

# STANISLAUS COUNTY PLANNING COMMISSION

## MINUTES

REGULAR MEETING

April 20, 2017

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Katherine Borges, Steve Boyd, Kenneth Buehner, Richard Gibson, Scott Hicks
- Absent: Marc Etchebarne, Marjorie Blom, Tom Orvis, and Bobby Yamamoto
- Staff Present: Angela Freitas, Director; Miguel Galvez, Deputy Director; Kristin Doud, Senior Planner; Thomas E. Boze, Assistant County Counsel; Angie Halverson, Senior Land Development Coordinator, Public Works; Bella Badal, Senior Environmental Health Specialist, Department of Environmental Resources; Jennifer Akin, Planning Commission Clerk

Director Freitas informed the Commissioners, that due to the absence of the Chair and Vice-Chair, the Commission is required to elect a member to serve as acting Chair for tonight's meeting. Director Freitas recommended the election of Commissioner Buehner to serve as acting chair.

Hicks/Borges (4/0) **APPROVED THE RECOMMENDATION FOR COMMISSIONER BUEHNER TO SERVE AS ACTING CHAIR.**

**II. PLEDGE OF ALLEGIANCE**

**III. CITIZEN'S FORUM** - No one spoke.

**IV. APPROVAL OF MINUTES**

- A. April 4, 2017  
Due to the lack of quorum, consideration of the Minutes was continued to the May 4, 2017, Planning Commission Meeting.

**V. CORRESPONDENCE**

Director Freitas informed the Commissioners of several items of correspondence placed before them this evening:

- A. E-mail dated April 18, 2017, from Janice Musso regarding Consent Item VII-B – Use Permit Application No. PLN2015-0130 – The Fruit Yard Amphitheater
- B. Handout received April 20, 2017, from Thomas Douglas regarding Consent Item VII-B – Use Permit Application No. PLN2015-0130 – The Fruit Yard - Amphitheater

**VI. CONFLICT OF INTEREST – None**

**VII. PUBLIC HEARINGS (\* - Consent Items) – None**

Commissioner Buehner informed the public that there were no consent items.

**NON-CONSENT ITEMS**

**A. USE PERMIT APPLICATION NO. PLN2016-0125 – EL PARAISO NIGHTCLUB**

- Request to allow the operation of a dance hall/night club on a 1.26 acre site, improved with an existing 5,000 square foot building and paved parking lot. The project is located at 1550 Crows Landing Road, on the southeast corner of Crows Landing and Olivero Roads, in the Modesto area. This project is considered to be CEQA exempt. APN: 086-010-034 and 086-010-035.

Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.

Public hearing opened.

**OPPOSITION:** None

**FAVOR:** Ron West, 720 N. 3<sup>rd</sup> Street, Patterson

Public hearing closed.

Borges/Hicks (5/0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT AMENDING CONDITION OF APPROVAL NO. 14, TO READ AS FOLLOWS:**

14. All itinerant/mobile food vendors located on the project site shall comply with Chapter 6.68 of the Stanislaus County Code. This includes but is not limited to, a requirement to be located at least thirty-five feet back from the paved edge of any roadway, to not be operated within the clear vision triangle area of any intersection, to not occupy any required parking space for on-site development, or to have any permanent structures on-site. A permanent structure is considered to be any structure over 120 square feet in size, which would require a building permit in accordance with Title 24 of the Building Code. Any structures associated with the taco trucks located on the project site, including shade structures or seating areas, which are not “temporary”, shall be removed within six months of project approval.

**The requirement of this condition shall not apply to the existing shade structure constructed with a valid building permit, provided the shade structure continues to meet approved building permit standards, is determined by the County Public Works Director to not block vision at the intersection, does not occupy any required parking spaces of on-site development, and may not be replaced.**

**B. USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD AMPHITHEATER**

- Request to amend an existing planned development to allow a 3,500 person capacity amphitheater, with a 5,000 square foot covered stage, a 4,000 square foot storage building and parking lot to the rear of the stage, and an additional 1,302-space temporary parking area, for a maximum of 12 amphitheater events per year. The use permit also includes a request for a covered seating area of approximately 4,800 square feet and a 1,600 square foot gazebo to be developed in the existing park area and replacement of the existing pylon freestanding pole sign with an electronic reader board sign. The project is

located at the southwest corner of Geer Road & Yosemite Boulevard (HWY 132). The Planning Commission will consider adoption of a CEQA Mitigated Negative Declaration for the project. APN: 009-027-004.

Staff Report: Kristin Doud, Senior Planner, Recommends **APPROVAL**.  
Public hearing opened.

**OPPOSITION:** Michelle Belle, Weyer Road, Modesto; Kent Johnson, 566 Wellsford Road, Modesto; Barbara Heckendorf, 679 Weyer Road, Modesto; Thomas Douglas, N. Hopper Road, Modesto; Richard Heckendorf, 679 Weyer Road, Modesto; Alex Walden, Goodwin Road, Modesto; Judy Crisp, 601 Weyer Road, Modesto

**8:08 p.m. - Recessed**

**8:18 p.m. - Reconvene**

**FAVOR:** Dave Romano, Engineer, 1034 12<sup>th</sup> Street, Modesto, CA; provided a handout to the Planning Commission, dated January 28, 2015.

Paul Bollard, Bollard Acoustical Consultants, Inc., 3551 Bankhead Road, Loomis, CA

Public hearing closed.

**COMMISSIONER GIBSON MOTIONED DENIAL OF USE PERMIT APPLICATION NO. PLN2015-0130 – THE FRUIT YARD AMPHITHEATER. DUE TO LACK OF A SECOND, MOTION FAILED.**

**Hicks/Boyd (4/1) APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, INCLUDING APPROVAL OF THE ELECTRONIC READER BOARD SIGN, AMENDING DEVELOPMENT STANDARD NO. 8, TO READ AS FOLLOWS:**

8. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the Planning Director or appointed designee(s) prior to installation. ~~Flashing, animated, or electronic reader board signs are not permitted.~~

**VIII. OTHER MATTERS (NOT PUBLIC HEARINGS) - None**

**IX. REPORT OF THE PLANNING DIRECTOR**

**BOARD OF SUPERVISORS ACTIONS**

April 18, 2017: Approved the Planning Commission's recommendation for approval of Williamson Act Contract Cancellation and Parcel Map Application No. PLN2016-0108 – Beachler-Rumble.

**MISCELLANEOUS & ON THE HORIZON**

Planning Commission

May 4, 2017: Parcel Map Application PLN2016-0101 – Stanley & Gail Martin in the Denair area. Applicant/property owners are Stanley & Gail Martin.

Rezone Application PLN2016-0066 – Bronco Wine Company in the Ceres area. Applicant is John Franzia. Property owner is Bronco Winery.

Use Permit Time Extension Application PLN2017-0026 – Westside Hulling Association in the Patterson area. Applicant/property owner is Westside Hulling Association.

May 18, 2017: One Use Permit Application in the Patterson area. One Parcel Map with a Variance in the Riverbank area.

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN - None**

**XI. ADJOURNMENT**

The meeting was adjourned at 9:25 p.m.

Signature on file.  
Angela 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 Department.)