

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

**Regular Meeting
6:30 p.m.**

**February 19, 2014
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, February 19, 2014, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, February 27, 2014.

ROLL CALL

Present: Commissioners Pinto, Miller, Baatrup and Westerman
Chair Hinojosa and Vice Chair Motts
Absent: None
Staff: Senior Planner, Mindy Gentry
Contract Planner, Scott Davidson
Public Works Director, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** None

END OF CONSENT CALENDAR

CONTINUED ITEM

2. **AutoZone** proposes to amend the General Plan from High Density Residential to Neighborhood/Community Commercial and the East Lone Tree Specific Plan from Medium High Density Residential (R_H) to Community Retail (C_N), to rezone the property to Planned Development (PD), and to secure approval of a Final Development Plan, variance, use permit, and design review to develop a 7,766 square-foot AutoZone store. The project is located on the northeast corner Lone Tree Way and Fairside Way (**APN: 056-120-086**).

CP Scott Davidson provided a summary of the staff report dated February 13, 2014.

Chair Hinojosa discussed with PWD Bernal the safety concerns, deceleration lane, and the median. PWD Bernal said that the road in front of the project is 4 lanes which will ultimately be 6 lanes, and that he recommends against having right turns into the driveway.

Commissioner Pinto discussed with PWD Bernal that the typical width of lanes are 12 feet, that the City has allowed less than 12 feet but that he does not think a deceleration lane is possible.

OPENED PUBLIC HEARING

Bob Abbott spoke on behalf of Auto Zone and said that he was present to respond to questions or concerns.

Jeff Halbert also spoke for Auto Zone and said that looking at the project as a whole; they submitted the application a year ago, and that in the prior packet there weren't conditions for approval so the matter was continued to tonight. He said that this is a very small property, that residential development on the site would end up with 6 to 8 units, and that in the response to the comment letter received regarding the Mitigated Negative Declaration, staff's response was that the project would not be inconsistent with nearby land uses. He said that concerning the lack of adequate buffering they have increased the setback and there is a 6' high concrete sound wall between the properties. Historically this site was designated as commercial use but is currently designated residential with a public overlay. He said that if the project fails, the school district may use the site per their letter. He said traffic generation is not conflicting with the residential use given the primary hours show most customers coming Saturday afternoons and 6:00 to 8:00 pm. He said that PD zoning allows flexibility to fit a project.

In response to Commissioner Motts concern with people working on cars on site, Mr. Halbert said that there are corporate rules, that businesses don't allow that and they don't feel this will be a problem.

Commissioner Pinto expressed concern with vans or cars pulling up to the wall and people jumping over the fence into the residential area and the possibility of the parking facing Lone Tree Way, Mr. Halbert said that the parking spaces are 10 ½ feet from the wall and that the driveways would have to be shifted to the corners to create circulation if the parking area moved to the corner of Lone Tree Way and Fairside Way.

Commissioner Westerman confirmed with Mr. Halbert that deliveries to the store are once a week and the hours are flexible. The trash pickup is a single truck just the same as residential pickup.

Joel Keller also spoke for Auto Zone and said that this site currently brings in minimal property taxes, that this project will provide construction jobs and 15 to 20 permanent jobs, and will increase property and sales taxes. He said that the site has been undeveloped for a long time, that the deceleration lane is going to be a problem with whatever goes there and that other Auto Zones have recently been approved with similar square footage and lot size.

Jon Stansbury representing Auto Zone as a broker said that the Auto Zone on Somersville is a smaller site and that he would recommend staff take a look at Auto Zone's Monument Boulevard store which is a very similar site.

Sean Wright spoke for the Antioch Chamber of Commerce in support of the project which would generate revenue and taxes and asked the Planning Commission to consider the opportunity.

