

**CITY OF LOS BANOS
PLANNING COMMISSION MEETING MINUTES
APRIL 27, 2016**

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. Chairperson Spada called the Planning Commission Meeting to order at the hour of 7:01 p.m.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was led by Commissioner McCoy.

ROLL CALL – MEMBERS OF THE PLANNING COMMISSION PRESENT: Planning Commission Members Arkady Faktorovich, Erik Limon, Palmer McCoy, Tom Spada, and Susan Toscano (arrived at 7:09 p.m.); John Cates and Refugio Llamas absent.

STAFF MEMBERS PRESENT: Senior Planner Stacy Elms, Planning Technician Sandra Benetti, and City Attorney William Vaughn.

CONSIDERATION OF APPROVAL OF AGENDA. Motion by McCoy, seconded by Faktorovich to approve the agenda as submitted. The motion carried by the affirmative action of all Planning Commission Members present; Cates, Llamas, and Toscano (arrived at 7:09 p.m.) absent.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE. Chairperson Spada opened the public forum.

JEFF ROBERTS, Granville Homes, spoke as a partner with Greg Hostetler for the Southpointe item and requested a continuance for the public hearing to May 11th for the purpose of reviewing the complete item and address some design concerns.

No one else came forward to speak and the public forum was closed.

PUBLIC HEARING – TO CONSIDER MOBILE VENDOR PERMIT #2016-01 TO ALLOW THE OPERATION OF MOBILE PUSH CARTS TO VEND ON THE PUBLIC RIGHT-OF-WAY CITY WIDE. Senior Planner Elms presented the staff report, noting that staff was recommending to decrease the number of approved pushcarts to five and noted that the applicant was present to answer any questions.

Commissioner Toscano arrived at 7:09 p.m.

Chairperson Spada inquired as to the reason that the applicant is not allowed to vend within 300 feet of a playground.

City Attorney Vaughn stated that was adopted by the City Council in efforts to reduce children from

Chairperson Spada opened the public hearing. No one came forward to speak and the public hearing was closed.

Commissioner McCoy inquired why the applicant had to go to the Police Department.

Senior Planner Elms stated that the two people who will be working the pushcarts were livescanned for background checks.

Motion by McCoy, seconded by Limon to adopt Planning Commission Resolution No. 2016-10 – Approving Mobile Vendor Permit #2016-01 for the Operation of Five (5) Mobile Push carts to Vend City Wide. The motion carried by the affirmative action of all Planning Commission members present; Cates and Llamas absent.

PUBLIC HEARING – TO CONSIDER SITE PLAN REVIEW #2016-01 FOR WINDECKER INC. FOR THE DEVELOPMENT OF A 4,728 SQUARE FOOT CONVENIENCE STORE, SIXTEEN (16) PUMP FUEL STATIONS AND SELF-SERVE AUTOMATIC CAR WASH ON 1.20 ACRES AND TO CONSIDER CONDITIONAL USE PERMIT #2016-05 FOR THE USE OF A TYPE 20 ALCOHOL LICENSE FOR THE OFF-SALE OF BEER AND WINE, LOCATED WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT ON THE NORTHWEST CORNER OF WARD ROAD AND PACHECO BOULEVARD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBER: 428-160-016. Senior Planner Elms stated that the applicant would like to continue the item to the Planning Commission meeting on June 8, 2016.

Chairperson Spada opened the public hearing. No one came forward to speak.

Motion by McCoy, seconded by Toscano to continue the Public Hearing – to Consider Site Plan Review #2016-01 for Windecker Inc. for the Development of a 4,728 Square Foot Convenience Store, Sixteen (16) Pump Fuel Stations and Self-serve Automatic Car Wash on 1.20 Acres and to Consider Conditional Use Permit #2016-05 for the Use of a Type 20 Alcohol License for the Off-sale of Beer and Wine, Located within the Highway Commercial Zoning District on the Northwest Corner of Ward Road and Pacheco Boulevard, More Specifically Identified as Assessor’s Parcel Number: 428-160-016 to the Planning Commission meeting on June 8, 2016; Cates and Llamas absent.

