

**MINUTES
PLANNING COMMISSION
MEETING OF APRIL 14, 2016**

425 N. El Dorado Street, Stockton, California

1. CALL TO ORDER/ROLL CALL - 6:00 PM

Roll Call

Present:

D'Adrea Davie

Christopher Eley

Kim A. Tutt

Sol Jobrack

Elizabeth Hull

Don M. Aguillard

Absent:

Kevin Hernandez.

2. PLEDGE TO FLAG

The Pledge was led by Commissioner Davie.

3. ADOPTION OF CONSENT CALENDAR

Motion to approve the consent calendar with a single vote.

Moved by: D'Adrea Davie, seconded by Christopher Eley.

Vote: Motion carried 6-0

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

Absent: Kevin Hernandez.

3.1 16-2488 APPROVAL OF PLANNING COMMISSION MINUTES

Legislation Text

Attachment A - 2016 March 10 Planning Commission Minutes

Motion 2016-04-14-0301 approving for filing the minutes of the March 10, 2016 Planning Commission meeting.

4. PUBLIC COMMENT*

Mary Elizabeth, Stockton resident - shared opinion regarding alcohol licensing in San Joaquin County

5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

5.1 16-2406 REQUEST FOR 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 - Locations of Active Alcoholic Beverage Licenses

Proposed Resolution

Exhibit 1 - Site and Floor Plans and Color Elevations

PowerPoint Presentation

Commissioner Tutt - disclosed the receipt of a call from attorney Mike Hakeem

Commissioner Hull - disclosed having a conversation with Mike Hakeem

Commissioner Davie - disclosed the receipt of a call from Mike Hakeem

Vice Chair Jobrack - clarified that Mike Hakeem was not the attorney for the applicant for this item, but for item 5.2.

Jenny Liaw, Senior Planner - provided the staff report with the aid of a PowerPoint presentation and responded to questions from the commissioners

Erin Mettler, Stockton Police Department Program Manager - responded to questions from the commissioners

Tom Pace, Deputy Director of Planning & Engineering - confirmed there were no additional communications

Peter Tobin, Barghausen Consulting Engineers - provided the applicant presentation

Peter E. von Elten, Sacramento attorney representing the applicant - continued the applicant presentation and responded to questions from the commissioners

A packet containing documents related to crime statistics in the area of the proposed project was filed by the applicant and distributed around the dais

during the applicant presentation (attached).

Document Filed by Ken Darney

Mike Hakeem, attorney representing the developer of a new Mercedes dealership on Trinity Parkway - spoke in support of approving the use permit

Mary Elizabeth, Stockton resident - spoke against approving the use permit

Peter E. Von Elten, Sacramento attorney representing the applicant - responded to Mary Elizabeth, explaining how crime reports were obtained

The Planning Commission proceeded with a discussion of the application with applicant Ken Darney responding to questions from the commissioners.

Motion 2016-04-14-0501 directing staff to provide a resolution with findings for approval for the proposed mini mart on Trinity Parkway with the following conditions:

1. No single beverage sales
2. No malt beverage sales under 40 ounces
3. No pay phones
4. A strict no loitering policy
5. That the resolution for approval be based on a finding of convenience and necessity to the public for a gas station in the community

Moved by: Elizabeth Hull, seconded by Don M. Aguillard.

Vote: Motion carried 5-1

Yes: Christopher Eley, Kim A. Tutt, Sol Jobrack, Elizabeth Hull, and Don M. Aguillard.

No: D'Adrea Davie.

Absent: Kevin Hernandez.

5.2 16-2444 REQUEST FOR 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 - Locations of Active Alcoholic Beverage Licenses

Attachment C - Letters of Opposition

Attachment D - Letter of Support and Public Petition

Proposed Resolution

Exhibit 1 - Site and Floor Plans

PowerPoint Presentation

Commissioner Hull - disclosed meeting with Mike Hakeem, the attorney representing the applicant

Commissioner Tutt - disclosed having a phone conversation with Mike Hakeem

Commissioner Eley - disclosed having a phone conversation with Mike Hakeem and visiting the location of the proposed liquor store

Commissioner Aguillard - disclosed communication with the owner and visiting the owner's existing business establishment

Commissioner Davie - disclosed receipt of a phone call from Mike Hakeem

Vice Chair Jobrack - disclosed meeting with Mike Hakeem and driving by the location of the proposed liquor store

Jenny Liaw, Senior Planner - provided the staff report with the aid of a PowerPoint presentation.