Norm Dyer spoke on behalf of the owners of the Bella Rose Apartments and said that he wanted to stress the professional and thorough job that staff has done. He addressed comments with the school district letter, the deceleration lane and reduction in parking. He said that he would ask the applicant or the Commission to study what the expenses will be to the City and if it will benefit the City or be a liability to the City. He said that the Concord Auto Zone is not in a residential zone and is not on a corner lot.

CLOSED PUBLIC HEARING

Commissioner Motts clarified with staff that there would be a public process before the school can use the property.

PWD Bernal said ideally there would be no access off of Lone Tree Way but that he doesn't believe that with deliveries and the way the building is structured that you can do without the two points of access.

Chair Hinojosa asked staff to provide an explanation regarding the City's response to comments that the project would not be inconsistent with land uses to which CP Davidson said that it means that it doesn't rise to the threshold of a significant impact.

In response to Commissioner Motts, SP Gentry stated that there were no last minute letters other than the letter from the school district.

Commissioner Pinto said that the plot is a square; Fairside Way is narrow; and asked what can be done with this property to eliminate driveways on Lone Tree Way and possibly put two driveways on Fairside. He proposed a condition of approval to decrease the size of the building where Fairside can be widened and the median moved to create enough space for circulation out of Auto Zone. Scott Davidson responded that while he doesn't know the distance requirements from the intersection, he believes it would be difficult to have two driveways on Fairside and that the design solution might be to create a turn around but that would take land that doesn't exist.

REOPEN PUBLIC HEARING

Jeff Halbert said that the traffic study did not point out that as an issue, that this is a perceived issue of staff and that applicant would consider a right out only as an exit only and eliminating the need for deceleration.

Commissioner Pinto expressed concern with patrons safely trying to get onto Lone Tree Way and asked what consideration can be made by the developer to reduce the size of the building or something else to help the process.

Mr. Halbert responded that there is a signal there and traffic will stop periodically and create an opportunity for exiting. If the driveway was close off and all traffic goes to Fairside, they will need some type of dead end or turnaround. He said that if the City decides to eliminate the driveway on Lone Tree Way that this is taking this site off the shelf for retail use.

Commissioner Pinto said that if the driveway is necessary for business to function on Lone Tree Way, he would like to see the deceleration lane created and would like to see an eight foot tall wall between the properties.

RECLOSE PUBLIC HEARING

Commissioner Pinto discussed with PWD Bernal the suggestion of pushing the building back and making room for a deceleration lane. They also discussed a similar business on A Street.

Chair Hinojosa asked staff if they had worked with the applicant to work out layouts of the site to which SP Gentry said that potential variables and other ideas were discussed. She said that the building on A Street is probably legal nonconforming.

Commissioner Motts stated that he is struggling with the applicant's comment that any usage is going to have the same problems and that he would like to see the City have revenue.

Chair Hinojosa mentioned that it is not only circulation issues but also General Plan, zoning, rezoning and variance issues which should not be taken lightly.

Commissioner Westerman said that in general he doesn't like the idea of spot zoning, that the most proper way would be to find a location wherein the project conforms to the General Plan and the Specific Plan, and that what we are doing here is coming up with a project and then changing the requirements to fit. He said he is a little concerned about setting precedence and that this opens the door for others to expect the same. He is concerned about the turn from Lone Tree Way and that there is not enough room for a right turn lane.

Commissioner Miller questioned staff about deliveries and the median on Fairside to which PWD Bernal said that his understanding from the drawings is that deliveries would come in off Lone Tree Way, turn right in the parking lot and exit onto Fairside with modifications to the median.

Chair Hinojosa said that she is deeply troubled by this project; this is a good business for the City; that we need growth; the Chamber supports the project; but that the Planning Commission's role is to look at land use. She said that applicant has attempted to integrate, but feels this project falls short on so many levels. She said that

she feels like proceeding with this project is setting a precedent and that she can't really support approval of the project with these resolutions. The variance being proposed is asking for major deviations and she concurs about the circulation issues and she doesn't know how she can support it at this time.

