

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
AUGUST 22, 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 Donovan called the Planning Commission Meeting to order at the hour of 7:00 p.m.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Araceli Anderson, Stephen Hammond, Deborah Lewis, Jose Manzo, and Chairman Donovan.

STAFF MEMBERS PRESENT: Planning Manager, John LeVan, Assistant Planner Stacy Souza, Administrative Assistant/Secretary Cinthia Fast, Assistant City Clerk/Human Resources Technician, Jana Sousa, City Attorney, Bill Vaughn, and Public Works Director, Dwayne Chisam.

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

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. Joe Gutierrez of Los Banos, CA, came forward to speak and reported completion of his project that the planning commission approved. He announced he will be having a ribbon cutting and will inform commissioners of the event date. Mr. Gutierrez also wanted to wish the new Commissioner, Jose Manzo, good luck. Steve Teach, new superintendent of Los Banos Unified also came forward to speak. He was concerned about the Whitehurst Project and how it would impact the district. Expressed his concern and would like to meet with the developers to discuss.

CONSIDERATION OF APPROVAL OF TENTATIVE PARCEL MAP #2007-08 TO SUBDIVIDE ONE 6.2 ACRE PARCEL INTO THREE SEPARATE PARCELS RANGING IN SIZE FROM 2.70 ACRES TO 1.41 ACRES; PROPERTY LOCATION 1460 EAST PACHECO BLVD.; ASSESSOR PARCEL NUMBER: 428-140-029.

There was concern about access entrances and exits. The planning commission will have time to require any maintenance/landscaping issues. Commissioner Lewis wanted to clarify mandated guidelines about landmark & if it is a protected site regardless if it is a county or city. Parcel 1 preserves the historical landmark. Future demolition will pose no threats to the historical landmark and no comments have been received.

Chairman Donovan opened the public hearing.

Michael Amabile, project applicant, stated that he was here to answer any questions regarding the Espana's landmark. He cares very much about the historical value of the site.

Motion by Hammond, seconded by Anderson, to adopt Planning Commission Resolution #2007-40, Approving Tentative Parcel Map # 2007-08 subject to the findings and conditions of approval.

Chairman Donovan closed the Public Hearing.

CONSIDERATION OF APPROVAL OF USE PERMIT #2007-07, to Allow a Collection Site in the Rear Parking Lot of the Canal Farm Shopping Center (Save Mart) for the Purpose of Purchasing and Receiving California Redemption Value Recyclables; Property Location 1337 West Pacheco Blvd.; Assessor Parcel Number 026-280-016.

Planning Manager, LeVan, presented the staff report. Chairman Donovan would like to have a condition of approval to rebuild the wall. There was concern about the gate in the rear parking lot that possibly may be used for using a trailer. City Attorney, Vaughn, made some clarifications about the ordinance. Commissioner Anderson requested more research be done to clarify the ambiguity of the language, she would like to find out the intent of the ordinance. Recommended making a motion to continue this item for research, ambiguity and ordinance. Commissioner Lewis asked if any future proposals have been made south of Savemart, the agricultural zoning. No proposals to date have been made. There was also some concern that the restroom usage and signage was not consistent with the sign ordinance within the City of Los Banos.

Chairman Donovan opened the public hearing.

Joe Prestridge, of Fresno, California, came forward to speak. He is the applicant. He stated that the only signs proposed are California mandated signs, prices, paid, etc. Employees needing to use the restroom will do so during breaks, and lunch and at that time they will lock up the bin and container. Small collection facilities shall be established in conjunction with use. He also indicated that there will be some design features with structures of subject site.

Chairman Donovan closed the Public Hearing.

Members of the commission had concern about possible vandalism and any inappropriate action that could potentially take place behind the site, due to visibility, noise and would be an impact on the city with potential criminal activity. Feels it is hidden from public view. Commissioner Lewis made a recommendation that the north end corner of the Kmart parking lot would be more appropriate for this type of facility. More visible to the public eye and less likely to cause problems for the community.

Motion by Hammond, seconded by Manzo, to adopt Planning Commission Resolution #2007-41 approving use permit #2007-07. Opposed: Lewis

CONSIDERATION OF APPROVAL OF USE PERMIT #2007-08, to Allow a Heavy Processing Recycling Facility to Locate in the Los Banos Industrial Business Park on a 2.4 Acre Site; Property Location at the Northeast Corner of Technology Drive and Ward Road; Assessor Parcel Number 084-250-006.

Planning Manager, LeVan, presented the staff report. Commissioner Lewis stated she didn't see any monument signs. LeVan stated the signage on building will have 1 sq foot per lineal foot on the street. It is allowed 211 ft of building signage along the frontage. A master sign plan will be submitted to project size and height. No indication of monument sign as been indicated yet. Commissioner Anderson would like clarification of fencing for the project, has concern about masonry walls. The site layout composed indicates solid masonry fence and not a wall. Also some concerns were brought up about additional parking for employees in the future, understanding there is to be 1 parking space per employee.

Chairman Donovan opened the public hearing.

Gordon Warner, Salinas, CA, came forward to speak. He is the project applicant. He addressed signage issues and not proposing monument signs, only signs on the building themselves. Also stated that the secondary access is an emergency access. Future 10X7 scale proposed questions about ingress/egress, that the scale would still be accessed from the south side. It was indicated that future parking at the northwest corner of property just to the north of the access, additional parking spaces would be located there, by the proposed future scale. Commissioner Anderson, complimented

the decorations, they are a nice attraction and that those will be in place as planned. Applicant also stated that he will offer a drop box service, as he does not want to infringe with our current waste agreement. The applicant brought a 12 minute DVD to review the operation and its detail. However, there was a problem with the disk, so Mr. Warner will leave the disk for the commissioners to review.

