

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**August 1, 2012
City Council Chambers**

CALL TO ORDER

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, August 1, 2012, in the City Council Chambers. He 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, August 9, 2012.

ROLL CALL

Present: Commissioners Langford, Azevedo, Westerman, Motts, Sanderson
Vice Chair Bouslog and Chairman Baatrup
Absent: None
Staff: Senior Planner, Mindy Gentry
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Chairman Baatrup announced that there were two new Planning Commissioners and he asked each new Commissioner to introduce themselves and give some background. Virginia Sanderson said that she was a recent resident of Antioch and a litigation attorney in San Francisco and Kerry Motts said that he is a lifelong resident of Antioch and recently completed a degree.

City Attorney Nerland added that these folks volunteer with no compensation, only a desire to give back to the community.

CONSENT CALENDAR

1. Approval of Minutes: July 18, 2012

On motion by Commissioner Azevedo, and seconded by Vice Chair Bouslog, the Planning Commission approved the Minutes of July 18, 2012.

AYES: Bouslog, Baatrup, Azevedo, Westerman, Motts, Sanderson
NOES: None
ABSTAIN: Langford
ABSENT: None

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARINGS

2. **UP-12-01** – Compass Commercial is requesting a use permit for a 24 hour convenience store located at 1708 – 1710 A Street (**APN: 067-243-031**).

Commissioner Langford clarified with Senior Planner Gentry that this item has been continued once again to flush out items with the applicant.

On Motion by Commissioner Westerman and seconded by Commissioner Azevedo, the Planning Commission continued UP-12-01 to August 15, 2012.

AYES: *Baatrup, Bouslog, Langford, Azevedo, Westerman, Motts, Sanderson*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

3. **UP-12-03** – Fernandes Towing is requesting a use permit for a towing storage yard and pickup facility for vehicles located at 437 “O” Street (**APN: 066-124-003**).

CA Nerland interjected that the Planning Commission has two new commissioners tonight who have both reviewed information on the project and are now ready to proceed to hear the project.

Commissioner Sanderson and Commissioner Motts both said that they have reviewed all materials and feel comfortable to proceed.

Commissioner Langford said that he was absent at the last meeting but that he has read the reports and feels comfortable to proceed.

SP Gentry provided a summary of the staff report dated July 26, 2012.

Vice Chair Bouslog discussed with SP Gentry the fencing options on the attachments.

Commissioner Azevedo questioned staff about project specific condition 27 no longer being applicable to which SP Gentry said that it is actually project specific condition 28 in the new resolution and that staff is making recommendations on the landscape plan.

Commissioner Langford discussed with SP Gentry the option for galvanized, painted or coated fencing and that the Planning Commission can condition the project beyond what is in the staff report.

OPENED PUBLIC HEARING

Applicant, Mike Fernandes, said that he has done research and that the one hundred feet of wrought iron fence would cost him approximately \$20,000.00 so that if he can't put up cyclone with slats that he will have to back out of the deal.

Eric Rehn handed the Planning Commissioners a few items including pictures. He said that applicant is currently in contract to purchase the property for \$200,000.00, that the property is deteriorated with homeless there, that Mike will spend a lot of money to fix up the property, and that the breaking point is the excessive tenant improvements. He said that the fence applicant wants is very common in the area and that while there is another fence of wrought iron required ten years ago, he feels there should be a single standard for the area and that Antioch has many vacancies and needs to make it easier to do business in the City.

Commissioner Langford asked applicant if given the setback for the fence if there would be an electric gate to which applicant said that possibly in the future. Commissioner Langford then asked if towing would be done with flatbeds or if there would be cars towed from behind a tow truck and voiced his concern with making sure cars are all off of the roadway and that a motorized gate would allow the driver to pull all the way in. Applicant said he is fine with moving the gate from 20 feet to 30 feet from the property line.

CLOSED PUBLIC HEARING

Chairman Baatrup asked staff if Mr. Scotto's project was looked at given his public testimony at the last hearing to which SP Gentry stated there was not time to consider that resolution.

