

# STANISLAUS COUNTY PLANNING COMMISSION

## *AMENDED*

### MINUTES

REGULAR MEETING

April 6, 2006

- I. ROLL CALL:** Meeting called to order at 6:00 p.m.  
Present: Chair Ray Souza, Marie Assali, Tony Cusenza, Annabel Gammon, Robert Hardie, Allen Layman, Arsenio Mataka, and Michael Navarro
- Absent: Jim Poore
- Staff Present: Ron E. Freitas, Director; Bob Kachel, Senior Planner; Debra Whitmore, Senior Planner; Angela Freitas, Senior Planner; Bill Carlson, Senior 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 16, 2006  
Assali/Layman, 8-0, **APPROVED**
- V. CORRESPONDENCE**  
Director Freitas informed the Commissioners on various correspondence mailed in their agenda packet or placed before them this evening:
- A. Memo dated April 6, 2006 from the Department of Planning and Community Development regarding Item VII-I, Use Permit Application No. 2005-33 - Green Valley Plant Farm.
- VI. CONFLICT OF INTEREST**
- A. Commissioner Navarro will step-down during the hearing for Cherokee Plaza. The applicant is a client of his.

- B. Commissioner Assali has served on the Stanislaus County Farm Bureau with Mr. Dykzeul, however, this will not cause a conflict.
- C. Commissioner Souza has a business relationship with both Cebro Frozen Foods and Timmerman Starlite Trucking, and will step-down during these hearings. He also knows Mr. Dykzeul, but this will not cause a conflict.

**VII. PUBLIC HEARINGS ( \* - Consent Items )**

Commissioner Souza informed the public of the consent items and procedure.  
Public hearing opened.  
Public hearing closed.

6:04 p.m. Commissioner Souza left the chambers and Commission Cusenza assumed the duties of the Chair.

**\* CONSENT ITEMS**

- \*A. REZONE APPLICATION NO. 2004-01 - TIMMERMAN STARLITE TRUCKING - Requesting Continuance to April 20, 2006.** Request to rezone 3.22 acres from A-2-10 to Planned Development (PD) to allow continued operation of a truck yard specializing in agricultural trucking located in an A-2-10 (General Agriculture) zoning district. The property is located at 3955 Starlite Drive in Keyes. A Mitigated Negative Declaration will be considered for this project  
APN: 041-062-034  
Staff Report: Bob Kachel Recommends **APPROVAL OF CONTINUANCE TO APRIL 20, 2006.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Assali/Layman, Unanimous (7-0) **APPROVED CONTINUANCE TO APRIL 20, 2006.**
- \*B. USE PERMIT APPLICATION NO. 2005-28 - CEBRO FROZEN FOODS - Requesting Continuance to April 20, 2006.** Request to add multiple buildings totaling some 116,000 square feet to an existing 26,000 square foot processing facility located on a 299.65 acre parcel in the A-2-40 (General Agriculture) zoning district (Williamson Act Contract No. 71-0205). The property is located at 2100 Orestimba Road, east of Eastin Road, in the Newman area. A Negative Declaration will be considered for this project.  
APN: 026-020-018  
Staff Report: Bill Carlson Recommends **CONTINUANCE TO APRIL 20, 2006.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Assali/Layman, Unanimous (7-0) **APPROVED CONTINUANCE TO APRIL 20, 2006.**

6:06 p.m. Commission Souza returned to the chambers.

- \*C. GENERAL PLAN AMENDMENT NO. 2001-09, REZONE NO. 2001-16 - CROWS LANDING FLEA MARKET - ADOPTION OF A DEVELOPMENT SCHEDULE- Requesting Continuance to May 18, 2006.** Request to adopt a Development Schedule for Planned Development 285, Crows Landing Flea Market, El Rematito, 401 W. Hackett Road, Ceres.  
APN: 056-055-004 and 056-055-005  
Staff Report: Kirk Ford Recommends **CONTINUANCE TO MAY 18, 2006.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Navarro/Gammon, Unanimous (8-0) **APPROVED CONTINUANCE TO MAY 18, 2006.**
- \*D. ORDINANCE AMENDMENT NO. 2006-02 - DENSITY BONUS - Requesting Indefinite Continuance.** Request to add Chapter 21.74 - "Density Bonus for Affordable Housing" to the Stanislaus County Zoning Ordinance in accordance with recently-adopted State law (SB 1818), which provides incentives to developers of affordable housing. This request also amends the appropriate definition and general provisions sections of the Zoning Ordinance to ensure overall consistency. This project is exempt from CEQA.  
Staff Report: Sara Lytle-Pinhey Recommends **CONTINUE INDEFINITELY.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** No one spoke.  
Public hearing closed.  
Navarro/Gammon, Unanimous (8-0) **APPROVED INDEFINITE CONTINUANCE.**

Item VII-E removed from Consent Calendar and will have a public hearing.

