



AGENDA
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF AUGUST 16, 2012
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Roll Call.
4. Approval Of The Agenda.
5. Approval Of Minutes From The October 20, 2011 Meeting.
6. Items From The Public.
7. New Business
 - a. **Public Hearing**
Zone Change No. 2012-01
Applicant: City Of Newman
Description: Recommend To The City Council Approval Of The Proposed Professional Office Re-Zoning In Conformance With The General Plan.
Location: The 7 Subject Properties Are Located On The West Side Of The 1000 Block Of "N" Street, Between Yolo And Mariposa Streets; More Specifically Described As Assessor's Parcel Numbers 128-011-001 Through 007.
8. Items From Commissioners.
9. Items From Director And Staff.
10. Adjournment.



MINUTES
NEWMAN PLANNING COMMISSION
REGULAR MEETING OF OCTOBER 20, 2011
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - 7:02 P.M.

2. **Pledge Of Allegiance.**

3. **Roll Call PRESENT:** Sloan, Coleman, Lucas, Allan And Maurer.
ABSENT: None.

4. **Commission Reorganization**

a. Election Of Chairperson

ACTION: On Motion By Sloan Seconded By Coleman And Unanimously Carried, Commissioner Allan Was Elected Chairperson.

b. Election Of Vice Chairperson

ACTION: On Motion By Sloan Seconded By Allan And Unanimously Carried, Commissioner Maurer Was Elected Vice-Chairperson.

c. Election Of Architectural Review Committee Member

ACTION: On Motion By Coleman Seconded By Sloan And Unanimously Carried, Commissioner Lucas Was Elected Architectural Review Committee Member.

5. **Approval Of The Agenda.**

ACTION: On Motion By Maurer Seconded By Lucas And Unanimously Carried, The Agenda Was Approved.

6. **Approval Of Minutes From The August 18, 2011 Meeting.**

ACTION: On Motion By Sloan Seconded By Maurer And Unanimously Carried, The Minutes From The August 18, 2011 Meeting Were Approved.

7. **Items From The Public** - None.

8. **New Business**

a. **Stanislaus County Mayor's Agriculture Preservation Map 2050**

Applicant: City Of Newman

Description: The Newman City Council Has Requested That The Planning Commission Review And Provide A Recommendation On The Potential Newman Area Boundaries For The Agricultural Preservation Plan 2050.

Location: Newman 2030 General Plan Planning Area.

City Manager Holland Presented And Reviewed Potential Newman Area Boundaries For The Agricultural Preservation Plan 2050.

Mayor Ed Katen, 1162 Main Street, Provided The Commission With Some Additional Background Information Regarding The Initial Process And Discussions Regarding Stanislaus County Mayor's 2050 Agriculture Preservation Map. Katen Noted That The Process Had Begun Approximately Two Years Prior When Supervisor Grover Began Holding Meetings To Discuss Countywide Ag Preservation. Katen Mentioned That The Cities And The County Typically Have Had Different Views On Growth But That The Idea Behind This Effort Was To Start A Countywide Dialog Regarding Ag Preservation. He Remarked That A Good Deal Of Discussion Had Already Taken Place Since This Process Began And Now The City Council Is Asking For The Commission's Input Regarding Newman's Future Growth Boundaries.

Bob Novoa, 1045 Ruth Ave, Thanked The Commission For Their Time And Stated That What They Were Doing Is Important. Novoa Noted That The Newman Community And Its Leaders Have Always Been Stead Fast Believers In Controlling Their Own Destiny And Urged The Commission Not To Allow Outside Forces The Ability To Dictate What Happens In Our Community.

Doug Lucas, 541 Hills Ferry Road, Stated That He Agreed With Staff And Mentioned That He Thinks That They Should Move The Boundaries Out As Far As Possible And Not Give The County Land Use Authority. He Indicated That It Would Be Easier To Scale It Back If The Area Is Too Large But More Difficult To Expand.

Ken Rose, 2118 Creek Court, Pointed Out That Newman Has Experienced Many Changes Over The Last 20 Years. Rose Stated The He Was Concerned That If The City Chooses A Smaller Area Then They Will Essentially Be Giving The County More Control. He Stated That He Would Rather Leave Growth In The Hands Of Local Staff As Opposed To The County.

ACTION: On Motion By Maurer Seconded By Coleman And Carried By The Following Roll Call Vote, The Planning Commission Recommended The General Plan Planning Area As A Boundary For The County Mayor's Agriculture Preservation Map 2050 By The Following Roll Call Vote: AYES: Sloan, Coleman, Lucas, And Maurer; NOES: Allan; ABSENT: None; NOT PARTICIPATING: None.

