



**CITY OF CORNING
PLANNING COMMISSION MINUTES**

**TUESDAY, AUGUST 19, 2008
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: at 6:35 p.m.

B. ROLL CALL:

Commissioners: Robertson
Reilly
Lopez
Hatley
Armstrong

All Commissioners were present.

C. MINUTES:

- 1. Waive the Reading and Approve the Minutes of the July 15, 2008 meeting with any necessary corrections.**

Commissioner Reilly motioned approval of the Minutes as written and Commission Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

D. BUSINESS FROM THE FLOOR: None.

Chairman Lopez stated that with Commission consensus he would like to reorder the Agenda to address Public Hearing Item 3 next, then address Regular Agenda Item 2 and Public Hearing Item 4. He requested this reorder of the Agenda because he is excusing himself from voting on Items 2 and 4 relating to Salado Orchard Apartments due to the fact that he resides within the 300 ft. perimeter surrounding this location. With no objection from the Commission members, the order of the Agenda was adjusted as requested.

F. BUSINESS PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

- 3. Use Permit No. 2008-253: Los Montes Mex. Grill; per City of Corning Zoning Codes, applicant must obtain Use Permit prior to California Department of Alcoholic Beverage Control (ABC) issuing the on-sale License for sale of beer and wine at their restaurant located at 1708 Solano St., APN: 71-094-04. Permit Applicants: Cesar & Alicia Montes.**

Chairman Lopez introduced this item by title and stated that the owners/applicants, Cesar & Alicia Montes were both present in the audience. Mr. Stoufer explained that this is a requirement according to the City's Zoning Code in order to allow serving of alcoholic beverages on the site. He also stated that he had received no responses to the required notifications to residents within the 300 feet perimeter that were mailed. At this time the Public Hearing was opened. With no discussion Commissioner Armstrong motioned to close the public hearing and Commissioner Hatley seconded the motion. **Ayes: Lopez, Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent/Abstain: None. Motion approved by a 5-0 vote.**

Commissioner Reilly then motioned to adopt the four, or similar Subfindings and Findings as presented and approve Use Permit 2008-253 subject to applicant complying with the requirements of the Alcoholic Beverage Control Board and be issued an on-sale license prior to serving beer and wine at the Los Montes Mex. Grill. Commissioner Robertson seconded the
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motion. **Ayes:** Lopez, Robertson, Reilly, Hatley and Armstrong. **Opposed:** None. **Absent/Abstain:** None. Motion approved by a 5-0 vote.

E. BUSINESS REGULAR AGENDA:

- 2. Lot Line Adjustment 2008-1: Pacific West Communities, Inc. to adjust the Common Boundary between Parcels 1 & 2 of Parcel May 07-1, Salado Orchard Apts. Phase 1 & 2; located at the southwest corner of the Blackburn Avenue/Toomes Avenue intersection in a PD and R-1 Zoning District. APN's: 71-020-70 & 71. (Continued from the July 15, 2008 Meeting.)**

Chairman Lopez excused himself from the meeting at 6:40 p.m. as he will have to abstain from discussion and vote on this item due to the proximity of his residence to the project. Commissioner Robertson will act as Chairperson for the remaining portion of the meeting.

Acting Chairperson Robertson introduced this item by title stating that she was not present at the July meeting. She then gave a brief explanation of the project based upon the Staff Report presented. Planning Director John Stoufer stated that this was not a Public Hearing, and presented further information relating to the Lot Line Adjustment 2008-1. Mr. Stoufer explained that this is being approached separately because they want to keep the parcels separate. He then stated that the applicant was present.

Commissioner Reilly motioned to adopt the four Findings and Subfindings and Commissioner Hatley seconded the motion. **Ayes:** Robertson, Reilly, Hatley and Armstrong. **Opposed:** None. **Absent:** None. **Abstain:** None. Motion approved by 4-0 vote with Lopez abstaining.

Commissioner Reilly motioned to approve Lot Line Adjustment 2008-1. Commissioner Hatley seconded the motion. **Ayes:** Robertson, Reilly, Hatley and Armstrong. **Opposed:** None. **Absent:** None. **Abstain:** None. Motion approved by 4-0 vote with Lopez abstaining.

F. BUSINESS PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Chairman declares the Hearing open. ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.

- 4. Tentative Tract Map 08-1002, Use Permit 252, Rezone 2008-1: Pacific West Communities Inc., Salado Orchard Apartments, Phase 2.**
- a. Tentative Tract Map 08-1002: Proposes to subdivide an existing 4.79-acre parcel and create 12 single-family residential parcels and an approximately 1.75 acre multi-family residential parcel.**
 - b. Rezone 2008-1: Proposes to rezone the 1.75-acre parcel from R-1, Single-Family Residential District to PD, Planned Development District.**
 - c. Use Permit 252: Allows the construction of three 8-Plex Apartment Buildings (24 units total) on the proposed 1.75 acre parcel.**
- Location:** West side of Toomes Avenue approximately 650 ft. south of the Toomes Avenue/Blackburn Avenue Intersection, APN: 71-020-02.

Acting Chairperson Robertson introduced this item by title and opened the Public Hearing. Planning Director John Stoufer confirmed that the Commissioners received and read the letter Staff received today. He also stated that the required notifications had been sent to neighboring property owners and this was the only letter received to date. He presented information relating to this property.

Commission discussion consisted of the following:

- The income level set by the State of California,
- Condition No. 8 relating to the trees (larger trees, 15 gal.) to be planted vs. frosted windows

- Condition 44, add Stop Sign from the parking lot of the apartments to the cul-de-sac road.
- North Street a four-way stop at Toomes Avenue.

Audience member Tom Carter stated that he liked the tree idea and stated his concerns relating to the pedestrian traffic and the possible need for a stop sign to keep the speed down. Audience member John Richards stated that he also liked the tree idea as the apartments will look into his pool. He suggested installing speed bumps instead of a stop sign.

There was further discussion between the Commissioners and City Staff regarding placement of a four-way and the associated criteria.

With no further discussion, Commissioner Hatley motioned to close the Public Hearing. Commissioner Reilly seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Reilly motioned adoption of the 10 Subfindings and Findings as presented in the Staff Report and Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Armstrong motioned to recommend City Council adopt the mitigated negative declaration filed on Tentative Tract Map 08-1002, Use Permit 252, and Rezone 2008-1 for Salado Orchard Apartments Phase II. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Reilly motioned to recommend that the Corning City Council approve Tentative Tract Map 08-1002, Use Permit 252 and Rezone 2008-1 subject to the 66 stated Conditions of Approval with modifications to Conditions No. 44 adding language relating to stop sign, and Condition No. 8 adding planting trees to block exterior views of the apartments. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

Commissioner Reilly motioned to direct City Staff to perform a traffic and pedestrian study to determine if a four-way stop is warranted at the intersection of Toomes and North Street. Commissioner Hatley seconded the motion. **Ayes: Robertson, Reilly, Hatley and Armstrong. Opposed: None. Absent: None. Abstain: None. Motion approved by 4-0 vote with Lopez abstaining.**

G. **ITEMS PLACED ON THE AGENDA FROM THE FLOOR:** None.

H. **ADJOURNMENT:** 7:44 p.m.

Lisa M. Linnet, City Clerk