

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**September 19, 2018
City Council Chambers**

Chair Parsons called the meeting to order at 6:30 P.M. on Wednesday, September 19, 2018, 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, September 26, 2018.

ROLL CALL

Present: Commissioners Zacharatos, Motts, Martin, and Schneiderman
Vice Chair Turnage and Chair Parsons
Staff: Director of Community Development, Forrest Ebbs
Senior Civil Engineer, Ken Warren
Associate Planner, Zoe Merideth
Interim City Attorney, Samuel L. Emerson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: August 1, 2018

On motion by Commissioner Zacharatos, seconded by Commissioner Motts, the Planning Commission approved the minutes of August 1, 2018, as presented. The motion carried the following vote:

AYES: Motts, Martin, Zacharatos and Parsons
NOES: None
ABSTAIN: Schneiderman and Turnage
ABSENT: None

NEW PUBLIC HEARING

2. **PW 357-301-18 – 2520 Somersville Parcel Map** - On behalf of Antioch Oaks, LP, ACRE Investment is submitting the application to place a condominium map on the property located at 2520 Somersville Road (APN 074-450-034-9). The building is approximately 84,000 SF in total, with approximately 38,000 SF occupied by 24 Hour Fitness and the remaining space being vacant.

Senior Civil Engineer Warren presented the staff report dated September 14, 2018 recommending the Planning Commission approve the tentative parcel map subject to conditions contained in the staff report's attached resolution.

In response to Commissioner Martin, Senior Civil Engineer Warren clarified that this was a commercial condominium project, on the south side of Somersville Towne Center, in the former Gottschalk building.

Chair Parsons opened and closed the public hearing with no members of the public requesting to speak.

Commissioner Martin commented that this project would facilitate commercial revitalization, for the west side of Antioch.

RESOLUTION NO. 2018-21

On motion by Commissioner Martin, seconded by Vice Chair Turnage, the Planning Commission approved the tentative parcel map subject to conditions contained in the staff report's attached resolution.

The motion carried the following vote:

AYES: Zacharatos, Motts, Martin, Turnage, Schneiderman and Parsons
NOES: None
ABSTAIN: None
ABSENT: None

3. **PDP-15-02 – Quail Cove** – Discovery Builders requests approval of a 30-unit residential subdivision on an existing 5.59-acre vacant parcel (056-130-012). The request includes adoption of an Initial Study/Mitigated Negative Declaration, a rezoning from Planned Development to Planned Development 15-02, and approval of a 30-unit subdivision with an additional parcel for a bio retention basin. The project site has a General Plan Land Use Designation of Medium Low Density Residential. The project site is located to the east of the current terminus and south of the future extension of Prewett Ranch Drive, west of Heidorn Ranch Road and north (APN 056-130-012).

Director of Community Development Ebbs presented the staff report dated September 14, 2018 recommending the Planning Commission adopt the resolution recommending the City Council adopt the Initial Study/Mitigated Negative Declaration, rezone the property, and approve the Final Development Plan/Vesting Tentative Map. He reported he had provided a two-page addendum to the staff report recommending the following:

- Striking Grading Plan and Permit conditions #8 and #10
- An addition to Roadway, Sidewalk, Driveway, And Curb Ramp Design condition # 11 to read, "An alternate arrangement for completion of all Prewett Ranch Drive Improvements and/or reimbursement may be considered by the City Engineer."

In response to Commissioner Martin, Director of Community Development Ebbs explained that if there was an issue with the project complying with the City's design guidelines, lot and plan numbers may change, as the project goes through final design review.

Commissioner Martin stated he was pleased with the variety of product type. Speaking with regards to lots #1-7, he expressed concern that residents would be backing out of their driveways onto Prewett Ranch Drive.

Director of Community Development Ebbs responded that the speed limit was 35 MPH in the area and they did not anticipate Prewett Ranch Drive becoming a thoroughfare. He noted that when residences were located on the street, it tended to slow traffic. He commented that due to the size of the parcel, it would be difficult to retain a reasonable unit count, if all of the lots faced internally. He explained that the Heidorn Ranch Road connection and Sand Creek Road extension would change traffic patterns in the area.

Commissioner Martin questioned if the Covenants, Conditions, and Restrictions (CC&Rs) would include a review of the housing colors, so that they would remain consistent.

Director of Community Development Ebbs stated that the project conditions did not address house colors; however, the Commission could recommend that a condition be added requiring paint colors to be subject to the approval of the HOA.

In response to Commissioner Motts, Director of Community Development Ebbs explained that the project was not technically an infill project; however, it was scaled like one.

Commissioner Zacharatos asked how the project was accomplishing non-auto oriented circulation within the development.