9. Items From Commissioners.

Commissioner Allan Mentioned That A Property In The "L" Street Industrial Park Was Full Of Weeds And Noted That The Intersection Reconstruction Project Would Be Nifty Addition To The Downtown.

Commissioner Maurer Requested More Information Regarding The Award That The City Had Received For The Plaza.

10. Items From Director And Staff.

City Manager Holland Reported That The City Of Newman Had Received A Valley Blueprint Public Infrastructure Award For The Plaza Project And That The City Representatives Accepted The Award On October 13th In Madera County.

Assistant Planner Ocasio Informed The Commission The Recreation Department Would Be Conducting A Halloween Costume Exchange. Ocasio Noted That Staff Was Working On A Historic Preservation Grant For Seed Money For The Yancey Building. She Updated The Commission On The Status Of The Dog Park And Mentioned That Staff Would Be Meeting With CSUS Staff Regarding A GIS Internship Program.

11. Adjournment.

ACTION: On Motion By Sloan Seconded By Lucas And Unanimously Carried, The Meeting Was Adjourned At 8:23 P.M.

**CITY OF NEWMAN
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

PLANNING COMMISSION MEETING DATE: August 16, 2012

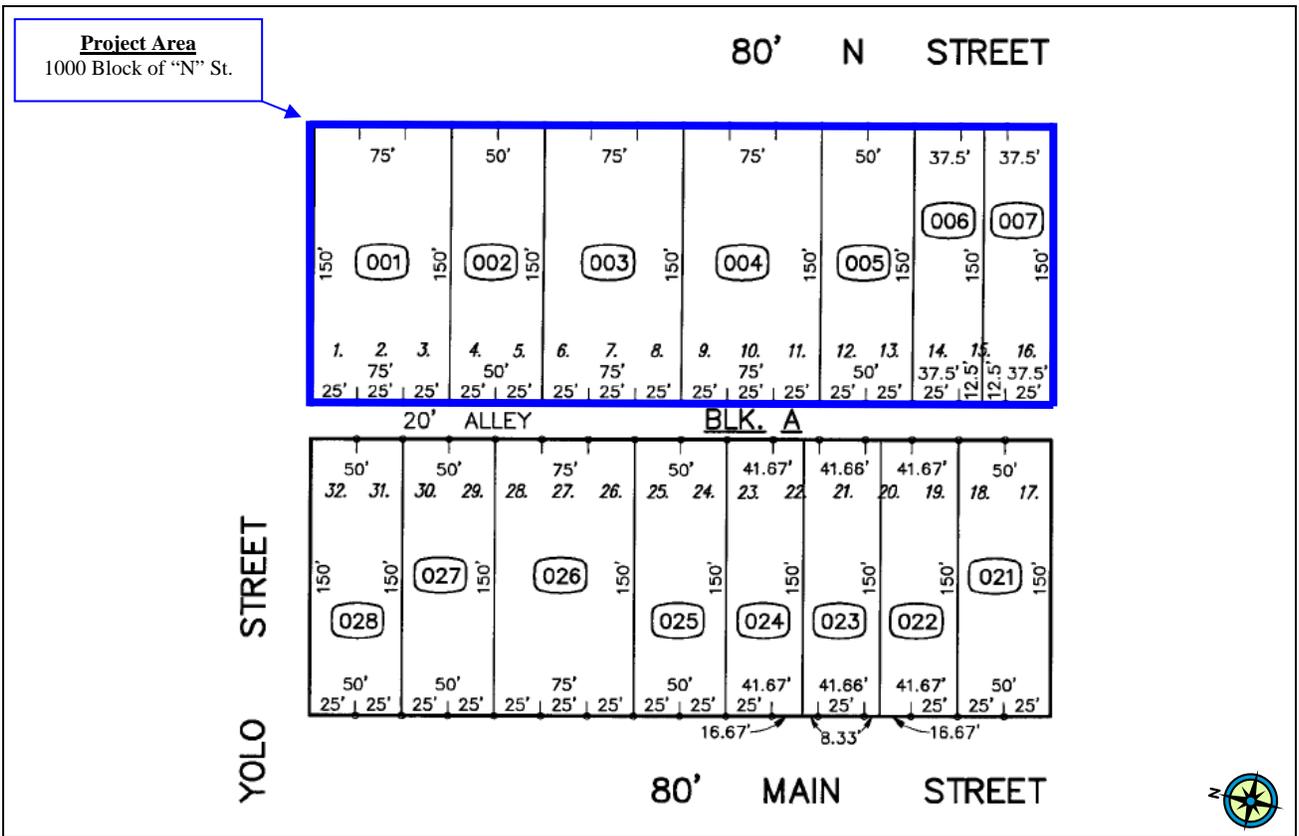
AGENDA ITEM: 7.a.

