

PLANNING COMMISSION MINUTES OF JULY 5, 2018

The San Joaquin County Planning Commission met in regular session on July 5, 2018 at 6:30 p.m., in the San Joaquin County - Robert J. Cabral Agricultural Center, Stockton, California.

The meeting was called to order by Kitty Walker.

The Pledge of Allegiance to the flag was given.

Roll Call:

(present)

Commissioners

Kitty Walker, Chairman
Randy Hamilton, Vice Chairman
Stan Morri
Sheri Midgley
James Grunsky

County Staff

Zoey Merrill, County Counsel
Alex Chetley, Department of Public Works
Steven Shih, Environmental Health Department

Community Development Department Staff

John Funderburg, Principal Planner
Eric Merlo, Assistant Director
Stephanie Stowers, Senior Planner
Megan Aguirre, Senior Planner
Alisa Goulart, Associate Planner
Brittney Hanna

(absent)

None

ACTION ITEMS:

1. **SITE APPROVAL APPLICATION NO. PA-1700196 OF DANIEL & CASSANDRA DURST (C/O JOHN VIERRA)** to expand an existing small winery in two (2) phases over five (5) years. Phase 1 to include the construction of a 6,272 square foot winery multi-purpose building including a 3,200 square foot production and marketing event area, a 1,024 square foot case storage room, and a 2,048 square foot storage mezzanine; and an outdoor crush pad and tank storage area. Phase 2, to be completed within five (5) years, to include the construction a 2,500 square foot multi-purpose winery building to including an 800 square foot commercial kitchen, a 500 square foot restroom, and a 1,200 square foot marketing event area. This application also proposes to increase the number of attendees at marketing events from 100 to 150 people. The small winery was previously approved for twenty-four (24) marketing events per year, with both indoor and outdoor amplified sound. The project site is located on the north side of Acampo Road, 1,375 feet east of Buck Road, Acampo (Supervisory District: 4).

Commissioner Hamilton removed the item from the consent agenda.

Stephanie Stowers, Senior Planner, introduced the staff report into the record

PUBLIC HEARING OPENED:

Cassandra and Daniel Durst, property owners, spoke in favor of the project

Commissioner Hamilton asked the Dursts if grapes were grown on site, and asked what types of events are generally held on site.

Cassandra Durst stated that the remainder of the site is planted in heritage grapes, and the majority of the grapes used in their production are purchased from neighbors. Stated that the events are primarily wine pairing dinners for wine club, however the site has held three to four weddings per year.

PUBLIC HEARING CLOSED:

MOTION:

It was moved, seconded (Hamilton/Morri) and passed with a vote of 5-0.

1. Approve the Negative Declaration; and
2. Approve Site Approval Application No. PA-1700196 with the findings and Conditions of Approval Contained in the Staff Report

VOTE:

AYES: Hamilton, Morri, Midgley, Grunsky, Walker.

NOES:

ABSENT:

2. **REVISIONS OF APPROVED ACTIONS APPLICATION NO. PA-0600207 OF PASTOR OF ST. BERNARD CHURCH CORP. (C/O MIKE SOUZA)** to revise Condition of Approval 1.b. to extend the phasing period by an additional eight (8) years for a previously approved religious assembly with a K-8 school, multi-purpose buildings, and parish offices. The project site is located on the southwest corner of West Valpico Road and South Corral Hollow Road, Tracy (Supervisory District: 5). **(This project was continued from the June 7, 2017 Planning Commission Meeting). CONSENT**

MOTION:

It was moved, seconded (Midgley/Hamilton) and passed with a vote of 5-0.

1. Continue to August 16, 2018 Planning Commission hearing

VOTE:

AYES: Midgley, Hamilton, Morri, Grunsky, Walker

NOES:

ABSENT:

- 3. USE PERMIT APPLICATION NO. PA-1800094 OF ROMERO YACOUB** to expand an existing pallet sales and repair operation onto an adjacent parcel for an outdoor storage yard. The combined area will be 1.71 acres. The project site is located on the north side of Clark Drive, 220 feet east of State Route 99 East Frontage Road (Supervisorial District: 1).

Commissioner Walker removed the item from the consent agenda.

Alisa Goulart, Associate Planner, introduced the staff report into the record.

PUBLIC HEARING OPENED:

Romero Yacoub, property owner, was present to answer questions.

Commissioner Walker asked for information regarding modification request for screening, aesthetics, and compliance with fire standards.