Director of Community Development Ebbs responded that sidewalks throughout the entire project connected to Prewett Ranch Drive and local parks.

In response to Commissioner Schneiderman, Director of Community Development Ebbs explained that grading occurring in the area was within the City of Antioch.

Commissioner Schneiderman stated that the project was designed to match the architecture in the area.

In response to Commissioner Motts, Director of Community Development Ebbs clarified that students in this subdivision would go to Brentwood schools.

Chair Parsons opened the public hearing.

Louis Parsons, Discovery Builders, stated that he appreciated the thorough report and noted that they agreed with all the conditions of approval. He further noted that he would support a recommendation that the Homeowner's Association (HOA), Architectural Review Committee review any modifications to paint colors. He commented that they have an executed agreement with the developer to the north to reimburse them for the roadway improvements and dedicate the right-of-way. He stated that the project would be a good addition to Antioch and if approved, they would be coming back for design review approval.

Gloria Johnson, Antioch resident, explained that their property bordered Quail Cove and the Prewett Ranch Road extension. She noted that during a previous project's approval process, they had requested a soundwall be constructed along Prewett Ranch Road and she wanted to make sure that it would be built.

Director of Community Development Ebbs responded that street would not rise to the level of requiring a soundwall to be built.

Ms. Johnson explained that a soundwall for the south side of Prewett Ranch was part of the discussion when the Heidorn Village was being developed.

Following discussion, Director of Community Development Ebbs clarified that the Heidorn Village improvement plans did not include a soundwall and he would be happy to provide Ms. Johnson with documentation for the Heidorn Village approval.

Chair Parsons closed the public hearing.

In response to Commissioner Turnage, Director of Community Development Ebbs stated a soundwall was not part of the improvement plans approved as part of Meritage project and if the Planning Commission wanted to impose a fence requirement, they could only do so if the Meritage project did not come to fruition.

RESOLUTION NO. 2018-22

On motion by Commissioner Martin, seconded by Commissioner Zacharatos, the Planning Commission adopted the resolution recommending the City Council adopt the Initial Study/Mitigated Negative Declaration.

The motion carried the following vote:

AYES: Zacharatos, Motts, Martin, Turnage, Schneiderman and Parsons
NOES: None
ABSTAIN: None

RESOLUTION NO. 2018-23

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission adopted the resolution recommending the City Council approval of an ordinance for a rezoning map amendment from Planned Development District (PD) to Planned Development District (PD-15-02).

The motion carried the following vote:

AYES: Zacharatos, Motts, Martin, Turnage, Schneiderman and Parsons
NOES: None
ABSTAIN: None

RESOLUTION NO. 2018-24

On motion by Commissioner Martin, seconded by Commissioner Zacharatos, the Planning Commission adopted the resolution recommending the City Council approve the Vesting Tentative Map/Final Development Plan, Conceptual Design Review, with the following changes:

- *Homeowners Association shall provide an Architectural Review Committee to maintain color board as presented in plan*
- *Changes to section F – Conditions #8 and #10 deleted*
- *The addition to condition 11 to read – “An alternate arrangement for completion of all Prewett Ranch Drive Improvements and/or reimbursement may be considered by the City Engineer.”*

The motion carried the following vote:

AYES: Zacharatos, Motts, Martin, Turnage, Schneiderman and Parsons
NOES: None
ABSTAIN: None

NEW ITEMS

4. **AR-18-13 – Antioch Auto Center Sign LED Upgrade** - Terry Long is requesting Design Review approval to upgrade the north facing display of the existing Antioch Auto Center sign from a static display to a digital LED display. The project site is located at 1831 Auto Center Drive (APN 074-180-033).

Associate Planner Merideth presented the staff report dated September 14, 2018 recommending the Planning Commission approve AR-18-13 for the upgrade of the existing north facing display on the Antioch Auto Center sign from a static display to a digital LED display, which would match the existing, south facing LED sign.

Commissioner Martin reported that the original approval for the sign, had a condition that required civic events to be displayed. In addition, he noted another sign applicant had agreed to display civic events on one of their sides. He questioned if there were plans to allow for City civic events to be displayed on this sign.

Associate Planner Merideth stated it would be the applicant's choice on what they wanted to display as there was not a condition of approval that would limit the messages.

Director of Community Development Ebbs clarified that the previous sign project was on City owned property, so displaying civic events was a function of their lease.

Chair Parsons stated it would be nice if community events were displayed on the sign noting that it would attract more interest.

Terry Long, representing Tom Nokes, stated that Mr. Nokes would agree to a condition to place notifications for civic events on their signage.

