

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
JULY 11, 2007**

***ACTION MINUTES** – These minutes are prepared to depict action taken for agenda items presented to the Planning Commission. For greater detail of this meeting refer to the electronic media (audiotapes) kept as a permanent record.*

The Planning Commission of the City of Los Banos met on the above given date.

CALL TO ORDER: Planning Commissioner Lewis called the Planning Commission Meeting to order at the hour of 7:05 p.m.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Araceli Anderson, Stephen Hammond, Deborah Lewis, and Vice Chair Valerie Osborn; Chairman Donovan absent.

STAFF MEMBERS PRESENT: Assistant City Clerk/Human Resources Technician Sousa, City Attorney Vaughn, Planning Manager LeVan, Assistant Planner Farinha, and Public Works Director/City Engineer Chisam.

APPROVAL OF AGENDA: Motion by Anderson, seconded by Osborn to approve the agenda as submitted. The motion carried by the affirmative vote of all Commission Members present; Donovan absent.

CONSIDER APPROVAL OF ACTION MINUTES: Motion by Anderson, seconded by Hammond to approve the June 27, 2007 minutes as submitted. The motion carried by the affirmative vote of all Commission Members present; Donovan absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. No one came forward to speak and the public forum was closed.

CONSIDERATION OF APPROVAL OF SITE PLAN REVIEW #2006-15, VANTI PROPERTIES FOR PROPERTY LOCATED AT 828 WEST PACHECO BLVD.; ASSESSOR PARCEL NUMBER: 027-130-009, RESOLUTION NUMBER 2007-31 APPROVAL WOULD ALLOW THE CONSTRUCTION OF A 4956 SQ. FT. PROFESSIONAL/COMMERCIAL BUILDING IN THE HIGHWAY COMMERCIAL ZONE DISTRICT (CONTINUED FROM JUNE 27, 2007). Planning Commissioner Lewis stated that city staff, in conjunction with the applicant, requested that the item be continued to an indefinite date. Commissioner Lewis noted that the public hearing was also to be continued.

CONSIDERATION OF APPROVAL OF TENTATIVE PARCEL MAP #2006-06, GOLD COUNTRY HOMES FOR PROPERTY LOCATED ON THE WEST SIDE OF SEVENTH STREET AND 500 FEET NORTH OF B STREET; ASSESSOR PARCEL NUMBER: 082-420-047, RESOLUTION NO. 2007-33. APPROVAL WOULD ALLOW THE SUBDIVISION OF A 0.75 ACRE PARCEL INTO THREE PARCELS RANGING IN SIZE FROM 6,228 SQ. FT. TO 6,575 SQ. FT. IN THE PLANNED DEVELOPMENT ZONE DISTRICT. Assistant Planner Farinha presented the report noting that a public hearing notice was mailed to surrounding property owners and no responses were received.

Planning Commissioner Lewis opened the public hearing.

Errol Esbit, Project Architect, stated that no designs were available as of yet because the project is a tentative map and he was only requesting approval of the lots. Esbit noted that he built homes with Malachi Sanchez and that the quality and standards would be the same for this project.

There was commission member concern about recommending approval of the project without any architectural renderings, elevations or landscape plans. It was requested that Esbit bring elevations or designs to the Planning Commission. Esbit stated that he was not willing to provide renderings; however, he was willing to provide elevations.

Errol Esbit stated he felt that as an Architect he has a reputation and would not design a project that didn't meet the quality and design standards. Esbit stated that he takes pride in his work, and the project consisted of affordable housing for families in need of starter homes.

There was a commission member question regarding the inclusion of a masonry wall, and Esbit stated that a masonry wall would be included in the project consistent with the adjacent senior project.

It was suggested by the commission that a requirement checklist be created and distributed to each applicant to ensure there is no question regarding interpretations.

Kathleen Black, Los Banos, stated that she resides directly across from the project and is not in opposition; however, she suggested that none of the homes face 7th Street due to traffic congestion.

Esbit stated that all houses would face the new street. He also requested to eliminate the sidewalk adjacent to the Alta Vista project and landscape it in place of sidewalk.

Public works Director/City Engineer Chisam stated that the city has requested that a left turn pocket be striped on 7th Street to enter the project. Chisam also stated that a left turn would lead out of the project.

Planning Commissioner Lewis closed the public hearing.

Motion by Osborn, seconded by Hammond to adopt Planning Commission Resolution No. 2007-33 adding a condition that the Final Map shall not be recorded until and shall be subject to the approval of a Final Development Plan. The motion carried by the affirmative vote of all Commission Members present; Donovan absent.

CONSIDERATION OF APPROVAL OF SITE PLAN REVIEW #2007-02, MIXED-USE INDUSTRIAL CENTER FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF F AND SANTA RITA STREETS; ASSESSOR PARCEL NUMBER 025-152-005, RESOLUTION NO. 2007-34. APPROVAL WOULD PERMIT THE CONSTRUCTION OF A MIXED-USE INDUSTRIAL CENTER IN THE GENERAL COMMERCIAL ZONE DISTRICT. Assistant Planner Farinha presented the report noting that a public hearing notice was mailed to surrounding property owners and that no responses were received.

There was commission member concern regarding the type of fencing located around the project. Public Works Director/City Engineer Chisam stated that the city would not want any fencing that would prohibit Public Works from working on the sewer line that lies directly below the project. Chisam reported that a masonry wall would be included at the side yard on the western portion of the project.

