

STANISLAUS COUNTY PLANNING COMMISSION

MINUTES

REGULAR MEETING

March 17, 2005

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.
- Present: Chair Andrew Souza, Rachelle Antinetti, Marie Assali, Tony Cusenza, Annabel Gammon, Allen Layman, Mike Navarro, Jim Poore, and Ray Souza.
- Absent: No one.
- Staff Present: Ron E. Freitas, Director; Kirk Ford, Deputy Director; Bob Kachel, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Associate 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. March 3, 2005
R. Souza/Poore, 7-0, **APPROVED**
Commissioners Antinetti and Navarro abstained.
- V. CORRESPONDENCE**
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. California Planning & Development Report, Vol. 20, No. 2 - February 2005
- B. Clipping from February 26, 2005 The Modesto Bee
- C. Email received March 9, 2005 from Janice & Loren Sweet, regarding Item VII-C, Use Permit Application No. 2003-35 - Gurdwara Sagar Church
- D. Information regarding California County Planning Commissioners Association Northern District Spring Conference

- E. Letter dated March 8, 2005 from Patricia and Howard Watts, regarding Item VII-C, Use Permit Application No. 2003-35 - Gurdwara Sagar Church
- F. Letter dated March 10, 2005 from Caltrans, regarding Item VII-C, Use Permit Application No. 2003-35 - Gurdwara Sagar Church

VI. CONFLICT OF INTEREST

- A. Commissioner Layman will excuse himself during the hearing for Item VII-F, General Plan Amendment Application No. 2004-05 and Rezone Application No. 2004-12 - Sequoia Apartments. The agent for this project is a client of Commissioner Layman.

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. 2004-25 - LARA NUT PROCESSING FACILITY -**
Request to expand an existing nut processing facility by adding four warehouse buildings and an office. The expansion will include four (4) phases of construction. The construction time line is as follows: 1st phase (2005) will include a 3,000 square foot warehouse and mobile office; 2nd phase (2006) will include a 3,000 and 100 square foot warehouse; 3rd (2009) and 4th (2012) phase will both include the addition of a 10,000 square foot warehouse building. The 17.77-acre parcel is in the A-2-40 (General Agriculture) zoning district. The property is located at 812 E. Hamilton Road, between of Highway 33 and River Road, in the Patterson area. The Planning Commission will consider a Negative Declaration on this project.
APN: 016-024-025
Staff Report: Joshua Mann Recommends **APPROVAL**.
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Assali/Cusenza, Unanimous (9-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

NON-CONSENT ITEMS

- B. SPECIFIC PLAN AMENDMENT NO. 2005-01 - DIABLO GRANDE & TENTATIVE SUBDIVISION MAPS** - Tentative Map Application No. 2004-02 - The Legends; Tentative Map Application No. 2004-03 - The Vineyards I; Tentative Map Application No. 2004-04 - The Vineyards II; Tentative Map Application No. 2004-05 - The Cottages (SCH # 2004122053) - Requests to modify the text and percentage of

various land uses within the Phase One Preliminary Development Plan of Diablo Grande. Concurrent with the plan amendment we are considering four tentative subdivision maps creating a total of 504 residential lots on 151.3 acres. The Planning Commission will consider a Negative Declaration on this project.
APN: 025-010-007, 025-011-008, 025-015-006, 025-023-012, 025-023-018, 025-023

Staff Report: Bob Kachel Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

OPPOSITION: No one spoke.

FAVOR: Dave Romano, agent for the project.

Public hearing closed.

Assali/Cusenza, Unanimous (9-0), **APPROVED TO THE BOARD OF SUPERVISORS THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**

C. USE PERMIT APPLICATION NO. 2003-35 - GURDWARA SAGAR CHURCH
(Continued from November 4, 2004 Planning Commission Meeting) - Request

to construct a church facility at 3418 Golf Road, south of Turlock. The 2.15+ acre site is largely undeveloped land, containing two dwellings with additional acreage in Merced County. Project will be served by private on-site well and septic system. The 4800 square foot temple would have an occupant load of 553 persons and provide 188 parking spaces. The Planning Commission will consider a Negative Declaration on this project.

