PLANNING COMMISSION
CITY OF SONORA

APRIL 10, 2017

5:30 P.M.

A regular meeting of the Planning Commission of the City of Sonora was scheduled on this date at 5:30 p.m. in the Sonora City Hall Council Chambers.

The following members were present: Chair, Chris Garnin, Vice-Chair, John Richardson and Commissioners Gary Anderson, Darren Eaton and Ron Jensen.

Rachelle read the Brown Act Law advising that substantial compliance was achieved prior to tonight's meeting, even though the Agenda was not posted to the City's website 72 hours before the start of the meeting. She stated that the Public Hearing notice was posted in front of City Hall, and the Public Hearing Notice was published in the local newspaper and sent to those who own property within 300 feet of the project.

PUBLIC APPEARANCES: A member of the public spoke about the recently completed project on S. Stewart Street that was remodeled from a commercial building to a residence. She said the contractor did a lot to preserve the exterior of the home.

Devin Vaughn spoke about vehicles parking on their property at 515 Hwy 49 and provided written notice to the City. Rachelle informed Mr. Vaughn that this was Cal-Trans jurisdiction and that she can provide them with their contact name and number.

MINUTES:

MOTION: Approve the minutes of the March 13, 2017 Planning Commission Meeting, as mailed.

MOTION:	Anderson	**SECOND:**	Eaton
VOTE:	**AYES:**	Anderson, Eaton, Richardson, and Jensen (4)	
	NOES:	None (0)	
	ABSTAIN:	Garnin (1)	
	ABSENT:	None (0)	

PUBLIC HEARING:

1) Application by Jaykay Properties, LLC to rezone the property located at 15 Pesce Way, from PD, Planned Development to CG, General Commercial; APN: 035-230-41,42 and 39.

Community Development Director, Rachelle Kellogg, introduced the item. She clarified for the Commissioners the actions being considered under this item. She also informed Commissioners

of uses allowed by right within the CG, General Commercial zone and also the gas station and convenience store's conformity to the zone.

Planner, Paula Daneluk, presented the staff report and provided a presentation including a site plan and exhibit showing existing zoning for surrounding parcels as well as for the proposed project. She explained what the PD, Planned Development zoning is and that all regulations in the PD zone were established for that project at the time the district was instituted, which in this case, included the residential development along Pesce Way and Steffen Lane. She explained that the mini-mart was approved at the same time as the gas station.

She discussed the background for the development of the Planned Development area project site beginning with an application for pre-zoning and annexation in 1980, which included a motel and grocery store. In 1990, it was amended to include a residential subdivision and gas station/mini-mart, which were constructed in 1993. A tentative map was processed and finalized in 1992. The existing residences were constructed from 1994 to 2007.

In 2014, Jaykay Properties applied for a rezoning of APN: 035-230-40 from CG, General Commercial to PD, Planned Development for a food court location. The applicant also included access through the gas station. At that time, the access from Hwy 49 was looked at, however due to the existing commercial building being vacant for decades, the driveway access was non-conforming and did not meet Cal Trans standards, including site distance, making it unavailable for the project.

Subsequently, the applicant revised their application to rezone the Arco gas station site from PD to CG. CEQA documents were prepared and circulated. Five letters were received with comments. Three of these were from residents and the other two from State Agencies. No additional analysis was needed due to the comments received.

The letter received from Cal-Trans included requirements to obtain a State Encroachment Permit, for sidewalk improvements, add a turn lane on Pesce Way and pay traffic improvement fees. There was also a requirement to install keep clear markings on Pesce Way.

Ken Anderson of KD Anderson & Associates, spoke about the traffic analysis completed for the project. He considered the existing traffic conditions to determine the level of service and impacts of the project. He discussed the number of vehicle trips per day and anticipated that for those vehicle trips proposed, 1/3 of traffic would take Pesce Way, to the northern driveway, while the other 2/3 would go through the gas station and back out onto Pesce at the proposed Arco Food Court. He felt that even with the additional traffic onto Pesce Way that the roadway can handle this. He stated it was compatible with regulations for the current zoning district and would not adversely affect the orderly development of the area.

Commissioner Richardson asked if the project was denied would the application go forward with another plan.

Planner, Paula Daneluk, clarified that the application was only for a re-zone of the gas station site. If the project was denied, the development of the proposed Food Court is a use allowed by right,

however, without the rezone approval they could not access through the gas station and currently it would only require an encroachment permit for access onto Pesce Way and building permits for its construction.

Commissioner Garnin asked if by allowing a CG, General Commercial zone approval, would they not be automatically given access.

Paula clarified that it would only require a ministerial approval for Pesce Way access.

Commissioner Garnin advised he was unhappy with the project and asked if the rezone and Mitigated Negative Declaration can be denied and sent back to the drawing board.

Planner, Paula Daneluk, clarified that the Planning Commission can make recommendations to the City Council, denial or approval and for certification of a CEQA document.
She stated that the Commissioners cannot condition a rezone application, only recommend approval or denial to the City Council.

