

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
May 23, 2012**

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 (CD and/or audio) kept as a permanent record.

CALL TO ORDER: Chair Rosin called the Planning Commission Meeting to order at the hour of 7:00 p.m.

PLEDGE OF ALLEGIANCE: Planning Commissioner Hixson led the Pledge of Allegiance.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Arkady Faktorovich, Vern Hixson, Chandra Lee, Deborah Lewis, Tom Mello and Tracey Rosin. Absent: Susan Toscano.

STAFF MEMBERS PRESENT: Community Development Director Fitzgerald, City Attorney Vaughn and Assistant Planner Elms.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Mello, seconded by Faktorovich to approve the agenda switching the order of 7A and 7C. The motion carried by the affirmative vote of all Commission Members present. Absent: Toscano.

CONSIDERATION OF APPROVAL OF ACTION MINUTES FOR THE REGULAR MEETING OF APRIL 25, 2012: Motion by Lee, seconded by Hixson to approve the minutes as submitted. The motion carried by the affirmative vote of all Commission Members present. Absent: Toscano.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE COMMISSION ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE 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 and the public forum was closed.

PUBLIC HEARING – CONSIDERATION OF CERTIFICATION OF NEGATIVE DECLARATION (SCH #2012041060), APPROVING ASSOCIATED SITE PLAN REVIEW #2012-02 AND TENTATIVE PARCEL MAP #2012-01 FOR THE DEVELOPMENT OF A 20,951 SQUARE FOOT DOLLAR GENERAL MARKET LOCATED ON THE SOUTHWEST CORNER OF SANTA BARBARA STREET AND MERCY SPRINGS ROAD; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERL: 082-072-023. Community Development Director Fitzgerald presented the staff report with a powerpoint presentation.

Commissioner Hixson; asked if there was an Ordinance pertaining to distance when selling alcohol in close proximity to a church; Community Development Director Fitzgerald; the applicant would have to go through the Use Permit process which would go before the Planning Commission and City Council; there is not an Ordinance relating to the distance specifically; it would depend upon the adverse affect on the surrounding neighborhood; Commissioner Lewis; would like to see the pork chop on the drive-way on Mercey Springs designed larger with flare outs and a sign posted that states no left turns; Community Development Director Fitzgerald; agrees that it would be a good idea to add those comments as a condition; Commissioner Lewis; requested additional trees to the handicap parking near the front of the store and the center median; Community Development Director Fitzgerald; recommended asking the applicant if that was something they would be willing to do; Commissioner Hixson; asked if there will be adequate lighting in the parking lot; Community Development Director Fitzgerald; the applicant would have to meet City requirements for lighting.

Chair Rosin opened the public hearing.

Russell Perkins; Evergreen Dev Co, applicant's representative; does not foresee any conflicts with the adjacent church and the future sale of alcohol; will support any recommendations to the design of the pork chop on Mercey Springs and will work with the Public Works Department to accomplish that design; would be happy to provide more dense landscaping or add a tree where a shrub is shown; will be supplying a photometric plan at the improvement plan stage; Commissioner Hixson; asked for a brief overview of the Dollar General company; **Russell Perkins; Evergreen Dev Co, applicant's representative;** explained that Dollar General is the smallest-format, discount retailer in the US; they are not a dollar store, but a value merchandiser; they provide general merchandise and a significant amount of grocery; their aim is to provide convenient access at affordable everyday prices; Dollar General just opened their 10,000th store in Merced; Commissioner Faktorovich; what are the typical hours of operation and when are deliveries typically done; **Russell Perkins; Evergreen Dev Co, applicant's representative;** the typical hours of operation are from 8am to 10pm; and deliveries are during the day, during store hours; the applicant intends on hiring 35-40 employees for this store.

No one else came forward and Chair Rosin closed the public hearing.

Motion by Lee, seconded by Faktorovich to adopt Planning Commission Resolution No. 2012-09 – approving Tentative Parcel Map #2012-01 for the subdivision of approximately 7.31 acres on Assessor's Parcel Number: 082-072-023. The motion carried by the affirmative action of all Commission Members present. Absent: Toscano.

Motion by Lee, seconded by Lewis to adopt Planning Commission Resolution No. 2012-10 – certifying Negative Declaration (SCH #2012041060) and approving Site Plan Review #2012-02 for the construction of a 20,951 square foot Dollar General Market at the southwest corner of Santa Barbara and Mercey Springs; more specifically identified as Assessor's Parcel Number: 082-072-023 with the addition of conditions to include no left turn-signage on Mercey Springs Road and a pork chop that is flared out at the ends,

the addition of trees in the center island and to replace shrubs with trees in front of the handicap parking spaces. The motion carried by the affirmative action of all Commission Members present. Absent: Toscano.