Romero Yacoub stated, as the owner, he could not speak to the questions regarding the operations as he was the owner of the property, not the operator.

PUBLIC HEARING CLOSED:

MOTION:

It was moved, seconded (Hamilton/Morri) and passed with a vote of 5-0

1. Continue to Planning Commission meeting of September 6, 2018 in order to have the business operator in attendance.

VOTE:

AYES: Hamilton, Grunsky, Morri, Midgley, Walker

NOES:

ABSENT:

4. ZONE RECLASSIFICATION APPLICATION NO. PA-1800078 OF ROBERT BOWER (C/O LISA JENNINGS) to amend the zoning classification of a 13.09 acre parcel from AG-40 (General Agriculture, 40-acre minimum) to R-R (Rural Residential). The General Plan designation of the parcel is R/R (Rural Residential) and Resource Conservation (OS/RC). The project site is located on the west side of North Cherokee Lane, 790 feet south of East Liberty Road, Galt (Supervisory District: 4).

Alisa Goulart, Associate Planner, introduced the staff report into the record.

PUBLIC HEARING OPENED:

Lisa Jennings, applicant, spoke in favor of the project and provided history of site.

Robert Bowen, property owner, spoke in favor of the project and stated that, due to the flood plain, although the R-R designation would allow for six parcels, the site could only be developed into a maximum of three additional parcels.

PUBLIC HEARING CLOSED:

Commissioner Hamilton stated that the of land is not truly agricultural, and no agricultural land would be lost with this application. He stated he supported staff's recommendation.

MOTION:

It was moved, seconded (Hamilton/Midgley) and passed with a vote of 5-0.

1. Approve the Negative Declaration; and
2. Approve Zone Reclassification Application No. PA-1800078 and to forward the application to the Board of Supervisors with the recommendation of approval based on the ability to make the required Bases for Zone Reclassification in the affirmative.

VOTE:

AYES: Midgley, Grunsky, Hamilton, Walker, Morri

NOES:

ABSENT:

5. SITE APPROVAL APPLICATION NO. PA-1700012 OF ANTONIO PACHECO (C/O TIM RASNAKE) for a 9,100 square foot retail store to include landscaping, parking and lighting. Store merchandise categories are consumables, seasonal merchandise, home products, and apparel. The project site is located on the north side of East State Route 26, 250 feet east of North Market Street, Linden (Supervisory District: 4). **(This project was continued from the June 7, 2017 Planning Commission Meeting).**

Alisa Goulart, Associate Planner, introduced the staff report into the record.

PUBLIC HEARING OPENED:

PROponents:

Steve Herum, attorney representing applicant, spoke in favor of the project. Steve Herum also stated that this project would have been an Improvement Plan, which is a ministerial application, if the site had had public services, however the lack of services pushed the item to a Site Approval, a discretionary application. He stated that development of real property is a constitutional right, and asked that the Commissioners look only at what the Development Title requires in their determination.

Commissioner Morri asked Zoey Merrill, County Counsel, for clarification on the approval process. Commissioner Walker added that she would like more information regarding the scope of the Improvement Plan versus a Site Approval application.

Zoey Merrill, County Counsel, stated that Mr. Herum accurately reflected the Development Title stages of approval and review, but added that the Commission has discretion and can consider the proponent's statement as well as the Staff Report and public comments in the final determination.

Peter Krahenbuhl, applicant, spoke in favor of the project and provided detail on the store operations and history. He reiterated that staff recommended approval of the project and confirmed compliance with all regulations.

Commissioner Hamilton asked for clarification on the size of the proposed store, and type of structure.

Peter Krahenbuhl replied that the proposed structure was a 9,100 sq ft pre engineered metal building with ribbed steel with CMU block.

Commissioner Hamilton asked for clarification on distribution and delivery plans for the store.

Peter Krahenbuhl stated a WB50 truck would be used due to the small and narrow delivery area, trucks would utilize only Highway 26 approximately one to two times per week, with ancillary delivery from independent distributors five to six times per week.

Commissioner Walker asked if the entry off of Highway 26 would also be a public access. She also asked, if the site was utilizing Highway 26 for public access, why the building is oriented with the rear to the Highway.

Peter Krahenbuhl said yes it will be a public access, and the site was designed around the community of Linden, where much of the local traffic would likely come from the smaller Front Street. The Highway 26 access was added for secondary access due to Sheriff and Fire concerns. The current layout also provides for a greater buffer between the louder aspects of the store, like deliveries, and the nearby residences.