Chairman Baatrup then confirmed with staff that there was no requirement for ornamental or wrought iron.

Commissioner Langford said that after reviewing the project and visiting the site, Mr. Scotto still has a chain link fence on the side of his property with more of a storefront, not a tow yard. He said that as long as applicant moves the gate back for a safe approach he does not have anything against slats and chain link fence.

Commissioner Westerman concurred and said that for this applicant, chain link fence with slats is acceptable and is an improvement to the area.

Commissioner Azevedo said that while he cannot speak for what was previously done, that since Mr. Scotto's fence we have design guidelines, that expectations do change, and that if there is nothing in the guidelines to prohibit chain link with slats he has no problem recommending chain link fence with slats.

Chairman Baatrup asked staff if there was a color requirement for the slats given Mr. Rehn's pictures showing slats to be redwood. SP Gentry said that there was no color requirement. Applicant interjected that they can match the fence.

Chairman Baatrup said that he would prefer a neutral color maybe brown with no greens, whites or patterns.

Commissioner Motts concurred and stated that he has the same type of fence on his property downtown.

Vice Chair Bouslog said that while he is all for a wrought iron fence, he feels that as a City they need to do a better job identifying what fences go in what areas.

Commissioner Langford clarified with staff that the barbed wire on top would be going away.

Applicant interjected that he will put in landscaping but that he will be putting up a new fence with barbed wire on top.

It was decided by the Planning Commission to reopen the public hearing.

REOPEN PUBLIC HEARING

Commissioner Langford asked applicant what the height of the fence would be to which applicant said that the corporation yard has seven feet with one foot of barbed wire but that he would be agreeable to going down to six feet with the barbed wire.

Commissioners Langford and Azevedo and Chairman Baatrup discussed the barbed wire being straight or at a 45 degree angle.

Commissioner Langford clarified with staff that the corporation yard fence was seven feet high.

Commissioner Azevedo said that given Mr. Scotto doesn't have assets in his parking lot 24 hours a day and that he has a fence with spikes, that applicant needs some type of protection for his assets. He said that chain link fencing is most cost effective but that he would prefer a 45 degree angle.

Applicant stated that with his fence on the north side, if it were put on the property line with a 45 degree angle, it would extend over his neighbor's property to which Commissioner Langford stated that the 45 degree would go back into applicant's property.

Mr. Rehn said that given that they are currently in escrow, they are requesting a decision today because more delay is making it tough to keep this deal together.

RECLOSE PUBLIC HEARING

Commissioner Langford made a motion to approve and clarified with staff changing the gate from 20 feet to 30 feet back and adding a Specific Condition 38 given a condition for fencing was left off for the Planning Commission to write.

RESOLUTION NO. 2012-09

On Motion by Commissioner Langford and seconded by Commissioner Azevedo, the Planning Commission approved UP-12-03, subject to the following:

- **Conditions 1-29 as written.**
- **Condition 30 to be changed as follows: “The vehicular gate on “O” Street shall be relocated to be at least 30’ behind the sidewalk.**
- **Conditions 31-37 as written.**
- **Add Condition 38 to read “The chain link fence shall be replaced and shall have vinyl clad fence fabric, posts, top rails and hardware. The barbed wire shall be on top at a 45 degree angle, 3 stranded, facing toward the property. Slats shall be as close in color to the corporation yard as possible. Chain link fence to be seven feet high.**

AYES: *Bouslog, Baatrup, Langford, Azevedo, Westerman, Motts, Sanderson*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

ORAL COMMUNICATIONS

CA Nerland said that to be respectful of the summer months would there be a quorum for the August 15th meeting to which Commissioner Westerman said that he would not be present but all other Commissioners indicated that they would be present at that meeting.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo said that Transplan still has not met.

ADJOURNMENT

Chairman Baatrup adjourned the Planning Commission at 7:20 p.m.

Respectfully Submitted,
Cheryl Hammers