APN: 044-052-019

Staff Report: Bob Kachel Recommends **APPROVAL.**

Public hearing opened.

OPPOSITION: Edythe Watts, 3512 Golf Road; George Kapor, Golf Road; Irene Ricardo, 3412 Golf Road; Randy Watts, 3412 Golf Road; Earl Hamilton, 19240 Clausen; Lydia Rios, 2630 Golf Road.

Commissioner Andrew Souza acknowledged that he is acquainted with Mr. Watts, but this will not have a bearing on his decision.

FAVOR: Agit Singh, 255 Rosewood, Turlock; Jeeven Sandu; Dr. Opal, Sacramento; Daljit Singh; Mr. Singh.

8:00 p.m. Recessed

8:05 p.m. Reconvened

FAVOR: Mohinder Singh

OPPOSITION: Edythe Watts; Irene Ricardo.

Public hearing closed.

MOTION TO APPROVE PROJECT WITH ADDED CONDITION THAT NO GROUPS GATHERING LARGER THAN 20 PEOPLE, EXCEPT ON SUNDAYS FROM 8 A.M. TO 8 P.M.

Navarro/Poore, 4-5 (Antinetti, Layman, Assali, R. Souza, Gammon), **DENIED.**

Layman/Assali, 7-2 (Navarro, Poore), **DENIED THE PROJECT.**

- D. USE PERMIT APPLICATION NO. 2005-02 - McHENRY GOLF CENTER** - Request to establish a golf driving range on an 18+ acre site in the A-2-40 (General Agriculture) zoning district on McHenry Avenue, north of Kiernan Avenue/Claribel Road, in the north Modesto area. The site is comprised of one 9.5 acre parcel and the northern 9 acres of an adjoining 18.5 acre parcel. The Planning Commission will consider a Negative Declaration on this project.
APN: 075-015-001 and a portion of 075-015-002
Staff Report: Angela Freitas Recommends **DENIAL**.
Public hearing opened.
IN FAVOR OF PROJECT: Dennis Wilson, Horizon Consulting, representing applicant; William Mussman, 319 Claribel Road.
IN OPPOSITION OF PROJECT: Eric Christofferson, 511 Crawford Road; Robert Longstreth, 501 Crawford Road; Barbara Longstreth.
IN FAVOR OF PROJECT: Dennis Wilson.
Public hearing closed.
MOTION TO DENY PROJECT.
Antinetti/R. Souza, 4-5 (Poore, Layman, Cusenza, S. Souza, Navarro) **FAILED**.

Cusenza/Layman, 5-4 (Antinetti, Assali, R. Souza, Gammon) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH REVISED CONDITIONS OF APPROVAL NO. 12, 20, AND DELETE CONDITION NO. 21:**

19. **A 60-foot high fence shall be constructed along the south property line for the first 50 yards from the tee area and a 30-foot high fence shall be constructed along the north and east property lines.** The 30-foot high fencing shall be increased to 60-foot in height, or a height approved by the Planning Director, if the 30-foot fence height is not capable of containing balls from the driving range on-site.
20. A row of eight (8) foot tall Italian Cypress trees shall be planted within the setback areas along the north, east, and south property line. The trees shall be planted to provide a solid screen between the project site and the adjacent properties.
21. ~~A reciprocal access easement shall be provided for the benefit of the adjacent parcel to the south of the project site. Said easement shall be recorded, and a recorded copy provided to the Planning Department, prior to issuance of a building permit and/or business license.~~

9:35 p.m. Recessed
9:40 p.m. Reconvened

- E. **GENERAL PLAN AMENDMENT APPLICATION NO. 2000-09 AND REZONE APPLICATION NO. 2000-12 - VALLEY WOOD PRESERVING** (Continued from December 2, 2004 Planning Commission Meeting) - Request to rezone and amend the General Plan designation of a 13.1-acre property from Agriculture to Planned Development (PD) zoning for parking and storage of trucks, recreational vehicles, and equipment and remodel three existing buildings for office use, warehousing and storage. The proposed project will be done in three (3) phases. The project is located on Golden State Boulevard, Turlock. The Planning Commission will consider a Mitigated Negative Declaration on this project.
APN: 044-031-004 and 044-031-005
Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: Max Garcia, GDR Engineering, representing applicant.
Public hearing closed.
R. Souza/Poore, Unanimous (9-0), **APPROVED TO THE BOARD OF SUPERVISORS THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, WITH REVISED CONDITIONS OF APPROVAL TO READ:**

