-05, Parcel Map Application No. 2004-14 for Kelly Business Park. This was a request to rezone 4.35 acres from A-2-40 (General Agriculture) to PD (Planned Development) and create 2 parcels which would allow the development of commercial and industrial uses consistent with others in the vicinity of Pirrone Road and Pirrone Court.

BOARD OF SUPERVISORS MEETING OF JANUARY 18, 2005

The Board did not meet this date.

ON THE HORIZON

- A. This Saturday is the annual Stanislaus County Planning Commissioners Workshop. It will be held in Hughson at Samaritan Village. Registration will start at 8:00 a.m., with the workshop scheduled from 8:45 to 1:30 p.m. Workshop materials, continental breakfast, and a hot lunch will be provided.
- B. We will hold a workshop on February 3rd, since there are no items to be heard that evening. The commissioners were asked to notify the Director of items they would be interested in covering that evening.

February 17, 2005

- 1. One Time Extension for a Parcel Map
- 2. Two Parcel Maps
- 3. One Use Permit

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. None.

Stanislaus County Planning Commission
Minutes
January 20, 2005
Page 6

XI. ADJOURNMENT

The meeting was adjourned at 8:45 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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