RESOLUTION NO. 2018-25

On motion by Vice Chair Turnage, seconded by Commissioner Zacharatos, the Planning Commission approved AR-18-13 for the upgrade of the existing north facing display on the Antioch Auto Center sign from a static display to a digital LED display, which would match the existing, south facing LED sign.

The motion carried the following vote:

AYES: Zacharatos, Motts, Martin, Turnage, Schneiderman and Parsons
NOES: None
ABSTAIN: None

5. Cannabis Business Guidelines – Presentation and discussion of Adopted Cannabis Business Guidelines.

Director of Community Development Ebbs presented the staff report dated September 14, 2018 recommending the Planning Commission receive a presentation on the adopted cannabis guidelines and offer comments to staff.

Commissioner Martin questioned if there could be a legal challenge to the guidelines since they indicate that applicants “should” instead of “must” comply.

Interim City Attorney Emerson explained that the guidelines would be adopted as conditions of approval and would then become a requirement.

Director of Community Development Ebbs explained that if all of the guidelines were changed from “should” to “shall” and embed into the zoning ordinance, a variance would be needed to change them and it would take away the City’s flexibility and discretion. He noted Council had been clear that until there was more experience with these types of applications, they wanted to maintain flexibility. He reiterated that as soon as the guidelines were listed as conditions of approval, they would become requirements.

Commissioner Martin questioned why all of the trees were removed on Verne Roberts Circle, across from Costco.

Director of Community Development Ebbs stated that that issue was unrelated and he would discuss it during Staff Communications.

In response to Commissioner Schneiderman, Director of Community Development Ebbs clarified that an applicant would not be required to carry liability insurance and the deposit was a function of the use permit application. He noted the City was indemnified, as part of any approval. He added that if something happened that impacted the City, they would have to pursue it through a civil course of action. He stated they did not expect there to be problems that would result in monetary losses, their concern was to assure the business would not be a drain on police resources.

Commissioner Schneiderman commented that the language stated permits would be granted if the use was not detrimental to public health and noted that smoking cannabis was unhealthy. She recommended the language be deleted.

Director of Community Development Ebbs clarified that the language was from State law and health benefits or deterrents were decided at the State level. He noted by State law he could not remove the language.

Commissioner Motts questioned if there would be discussion on the number of retail cannabis businesses that would be allowed.

Director of Community Development Ebbs responded that Council was not ready to put a cap on the number and explained that the 600-foot separation requirement would limit the number of businesses that would be allowed.

Commissioner Motts questioned if that would also be the case with delivery business.

Director of Community Development Ebbs stated that he had been told that through the land use process, they could regulate any home based delivery service. He noted that if a service was coming from out of the City to deliver to someone’s home, the City could not interfere; however, there may be other ways to address that issue.

Vice Chair Turnage questioned if cannabis businesses would qualify under smoke shops, and therefore be regulated as such.

Director of Community Development Ebbs responded that tobacco and cannabis were categorized differently under state and local law.

Vice Chair Turnage questioned why businesses were limited to 8:00 P.M.

Director of Community Development Ebbs stated the business hours were a guideline and could be looked at on an individual basis. He noted people in the industry did not want to be opened late.

Vice Chair Turnage questioned if there were drive through businesses.

Director of Community Development Ebbs explained that guidelines indicated drive thru or walk up window services, in conjunction with cannabis retail businesses, were strongly discouraged.

Chair Parsons expressed concern that the overlay was against residential and includes the Sports Fields area.

Director of Community Development Ebbs responded that there was a 600-foot separation requirement from a residential zone and noted the soccer facility would not be protected by the separation requirement because it was a private recreational facility. He noted the City had the discretion to deny a use permit. He further noted Council wanted an area that was realistic and to minimize any potential conflicts, they chose industrial zones.

Director of Community Development Ebbs stated he would take any recommendations back to the City Council.

Commissioner Motts stated that Council had followed the Planning Commissions original recommendations and some of the refinements would come at a later date.

Director of Community Development Ebbs stated when an application came forward for approval, it would consist of a resolution that would include conditions of approval that contained the guidelines and additional conditions, if necessary.

ORAL COMMUNICATIONS

Director of Community Development Ebbs reported that staff would look into the removal of trees on the Granite Expo property and report back to the Commission regarding whether it was in accordance with the conditions in their use permit.

Commissioner Martin reported that he had recently visited Tim Coley at the Water Treatment Plant and he offered to provide the Commission with a tour of the desalinization plant.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported on his attendance at two TRANSPLAN committee meetings.

ADJOURNMENT

Chair Parsons adjourned the Planning Commission at 7:45 P.M.

Respectfully Submitted,
Kitty Eiden