Chairman Donovan closed the Public Hearing.

Commissioner Lewis would like to see the proposal changed to Ward Road driveway entrance for emergency use only. Also item #22 to state If Ward Road access becomes active to ingress/egress scale, the applicant shall bring proposal back to planning commission.

Motion by Lewis, seconded by Hammond, to adopt Planning Commission Resolution #2007-39 approving Use Permit #2007-08.

Consideration of Approval of Vesting Tentative Tract Map #2006-12; Site Plan Review #2007-12; Final Development Plan #2007-12; Development Agreement Between Larry Anderson and City of Los Banos; Re: Quail Meadows at Stonecreek; Property Location 76 Acres Along and Including the Western Extensions of Stonecreek Boulevard and Cardoza Road, Generally South of Pacheco Boulevard Between Badger Flat Road and Los Banos Creek; Assessor Parcel Numbers: 083-040-007, 083-040-008, 083-040-050, 083-040-051, and Former Assessor's Parcel Number 083-020-032.

Commissioner Anderson excused herself from the Stonecreek property due to her own piece of property that she owns and is researching a legal opinion. Anderson was excused at 8:23 p.m. A 5 minute break was taken at 8:24 p.m. The meeting was called back to order at 8:35 p.m. Richard James of EMC, submitted a PowerPoint presentation. Commission members are interested in having a provisional plan submitted for another trail/greenway. Would like to propose a 30 foot pedestrian walkway to help with the corridor. City Attorney, Vaughn, explained the development agreement. The fees for this project are set forth in exhibit to the document. Staff proposed to preserve 150 bonus units for meeting the timelines, deadlines and have met all benchmarks and is a fair result. Try to eliminate any automatic increase base allocations, not giving an automatic elevation of the allocation, but give incentives that add value to the project and value to the city. A total of 1800 unites eventually will be built.

Chairman Donovan opened the public hearing.

Tom Chirpers, representing the applicant, came forward to speak. He thanked staff for all the hard work. Feels it's a good project for the city and indicates that they concur with the staff report and the development agreement, particularly exhibit D. Bryan Curtis of Stonecreek properties came forward to speak. He went over some paperwork that was given to the commissioners. He brought in displays and used those to show area plans. The representation was to show the area to be designated as a remainder parcel and would not be a part of the subdivision. Would not be subdivided out for development. A bigger concern was loss of circulation of traffic on street. Staff feels an amendment to the area plan is necessary. A concern made by Stonecreek is that the driveways defeat the enhanced walkway, but would be willing to work something out. Commissioner Hammond mentioned the need to work out details for the walkway. That the church still fits within the concept of the area plan and would go well with the park and the plan together. Craig Peral, from Free Evangelical Church in Dos Palos, CA, came forward to speak. About 2 ½ years ago Mr. Anderson donated over 2 acres of property. He does not feel that the church site has changed any to the plan. His church is currently placed behind Ryan's Place in the strip mall. He has about 180 members. About 60 are community kids and 20 are high school seniors. He expressed his concern about problems the church may have. Ken Saddler, of Los Banos, CA owns property the development is on. He retains a portion of the property and has an agreement with Stonecreek and has a masonry wall on 3 sides of the property leaving the creek open. Area 32, linear park, is non existent, and would be going through his property. He has no problem with a church being built and the park being built as long

as it is consistent with the area plan and the changes in the area plan are associated with the coming about.

Chairman Donovan closed the Public Hearing.

The Final Development Plan covers only 53 lots and staff wants conditional approval. No development to be on parcel A, B, and G on the final development plan. Parcel A&B is park connector and parcel C is the church.

Motion by Hammond, seconded by Lewis to adopt Planning Commission Resolution No. 2007-42 – Approving Vesting Tentative Tract Map #2006-12. A roll call vote was done at 10:10 p.m. Anderson was absent.

Motion by Hammond, seconded by Lewis to adopt Planning Commission Resolution No. 2007-43 – Approving Site Plan Review #2007-12. A roll call vote was done at 10:11 p.m. Anderson was absent.

Motion by Hammond, seconded by Lewis to adopt Planning Commission Resolution No. 2007-44 – Recommending Approval of Final Development Plan #2007-12. A roll call vote was done at 10:12 p.m. Anderson was absent.

Motion by Hammond, seconded by Lewis to adopt Planning Commission Resolution No. 2007-45 – Recommending Approval of the Quail Meadows at Stonecreek Development Agreement. A roll call vote was done at 10:13 p.m. Anderson was absent.

PLANNING MANAGERS REPORT: No report.

COMMISSIONERS REPORTS:

ARACELI ANDERSON: Absent

STEPHEN HAMMOND: No report.

DEBORAH LEWIS: No report.

NORM DONOVAN: Requested an update on the ordinance for mobile vendors. Planning Manager, LeVan, reported it was almost completed. Chairman Donovan also requested for the planning department to give at least 2 weeks review for large projects when they are in question. He also has a concern about newer projects. The width of streets, they are too narrow.

JOSE MANZO: No report.

ADJOURNMENT. The meeting was adjourned at the hour of 10:20 p.m.

APPROVED:

Norm Donovan, Chairman

ATTEST:

Cinthia Fast, Administrative Assistant