

**MINUTES
PLANNING COMMISSION
MEETING OF MAY 26, 2016**

425 N. El Dorado Street, Stockton CA

1. CALL TO ORDER/ROLL CALL - 6:03 PM

Roll Call

Present:

Don M. Aguillard
D'Adrea Davie
Christopher Eley
Kevin Hernandez
Sol Jobrack
Kim A. Tutt

Absent:

Elizabeth Hull.

Commissioner Hull arrived to the meeting at 6:05 pm

2. PLEDGE TO FLAG

The pledge was led by Commissioner Davie.

3. ADOPTION OF CONSENT CALENDAR

Public Comment:

Mary Elizabeth - spoke to 23 of the 63 gas stations in the City of Stockton without liquor licenses; they are viable businesses providing services without alcohol

Approve the Consent Calendar with a single vote.

Moved by: Sol Jobrack, seconded by Don M. Aguillard.

Vote: Motion carried 7-0

Yes: Don M. Aguillard, D'Adrea Davie, Christopher Eley, Kevin Hernandez, Elizabeth Hull, Sol Jobrack, and Kim A. Tutt.

3.1 16-2600 APPROVAL OF A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN A PLANNED CONVENIENCE STORE AS PART OF THE DEVELOPMENT OF A GASOLINE STATION AND CAR WASH FACILITY AT 10715 TRINITY PARKWAY (P16-0051)

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Crime Statistics and Letter of Support

Attachment C - Locations of Active Alcoholic Beverage Licenses

Proposed Resolution - Approval to Allow Off-sale Beer and Wine P16-0051

Exhibit 1 - Site and Floor Plans and Color Elevations

Resolution 2016-05-26-0301 approving a Use Permit to allow the off-sale of beer and wine in a planned convenience store as part of the development of a gasoline station and car wash facility at 10715 Trinity Parkway.

3.2 16-2656 APPROVAL OF PLANNING COMMISSION MINUTES

Legislation Text

Attachment A - 28 April 2016 Planning Commission Minutes

Motion 2016-05-26-0302 approval for filing minutes of the April 28, 2016 Planning Commission meeting.

4. PUBLIC COMMENT*

None

5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

5.1 16-2502 REQUEST FOR A USE PERMIT TO ESTABLISH A MORTUARY WITH EMBALMING SERVICES IN AN EXISTING STRUCTURE AT 425 EAST HARDING WAY (P16-0100)

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Letters of Support

Proposed Resolution - Approval to Establish Mortuary P16-0100

Exhibit 1 - Site Plan and Floor Plan

Commissioner Disclosures: None

Planning Manager Richard Larrouy provided the staff report with the aid of a PowerPoint presentation (filed).

PowerPoint Presentation

No additional communications were received

Joe Cunningham, applicant - spoke to the request for Use Permit and responded to questions from the commissioners along with Planning Manager Larrouy responding

Public Comment:

Mahala Burns, Broker of Cort Companies - spoke in support of the Use Permit request

There were no public comments in opposition

The Planning Commission discussed the item further.

Commissioner Eley - disclosed he had done legal work for Mahala Burns in the past

Approve **Resolution 2016-05-26-0501** approving the request for a Use Permit to establish a mortuary with embalming services in an existing structure at 425 East Harding Way.

Moved by: Don M. Aguillard, seconded by Christopher Eley.

Vote: Motion carried 7-0

Yes: Don M. Aguillard, D'Adrea Davie, Christopher Eley, Kevin Hernandez, Elizabeth Hull, Sol Jobrack, and Kim A. Tutt.

6. NEW BUSINESS*

None

7. UNFINISHED BUSINESS

7.1 16-2599 APPROVAL OF A USE PERMIT TO ALLOW THE OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN A PROPOSED LIQUOR STORE AT 2700 COUNTRY CLUB BOULEVARD (P15-0520)

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Letters of Support and Public Petition

Attachment C - Previous Letters of Support and Public Petition

Attachment D - Locations of Active Alcoholic Beverage Licenses

Attachment E - Previous Letters of Opposition

Proposed Resolution - Approval to Allow Off-sale General Alcohol P15-0520

Exhibit 1 - Site and Floor Plans

Senior Planning Manager Jenny Liaw provided a presentation with the aid of a PowerPoint presentation (filed) and responded to questions from the commissioners along with Deputy Director Pace.