1. All uses within the Planned Development zone shall be consistent with the approved development plan. **The primary uses are: Recreation vehicle parking and storage, truck parking and storage, farm equipment parking and storage, office, warehousing, and storage within existing structures.**

Other potential uses: Appliance repair, automotive repair, body shop, cabinet shop, contractor's yard, equipment service and storage, machine shop, mobile home storage and sales, recreational vehicle service, sign shop and storage, truck terminal, welding shop, other uses which, in the opinion of the Director of Planning and Community Development, are similar in character and purpose in this area.

9. There shall be an eight foot high masonry wall adjacent to the **south property line for the Phase I development**, next to the agricultural zone properties. The wall shall not extend into the front and side yard setbacks.

10:05 p.m. Commissioner Layman removed himself from the hearing.

- F. **GENERAL PLAN AMENDMENT APPLICATION NO. 2004-05 AND REZONE APPLICATION NO. 2004-12 - SEQUOIA APARTMENTS** - Request to rezone and amend the General Plan of two parcels totaling 30,021 square feet (0.69 acre) from Planned Development/Low Density Residential to new Planned Development for development of a 2-story, 24 unit apartment complex. The application also includes amending the existing Salida Community Plan from Low Density Residential to High

Density Residential for 35 units per acre. The property is located at 4825 Sequoia Street, between Flint & Shearer Avenues, in Salida. The Planning Commission will consider a Mitigated Negative Declaration on this project.

APN: 135-051-008 and 135-051-009

Staff Report: Bill Carlson Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**

Public hearing opened.

OPPOSITION: Mike Gamboa, Jr., 4807 Sequoia Street, Salida.

FAVOR: Ted Brandvold, architect for project.

Public hearing closed.

R. Souza/Assali, Unanimous (8-0), **APPROVED TO THE BOARD OF SUPERVISORS THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, ALONG WITH ADDED CONDITION NO. 47:**

47. The applicant shall install a six foot high masonry wall adjacent to the southern property line. The wall shall not extend into the front yard setback.

10:20 p.m. Commissioner Layman returned to hearing.

VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)

- A. None.

IX. REPORT OF THE DIRECTOR

BOARD OF SUPERVISORS' ACTIONS OF MARCH 8, 2005

- A. The Board did not meet this date.

BOARD OF SUPERVISORS' ACTIONS OF MARCH 15, 2005

- A. The Board supported the designation of studying Claribel Corridor as an alternative route for State Highway 108.
- B. The Board set a public hearing for April 19, 2005 at 6:45 p.m. to consider General Plan Amendment No. 2003-08 and Rezone No. 2003-11, Bassi Plaza.
- C. The Board conducted a hearing on an appeal of Planning Commission decision for denial for Use Permit Application No. 2004-14, Laura Overton. This was a request for a kennel permit to house up to a maximum of 35 dogs in the Hughson area. The Board granted the appeal on a 3-0 vote, however, they reduced the number of dogs to 20, with 5 additional rescued dogs, which means dogs that are returned to her from people who purchased a puppy/dog from her.

On the Horizon

April 7, 2005

1. Five Use Permit Applications
2. One Time Extension Application
3. One Rezone Application

April 21, 2005

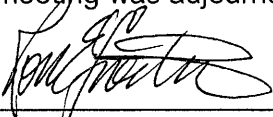
Nothing scheduled. Meeting Cancelled.

X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN

- A. Following a discussion of the up-coming California County Planning Commissioners Association Spring Conference to be held at Konocti Harbor on April 30, 2005, it was decided that Commissioners Cusenza and Assali would attend.

XI. ADJOURNMENT

The meeting was adjourned at 10:30 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.)