

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
September 24, 2008  
City Hall Council Chambers

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

PRESENT

Chairman Craig Starkey	Commissioner Preet Didbal
Commissioner John Sanbrook	Commissioner Jana Shannon
Commissioner John Dukes	Commissioner Satwant Takhar
Commissioner Mike Tomlinson	

ABSENT

None

Also present were Brian Trudgeon, Principal Planner; Katie Ertmer, Associate Planner; Diana Langley, Principal Engineer; Paulla Hyatt-McIntire, Counsel; Courtney Gengler, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Commissioner Tomlinson.

The meeting minutes of August 13, 2008, were approved as written with Commissioner Dukes and Commissioner Tomlinson abstaining.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration:

- 1. REQUEST TO MODIFY THE APPROVED ELEVATIONS FOR DEVELOPMENT PLAN DP 07-09, A 74,000 SQUARE FOOT HEALTH CLUB; APPLICANTS: JERRY TOLLER AND PETER BAKIS; PROPERTY OWNER: RIVER VALLEY PROPERTY, LP.**

Katie Ertmer, Associate Planner, presented a staff report.

Commissioner Sanbrook stated that the stone is a nice feature, and feels it should stay.

Ms. Ertmer agreed that it changes the character, but does not detract from the building.

Jerry Toller, Developer, stated that River Valley Fitness is not part of Bella Vista, its just under the same use permit, and is a separate development. Mr. Toller stated they prefer a more modern look rather than a Mediterranean country setting.

Commissioner Shannon asked if some stonework will remain.

Mr. Toller said there would be no stonework remaining.

Commissioner Tomlinson moved to approve the modified elevations, was seconded by Commissioner Dukes, and the motion passed unanimously.

Public Hearing:

- 1. GENERAL PLAN AMENDMENT GP 08-01, REZONE RZ 08-01, TENTATIVE MAP TM 08-01, DEVELOPMENT PLAN DP 08-01 FOR CONSTRUCTION AND OPERATION OF A 14,000 SQUARE FOOT “FRESH & EASY” NEIGHBORHOOD GROCERY STORE, A 14,500 SQUARE FOOT “WALGREENS” DRUG STORE WITH A DRIVE-THRU, AND A 2,500 SQUARE FOOT “SHOPS” BUILDING LOCATED AT THE SOUTHEAST CORNER OF LINCOLN ROAD AND SESSLER DRIVE; ASSESSOR’S PARCEL NUMBERS: 56-010-003, 56-010-004; APPLICANT: TAYLOR VILLAGE SACRAMENTO INVESTMENTS PARTNERS L.P.; PROPERTY OWNER: ARKADIUSZ KAZMIERCZAK AND ALKA KUMAR.**

Katie Ertmer, Associate Planner, presented a staff report, and recommended a modification to Condition #3 to read: “Development Plan DP 08-01 is approved as shown in Exhibits E and F and as conditioned herein. *If the project is to be developed in phases, a phasing plan shall be approved by the Community Development Director. Any unfinished pads shall be hydroseeded to prevent erosion.*”

Commissioner Sanbrook asked if this project can be accommodated in the C1 zone with a land use entitlement.

Ms. Ertmer stated the C1 district does not allow drive-thru’s whatsoever.

Commissioner Sanbrook asked what the approved project is on property to the west of Sessler.

Ms. Ertmer stated it was a tentative map, and was a 2 parcel split which divided the property north and south, which has not been recorded at this time.

Commissioner Sanbrook asked if the 770 feet of lineal frontage includes both Walton and Lincoln.

Ms. Ertmer stated it includes all three, Sessler, Lincoln and Walton.

Commissioner Tomlinson recused himself due to a conflict of interest.

Chairman Starkey opened the public hearing.

Lux Taylor, 1792 Tribute Road, Sacramento, spoke about their business and what types of projects they work on. Mr. Taylor talked about the project and introduced his team.

Denis Cook, 1007 Live Oak Blvd., Suite A-6, stated that the zone change to C2 is strictly for the drive thru and explained it will be a low use drive thru. Mr. Cook talked about the site characteristics of the project, the Quick Stop and signage, rear setbacks and an 8 foot masonry wall that will be installed. Mr. Cook also spoke about landscaping, building design, and civic space. Mr. Cook stated that the signage

they have requested is under the allowable amount of signage, and talked further about monuments signs, expressing their need for a third monument sign, and what can be done to accommodate the third sign. Mr. Cook asked the Planning Commission to allow a third monument sign without additional square footage or height.

John Dukes asked if the 2,500 sq. ft. building has a tenant.

Mr. Cook stated it does not.

Commissioner Dukes stated that on the Walton side two signs are being combined for the Fresh & Easy store and Walgreens, and asked if there is a tenant in the 2500 sq. ft. building, how would they get signage.