Commissioner Richardson asked if the City gives an automatic approval with access onto Pesce Way.

Community Development Director, Rachelle Kellogg, stated that the applicant could apply for an Encroachment Permit, and conditions would be placed on the Encroachment Permit from the City Engineer and City staff. She stated that if the applicant meets the conditions, the Encroachment Permit would be approved by staff.

Reuben Chirnside, of Land and Structure, spoke on behalf of the applicant and introduced Andy and Naveet Singh. He said that they have been members of the community for the last five years and that they want to improve one of the entries into the City.

Reuben also clarified the circulation proposal for Arco Food Court and that it is anticipated, that 2/3 of traffic would pass through the Arco gas station lot and 1/3 would be diverted to the northern Pesce Way driveway. He discussed CEQA and the impacts to the proposed development. He pointed out that the food court project does not require a Site Plan Application. He discussed the issues related to the existing driveway onto Hwy 49 and its impracticability. He discussed the second exits onto Pesce Way for the proposed project would have limited use and the applicants have agreed to install signage restricting its use after 8:00 p.m. He described parking for the food court project and that it exceeded City requirements. He stated the employee parking would be gated.

He thanked Commissioners for their consideration.

Commissioner Garnin provided instructions to those wishing to speak on the project, setting a five-minute time limit for each speaker.

The Public Hearing opened at 6:30 p.m.

Member of the public who is a close property owner, spoke against the project, stating it seems it was intended to be used as a residential area and doesn't understand why it includes access on Pesce Way. She stated that she was also was concerned about the volume of traffic being placed onto Pesce Way. She also stated that she didn't feel that the project was in line with Vision Sonora Plans and asked for a second opinion on the traffic study. She also wanted to know how to stop traffic from going onto Pesce Way.

Gerald Abbott, who lives at 154 Pesce Way, was concerned about traffic and the value of the homes there. He was told by a realtor that neighboring property owners should expect a 25% cut in values due to increased traffic. He spoke about issues with existing traffic coming from Highway 49. He demonstrated with a flashlight how car lights would constantly light up his windows and be disruptive due to the second driveway onto Pesce Way.

Nicole Cambra, an employee of AM/PM for seven years thanked the applicants for considering something better for Sonora.

Melody Perez spoke in favor of the project. She likes the access to food on that end of town and felt it was inconvenient to drive further. She said it was a great idea and that it benefits the community with jobs.

Ron Mahr felt that traffic doesn't have to use the Pesce Way cul-de-sac and was against the project.

Mike Ayala, Tuolumne County Chamber Government Affairs, spoke in favor. He said the applicants were taking a vacant dilapidated building and making improvements to their property. He felt that if they mitigate the traffic issues it would help the northern part of Sonora. He advocated businesses and jobs for economic vitality.

Jackie Amaro, resident of Pesce Way, spoke against the project. She had concerns that peacefulness will disappear and her quality of life on a quiet cul-de-sac will be gone. She also mentioned that someone was using a blower at 6:30 a.m. and a power washer was also used late at night at the Arco gas station.

Matt, who lives at Mills Gardens Apartments was against the project and he worried that tenants would have a harder time getting in and out of their driveway. He asked that a guardrail be installed on Highway 49. He didn't like the idea of a turn lane within 100 feet of the Mills Gardens driveway.

Glenn Caldwell, Tuolumne County Business Council spoke in favor of the project. He felt the road is adequate as Pesce Way is already serving both residents and the existing commercial project. He stated that the owners have the right to develop their commercial property and that Commissioners should not decide on emotional arguments. He was happy to have someone clean up this property with something that will be useful.

Sharon Marovich, Chair of the Tuolumne Heritage Committee, felt that the project site is a sensitive heritage corridor and that Commissioners be sensitive to the resident's concerns. She

was against the old auto dealership building being proposed for demolition. She asked that design review be conducted with full plans submitted as a condition for the proposed building.

Speaking in favor of the project, Cole Przybyla, asked about zoning issues versus a design review project.

Jim Peyton spoke in favor of the project and stated it would be a nice improvement and bring jobs to the area.

Wyllie Stone, from the UC Cooperative Extension, had concerns for the general welfare of the residents. His concern came from a recent assessment of obese children eating fast foods and having increased health risks.

Carrie White, resident of Sonora, spoke in favor. She felt this location offers choices for those in Columbia who don't want to drive further. She also commented on the applicants having gone above and beyond as far as traffic issues.

Mike Lemke of the Tuolumne County Building Industry, said that it is fortunate that the Singh family purchased the property and supports the project.

A member of the public addressed Commissioners. She feels there is a safety issue with traffic in the area now. She said residents that live there as well as friends and family also had concerns with walking in the area. She spoke of the old building not being as bad as it used to be. She also said that the applicants have never approached neighbors of their plans to expand their business. She also had concerns with extra trash clean-up and alcohol bottles being left behind.

Ron Kopf discussed combining both parcels to assist with a second access. He already heard that the existing driveway from the old commercial building onto Hwy 49 cannot be used. He felt it was beneficial to the way it is being designed now and was in favor of the project.