#### **NON-CONSENT ITEMS**

- E. PARCEL MAP APPLICATION NO. 2005-30 - BARBARA DYKZEUL** - Request to create three parcels of 10 acres each in an A-2-10 (General Agriculture) zoning district located at the northwest corner of River Road and Cleveland Avenue, northwest of Oakdale. Property is under a Williamson Act contract. A Negative Declaration will be considered for this project.  
APN: 006-009-070  
Staff Report: Bob Kachel Recommends **APPROVAL.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Pete Dykzeul, representing his mother, the applicant.  
Public hearing closed.

7:12 p.m. Recessed  
7:22 p.m. Reconvened

Assali/Gammon, Unanimous (8-0) **CONTINUED UNTIL MAY 4, 2006 TO DISCUSS ROAD AND WILLIAMSON ACT ISSUES.**

- F. **GENERAL PLAN AMENDMENT APPLICATION NO. 2005-12, REZONE APPLICATION NO. 2005-16, PARCEL MAP APPLICATION NO. 2005-37, EXCEPTION NO. 2005-06 - CARL & TERRI HAGENS** - Request to amend Stanislaus County General Plan and rezone an 8.8 acre parcel. Denair Community Plan designation for the site is ER (Estate Residential - 1 dwelling unit per 3 acres). Proposal is to change General Plan to ER (Estate Residential) and zone from A-2-10 (General Agricultural) to R-A (Rural Residential). Applicants wish is to create two new parcels, by Vesting Tentative Parcel Map, both of which would be consistent with all three of these designations, one of 3.0 acres and the other 4.0 acres, with a 1.07 acre remainder, the family home-site. The two new parcels would not front on a County-maintained road, therefore, an Exception Application is needed. The property is located at 4649 N. Gratton Road, Denair. A Mitigated Negative Declaration will be considered for this project.  
APN: 024-013-026  
Staff Report: Bob Kachel Recommends **CONTINUE PARCEL MAP NO. 2005-37 AND EXCEPTION APPLICATION NO. 2005-06 INDEFINITELY; RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR GENERAL PLAN AMENDMENT APPLICATION NO. 2005-12 AND REZONE APPLICATION NO. 2005-16.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Carl Hagens, applicant.  
Public hearing closed.  
Assali/Cusenza, Unanimous (8-0) **CONTINUE PARCEL MAP NO. 2005-37 AND EXCEPTION APPLICATION NO. 2005-06 INDEFINITELY; RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS FOR GENERAL PLAN AMENDMENT APPLICATION NO. 2005-12 AND REZONE APPLICATION NO. 2005-16, AS OUTLINED IN THE STAFF REPORT.**

8:15 p.m. Commissioner Navarro left the chambers.

- G. **REZONE APPLICATION NO. 2005-14 - CHEROKEE PLAZA / PATRICIA COCHRAN** - Request for a new Planned Development (PD) zone to allow construction of 50,000 square feet of permanent buildings to house a beauty college, restaurants and retail /service businesses, plus a temporary structure to house the beauty college, on two parcels totaling approximately 7 acres. The property is located in expired PD on the south side of Nunes Road, east of Highway 99, in Keyes. A Mitigated Negative Declaration will be considered for this project.

APN: 045-049-011 and 045-049-012

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

Public hearing opened.

**OPPOSITION:** No one spoke.

**FAVOR:** Patricia Cochran, applicant.

Public hearing closed.

Layman/Gammon, Unanimous (7-0) **RECOMMENDATION APPROVAL TO THE BOARD OF SUPERVISORS AS OUTLINED IN THE STAFF REPORT.**

8:25 p.m. Commissioner Navarro returned to the chambers.