PUBLIC HEARING – TO CONSIDER VESTING TENTATIVE TRACT MAP #2015-01 AND FINAL DEVELOPMENT PLAN #2015-01 FOR SOUTHPOINTE AT REGENCY PARK FOR THE SUBDIVISION OF 109 ACRES INTO 510 SINGLE-FAMILY RESIDENTIAL LOTS, SITE DESIGN AND CONCEPTUAL ARCHITECTURE TO IMPLEMENT THE PLANNED DEVELOPMENT ZONING, APPROXIMATELY 2.59 ACRES OF OPEN SPACE, AND A 10 ACRE DETENTION BASIN LOCATED EAST OF PLACE ROAD, NORTH OF THE VERONA ESTATES, AND WEST OF WARD ROAD, MORE SPECIFICALLY IDENTIFIED AS ASSESSOR’S PARCEL NUMBERS: 424-120-009 AND 073-220-015. Senior Planner Elms stated that the applicant would like to continue the item to the Planning Commission meeting on May 11, 2016.

Chairperson Spada opened the public hearing. DEAN BUBAR, Los Banos Unified School District, spoke of how this item is under a school mitigation agreement for Meadowlands IV, which is presently known as Southpointe at Regency Park, and wanted it to be on record that the Planning Commission understands that this project is under an existing school mitigation agreement.

Senior Planner Elms stated that staff is aware that the project is under a school mitigation agreement with the Los Banos Unified School District, spoke of how there are tier 2 and tier 3 state required fees but this agreement is separate from those state fees, and how the City doesn’t get involved in school mitigation fees.

No one else came forward to speak.

Motion by McCoy, seconded by Faktorovich to continue the Public Hearing – to Consider Vesting Tentative Tract Map #2015-01 and Final Development Plan #2015-01 for Southpointe at Regency Park for the Subdivision of 109 Acres into 510 Single-family Residential Lots, Site Design and Conceptual Architecture to Implement the Planned Development Zoning, Approximately 2.59 Acres of Open Space, and a 10 Acre Detention Basin Located East of Place Road, North of the Verona Estates, and West of Ward Road, More Specifically Identified as Assessor’s Parcel Numbers: 424-120-009 and 073-220-015 to the Planning Commission meeting on May 11, 2016; Cates and Llamas absent.

DESIGN REVIEW STUDY SESSION – THE REMODEL OF THE FORMER K-MART BUILDING CONSISTING OF 85,000 SQUARE FEET FROM A SINGLE TENANT BUILDING TO A MULTI-TENANT RETAIL BUILDING LOCATED AT 1400 MERCY SPRINGS ROAD IN THE HIGHWAY-COMMERCIAL ZONING DISTRICT. Senior Planner Elms presented the staff analysis, which included a PowerPoint presentation, and noted that the applicant was present to answer any questions.

Gregor Markel, Dahlin Group, spoke on behalf of the applicant and stated that the name of the shopping center will be Save Mart Center.

Senior Planner Elms stated that the architecture meets City design guidelines and spoke of how she would like to see the loading dock screened.

Commissioner Faktorovich complimented the design and spoke of how this is a good improvement.

Mr. Markel stated that it has been great working with Senior Planner Elms who has made this process easy.

Commissioner Limon inquired if the compactor around the trash will be removed.

Mr. Markel stated that it will be removed and different version will be housed inside the rollup door on the interior of the building.

Chairperson Spada suggested having the trucks come in parallel and have loading dock perpendicular to building, how it will hide the dock better and have screen wall, and spoke of how Save Mart has a tendency at their current location to park a trailer and run the refrigerator unit to use that as extra space.

There was discussion among the Commissioners, staff, and the applicant regarding the screening the loading dock.

Kathy Ballard, Los Banos, addressed the Planning Commission on concerns regarding the drive aisle fitting one car and truck unloading.

Commissioner McCoy inquired if there will be a separate retail location on the east view on the backside of the building.

