

**A. CALL TO ORDER** – Chairman Dias called the meeting to order at 6:00 p.m.

PRESENT: Commissioners Elvis Dias, Kristin Bettencourt, Jim Reape, Constance Anderson, Matthew Davis, and Anokeen Varani.

ABSENT: Commissioner Geoff Powers

**B. APPROVAL OF MINUTES**

Accepting the minutes of the Planning Commission meeting of October 4, 2018.

**MOTION:** Commissioner Reape moved, seconded by Commissioner Anderson to accept the minutes as submitted.

AYES: Commissioners Dias, Bettencourt, Anderson, Davis, Varani, and Reape

NOES: None

ABSTAIN: None

ABSENT: Commissioner Powers

**C. ANNOUNCEMENTS**

Principal Planner Katie Quintero brought the Commissioner's attention to the minutes taken at the public hearing for Parcel Map 18-04. Planner Quintero explained that the Engineering Division conducts the public hearing for parcel maps and the minutes are provided to the Planning Commission for information purposes only.

**D. PUBLIC PARTICIPATION**

Chairman Dias opened the floor for Public Participation. Hearing no one, Chairman Dias closed the floor for Public Participation

**E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

Chairman Dias asked for declaration of conflicts of interest and disqualifications. There were none.

**2. DISCLOSURE OF EX PARTE COMMUNICATIONS**

- **G.1 REZONE 2018-02, MDP 2018-08 (PRIME SHINE CAR WASH)**
- **G.2 VARIANCE 2018-01 – ELECTRIC GUARD DOG – 700 N WALNUT RD**

Chairman Dias asked for disclosure of ex parte communications.

Commissioner Davis disclosed he had a conflict with item G.1 and will be stepping down from discussion of the item.

**F. CONSENT CALENDAR**

None

**G. PUBLIC HEARINGS**

**\*CONSENT ITEMS**

None

**NONCONSENT ITEMS**

*These items will be individually discussed and reviewed in detail.*

*Commissioner Davis stepped down at 6:02 p.m.*

**1. REZONE 2018-02, MDP 2018-08 (PRIME SHINE CAR WASH):** Associate Planner Adrienne Werner briefly discussed the project explaining that the applicant is requesting to rezone two properties from Planned Development 137 (PD 137) to Community Commercial (CC). The properties are located at 1400 & 1398 Geer Road (Stanislaus County APNs 042-012-024 and 042-012-023). Approved in 1987, PD137 restricted the use of the properties for a car wash (the former Reflections Car Wash) and auto lube and oil business. In requesting to rezone the two properties from PD137 to Community Commercial (CC) it will allow the properties the opportunity to develop using the wider range of commercial uses and development standards in the Community Commercial zoning district.

Associate Planner Werner also explained that in conjunction with the rezone request, the applicant has applied for Minor Discretionary Permit 2018-08 (MDP 2018-08) to allow the construction of a new 7,400 square foot car wash, associated vacuum stalls, on-site parking, and landscaping at 1400 Geer Road. The approval of MDP 2018-08 is contingent upon the approval and rezoning of the property. No changes including demolition or construction are proposed for the auto lube and oil business at 1398 Geer Road.

Associate Planner Werner noted that although the proposed car wash is located on Geer Road it is surrounded by a mix of uses, including an apartment complex to the north, residential zoning and uses to the east, and a single family residence to the south. Due the proximity of the residential uses to the proposed car wash, staff requested a noise analysis be prepared to ensure that the proposed car wash facility would not have a negative impact on the neighboring residences.

The noise analysis identified three areas of noise source: 1) vacuum stations; 2) tunnel entrance; 3) tunnel exit.

The noise analysis identified the cyclone as the primary noise source associated with the vacuum stations. The noise analysis recommended locating the equipment inside the equipment room thus reducing overall noise levels.

Utilizing the rubber pads for silencing the vacuum nozzles when not in use, locating the vacuum stations a minimum of 25-feet from the noise sensitive uses, and providing a sound wall along the north property were addition recommendations to mitigate the noise levels of the car wash.

In addition, Prime Shine designed the car wash tunnel with an immediate 90° left turn (to the south) to further mitigate the noise exiting the tunnel. It is predicted the design of the car wash facility and the installation of quieter equipment at the tunnel exit will comply with the TMC noise standards.

Associate Planner Werner noted the challenges of designing the car wash facility and meet the commercial zoning district design guidelines. The combination of materials, colors, variation in wall planes, and rooflines have been incorporated into the design to soften the otherwise bulky car wash facility.

Commissioner Reape asked how many cars can be accommodated without impacting or blocking entrance from Geer Road.

Associate Planner Werner answered that the design and location of the queue is such that all cars would be waiting on site and would not block entrance from Geer Road. She stated that the applicant could address the design in more detail.

Chairman Dias invited the applicant to address the Commission.

Bob Degrasse, with L Street Architects, explained that the queue is 150-feet in length with a double lane. The queue was designed to hold 20-30 cars without impacting Geer Road.

Commissioner Anderson asked if the office space was used for any other concession space.

Bob Degrasse answered the office space is 100 square feet in size and is used as a small office for employees with the remainder used for the equipment space for the car wash facility.

Chairman Dias opened the public hearings. Hearing no one, Chairman Dias closed the public hearing.