- H. USE PERMIT APPLICATION NO. 2005-19 - C.R. RANCH ANIMAL SHELTER -**  
Request to expand an existing animal shelter by allowing a maximum of 100 dogs, 45 horses, and 30 cats. The 9.85 acre parcel is in the A-2-40 (General Agriculture) zoning district. The property is located at 6060 American Avenue, between Costner Avenue and Ladd Road, in the Modesto area. A Mitigated Negative Declaration will be considered for this project.  
APN: 003-005-002  
Staff Report: Bill Carlson Recommends **APPROVAL.**  
Public hearing opened.  
**OPPOSITION:** No one spoke.  
**FAVOR:** Larry Beaver, 1309 I Street, representing Mr. Basmagian, the applicant.  
Public hearing closed.  
Assali/Navarro, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT.**
- I. USE PERMIT APPLICATION NO. 2005-33 - GREEN VALLEY PLANT FARM -** This is a request to establish a year-round wholesale nursery on a 4.14-acre parcel in the A-2-40 (General Agriculture) zoning district. The hours of operation will be Monday thru Saturday, 7:30 a.m. to 5:00 p.m. with approximately 10 to 12 customers a day. The property is located at 3037 Blue Gum Avenue, west of Morse Road and south of McDonald, in the Modesto area. A Mitigated Negative Declaration will be considered for this project.  
APN: 081-006-021  
Staff Report: Carole Maben Recommends **APPROVAL, ALONG WITH AMENDED CONDITION OF APPROVAL NO 24.**  
Report presented by Angela Freitas.  
Public hearing opened.  
**OPPOSITION:** Dale Fitzpatrick, 3019 Blue Gum Avenue, who presented the Commission with photographs.  
**FAVOR:** Harold Blewitt, who presented the Commission with letters from nurseries, and a photograph; Angela Filyau.  
Public hearing closed.  
Public hearing re-opened.  
**OPPOSITION:** Dale Fitzpatrick  
Public hearing closed.

Navarro/Layman, Unanimous (8-0) **APPROVED THE STAFF RECOMMENDATION AS OUTLINED IN THE STAFF REPORT, WITH AMENDED CONDITION OF APPROVAL NO. 24 TO READ:**

24. No parking, loading or unloading of vehicles shall be permitted within the right-of-way of Blue Gum Avenue. The developer will be required to install or pay for the installation of any signs and/or markings, if warranted. **In order to ensure the site will accommodate truck deliveries, the applicant shall provide a truck turning radius plan for trucks with 40 foot trailers. The plan shall be prepared by a civil engineer and shall be approved by the Department of Public Works prior to the issuance of the use permit and/or within one (1) month from Planning Commission approval of the project, whichever occurs first. All driveways and area(s) for truck turning movements shall remain unobstructed and accessible at all times.**

**VIII. OTHER MATTERS (NOT PUBLIC HEARINGS)**

- A. None.

**IX. REPORT OF THE DIRECTOR**

**BOARD OF SUPERVISORS' ACTIONS OF MARCH 21, 2006**

- A. The Board approved the award of a contract for services to ESA Airports for the preparation of an airport master plan and associated environmental impact analysis for the Crows Landing Air Facility in accordance with the California Environmental Quality Act.
- B. The Board approved the name change for the Intercity Road Fee component of the Public Facility Fee program to Regional Transportation Impact Fee.
- C. The Board approved setting a public hearing for April 18, 2006 at 6:45 p.m. to consider General Plan Amendment Application 2004-03 - Focused General Plan Update of the Stanislaus County Circulation Element and Final Environmental Impact Report.
- D. The Board, in a public hearing, considered an appeal of the Planning Commissions' decision to uphold Staff's determination regarding the use of a structure at 6137 McCracken Road, Westley area, as a second dwelling. The Board upheld your decision and denied the appeal

**BOARD OF SUPERVISORS' ACTIONS OF MARCH 28, 2006**

- A. The Board did not meet this date.

**BOARD OF SUPERVISORS' ACTIONS OF APRIL 4, 2006**

- A. The Board, in anticipation of an action on an item this evening, set a public hearing for April 18, 2006 at 6:40 p.m. to consider amending the general plan designation to Estate Residential and amend the zoning from General Agriculture to Rural Residential on 8 acres in the community of Denair.

**MISCELLANEOUS & ON THE HORIZON**

**April 20, 2006**

1. One Rezone
2. Three Use Permits
3. Two Parcel Maps
4. Two Tentative Subdivision Maps

**May 4, 2006**


1. Five Parcel Maps

**X. ADDITIONAL MATTERS AT DISCRETION OF CHAIRMAN**

- A. None.

**XI. ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

  
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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.)