Erin Mettler, Stockton Police Department Program Manager, and Lieutenant Duane McLaughlin - responded to questions from the commissioners regarding crime statistics.

Deputy Director Tom Pace - confirmed there were no additional communications

Mike Hakeem, attorney representing applicant Harry Shergill - provided the applicant presentation (attached)

Document Filed - Mike Hakeem

The meeting went into recess at 7:35 p.m.

The meeting reconvened at 7:44 p.m.

Public Comments Supporting the Project

Mike Martini, owner of Martini's Automotive
Janet Smothers
Paul Canepa
Bobbie Lorient
Julio Garcia, Stockton resident

Waqar Rizvi
Corey Buckenham, employed by Young's Market Company
Harvey Budman, Managing Partner of the Country Club shopping center
Jennifer Piede
Sarbjee Singh
Henry Vinvola

Public Comments Opposing the Project

Derek Graves, Stockton resident
Mary Elizabeth, Stockton resident

Mike Hakeem - responded to opponents of the project

Lori Asuncion, Deputy City Attorney - discussed difficulties in revoking use permits in the past in response to a question from Vice Chair Jobrack; offered to bring back a list of reasons for revocation at the request of Commissioner Aguillard

Motion 2016-04-14-0502-01 denying a Use Permit to allow the off-sale of general alcoholic beverages in a proposed liquor store at 2700 Country Club Boulevard, in accordance with the Findings for Decision detailed herein.

Moved by: D'Adrea Davie, seconded by Christopher Eley.

Vote: Motion failed 3-3

Yes: D'Adrea Davie, Christopher Eley, and Elizabeth Hull.

No: Kim A. Tutt, Sol Jobrack, and Don M. Aguillard.

Absent: Kevin Hernandez.

The Planning Commission proceeded with a discussion of the application, with Planning Manager Richard Larrouy responding to questions from the commissioners.

Lori Asuncion, Deputy City Attorney - listed findings for revocation of a use permit requested earlier during the discussion of the item by Commissioner Aguillard

Public Hearing Reopened

Mike Hakeem, attorney for the applicant - stated that the applicant would be willing to use no more than 40% of the floor space for the sale of alcohol in response to a question from Commissioner Aguillard and Vice Chair Jobrack

Mary Elizabeth, Stockton resident - spoke in opposition to the project

Derek Graves, Stockton resident - spoke in opposition to the project

Harvey Budman, Managing Partner of the Country Club shopping center - spoke in support of the project

Motion 2016-04-14-0502-02 directing staff to provide a resolution with findings for approval based on the following guidelines:

1. A minimum of 24 cameras inside and 13 outside
2. No single sale of beer, small bottles of alcohol or spirits, or malt beverages under 40 ounces
3. No payphone
4. A strict no loitering policy, including not only the liquor store but the shopping center
5. A one year review
6. To base the resolution on a finding for public necessity to eliminate blight

The following amendments from Vice Chair Jobrack were accepted as part of the motion:

1. The applicant must start a good neighbor program within the first year and any future applicant would be required to lead the good neighborhood program
2. An administrative annual review is to be conducted in perpetuity

Moved by: Elizabeth Hull, seconded by Don M. Aguillard.

Vote: Motion carried 4-2

Yes: Kim A. Tutt, Sol Jobrack, Elizabeth Hull, and Don M. Aguillard.

No: D'Adrea Davie, and Christopher Eley.

Absent: Kevin Hernandez.