**MOTION:** Commissioner Anderson moved, seconded by Commissioner Reape determine the Mitigated Negative Declaration of Environmental Effect, declaring that the project will not have a significant effect on the environment, incorporating the mitigation measures identified in the Initial Study, and adopt the Mitigation Monitoring and Reporting Program prepared for this project, and having made the findings contained in draft Planning Commission Resolution 2018-18.

AYES: Commissioners Dias, Anderson, Reape, Bettencourt, and Varani  
NOES: None  
ABSTAIN: None  
RECUSED: Commissioner Davis  
ABSENT: Commissioner Powers

**MOTION:** Planning Commissioner Anderson moved, seconded by Commissioner Reape recommend to the City Council approve Rezone 2018-02 (Prime Shine Car Wash) having determined that the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution 2018-19.

AYES: Commissioners Dias, Anderson, Reape, Bettencourt, and Varani  
NOES: None  
ABSTAIN: None  
RECUSED: Commissioner Davis

ABSENT: Commissioner Powers

*Commissioner Davis was reseated at 6:28 p.m.*

**2. VARIANCE 2018-01 – ELECTRIC GUARD DOG – 700 N WALNUT RD:** Principal Planner Katie Quintero presented the staff report explaining that the applicant is requesting a variance from the required 20-foot front yard setback to install an electrified fence inside the existing perimeter fence at 700 N. Walnut Road (Stanislaus APN: 089-014-007). The proposed electrified fence will not exceed 8-feet in height along the front of the property and will not exceed 10-feet in height along the other property lines. The variance is being requested due to the triangular shape of the lot and because of the location of existing buildings and mechanical equipment on the site.

Principal Planner Quintero provided a brief background of the project explaining that on March 29, 2018 Electric Guard Dog submitted an application for a Minor Administrative Approval (MAA), to install an electrified fence at 700 N. Walnut Road (Holt of California) that staff approved with conditions #9 and #10 requiring the electrified fence maintain the 20-foot front yard setback established in TMC §9-2-126. In May, staff received a letter requesting an appeal of conditions #9 and #10 in the MAA. At the July 19, 2018 the Planning Commission denied the appeal determining the findings to approve an MAA could not be made if conditions #9 and #10 were removed.

In an effort to understand the issues and help the property owner provide additional security to their site, staff met with the owner and the Electric Guard Dog representative to review the site and the potential options for the installation of the fence.

The site visit allowed staff to see and understand the constraints of the property which makes it difficult for the electrified fence to meet the 20-foot front yard setback and provide security for the property. Staff recommended the property owner apply for a Variance to ask for an exception to the 20-foot front-yard setback requirement because of the unique shape of the property and the various physical constraints onsite.

During discussions with the Electric Guard Dog representative and the property owner, staff expressed concern with the aesthetics of the electrified fence so close to the front property line. All parties agreed that to minimize the visual impact of the electrified fence within the 20-foot front yard setback the fence would be reduced in height to a maximum height of 8-feet along the front property line, the irrigation along the Walnut frontage will be repaired and maintained, and the missing landscaping replaced.

Commissioner Dias asked what the height of the existing perimeter fence.

Principal Planner Quintero answered that the fence 6-feet tall with barb wire on top.

Commissioner Anderson asked if the fence pulled back in different areas to meet the 20-foot setback.

Principal Planner Quintero answered that jogging the fence in various areas to meet the setback requirement would make the fence more visible.

Keith Kaneko, representing Electric Guard Dog, thanked staff for meeting on site to get a better understanding of the constraints onsite. Mr. Kaneko agreed that jogging the electrified fence in various areas to meet the setback requirement would make the fence it more visually obtrusive.

Chairman Dias opened the public hearing. Hearing no one, Chairman Dias closed the public hearing.

**MOTION:** Commissioner Reape moved, seconded by Commissioner Davis determining that the project is "Categorically Exempt" from the provisions of CEQA, and granting Variance 2018-01 – Electric Guard Dog – 700 N Walnut Rd. having determined the appropriate findings can be made, subject to the conditions of approval contained in draft Planning Commission Resolution No. 2018-21.

AYES: Commissioners Dias, Anderson, Reape, Davis, Bettencourt, and Varani  
NOES: None  
ABSTAIN: None  
RECUSED: None  
ABSENT: Commissioner Powers

**H. OTHER MATTERS**

Principal Planner Katie Quintero reported that the recruitment for the assistant planner position closed on Friday, October 26<sup>th</sup>. Staff along with the human resources department will be reviewing the applications and interviews will be scheduled accordingly.

**I. COMMISSIONERS CONSIDERATION**

None

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

None

**K. COMMISSIONERS COMMENTS**

None

**L. STAFF UPDATES**

Interim Director Nathan Bray briefed the Planning Commissioners on the West Main Street project stating the majority of the underground construction is done. Nathan added that work will be suspended for the winter from mid-December to mid-March. When construction resumes the crews will be working on the section from West Ave South to Lander Ave. Phase 2 of the project is anticipated to take 4-5 months to complete.

Principle Planner Katie Quintero informed the Commissioners about the City Manager's weekly update. City departments provide information about the various department activities. The updates are available on the city website on Fridays.

**M. ADJOURNMENT**

Chairman Dias asked for a motion to adjourn the meeting. Motion by Commissioner Reape and carried unanimously. The meeting was adjourned at 6:53 p.m.

**RESPECTFULLY SUBMITTED**

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Elvis Dias  
Commission Chair

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Katie Quintero  
Principal Planner