It was stated that by City Ordinance it is required a landscape plan be submitted by a licensed Landscape Architect. Planning Manager LeVan reported that a licensed Landscape Architect would be involved during the Final Development Plan.

Planning Commissioner Lewis opened the public hearing.

Errol Esbit, Project Architect, stated that he does his best to portray what the landscape may look like, but ultimately a Landscape Architect submits plans for the project during the final stages. Esbit stated that the city requirements now in place make a project more involved and costing more money to present.

There was commission member concern regarding the size of the building with only one trash enclosure, and two handicap parking spaces being proposed for all tenants. There was also concern regarding tenants possibly working on vehicles or machinery and causing an eyesore for current residents across the street.

Public Works Director/City Engineer Chisam stated that the one trash enclosure and two handicap parking spaces meet the guidelines for the project. Chisam also stated that the owner could request various sizes of trash receptacles and increase regularly scheduled pickups.

Esbit stated that maintenance of the property will be maintained by the owner, and there is only one owner of the property.

Rick Farnelli, Berry Construction, stated that he has been in business in Madera for over fifteen. Farnelli stated that he tried to meet all city codes and that the suites were sectioned off to maximize space. Farnelli thanked city staff and stated that they have been cordial to him.

Planning Commissioner Lewis closed the public hearing.

It was requested that Planning Conditions of Approval be amended and added as follows: Number sixteen should contain additional wording added after the word screened to read "from view of public right-of-way". Number seventeen should mention the addition of metal fencing. Number nineteen should read as follows: "The developer shall provide appropriate landscaping to enhance the buildings. Said landscaping shall be in accordance with the City's landscape guidelines for commercial properties and shall be continuously maintained, including fronting street trees, in a healthy and thriving manner. Should any landscape material die, it shall be immediately replaced with landscaping of a similar type, size and quantity". Number twenty should read as follows: "Downspouts shall be integrated in the building or architecturally integrated on the exterior of the building, matching the color of the building, and that they not interfere in the public right-of-way". Add a condition stating that there shall be no vehicles or machinery worked on in front of the building as a consideration to the surrounding residents.

Motion by Lewis, seconded by Anderson to adopt Resolution No. 2007-34 approving site plan review 2007-02 subject to findings and conditions of approval as stated. The motion carried by the affirmative vote of all Commission Members present; Donovan absent.

CONSIDERATION OF APPROVAL OF SITE PLAN REVIEW #2007-08, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HIGHWAY 152 AND ORTIGALITA ROAD; ASSESSOR PARCEL NUMBER 083-040-052/053/055/056/058, RESOLUTION NO. 2007-35. APPROVAL WOULD ALLOW THE CONSTRUCTION OF A 120,000 SQUARE FOOT RETAIL AND RESTAURANT CENTER. Planning Manager LeVan presented the report noting that a public hearing notice was mailed to surrounding property owners and that no responses were received.

Public Works Director/City Engineer Chisam stated that he would make sure that sufficient rights-of-way were given within the project. Chisam included that there will not be any left turns out of the project, only a right in or right out onto Pacheco Boulevard. Chisam stated that left turn access from the project onto Pacheco Boulevard would be obtained by exiting onto Ortigalita and making the left turn from there.

There was commission member concern regarding the inclusion of enough trash receptacles throughout the retail areas to ensure that customers will not litter.

Planning Commissioner Lewis opened the public hearing.

Brian Curtis, Stonecreek Properties, stated that he is in agreement with what staff is proposing and the project provides an offsite area that will handle the storm drainage.

There were many commissioner comments stating that the project was appreciated, and would serve the community well, the architectural designs are great, and that it was appreciated to see the level of standards within the project.

Curtis stated that Pad E would be a fast food chain, and that other pads were currently being leased to businesses; however, he was unable to share which businesses.

City Attorney Vaughn stated that a specific condition was added to the project in 2003, but could not recall if it were still in effect. Curtis suggested that the commission add a condition stating that all conditions in the original resolution shall be incorporated within this project.

Planning Commissioner Lewis closed the public hearing.

Motion by Anderson, seconded by Lewis to adopt Resolution No. 2007-35 with additional findings and conditions of approval, that Planning Condition number fifteen be removed, and that all requirements of the original resolution shall be incorporated in the current project. The motion carried by the affirmative vote of all Commission Members present; Donovan absent.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: Suggested that the city facilitate the application process by adding a project checklist to assist the applicant.

STEPHEN HAMMOND: Stated that he recently returned from a week long trip where he had two teams that took fourth in the nation in the bottle quiz, and that he was glad to be home.

VALERIE OSBORN: No report.

DEBORAH LEWIS: Invited the community to attend the Merced Fair in July, and reported that the Temptations will be playing on Friday night.

NORM DONOVAN: Absent.

PUBLIC WORKS DIRECTOR/CITY ENGINEER: Reported that there is a City Council Public Hearing scheduled for August 15th, 2007 regarding a Landscape Ordinance.

PLANNING MANAGERS REPORT: Reported that a City Council workshop is scheduled at City Hall on July 23, 2007 at 5:30 p.m. to discuss Residential Design Standards.

MISCELLANEOUS INFORMATION IN PLANNING COMMISSION PACKET, NO ACTION NECESSARY.

ADJOURNMENT. The meeting was adjourned at the hour of 9:01 p.m.

APPROVED:

/ s / Norm Donovan
Norm Donovan, Chairman

ATTEST:

/ s / Jana R. Sousa
Jana R. Sousa, Assistant City Clerk