

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
December 19, 2007
City Hall Council Chambers

The meeting was called to order by Chairman Takhar at 7:00 p.m. Members present were as follows:

PRESENT

Chairman Satwant Takhar
Commissioner John Sanbrook
Commissioner Mike Tomlinson

Commissioner Craig Starkey
Commissioner Preet Didbal
Commissioner John Dukes

ABSENT

Commissioner Flores

Also present were Aaron Busch, Community Development Director; Katie Ertmer, Associate Planner; Diana Langley, Principal Engineer; Paulla Hyatt-McIntire, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Dukes.

The meeting minutes of November 14, 2007, were approved as written.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

1. **PUBLIC HEARING: DEVELOPMENT PLAN #DP 07-10 FOR CONSTRUCTION OF A 42,000 SQUARE FOOT, 3-STORY OFFICE BUILDING WITH A DRIVE-THRU WINDOW FOR A BANK LOCATED AT THE NORTHEAST CORNER OF HARTER PARKWAY AND LASSEN BOULEVARD; ASSESSOR'S PARCEL NUMBERS: 63-010-096, 63-010-097; APPLICANT: RYAN DUSA; PROPERTY OWNER: D & M DEVELOPMENT.**

Due to a conflict of interest, Commissioner Tomlinson recused himself.

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook asked what the fair share of highway costs are.

Diana Langley, Principal Engineer, stated with the recent adoption of the new impact fees, funds are collected at approximately \$5 per square foot total impact and \$4 per square foot for traffic fees.

Aaron Busch, Community Development Director explained that this condition applies to the new fee structure.

Commissioner Sanbrook asked Ms. Ertmer about Article 56 of the zoning code and how it relates to this project.

Ms. Ertmer stated that the visible area of the mechanical screen may exceed the requirements, but the wall will not, and said it meets the requirements of the Exceptions to Height Limits in Article 56.

Commissioner Sanbrook stated he is concerned about the volume of the area that is encompassed by the wall that exceeds the height limit.

Ms. Ertmer said staff feels this project meets the exception of the zoning code.

Chairman Takhar opened the public hearing.

Adam Lovern, Borges Architectural Group, thanked staff and the Planning Commission for hearing the project and stated they are in agreement with the conditions of approval.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Sanbrook moved to A. Adopt the Mitigated Negative Declaration; B. Adopt the three findings; and C. Approve Development Plan #DP 07-10 subject to 49 Conditions of Approval. The motion was seconded by Commissioner Didbal, and passed by a vote of 5-0-2 (Commissioner Flores absent, Commissioner Tomlinson recused).

Commissioner Tomlinson returned to the dais.

2. PUBLIC HEARING: USE PERMIT #UP 07-10 FOR A DRIVE-THRU COFFEE FACILITY ON A PROPOSED 8,300 SQUARE FOOT BUILDING AT 1619 FRANKLIN ROAD; ASSESSOR'S PARCEL NUMBER: 58-020-006; APPLICANT/OWNER, ROMAN REAL ESTATE DEVELOPMENT, LLC.

Ms. Ertmer presented a staff report.

Chairman Takhar opened the public hearing.

Sanjiv Chopra, Roman Real Estate of Modesto, spoke about the project.

Commissioner Starkey asked what occupancies are anticipated.

Mr. Chopra said there will likely be coffee, pizza, and a pharmacy, and said it will be convenience oriented.

Commissioner Starkey stated his concern about potential traffic.

Mr. Chopra stated the area is already congested, and said a turn lane will be added to help clear up the congestion.

Commissioner Starkey still had concerns about where the extra traffic going into the center will go.

Mr. Chopra again stated that there is already a huge amount of traffic in that area, and said the idea of this center is to be a convenience oriented stop mostly used by motorists already passing by the site. Therefore, the project will not be add a huge amount of extra traffic.

Commissioner Dukes asked Mr. Chopra if deliveries will be made to the front of the building, and if so, he has concerns about that.

Mr. Chopra stated deliveries will be made to the front of the building, but by smaller trucks, and said with the median going in on Franklin, a left turn cannot be made into the center.

Commissioner Dukes expressed his concern about crossing traffic on Walton and Franklin when making a left turn to leave the center.

Mr. Chopra stated they are hoping to work with the City on that issue.

Commissioner Sanbrook also stated his concerns about traffic, how the situation will be compounded, and stated he cannot support the project.