Mr. Cook stated they would not have signage, and said they can have building signage but cannot be on the monument sign. Mr. Cook also stated that when the building is built, it is a separate parcel, so they could put a 64 square foot, 10 foot high sign there with their logos on it.

Brian Trudgeon, Principal Planner, stated that this is a Development Plan which is being approved for the entire site and the condition of two signs would cover that property also, so there could only be two signs, and the tenant would not be permitted to have its own sign.

Commissioner Sanbrook asked about the sign shown on the plans on Walton Avenue.

Mr. Cook stated this is the additional sign they are asking for. Mr. Cook stated there is a Fresh and Easy sign and a Walgreens sign on Lincoln, and the third sign would display both stores and be on Walton Avenue.

Jennifer Daw, 2100 21<sup>st</sup> Street, Sacramento, representing Fresh & Easy, talked about the concept of Fresh & Easy stores and how the stores give to the community and respects surrounding neighborhoods. Ms. Daw talked about the products that Fresh & Easy provides, and the truck delivery schedules.

Commissioner Shannon asked if all the delivery trucks are from Fresh & Easy or are they from various vendors.

Ms. Daw stated the trucks will come from a distribution center in mostly Fresh & Easy trucks, and that there will be some small vendors.

Commissioner Shannon asked if there will be idle time at the back of the store and if it will be at night.

Ms. Ertmer stated the delivery base is at Fresh & Easy and Walgreens, and the delivery hours will be from 7 a.m. to 10 p.m. Ms. Ertmer stated that the noise levels are acceptable according to the standards contained in the noise analysis and the Sutter County General Plan.

Commissioner Dukes asked where the distribution center is.

Ms. Daw said it is between Stockton and Fresno.

Baltazar Teyes, 1632 Lincoln Avenue, stated he has concerns about drainage, and said he is happy about the store coming and is hoping something can be done about the drainage problem.

Diana Langley, Principal Engineer, stated the drainage issue will not be worsened at all by this project, because he is on the north side of Lincoln, and suggested he speak with public works about his problem, separate from this project completely.

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

Commissioner Sanbrook asked about Condition #27, and asked if there is adequate water supply and water pressure.

Ms. Ertmer stated it that the Utilities Director looked at this back when the project was initially proposed and the 1½ inch service will be adequate to provide enough pressure which is the reason for putting the condition on this. Ms. Ertmer stated that Utilities Director is not confident that beyond that it would be adequate.

Commissioner Sanbrook asked about Condition #32 regarding the right-of-way.

Ms. Ertmer explained the reason for the condition, which is to accommodate the truck traffic which will egress the project site thru the Sessler driveway, and said it is possible that the driveway can be made larger so that trucks can egress the project site without crossing into that neighboring property.

Commissioner Sanbrook asked if the developer is required to improve both sides of Sessler.

Ms. Ertmer stated that Sessler is already improved on the east side and if right-of-way can be acquired, the developer will improve Sessler because it will complete their project.

Commissioner Sanbrook asked about Condition #41 regarding some impact from this project on the various road intersections that staff has eluded to.

Ms. Ertmer stated that is correct and explained that the traffic study indicated that Lincoln, Sanborn and Richland and Walton are not in the impact fee program which explains why this project would pay a fare share of the impact at that location. Ms. Ertmer stated that Hwy. 99 and Lincoln is only partially in the impact fee program and that 1 percent goes to cover this project's portion of the share that's also not covered by the impact fees that they would pay.

Commissioner Sanbrook asked if the estimates that are provided include the cost of right-of-way that may be necessary to accommodate those improvements.

Ms. Langley said they do. These two particular locations, Lincoln and Sanborn, are part of the Lincoln East Specific Plan, so with the development of that specific plan, that intersection would require a traffic signal. Ms. Langley said in regards to Walton and Richland, the City has a project to widen Walton Avenue from Lincoln all the way up to Bridge Street, which is in the impact fee program. Ms. Langley stated that the portion that is not in the impact fee program is the actual signal at Lincoln and Richland.

Commissioner Sanbrook asked if Lincoln Road and Hwy. 99 are sufficient to accommodate an additional northbound left hand turn lane.

Ms. Ertmer said there is sufficient right-of-way at the intersection to accommodate the left turn lane.

Commissioner Sanbrook asked if there has been any consideration of impact on the east bound lanes from this project.

Ms. Langley stated that it was determined that this project did not have a significant impact.

Commissioner Shannon said she would support the monument sign and that it seems in compliance and tasteful.

Commissioner Sanbrook stated he has the same opinion and that the sign would be critical for northbound traffic.

Commissioner Didbal agreed that there definitely needs to be something on Walton for the public to see.

Commissioner Takhar stated that the request for the third monument sign is reasonable and justification has been provided.

Commissioner Dukes concurs with all the statements, and agrees it is a reasonable request.