PowerPoint Presentation

Commissioner Disclosures:

Vice Chair Jobrack - he received a letter from the applicant's attorney thanking him of his work (at the public hearing)

Commissioner Aguillard - he visited the (applicant's) El Dorado store to compare compliance and security

Chair Hernandez- he visited the (applicant's) El Dorado store

Commissioner Tutt - received a call from the applicant's attorney

Commissioner Hull - after the public hearing, she spoke with petitioner's attorney about the verbiage and the motion that she made

Mike Hakeem, representing the applicant - disclosed he did not have any dialog with staff or City Attorney on the conditions; spoke to accepting the terms of the recommendations for approval and spoke to the Use Permit

Public Comment:

Mary Elizabeth - distributed a copy of California Department of Alcoholic Beverage Control - License Query system Summary - License 534067, Harry Singh Shergill (document filed) and California Department of Alcoholic Beverage Control - License Query system Summary - License 567112, Ninder Kaur (document filed) to the commission and responded to questions from the commissioners

California Department of Alcoholic Beverage Control - License Query System Summary dated May 25, 2016 - License 534067, Harry Singh Shergill - filed by Elizabeth

California Department of Alcoholic Beverage Control - License Query System Summary dated May 25, 2016 - License 567112, Ninder Kaur filed by Elizabeth

Mike Hakeem and business owner Harry Shergill - responded to statements made by the public and to Commissioner questions

The Planning Commission discussed the item further, with Deputy Director Tom Pace responding to questions along with Deputy City Attorney Lori Asuncion and Community Development Director David Kwong

Approve staff's findings and conditions for the request for a Use Permit to allow the off-sale of general alcoholic beverages in a proposed liquor store at 2700 Country Club Boulevard.

Moved by: Don M. Aguillard, seconded by Sol Jobrack.

Vote: Motion carried 6-1

Yes: Don M. Aguillard, D'Adrea Davie, Kevin Hernandez, Elizabeth Hull, Sol Jobrack, and Kim A. Tutt.

No: Christopher Eley.

Commissioner Davie to staff - asked for clarification of the motion/vote, and how she should have voted if she disagreed with it.

Chair Hernandez - called for a re-vote; Deputy City Attorney Asuncion provided clarification of the motion presented before the commission

Approve **Resolution 2016-05-26-0701** approving staff's findings and conditions for the request for a Use Permit to allow the off-sale of general alcoholic beverages in a proposed liquor store at 2700 Country Club Boulevard.

Moved by: Sol Jobrack, seconded by Don M. Aguillard.

Vote: Motion carried 5-2

Yes: Don M. Aguillard, D'Adrea Davie, Kevin Hernandez, Sol Jobrack, and Kim A. Tutt.

No: Christopher Eley, and Elizabeth Hull.

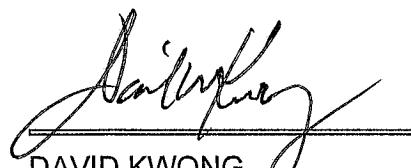
8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS

9. COMMISSIONERS COMMENTS

The Planning Commission discussed the process of hearing new information in opposition of Agenda Item 7.1, the Alcohol Ordinance, monitoring and enforcement of alcohol-related Use Permits with Deputy Director Pace responding to questions along with Director Kwong.

Deputy City Attorney Asuncion - informed the commission that the City Attorney's Office is in the process of drafting a guide for the Community which explains the Alcohol Ordinance and the complaint process

10. ADJOURNMENT - 7:36 PM



DAVID KWONG
DIRECTOR COMMUNITY DEVELOPMENT