5.3 16-2469 REQUEST FOR A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN AN EXISTING MINI-MART WITH GASOLINE SALES AND A VARIANCE TO REDUCE THE MINIMUM SEPARATION REQUIREMENT BETWEEN AN OFF-SALE ALCOHOLIC BEVERAGE ESTABLISHMENT AND AN ACADEMIC SCHOOL FOR PROPERTY LOCATED AT 3440 EAST MAIN STREET (P15-0420)

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - Locations of Active Alcoholic Beverage Licenses

Attachment C - SUSL and Area Resident Correspondence

Attachment D - Public Petitions to Support the Proposed Project

Proposed Resolution

Exhibit 1 - Site and Floor Plans

PowerPoint Presentation

Commissioner Aguillard - disclosed having a conversation with the applicant

Commissioner Davie - disclosed having a conversation with the applicant

Jenny Liaw, Senior Planner - provided the staff report with the aid of a PowerPoint presentation and responded to questions from the commissioners along with Deputy Director Tom Pace

Deputy Director Tom Pace - confirmed there were no additional communications

Chamkaur Singh, speaking on behalf of applicant Manpreet Singh - provided the applicant presentation and responded to questions from the commissioners along with applicant Manpreet Singh

Ravi, friend of applicant - spoke in support of the project

Sarbjeet Singh - spoke in support of the project

Mary Elizabeth - spoke against the project

Manpreet Singh, applicant - filed the original copy of the petition submitted to the Community Development Department in support of the proposed project (Attachment D)

Richard Larrouy, Planning Manager - confirmed that there was no evidence of a previously approved use permit for an alcohol-related use nor an active California Department of Alcoholic Beverage Control (ABC) license for the property located at 3440 East Main Street

Resolution 2016-04-14-0503 denying the following requests:

1. A Use Permit to allow the off-sale of beer and wine in an existing mini-mart with gasoline sales for property located at 3440 East Main Street; and
2. A Variance to allow a reduction of the required minimum 300-foot separation between an existing mini-mart with the proposed off-sale of beer and wine and a public academic school, for property located at 3440 East Main Street.

Moved by: Elizabeth Hull, seconded by D'Adrea Davie.

Vote: Motion carried 6-0

Yes: D'Adrea Davie, Christopher Eley, Kim A. Tutt, Sol Jobrack, Elizabeth Hull,

and Don M. Aguillard.

Absent: Kevin Hernandez.

6. NEW BUSINESS*

None.

7. UNFINISHED BUSINESS

None.

8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS

Deputy Director Tom Pace - noted that ipads were procured for each commissioner for the electronic distribution of agendas and for use during commission meetings

9. COMMISSIONERS COMMENTS

Commissioner Tutt - Requested an update on Council action taken regarding the appeal of the Planning Commission's denial of the request for a use permit at 944 Waterloo Road.

Deputy Director Tom Pace - responded that the City Council directed staff to return to Council with findings for approval (City Council Motion 2016-03-29-1603).

Commissioner Hull - asked for a status update on the request to have Public Works staff attend a Planning Commission meeting to provide a report regarding sidewalks.

Richard Larrouy, Planning Manager - responded that no specific date was scheduled but that Community Development staff was speaking with Public Works to schedule a time in the near future.

Commissioner Hull - requested permission to be absent from the next Planning Commission meeting on April 28, 2016.

Commissioner Davie - thanked Mary Elizabeth for voicing her concerns, encouraged her to continue attending meetings, and requested additional information regarding the moratorium Mary Elizabeth suggested.

Lori Asuncion, Deputy City Attorney - noted that moratoriums are in the purview of the City Council and are emergency ordinances that can only be put in place temporarily for a specific underlying reason

Commissioner Davie - asked if it was appropriate to speak at City Council meetings to voice opinions regarding appeals of Planning Commission

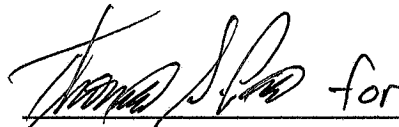
decisions to the City Council.

Deputy Director Tom Pace - responded that commissioners could speak as citizens as opposed to members of the Planning Commission

Commissioner Aguillard - noted that he has spoken at meetings before by introducing himself as a citizen and suggested contacting Councilmembers individually to voice opinions

Vice Chair Jobrack - thanked staff for their time during the meeting; thanked Mary Elizabeth for her comments

10. ADJOURNMENT - 9:46 PM

A handwritten signature in black ink, appearing to read "David Kwong for", written over a horizontal line.

DAVID KWONG
DIRECTOR COMMUNITY DEVELOPMENT