ZC #12-01	Applicant: City of Newman
APN: 128-011-001 through 007	CEQA: Completed Under GP EIR

REQUEST: Recommend to the City Council approval of the proposed Professional Office re-zoning in conformance to the General Plan.

LOCATION: The 7 subject properties are located on the west side of the 1000 block of “N” Street, between Yolo and Mariposa Streets

ENVIRONMENTAL ASSESSMENT: Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project has already met environmental review requirements through the adopted General Plan EIR.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject sites	Residential	C-2	DC
North	Commercial	C-2	CC
South	Commercial	C-2	DC
East	Commercial	C-2	DC
West	Residential	R-3	CR

C-2 = General Service Commercial

R-3 = Multiple Residential

CC = Community Commercial

DC = Downtown Commercial

ORDINANCES:

NMC 5.02: Establishment and Designation of Zoning Districts

PROJECT DESCRIPTION:

The proposed Professional Office Re-Zoning consists of the re-zoning of 7 parcels within the City Limits of the City of Newman. The proposed zoning is a result of the public comment received during the City-Wide Re-Zoning process that occurred in 2011. The proposed P-O district is in conformance with the Newman 2030 General Plan as required by NMC §5.02.060.A; “Zoning districts shall be applied to all public and private property in a manner that is consistent with applicable policies and land use arrangements set forth in the General Plan.”

BACKGROUND:

April 10, 2007, the City Council adopted the Newman 2030 General Plan.

June 2010, the Newman 2030 General Plan Housing Element was certified by the California Department of Housing and Community Development (HCD).

On May 10, 2011, Ordinance No. 2011-3 was adopted Amending Title 5 Zoning (including the creation of Zone R-2S and the rezoning of 177 parcels to conform with the 2030 General Plan). During the public comment process of said Ordinance, residents from the 1000 block of Main Street expressed their concerns with a commercial zone designation directly behind their properties. In response, staff has researched and crafted a Professional Office (P-O) zoning district to create a restrictive district for low intensity office, professional or commercial uses which may be located in close proximity to all types of residential uses.

PROJECT ANALYSIS:

Land Use: The subject sites are zoned C-2 (General Service Commercial) and currently consistent with the General Plan Downtown Commercial designation. According to the General Plan’s Land Use Element “Downtown Commercial...provides for retail and service uses, restaurants, professional and administrative offices, hotels, residential units above the ground floor, live-work units, public and quasi-public uses, and similar and compatible uses. This designation is intended to accommodate local-serving retail and offices; large administrative offices and land-extensive commercial operations are not appropriate in this designation...Development within areas designated Downtown Commercial shall be consistent with the goals of and the design guidelines within the City of Newman, Downtown Revitalization Plan” (LU-18). However, in an effort to decrease potential future impacts of development on neighboring residences, the proposed P-O zoning would not only be consistent with the General Plan and Downtown Revitalization Plan but also provide a better suited zoning designation near existing residential uses.

If recommended to Council by the Planning Commission, staff will be proposing an amendment to the zoning code to include the P-O zoning classification.

Environmental Review: All potential environmental impacts have been evaluated in the Newman 2030 General Plan EIR, no further environmental review is necessary.

FINDINGS:

No specific guidelines for re-zoning are provided in the municipal code. To better provide the Planning Commission with information in its decision making process, staff has utilized the following findings for reference and analysis.

1.) Is the proposed re-zoning consistent with the goals, policies and actions of the General Plan?

Pro: The proposed zoning amendment is consistent with and conforms to the City's adopted General Plan.

Con: None

2.) Are the affected sites physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use?

Pro: All potentially affected sites are physically suited for the proposed zoning classification as dictated by the General Plan. Based upon the analysis conducted during the General Plan update and City-Wide Re-Zone processes, all affected parcels were reviewed and found to be suitable for re-zoning to the P-O zoning district. Each parcel has the necessary access, compatibility with adjoining land uses and provision of utilities for the proposed zoning designations.

Con: As with any re-zoning, the change in zoning may be inconsistent with the existing use of the property. If approved, all inconsistent properties/uses would be classified as "legal nonconforming" and may limit certain types of land use(s) within said properties.

3.) Is public health, safety or welfare affected by the zone change? If so, does public necessity, convenience and general welfare permit it?