PUBLIC HEARING – CONSIDERATION OF APPROVAL OF A REVISION TO SITE PLAN #2011-03 FOR THE ADDITION OF A CAR WASH IN CONJUNCTION WITH THE PREVIOUSLY APPROVED AM/PM GAS STATION/CONVENIENCE STORE AND MCDONALDS RESTAURANT LOCATED ON ASSESSOR’S PARCEL NUMBER: 081-140-013. Community Development Director Fitzgerald presented the staff report with a powerpoint presentation.

Commissioner Mello; wanted to know the type of car wash proposed at this facility; Community Development Director Fitzgerald; it will be a drive-thru car wash, similar to the one currently at Chevron on Pacheco; will be required to fully recycle water.

Chair Rosin opened the public hearing; no one came forward and the public hearing was closed.

Motion by Lee, seconded by Faktorovich to adopt Planning Commission Resolution No. 2012-08 – approving a revision to Site Plan #2011-03 by adding a car wash for an AM/PM Gas Station and McDonalds Restaurant at the northwest corner of Badger Flat Road and Pacheco Blvd.; more specifically identified as Assessor’s Parcel Number: 081-140-013. The motion carried by the affirmative action of all Commission Members present. Absent: Toscano.

PUBLIC HEARING – CONSIDERATION OF APPROVAL OF AN ADDENDM TO ENVIRONMENTAL IMPACT REPORT (SCH #2008111078) AND MODIFICATIONS TO CONDITIONS OF APPROVAL FOR SITE PLAN #2008-05 FOR THE WALMART STORE EXPANSION AND DEVELOPMENT OF COMMERCIAL RETAIL OUTLOTS LOCATED AT 1575 W. PACHECO BLVD.; MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 430-010-012 AND 430-010-041. Community Development Director Fitzgerald presented the staff report with a powerpoint presentation.

Commissioner Lewis; asked if the Traffic Fee is separated out per project or a lump sum pot; Community Development Director Fitzgerald; the amount is set aside per traffic impact fee; it would probably go directly to the improvement it was set aside for, but not completely sure.

Chair Rosin opened the public hearing; no one came forward and the public hearing was closed.

Motion by Lee, seconded by Faktorovich to adopt Planning Commission Resolution No. 2012-06 – approving the certification of an addendum to Final Environmental Impact Report (SCH #2008111078), approving revised mitigation measures Trans-1B, Trans-1C, Trans-1D, Trans-1F, Trans-2A, Trans-2B and Trans-3C for the Los Banos Walmart Expansion Project located at 1575 W. Pacheco Blvd.; more specifically identified as

Assessor's Parcel Numbers: 430-010-012 and 430-010-041. The motion carried by the affirmative action of all Commission Members present. Absent: Toscano.

Motion by Hixson, seconded by Lee to adopt Planning Commission Resolution No. 2012-07 – amending condition no. 26 and 35 for Site Plan #2008-05 for the expansion of the existing Walmart Store and development of three commercial retail outlots located at 1575 W. Pacheco Blvd.; more specifically identified as Assessor's Parcel Numbers: 430-010-012 and 430-010-041. The motion carried by the affirmative action of all Commission Members present. Absent: Toscano.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT: The Economic Development Advisory Committee will be having a digital sign contest for the sign on Pacheco and I Street; working on a community film on Los Banos that is a free service to the City and will be on the City's website highlighting the good things about the City.

PLANNING COMMISSION MEMBER REPORTS:

ARKADY FAKTOROVICH: Nothing to report.

VERN HIXSON: Nothing to report.

CHANDRA LEE: Nothing to report.

DEBORAH LEWIS: Would like to invite everyone to the Merced County Fair June 13-17; there will be a Memorial Day Celebration May 27, 2012 at the National Cemetery at 7am and one in Los Banos on May 28, 2012 at 10am.

TOM MELLO: Appreciates staff's work on the agenda.

TRACEY ROSIN: Nothing to report.

SUSAN TOSCANO: Absent.

ADJOURNMENT. The meeting was adjourned at the hour of 7:50 p.m.

APPROVED:

/s/ Tracey Rosin

Tracey Rosin, Planning Commission Chair

ATTEST:

/s/ Stacy Souza Elms

Stacy Souza Elms, Assistant Planner/ Planning Commission Secretary