Mr. Chopra stated that only the drive-thru is being looked at tonight, and said that there will need to be an ingress and egress no matter what goes into that area. Mr. Chopra said the traffic concerns will be mitigated due to the lane improvements and additions, and said it will be solving a problem instead of creating one.

Commissioner Sanbrook asked if there can be a right turn in and a right turn out.

Mr. Chopra stated that right in/right out would be less than optimal.

Commissioner Tomlinson asked about parking for a restaurant.

Mr. Chopra said the pizza store will be for take-out only, there will be no seating.

Commissioner Tomlinson said it appears that the square footage of the building is maximized on the site, and suggested that the building size be scaled down to better fit on the lot, perhaps utilizing an L-shaped building.

Mr. Chopra stated an "L" shaped building does not fit on the lot properly, and said they went through all of the steps required before bringing the project before the Planning Commission.

Chairman Takhar asked Ms. Langley to address the traffic concerns.

Ms. Langley stated the driveway will be somewhat self controlling in that there is so much traffic that left turning movements are precluded. Ms. Langley said that Public Works understands that Walton Avenue is already congested and that the Public Works department will be setting up a workshop with the City Council to program improvements to the major arterials in the CIP.

Commissioner Dukes stated he feels there will be a back-up at the drive-thru window.

Ms. Langley stated when the property at the southwest corner is developed, there will be a median, and that the proposed project did not warrant the construction of a median. Ms. Langley said traffic problems will be conflicting with AM/PM traffic.

Ms. Langley wanted to clarify that there is currently a short right-turn pocket that extends approximately 50' north of the intersection, and said the applicant is required to extend the existing right-turn pocket, not build an additional lane.

Commissioner Starkey asked if the pocket will go the length of the property.

Ms. Langley affirmed that the pocket will go the length of the property.

Commissioner Sanbrook asked if Walton Avenue will be upgraded to 4 or 5 lanes.

Ms. Langley said it will be upgraded to 5 lanes.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Tomlinson stated he does not like that it is a single ingress/egress and stated that the building could be smaller. Commissioner Tomlinson stated he would be more comfortable with a parking lot that that provided two points of egress instead of just one, and said if the drive-thru was not included, it may solve the problem.

Commissioner Tomlinson moved to DENY Use Permit #UP 07-10. The motion was seconded by Commissioner Sanbrook, and passed by a vote of 5-1-0 (Chairman Takhar voted no, Commissioner Flores absent).

- 3. PUBLIC HEARING: GENERAL PLAN AMENDMENT #GP 07-05, REZONE #RZ 07-05, TENTATIVE MAP TM 07-05, DEVELOPMENT PLAN DP 07-08 FOR A 76,000 SQUARE FOOT COMMERCIAL AND RESIDENTIAL MIXED USE PROJECT LOCATED AT THE SOUTHEAST CORNER OF THARP ROAD AND BUTTE HOUSE ROAD; ASSESSOR'S PARCEL NUMBER: 59-010-052; APPLICANT: RAVI TUMBER; PROPERTY OWNER: TUMBER FAMILY TRUST.**

Ms. Ertmer presented a staff report.

Commissioner Dukes asked where the location of the signs will be.

Ms. Ertmer said the signs will be located at the entrances to the center and at the northeast and northwest corners of the site.

Commissioner Sanbrook asked whether staff thought the project would be "over-signed".

Ms. Ertmer stated that although more signs than would regularly be permitted are requested, staff feels that the proposed uniform signs will result in a more attractive project.

Commissioner Sanbrook talked about how the City adopted the current General Plan designation in 2004.

Ms. Ertmer stated she believes the General Plan designation was pre-existing.

Commissioner Sanbrook asked why the General Plan designation is requested to be changed after such a short time.

Ms. Ertmer stated she suspects the market has changed and that parcels located inside the City limits at the time of the General Plan Update in 2004, were not studies, their existing designations were simply carried forward.

Commissioner Sanbrook asked whether there had been any studies that found the High Density Residential designation to be most appropriate for the subject property.

Ms. Ertmer stated she hasn't seen any studies that would suggest that.

Chairman Takhar opened the public hearing.