Commissioner Baatrup said that he is struggling to find a way to stand behind this project and he doesn't disagree that this corner is a very awkward corner but thinks this project requires too many concessions and compromises. He said that there are multiple areas that would support this project in the City and he doesn't think this corner is one of those and that he can't support it.

Commissioner Baatrup made a motion to adopt the resolutions of denial contained in Attachment A of the staff report. Commissioner Westerman seconded the motion.

Commissioner Pinto suggested making an amendment and asked if this was doable.

CA Nerland said that the maker of the motion can consider an amendment or the Commission can vote on the motion. Commissioner Baatrup said that he was willing to hear the proposal.

Commissioner Pinto stated that the amendment would be to have the developer come back with solutions that meet most of the critical issues that have been raised today, that opportunity should be given to the developer and further suggested that staff also try to work with the developer to see how to mitigate these issues and come back to the Commission at a later date.

Chair Hinojosa clarified with Commissioner Pinto that he is proposing to continue the item.

Commissioner Baatrup said that while he appreciated Commissioner Pinto's desire to work this out and the applicant had the opportunity look at the concerns and to continue the project at the last meeting and he stated he would like to take his motion to vote.

RESOLUTION NO. 2014-04

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission cannot make findings that the proposed General Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to City of Antioch's General Plan.

AYES: Hinojosa, Motts, Miller, Baatrup, and Westerman
NOES: Pinto
ABSTAIN: None
ABSENT: None

RESOLUTION NO. 2014-05

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission cannot make findings that the proposed Specific Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to the East Lone Tree Specific Plan.

AYES: *Hinojosa, Motts, Miller, Baatrup, and Westerman*
NOES: *Pinto*
ABSTAIN: *None*
ABSENT: *None*

RESOLUTION NO. 2014-06

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission hereby recommends to the City Council denial of the change to the City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

AYES: *Hinojosa, Motts, Miller, Baatrup, and Westerman*
NOES: *Pinto*
ABSTAIN: *None*
ABSENT: *None*

RESOLUTION NO. 2014-07

On motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission hereby recommends to the City Council denial of the final development plan, variance, use permit, and design review applications proposed by the Project.

AYES: *Hinojosa, Motts, Miller, Baatrup, and Westerman*
NOES: *Pinto*
ABSTAIN: *None*
ABSENT: *None*

NEW PUBLIC HEARING

- 3. PDP-13-01 – HEIDORN VILLAGE PRELIMINARY DEVELOPMENT PLAN .**
Douglas Krah requests the review of a preliminary development plan, which is not an entitlement, for the development of 117 single family homes on approximately 20.3 acres. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive (**APNs 056-130-013, -015, -017, -018**).

SP Gentry provided a summary of the staff report dated February 13, 2014.

In response to Commissioner Pinto's concern that two story homes are not practical for senior citizens, SP Gentry stated that the applicant has proposed 18 single story homes, that historically before the economic downturn developers were going with the largest house they could build and it has been priority of the City to incorporate single story homes and that 18 is a good variety. She said that the Commission can discuss further in deliberations.

In response to Chair Hinojosa, SP Gentry said that there is some guidance on small projects in the General Plan but that there isn't a lot of guidance and that design guidelines pertain to residential in its entirety and not small lot development.

Chair Hinojosa asked staff about the list of items in the conclusion section. SP Gentry said that this is not a formal action the Planning Commission is taking tonight, that this is an opportunity for the applicant to gather feedback, and for the Commission to provide guidance on the project. Staff has put together the list of 17 items of what staff would like to see incorporated in the project and it is the Commission's prerogative to delete or add to the list.

In response to Commissioner Motts, SP Gentry said that there isn't going to be adequate space to provide RV storage.

Commissioner Pinto asked staff about the trail connection and if this was a City requirement given that trails in some areas have been problematic. SP Gentry said that accessibility is not a requirement but it is a policy to make trail connections more accessible and that maybe a gate or security can be provided by the HOA.