A member of the public felt that the owners don't care about the residents and she feels she cannot exit her driveway now in a safe manner. She asked that access to Pesce Way not be given and stated there was no room to park on the street now and she does not support the business and will not in the future.

Greg Popovich spoke about a recent meeting he attended with the applicants and Cal-Trans to discuss this and other property. Cal-Trans advised they could not use the existing driveway with the required Caltrans Standards. Pesce Way is the only way that this parcel can be developed. He asked Commissioners to approve the rezone to allow access and help with traffic by using the existing Arco for most of the traffic.

Member of the public, Matt, provided Paula Daneluk with a handout.

The Public Hearing closed at 7:09 p.m.

Commissioner Richardson asked if there was any way to eliminate Pesce Way from access.

Planner, Paula Daneluk, advised that Cal-Trans won't allow access and the only way is from Pesce Way, whether or not the Planning Commission approves the rezone. She reminded Commissioners that the City of Sonora does not control access from Hwy 49 and that is a Cal-Trans issue.

Commissioner Richardson asked for further clarification from Ken Anderson about traffic and turn lanes on Pesce Way.

Commissioner Jensen discussed the driveway design being 2 lanes in/out. He asked if there was any way to redesign by removing some of the existing pumps to provide all access to food court through the gas station site.

Reuben Chirnside, of Land and Structure, said it could be but that's not before the Commission and he felt it was best to access as proposed.

Commissioner Jensen discussed the traffic situation on Pesce Way and the fact that 2/3 of the traffic will be away from the Pesce Way cul-de-sac but was concerned about the second driveway.

Commissioner Eaton stated that it was unfortunate that when the Planned Development zone was created, that developers and past Commissioners did not have the foresight to address access to the parcel on the north due to residential use along Pesce Way.

Commissioner Jensen said if the rezone doesn't get approved all traffic could still go onto Pesce Way.

Community Development Director, Rachelle Kellogg, stated, as previously discussed, they could apply to the City for an Encroachment Permit.

Commissioner Garnin sees no problem on the surface with the zone change. He admires the applicant for merging projects, however he has a problem and is sensitive to the residents and doesn't feel that it was thought out to exploit the drive access for the old building onto Pesce Way. He said nobody could ever foresee this ingress/egress issue.

Commissioner Richardson asked if the applicant chose this option of a rezone what were the realm of entitlements and would the City not have the ability to require conditions.

Planner, Paula Daneluk, answered that under the current regulations, if the rezone didn't happen the only requirements that the applicant would need to meet would be those that are ministerial with approval by staff. There could be 100 percent access placed onto Pesce Way.

Commissioner Anderson asked if the Commission can make changes to CEQA document relating to landscaping. He wants to see adequate vegetation added to the project.

Commissioner Richardson asked if the Commission can recommend specific conditions as a buffer for the residential area.

Planner, Paula Daneluk, said no, conditions cannot be added as this is a rezone only and within the mitigation measures, however adding additional vegetation as a buffer could be considered under the mitigation measures.

Commissioner Garnin advised that even if someone else wanted to use the existing old commercial building for any reason, Cal-Trans would have the same criteria as far as the use of the existing driveway. It does not meet their requirements today.

MOTION: To recommend approval of Resolution Number 4-10-2017, certification of the Mitigated Negative Declaration for the Arco Food Court Rezone Project and Adoption of a Mitigation and Monitoring Reporting Plan and approval of an Ordinance rezoning parcels from PD, Planned Development to CG, General Commercial, with the revision of the Biological Resources Mitigation Measure to add a vegetation buffer between the residential and commercial area, and subject to the following findings:

MOTION:	Jensen	**SECOND:**	Eaton
VOTE:	**AYES:**	Jensen, Eaton, Anderson, Garnin and Richardson **(**5)	
	NOES:	None (0)	
	ABSTAIN:	None (0)	
	ABSENT:	None (0)	

FINDINGS FOR REZONE OF 15 PESCE WAY:
Based on all of the preceding discussion; it can be found that the Rezone:

A. Is compatible with, and physically suited for, the uses authorized in, and the regulations prescribed for; the proposed zoning district in which the real property is located;

B. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;
C. Is in conformity with public convenience, general welfare and good land use practice;

D. Will not be detrimental to the health, safety and general welfare;

E. Will not adversely affect the orderly development of property; and

F. The project has been reviewed in compliance with CEQA and an Initial Study/Mitigated Negative Declaration pursuant to the California Environmental Quality Act has been prepared.

DISCUSSION ITEM:

1) Community Development Director's Report

Community Development Director, Rachelle Kellogg discussed that Commissioners Chris Garnin and John Richardson will be up for re-appointment in July, 2017. She encouraged both Commissioners to submit their applications before the deadline.

CORRESPONDENCE: None

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 7:58 p.m., to the next regular meeting on May 8, 2017.

Respectfully submitted,

Kim Campbell,

Community Development Specialist