Denis Cook, representative for the Tumber Family, introduced the development team, and spoke about the quality of the project. Mr. Cook stated this will be the first vertical mixed use project in Yuba City. Mr. Cook said he feels the project is appropriate for this location. Mr. Cook explained about the General Plan, talked about the market change and how it is economical to the City, and spoke about the requested signage. Mr. Cook thanked staff for their cooperation.

Commissioner Sanbrook asked what the impact will be by removing the 10 acres from the inventory of residential lots.

Mr. Cook stated that there is not market for housing at this location.

Commissioner Tomlinson asked to be recused from this hearing because Mr. Cook leases office space from him.

Greg Melton talked about the mixed use elements of the project, traffic and the signal that will go in, and about the pedestrian connection.

Craig Myers presented a video on the project, and talked about the architecture of the project. Mr. Myers said they will present signage guidelines that will be used for tenants.

Mr. Cook stated that the building signs shall all comply with the City's Zoning Regulations.

Ms. Ertmer stated that every sign attached to the buildings will require a building permit.

Commissioner Dukes asked if the signs will be visible internally only.

Mr. Cook and Mr. Myers stated that some signs may be visible from the public right-of-way depending on where future tenants decided to place their signs.

Jim Stevens thanked staff for the excellent staff report, and said they are in agreement with all of the Conditions of Approval.

Ravi Tumber thanked staff and thanked his development team. Mr. Tumber explained what La Bella Vita represents in regard to his family.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Sanbrook stated he approves of the project.

Commissioner Didbal said she is in favor of the project and feels it will be good for Yuba City.

Commissioner Dukes stated he likes the project.

Commissioner Starkey moved to:

- A. Adopt the Mitigated Negative Declaration;
- B. Recommend that the City Council adopt the finding that #GP 07-05 is in the public interest;
- C. Recommend that the City Council approve #GP 07-05 to change the General Plan designation as shown on Exhibit B;
- D. Recommend that the City Council adopt the four findings for #RZ 07-05;
- E. Recommend that the City Council approve #RZ 07-05 to change the zoning classification as shown on Exhibit C;
- F. Adopt the 4 findings for #TM 07-05;
- G. Approved #TM 07-05;
- H. Adopt the three findings for #DP 07-08; and
- I. Approve #DP 07-08 with 73 Conditions of Approval.

The motion was seconded by Commissioner Didbal, and passed by a vote of 5-0-2 (Commissioner Tomlinson recused, Commissioner Flores absent).

4. PUBLIC HEARING: DEVELOPMENT PLAN #DP 07-09 FOR A 74,000 SQUARE FOOT HEALTH CLUB AND A 4,500 SQUARE FOOT OFFICE BUILDING ON TWO PROPOSED PARCELS LOCATED AT THE SOUTHERLY PORTION OF THE SOUTHEAST CORNER OF THARP ROAD AND BUTTE HOUSE ROAD; ASSESSOR'S PARCEL NUMBER: 59-010-052; APPLICANTS: JERRY TOLLER & PETER BAKIS; PROPERTY OWNER: TUMBER FAMILY TRUST.

Ms. Ertmer presented a staff report.

Commissioner Dukes asked if there will be a water feature.

Mr. Melton explained that the water feature shown in the video was for aesthetic purposes only.

Chairman Takhar opened the public hearing.

Mr. Cook talked about the health club.

Peter Bakis thanked staff and the Tumber Family, and talked about the health club business and the family component of the club. Mr. Bakis stated if a water feature is added, it will be consistent with landscape guidelines.

There being no further testimony, Chairman Takhar closed the public hearing.

Commissioner Sanbrook moved to A. Adopt the Mitigated Negative Declaration; B. Adopt the three findings for #DP 07-09; and C. Approve #DP 07-09 subject to 73 Conditions of Approval. The motion was seconded by Commissioner Didbal, and passed by a vote of 5-0-2 (Commissioner Tomlinson recused, Commissioner Flores absent).

Commissioner Tomlinson returned to the dais.

Commission Discussion: - None

Other Business: - None

Report on Actions of the City Council:

Mr. Busch stated that the City Council provided staff with information on the Housing Ad Hoc committee. Mr. Busch also mentioned the Richland housing project which made a presentation to the City Council and that no formal application for their Master Plan has been submitted.

Mr. Busch said the City Council gave direction for staff to move forward with the appointment of Chairman Takhar to continue to serve on the Planning Commission.

Adjournment: There being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Roberta Kyle, Secretary
YUBA CITY PLANNING COMMISSION