Commissioner Walker asked if the site could be redesigned to face Highway 26, and if a wall could be added to mitigate for noise impacts.

Peter Krahenbuhl stated that there had been some discussion about that, this change was not made to limit the impact on surrounding neighbors. He stated that the wall could cause other safety concerns with trucks entering and exiting the site.

Commissioner Hamilton asked for information regarding the remainder of the site, and if any development was proposed.

Peter Krahenbuhl stated that a subdivision is planned for the site, and that they would not maintain ownership of the other parcel after the division.

Commissioner Hamilton asked for information regarding the signs proposed for the site.

Peter Krahenbuhl stated that there will be signage on the building facing Highway 26 and at least one additional freestanding sign, probably facing Front Street.

Commissioner Walker stated that she had concerns regarding the Highway 26 entrance not being signed, and asked if the freestanding sign could be placed on Highway 26 instead.

Peter Krahenbuhl stated that the sign could be relocated.

Jeanie Zolezzi, Linden resident, spoke in favor of the application.

Antonio Pacheco, Linden resident, spoke in favor of the application.

Commissioner Walker asked staff about the permitting of Orlando's Market, and how it was ultimately approved.

John Funderburg, Principal Planner Stated that Orlando's Market was also a Site Approval, which was referred to the Planning Commission due to opposition. The Planning Commission approved the project, however the opposition appealed the project to the Board of Supervisors, where the project was ultimately approved.

OPPONENTS:

Paul Brennan, Linden resident, spoke in opposition stating concerns regarding the impact on existing businesses and the community of Linden.

Roxanne Fugazzi, Linden resident spoke in opposition stating concerns regarding the impact on existing businesses and the community of Linden.

Father Bill Craft, Holy Cross Catholic Church, spoke in opposition regarding the impact on existing businesses and the community of Linden.

Elizabeth Staples, Linden resident spoke in opposition regarding the impact on existing businesses.

Jay Colombini, Linden resident, spoke in opposition stating concerns regarding traffic, safety, and storm water drainage. He stated that the lack of sidewalks would be a major safety issue.

Commissioner Walker asked staff why side walks were not required along the frontage of the project site.

John Funderburg referred the question to Public Works.

Alex Chetley, Department of Public Works, stated that the project will be required to improve Front Street with the Conditions of Approval, however Public Works has never required side walks to connect to. He said there are no side walks on either side Front Street.

Dave Pechan, Linden resident, spoke in opposition stating concerns regarding land use concerns, impacts on existing businesses and the community of Linden, storm drainage, and truck maneuvering.

Gail Watkins, Linden resident, spoke in opposition stating concern regarding traffic and impacts on the community of Linden.

Stacy Morgan, Linden resident, spoke in opposition stating impacts on existing businesses and the community of Linden, traffic, safety, and property values.

Sheila Durman, Linden resident, spoke in opposition stating concern regarding impacts on existing businesses and the community of Linden.

Jason Colombini, Linden resident, spoke in opposition stating concern regarding impacts on existing businesses and the community of Linden.

Jim Barker, Linden resident, spoke in opposition stating concern regarding impacts on the community of Linden, traffic, and crime.

Steve Moore, Linden resident, spoke in opposition stating concern regarding traffic and safety.

REBUTTAL"

Steve Herum, Attorney stated the project is consistent with the General Plan and Development Title. He asked that the Planning Commission to apply these rules as required. He stated that the traffic study was completed and no issues were found.

PUBLIC HEARING CLOSED:

Commissioner Hamilton asked Public Works if the traffic study included Highway 26 and if it included traffic coming from Front Street.

Alex Chetley, Department of Public Works, stated that the trip distribution considered both Highway 26 and Front Street, including pass-by trips.

Commissioner Walker asked about the feasibility of the drainage system.

Alex Chetley, Department of Public Works, stated that drainage must be maintained on site, and this can be accomplished various different ways, and the design of the will be reviewed at the time of building permit.

Commissioner Morri complimented Dollar General and their business model, and stated that Orlando's Market provided something the community needed, gas, not just another store.

MOTION:

It was moved, seconded (Hamilton/Morri) and passed with a vote of 3-2.

To deny Site Approval Application number PA-1700196 based on incompatibility with the adjoining residential land uses.

VOTE:

AYES: Hamilton, Morri, Walker

NOES: Midgly, Grunsky

ABSENT:

Adjournment 10:09 PM

KITTY WALKER, Chairman

KERRY SULLIVAN, Secretary