OPENED PUBLIC HEARING

The applicant, Douglas Krah, said that this piece of property has unique constraints: the trail is at the northerly property line; one of the neighbors is the Heritage Baptist Academy; and that retail and commercial are in close proximity. He said that they are targeting single parents with kids, fully retired seniors and first time buyers. The HOA is responsible for all front yard landscaping and that the backyards are not big. He said that while he agrees with everything in the staff report, there are a couple of things they are tussling over such as the trail connection being a bad idea, and item 12 requiring the masonry wall. He proposed the church, himself and the City sit down and come up with a better solution and that while they did submit plans with 18 single story lots, he doesn't want to commit to all 18 but to start with 12. He said that he was ready to answer questions.

Commissioner Westerman clarified with the applicant that the front yard maintenance would be the responsibility of the HOA; there are strict requirements for water usage; landscaping would include turf and plants; irrigation would be monitored by the HOA; and the project would provide a very simple lifestyle.

Commissioner Westerman asked applicant about the HOA dues and said that he did not like the sidewalks on one side of the street. Applicant responded that the HOA dues

are approximately \$150.00 a month and that there is less concrete and the sidewalks are a continual loop.

Commissioner Motts clarified that there is only the curb and gutter between the street and the property and said that he is in favor of most suggestions of staff, particularly item 10 given the easy access to join the trail which may be gated. The applicant said that they have been generally divided on that issue from day one, and the site plans reflect that no homes are backing up to the trail or to the church.

Commissioner Pinto expressed concern with street parking on one side, said he was not sure where guest parking would be located and asked if the streets names were placeholders. The applicant said that the street names were placeholders and clarified with SP Gentry that City requirement is two enclosed spaces and one guest space on the street.

Commissioner Pinto asked if solar panels would be incorporated on rooftops to which applicant said that solar panels will definitely be available to all owners and that rebates come and go.

In response to Commissioners Westerman and Motts questions regarding garage and on street parking, the applicant stated that one of the clauses of the HOA is that you must be able to park in the garage which is pretty enforceable, and that there are places where you can park on the street overnight.

In response to Chair Hinojosa regarding the masonry wall, the applicant said that while they haven't talked to the church, he would want residents to be able to see into the church property at night and that maybe vinyl coat chain link fencing with a gate on the northern edge of the East Bay Trail would be best.

In response to Chair Hinojosa regarding C3 and sidewalks, the applicant said that the park was never planned to be comingled with C3 and pointed out various lots planned without sidewalk access.

Commissioner Westerman asked about garbage cans to which the applicant said that given the concern of garbage trucks backing down driveways on flag lots, there are curbs that will be painted to dedicate a small window for garbage pickup but that cans will have to be wheeled out.

Commissioner Baatrup said that he is not excited about 55% coverage on a lot and that this is not the kind of projects he would like to see a lot of. He would like to manage these types of developments in the City. He said that he would prefer no turf. He said that the 20' driveway length may not work for the average pickup truck and asked about the product size.

Applicant responded that the park will be turf but there will be a good combination that doesn't require a lot of water. He said that the City standard for driveways is 20' but this is a minimum and some may be longer. The single homes are 1600 sf and the two story homes are about 2000 to 2500 sf.

Commissioner Baatrup stated that there are too many two story elevations and he would suggest that where you have lots adjacent to lots with single stories that you put single family behind them. He said that he liked the idea of accessing the trail.

Commissioner Motts said that he would like to see the use of California native plants which are usually drought tolerant.

Commissioner Pinto said that looking at the site plan, the Heritage Baptist Church shows a future driveway that will be coming into Street A and the road that leads to Street A is 4 lanes from Lone Tree Way and then narrows to two lanes and asked at what point they plan on widening the street to four lanes and if the Church's proposed driveway is accommodated. The applicant responded that it would be early on in the process because utilities are will have to be installed and that they will keep the church open for business during construction.