Chairman Starkey asked what the finding would be.

Ms. Ertmer stated the finding that needs to be made would be “that the sign is needed to advertise a business(es) that have limited visibility from the adjacent public roadway.”

Chairman Starkey asked that the finding be incorporated into condition #9.

Mr. Trudgeon suggested it be modified to simply say “to allow three signs”.

Commissioner Takhar moved to A. Adopt the Mitigated Negative Declaration; B. Recommend that the City Council adopt the finding that GP 08-01 to change the General Plan designation is in the public interest; C. Recommend that the City Council approve GP 08-01; D. Recommend that the City Council adopt the three findings for RZ 08-01; E. Recommend that the City Council approve RZ 08-01; F. Adopt the four findings for TM 08-01; G. Approve TM 08-01; H. Adopt the three findings for DP 08-01; and I. Approve DP 08-01 with 54 Conditions of Approval, with modifications to Condition #3 to read: “Development Plan DP 08-01 is approved as shown in Exhibits E and F and as conditioned herein. *If the project is to be developed in phases, a phasing plan shall be approved by the Community Development Director. Any unfinished pads shall be hydroseeded to prevent erosion*”; and modifications to Condition # 9 to read: “*Three monument signs are permitted, as shown on the attached plans.*” The motion was seconded by Commissioner Didbal, and passed by a vote of 6-0-1 (Commissioner Tomlinson recused).

Commissioner Tomlinson returned to the dais.

- 2. TENTATIVE MAP TM 08-03 TO SUBDIVIDE ONE PARCEL INTO TWO PARCELS AND A REMAINDER LOCATED ON THE EAST SIDE OF EL MARGARITA ROAD, BETWEEN STATE ROUTE 20 AND FRANKLIN ROAD; ADDRESS: 589 EL MARGARITA ROAD; ASSESSOR’S PARCEL NUMBER: 63-040-013; PROPERTY OWNER: TERRY R. BRANDT; APPLICANT: BRIAN BRANDT.**

Ms. Ertmer presented a staff report.

Chairman Starkey asked what the remainder of the parcel is used for.

Ms. Ertmer stated that at this time it is used for farming.

Commissioner Tomlinson asked if the zoning is R2.

Ms. Ertmer stated that was correct.

Commissioner Shannon stated she had a concern with the right-of-way that is dedicated to the City, and asked if it is to prevent the remainder parcel from being landlocked, and what the intention of the City is for that remainder parcel, and if it would be developed into residential.

Ms. Ertmer stated that the purpose for that dedication is for future build-out of El Margarita Road, and to accommodate the full width of that street at build out.

Commissioner Dukes asked where the new City limit boundary is.

Ms. Ertmer showed the City limit boundary on the map.

Commissioner Sanbrook asked what triggers the need for improvements to El Margarita.

Ms. Langley stated that the Public Works Director makes the determination, and once the determination is made, the property owner only has 60 days to comply with the Deferred Improvement Agreement. Ms. Langley said what triggers the need for an encroachment is development of the property to the north or to the south.

Commissioner Sanbrook what guides the Public Works director to determine that it needs to be done.

Ms. Langley stated that when the property to the north submits an application, one of the conditions would be the construction of the east half of El Margarita Rd. which would then trigger the Deferred Improvement Agreement, or if the property to the south were to submit an application for development, that would also trigger construction of the east half of El Margarita Road.

Chairman Starkey opened the public hearing.

Roger Hamlin, MHM Engineering, spoke on behalf of the applicant. Mr. Hamlin stated the applicant has no concerns with the staff report or the conditions of approval.

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

Commissioner Takhar moved to A. Adopt the 5 findings; and B. Approve TM 08-03 subject to 4 conditions of approval, was seconded by Commissioner Sanbrook, and the motion passed unanimously.

- 3. USE PERMIT UP 08-04 FOR A 7,650 SQUARE FOOT EXPANSION TO AN 18,072 SQUARE FOOT CHURCH LOCATED AT 600 NORTH GEORGE WASHINGTON BOULEVARD; ASSESSOR'S PARCEL NUMBER: 63-020-141 (FORMERLY 19-040-063); APPLICANT/OWNER: YUBA CITY CHURCH OF THE NAZARENE**

Ms. Ertmer presented a staff report. Ms. Ertmer noted that there is also a Deferred Improvement

Agreement here for future street improvements along George Washington Boulevard.

Commissioner Sanbrook asked what the cost of those improvements would be.

Ms. Langley stated they have not received an estimate as of yet.

Commissioner Tomlinson asked what secures the deferred improvement agreement.

Ms. Ertmer stated it would either be a bond, letter of credit or deed of trust.

Chairman Starkey asked if the area to be paved is a gravel parking lot.

Ms. Ertmer stated that was correct.