Mr. Markel stated that the tenant hasn't signed on yet but that's the plan.

Chairperson Spada spoke of how he would like to see some type of architectural design that shows the frontage for that storefront.

Senior Planner Elms stated that the Planning Commission could set a condition at the public hearing that once its occupied by a tenant then it would have to have a storefront.

Commissioner Toscano inquired if there is a policy that says the loading dock needs to be screened.

Senior Planner Elms stated that the design guidelines that talks about 360 degree design elements, and how the City has been requiring that for new buildings but it's not a policy.

Chairperson Spada stated that its part of the frontage of the building because the main entrance to the shopping center is on Mercey Springs Road and spoke of how he would like to see an enclosure for the trash compactor.

There was discussion among the Commissioners, staff, and the applicant regarding the design of the driveway and parking lot, how this is a unique situation because we are dealing with an existing site and constraints with existing buildings and property owners, how circulation is part of the scope of the Project Review Board but site layout is under the Planning Commission's scope, how the applicant trying to also meet shading tree requirements, how the drive aisle can accommodate two passenger vehicles, the need to do this correctly and safely, possibility of moving the monument sign, and how this building is 6000 square feet larger than the existing Save Mart.

Senior Planner Elms inquired whether the shopping carts will be housed within the building or if they will be screened off.

Mr. Markel stated that shopper preference is to have shopping carts interior and covered and how he doesn't think the building owner would object.

Senior Planner Elms stated that staff will require a locking system for shopping carts.

Mr. Markel stated that Save Mart installs the locking systems at all their sites so they can't leave the perimeter with the shopping carts.

Senior Planner Elms spoke of the shade tree canopy from staff perspective, how no turf will be allowed to be planted so rock or decomposed granite will likely be placed here, how the City has an aggressive water efficiency ordinance and the State has further restrictions that must be followed.

Commissioner McCoy stated that he does not agree with 50% shade tree canopy requirement.

Commissioner Toscano echoed the same disagreement with the requirement.

Mr. Markel stated that the tenant would like to relamp the parking lot, adding more lighting around the side and rear of building, how Save Mart will add cameras to their part of the building, and the intent is to ensure the parking lot is lit.

Senior Planner Elms stated that the item will be coming back to public hearing on May 11th.

No action taken, suggestions to applicant only.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT REPORT. Senior Planner Elms spoke of how very full agendas coming up, how we will be considering three maps on May 11th, requested Planning Commission members to get their agenda packets as soon as possible and ask her questions before the meeting, how she is speechless at how much the floodgates are opening, how there have been 107 residential permits counted year to date compared to 127 for the 2015 calendar year, how extra rooftops equals population and population equals commercial/retail, how she

will be doing a presentation on May 4th for City Council regarding community development, reiterated the importance of attendance at meetings, and thanked Planning Commission for their work.

Chairperson Spada stated that he previously met with Senior Planner Elms and Interim City Manager Brizzee to go over the Southpointe item and also briefly spoke with the Southpointe applicant over the phone.

Commissioner McCoy inquired when State Route 165 near Dove Street will connect.

Senior Planner Elms responded that Northpointe's environmental document is the trigger to bring a traffic signal to that location with the occupancy of the first home.

PLANNING COMMISSION MEMBER REPORTS.

CATES: Absent.

FAKTOROVICH: Congratulated the Save Mart representatives for their work.

LIMON: Spoke of how we are growing and floodgates are ready to open up and being excited about this.

LLAMAS: Absent.

McCOY: Thanked staff for their work.

SPADA: Thanked staff and City Attorney Vaughn.

TOSCANO: Thanked staff and inquired about Project Review Board process.

Senior Planner Elms responded that it is a roundtable discussion with department heads, which was established by ordinance, in which projects are discussed by technical review.

ADJOURNMENT. The meeting was adjourned at the hour of 8:27 p.m.

APPROVED:

/s/ Tom Spada

Tom Spada, Chairperson

ATTEST:

/s/ Sandra Benetti

Sandra Benetti, Planning Technician