

A. 1. CALL TO ORDER – Chair Matthew Davis called the meeting to order at 6:02 p.m.

PRESENT: Commissioners Sukhminder Deol, Mark Reese, Ray Souza, Constance Anderson, Patrick Johnson and Chair Matthew Davis

ABSENT: Commissioner Jim Reape

2. SALUTE TO THE FLAG

Chair Davis led those in attendance in the Pledge of Allegiance.

B. APPROVAL OF MINUTES

1. Chair Davis asked for corrections or a motion to approve the minutes of the Regular Meeting of January 5, 2023.

MOTION:

Commissioner Souza moved, seconded by Commissioner Anderson to accept the minutes as submitted. Motion carried 5/2 by the following vote:

Commissioner Reape	Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Deol	Commissioner Johnson	Chair Davis
Absent	Yes	Yes	Yes	Yes	Yes	Abstain

C. ANNOUNCEMENTS

Director of Development Services Katie Quintero stated there were none.

D. PUBLIC PARTICIPATION

Chair Davis opened the floor for public participation. Hearing no one, Chair Davis closed the floor for public participation.

E. 1. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

2. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Chair Davis asked the Planning Commission if there were any conflicts of interest or disclosures of ex parte communications.

Commissioner Reese stated a conflict with Item G2 Complete Wireless.

F. PUBLIC HEARING CONSENT CALENDAR

Chair Davis stated there was nothing on the public hearing consent calendar.

G. PUBLIC HEARINGS *CONSENT ITEMS

Chair Davis noted there are two items:

1. REZONE 2022-03 (2710 GEER RD)

Director of Development Services Katie Quintero presented her staff report stating the applicant is requesting to rezone a 2.62-acre parcel located at 2710 Geer Road from Planned Development 34 (PD 34) to Community Commercial (CC). Zoning on this property originally changed in 1974 from Residential to PD 34 to allow a movie theatre and Taco Bell. In 2001 the Planning Commission approved Conditional Use Permit 2001-07 to allow the former movie theater building to be used as an In-Shape Health Club. The approved CUP limited the use of the existing building to be used as only as a health club. This request to rezone the property from PD 34 to Community Commercial would allow more flexibility for the use of the property in conformance with the uses established in the Community Commercial zoning district. No specific use has been proposed as part of this application.

Commissioner Anderson asked about findings #3 & #6 which reference site designs and use of the site.

Director of Development Services Katie Quintero stated no use was requested as part of this rezone.

Commissioner Souza commented that the business design should benefit the local community.

Director of Development Services Katie Quintero stated the intention of the community commercial zoning district is to serve the local community. The uses allowed in the community commercial zoning district are not intended to draw regional customers to the area. For instance, a Target or other big box store that draws from around the region is not allowed in the community commercial zoning district.

Commissioner Deol asked if In-Shape could reopen if they wanted.

Director of Development Services Katie Quintero stated In-Shape could reopen as a gym as this is an allowable use in the community commercial zoning.

Public Hearing

Chairman Davis opened the floor for public hearing.

Jeffrey Solomon, the applicant, stated In-Shape has not expressed any interest to reopen.

Chair Davis closed the floor to public hearing.

MOTION:

Commissioner Souza moved, seconded by Commissioner Reese recommending the City Council approve the Rezone 2022-03 and determined that the project is Categorically Exempt from the provisions of CEQA, and that all the appropriate finding can be made, subject to the conditions of approval contained in draft Planning Commission Resolution 2022-03. Motion carried 6/1 by the following vote:

Commissioner Reape	Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Deol	Commissioner Johnson	Chair Davis
Absent	Yes	Yes	Yes	Yes	Yes	Yes

2. CUP 2022-03 COMPLETE WIRELESS:

Commissioner Reese stepped down from the dais at 6:21 p.m.

Director of Development Services Katie Quintero presented the staff report stating Complete Wireless Consulting, on behalf of AT&T Wireless, is requesting approval to install and operate an 83-foot tall monopine wireless communication facility (cell tower) to be located behind the existing building at 501 N. Golden State Boulevard. The monopine and associated ground equipment will be located within a 536 square foot fenced area. A Conditional Use Permit is required as it exceeds the allowable height limit. The cell tower is designed as a monopine, including tree branches, meeting the stealthing requirements in the TMC. A map of the existing coverage was provided along with the change in coverage the new cell tower will provide.

Director of Development Services Katie Quintero stated a neighbor expressed concerns regarding the health impact from this monopole. Director Quintero stated that a radio frequency report was submitted as part of the application showing the project would comply with all FCC regulations.

Commissioner Anderson asked if the conditions require the camouflaging to be kept up.

Director of Development Services Katie Quintero stated that it is not specifically addressed in the conditions as it is an expectation of the facility.

Public Hearing

Chair Davis opened the floor for public hearing.

Applicant Macy Habibeh stated the monopole will help close the gap in communication capacity and coverage in the area.

Jeffrey Solomon asked if compliance requirements with the FCC standards are part of City application.

Director of Development Services Katie Quintero stated the required parameters are part of the reports required for application submittal but are not specific requirements of the project.

Chair Davis closed the floor to public hearing.

MOTION:

Commissioner Anderson moved, by Commissioner Souza to approve CUP 2022-03 and determined that the project is Categorically Exempt from the provisions of CEQA, and that all the appropriate finding can be made, subject to the conditions of approval contained in draft Planning Commission Resolution 2023-02 with an added condition that the cell tower shall be continuously maintained in a manner consistent with the approved plans. Motion carried 5/2 by the following vote:

Commissioner Reape	Commissioner Reese	Commissioner Souza	Commissioner Anderson	Commissioner Deol	Commissioner Johnson	Chair Davis
Absent	Abstain	Yes	Yes	Yes	Yes	Yes

Commissioner Reese was reseated at the dais at 6:39 p.m.

H. OTHER MATTERS:

Chair Davis noted there were none.

I. COMMISSIONER'S CONSIDERATION

Chair Davis noted there were none.

J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS

Chair Davis noted there were none.

K. COMMISSIONERS COMMENTS

Commissioner Souza asked for an update on the Firehouse pole sign.

Director of Development Services Katie Quintero stated it is going to be addressed at the cannabis Adhoc committee meeting.

Commissioner Davis stated the first Adhoc committee meeting is on Monday, February 6th.

L. STAFF UPDATES

Director of Development Services Katie Quintero stated Planning is working with a consultant to update the City's Housing Element and a joint meeting with the City Council will be scheduled in March or April to begin discussions.

M. ADJOURNMENT

Having no further business, Chair Davis asked for a motion to adjourn the meeting. Motion by Commissioner Souza. Motion carried unanimously by a voice vote. The meeting was adjourned at 6:41 p.m.

RESPECTFULLY SUBMITTED

Matthew Davis
Planning Commission Chair

Katie Quintero
Director of Development Services