Commissioner Dukes stated that in the staff report, it indicates there are 17 conditions, and said he only sees 16.

Ms. Ertmer stated she counted incorrectly.

Commissioner Sanbrook asked if the addition is going to the north of the building, what will happen to the existing offices.

Ms. Ertmer stated there will be changes made to the inside of the building.

Chairman Starkey opened the public hearing.

Kurt Hilbers, Hilbers, Inc., spoke about the growth of the church and the need for expansion, and explained how the interior of the building will be rearranged.

Gary Moore, 1857 Kelly Drive, Pastor for the Church of the Nazarene, talked about the churches commitment to the community.

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

Commissioner Sanbrook moved to A. Adopt the 6 findings; and B. Approve the requested Use Permit UP 08-04 subject to 17 conditions of approval, was seconded by Commissioner Takhar, and the motion passed unanimously.

**3. MODIFICATION OF CONDITIONS FOR SUBDIVISION MAP 04-03 DOMAIN ESTATES; NORTH OF BUTTE HOUSE ROAD, WEST OF BLEVIN ROAD AT THE TERMINUS OF QUEENS AVENUE; PROPERTY OWNER AND APPLICANT, PIARA JOHL.**

Ms. Langley presented a staff report.

Chairman Starkey asked if Tuly Road existed.

Ms. Langley stated it does not.

Commissioner Tomlinson asked if there were any improvements being made to Tuly Road.

Ms. Langley stated not at this time.

Commissioner Tomlinson asked how many lots are securing the completion of Tuly Road.

Ms. Langley said for Unit 2, there are 60 lots remaining.

Commissioner Dukes stated the numbers seem disproportional, and asked if there is enough security.

Ms. Langley stated that when Phase 2 is done, the Engineer's estimate for Phase 2 will include those improvements and said that Mr. Johl will not be able to record the map without providing security for those improvements.

Commissioner Tomlinson asked if he can still record the map for Phase I.

Ms. Langley stated that has already been recorded.

Commissioner Tomlinson said his concern is that there is plenty of value there to cause them to want to finish, and if you get a lot of offsite costs, on a per lot basis on a project, sometimes it just languishes.

Ms. Langley stated that Tuly Road is in the impact fee program, and explained that impact fees collected are for the City's share of Tuly Road and that Mr. Johl would be required to construct the excess of what's not included in the impact fee program, which is basically the equivalent to a lane and a half.

Commissioner Sanbrook asked if the amount of \$238,521, which is in the form of a letter of credit, will be released in its entirety.

Ms. Langley stated if the modified conditions are approved, the letter of credit would be released.

Chairman Starkey opened the public hearing.

There being no testimony, Chairman Starkey closed the public hearing.

Commissioner Takhar moved to approve the modifications to Condition #31 to read as follows: *“Along the west side of Blevin Road, from the north property line of Lot 12 along the full length of the proposed Phase 1 of the subdivision; all street, curb and gutter improvements shall be completed prior to the issuance of a building permit within Phase 1 the subdivision. Along the west side of Blevin Road, from the north property line of Lot 12 to the north property line of Lot 62, all street, curb and gutter improvements shall be completed prior to the issuance of a building permit within Phase 2 of the subdivision”*, and to approve the modifications to Condition # 40 to read as follows: *“Existing overhead utilities on the west side of Blevin Road shall be underground from the south side of Queens Avenue to the north property line of Lot 12 as part of Phase 1 of the project. Existing overhead utilities on the west side of Blevin Road shall be underground from the north property line of Lot 12 to the northern terminus near Bradley Estates Drive as part of Phase 2 of the project”*. The motion was seconded by Commissioner Shannon, and the passed by a vote of 4-0-3 (Commissioners Dukes, Tomlinson and Chairman Starkey voted no).

Commission Discussion:

Commissioner Tomlinson spoke about the poor landscaping between Tharp and Harter Roads, and asked what can be done.

Ms. Langley said she believes there is a landscape maintenance agreement for Home Depot, and they have to maintain the landscaping in the State right-of-way adjacent to the Home Depot development, but wasn't sure about the Walmart development and said she would check into it. Ms. Langley stated that most likely they also have and landscape maintenance agreement.

Commissioner Dukes agreed that even though they have an agreement, they have not been keeping up the landscaping.

Ms. Langley said there are provisions in the agreement that state if they don't maintain the landscaping, the City has the option to do the landscape maintenance and pass the cost on to the property owner.

Chairman Starkey asked about the sign ordinance regulations.

Mr. Trudgeon stated the Code Enforcement Officer has been tied up with foreclosures and abandoned properties, and they will do what they can regarding enforcement of the sign regulations.

Other Business: - None

Report on Actions of the City Council: - None

Adjournment: There being no further business, the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Roberta Kyle, Secretary  
YUBA CITY PLANNING COMMISSION