Bryce Ellsworth member of the Heritage Baptist Church said that they have met with the applicant and they appreciate applicant's desire to develop the land, but that he has great concern of the affect of this project on the church. As a non-profit, there is great concern over the cost of the project and the impact financially on the church and the school. He said that the church and school have been in existence for approximately 30 years and there is a good possibility that this project will bankrupt the Church. It is their hope that the Planning Commission can help them find a solution to the problem. He said that while Ron Bernal has been a big help, if you ask the church to come up with that sum of money, it can be devastating for them. He said that all that should be required is the Antioch's portion of the roadway in front of them, not the Brentwood portion.

Chair Hinojosa asked what exactly it is going to cost them, \$705,000, to which Mr. Ellsworth said that this is an estimate for deferred improvements or Heidorn Ranch Road from the 1995 agreement.

John Williams, in charge of community outreach for the church, said that he is a concerned church member who would like to see the project go forward but is concerned of the affect it will have and the impact of the road. He said that financing is tough, that he is hoping and praying for a miracle but that they are definitely in over their head.

Commissioner Pinto said that if this project were not to move forward at this time, pursuant to the 1995 agreement the money would be needed in the future and perhaps the church can work with Doug and maybe raise the HOA fee to support the cause.

CLOSED PUBLIC HEARING

Commissioner Baatrup said that he has no other comments as he has already provided feedback.

Commissioner Motts reiterated the importance of the trail connection.

Chair Hinojosa said that she very much encourages access to the trail, that she would like to see different variations between the homes proposed along with variations with sod treatments, that she would like to see the homes facing Prewett Ranch Road to have some entry feature associated with the property and prominent doorways and that it would be nice to see a playground in the park.

Commissioner Westerman clarified with staff that design review with specific elevations would be coming back if the applicant moves forward.

Commissioner Baatrup said that perhaps staff could provide feedback to Discovery Builders that this is the fourth or fifth time they have gotten last minute letters and that if they really want us to take them seriously, they get them in time before the staff report.

Commissioner Pinto asked if there was any kind of legal stipulation that if a party submits written requests for the Commission to consider that they have to submit within a certain amount of time prior to the meeting occurring or when a packet is ready and if they don't meet the deadline, it will be seen but not part of the decision.

CA Nerland said that she can look at it. That the packet is public the Thursday night before the meeting, and that they have a representation of this developer in the audience.

REOPEN PUBLIC HEARING

Dick Sestero said that he was not able to get hold of the site plan until yesterday, that he had no way to have comments for the staff report and that it wasn't until today that they could put their thoughts together.

Commissioner Baatrup responded that they have seen these at the eleventh hour, that they do run the risk that the Planning Commission may not give it appropriate time for consideration and if they want the Commission to take comments they need to submit them.

RECLOSE PUBLIC HEARING

NEW ITEM

4. Meeting Procedures, Brown Act and Due Process

Short recess taken at suggestion of CA Nerland.

Roll call taken with all Commissions present except Commissioner Miller who rejoined the Commission at 9:35 p.m.

CA Nerland discussed with the Planning Commission, meeting procedures, the Brown Act and due process.

Commissioner Motts clarified with CA Nerland the issues of recusal.

Commissioner Baatrup discussed with CA Nerland conversations taking place after hearings.

Chair Hinojosa discussed with CA Nerland the reopening of public hearings.

Commissioner Baatrup discussed with CA Nerland a person testifying more than once.

ORAL COMMUNICATIONS

SP Gentry said that there will be two meetings in March, March 5 and 19.

CA Nerland said that the City Council denied the Pointe project on a 3/2 vote.

Chair Hinojosa indicated that she would be traveling in March and Commissioner Westerman indicated that he would be traveling on March 19th.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts said that the Transplan meeting was continued.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 10:25 p.m.

Respectfully Submitted,
Cheryl Hammers