Pro: Given that the Zone Change has been thoroughly analyzed under the General Plan and accompanying EIR and all potential impacts have been mitigated in said documents; the finding is that public health and safety are not affected by the zone change.

Con: It is not anticipated that the public health, safety or welfare will be affected by the proposed re-zone.

Public Comment

A Public Notice was published on August 2, 2012 and mailed out to surrounding property owners within a 300' radius on August 3, 2012. As of this date (8-9-12), no comments have been received.

CONCLUSION:

The proposed project is to re-zone seven parcels from C-2 to P-O to decrease potential zoning conflicts between the subject parcels and neighboring R-3 (Multiple Residential) properties; this proposal is consistent with the Newman 2030 General Plan.

The re-zoning process requires the Planning Commission's review and recommendation to Council. At the Council level, staff will be proposing not only the Professional Office Re-Zoning but also an Ordinance Amendment to include the P-O zoning classification in the Newman Municipal Code.

Should the re-zoning not be recommended for approval, the subject properties will continue to be zoned C-2 and have the potential for future development conflicts with neighboring residential properties.

Staff recommends that the Commission recommend approval of the proposed Zone Change to the City Council. As required by law; advisory groups such as the Planning Commission must make their decisions based on existing laws and mandates, said decisions are usually made through findings; staff has provided the Commission findings supporting both approval and denial of the project.

CONDITION OF APPROVAL:

1. The proposed zoning shall be consistent with the General Plan.

ATTACHMENTS:

1. Exhibit A, Copy of Published Advertisement
2. Exhibit B, Proposed P-O Zoning Description
3. Exhibit C, Resolution Approving the Project

News

SIDECONNECT.COM

PUBLIC NOTICE • PUBLIC NOTICE

**City of Newman
NOTICE OF PUBLIC HEARING**

Zone Change #12-01

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held to consider a proposal by the City of Newman to rezone 7 parcels from C-2 (General Service Commercial) to P-O (Professional Office) in conformance with the Newman 2030 General Plan. The subject properties are located on the west side of the 1000 block of "N" Street, between Yolo and Mariposa Streets; more specifically described as Assessor's Parcel Numbers 128-011-001 through 007. Staff has determined that this proposal will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is categorically exempt under Class 32, Article 19 of CEQA.

A PUBLIC HEARING will be held at the regular meeting of the Planning Commission on August 16, 2012 at 7:00pm, or as soon thereafter as may be heard, in the Newman City Council Chambers located at 1200 Main Street. Questions regarding the above-referenced items may be directed to Stephanie Ocasio, City Planner at City Hall or at (209) 862-3725.

Persons wishing to provide oral comment on the described proposal may do so at this meeting or may provide written comments on this matter prior to the August 16, 2012, meeting date. Written comments may be sent by U.S. Mail or hand delivered to the City of Newman City Hall at 938 Fresno Street, 2nd Floor, Newman, California 95360. If no comments are received prior to or on above date, it will be assumed that no comments are being offered. The public is also informed that should this matter at some future date go to court, court testimony is limited to only those issues raised at the hearings per Government Code Section 65009.

PLANNING COMMISSION OF THE CITY OF NEWMAN

STEPHANIE OCASIO
City Planner
DATED: July 30, 2012

PUBLISHED: August 2, 2012

Chapter 5.28
P-O PROFESSIONAL OFFICE DISTRICT

Sections:

- 5.28.010 Purpose.
- 5.28.020 Permitted uses.
- 5.28.030 Accessory buildings and uses –Administrative approval required.
- 5.28.040 Conditional uses – Commission approval required.
- 5.28.050 Prohibited uses
- 5.28.060 Property development standards.

5.28.010 Purpose.

The P-O Professional Office District is established to create a restrictive district for low intensity office, professional or commercial uses which may be located in close proximity to all types of residential uses. Rezoning to the P-O Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods.

5.28.020 Permitted uses.

The following uses, and uses determined to be similar, shall generally be permitted in the Professional Office (P-O) Zoning District when conducted entirely within a building:

- Art, craft and music stores.
- Bakery, donut, and ice cream shops.
- Banks and financial institutions.
- Barbershops, beauty shops and similar personal services.
- Book, card, and stationery stores.
- Business and professional offices.
- Camera shops.
- Clothing and apparel stores.
- Delicatessens.
- Florist shops.
- Gift and novelty stores.
- Jewelry, watch, and clock sales and related servicing.
- Medical and dental offices and clinics.
- Newspaper and magazine sales.
- Optical goods sales and service.
- Photography supply and/or studios.
- Public and semi-public offices and institutions, including City Hall, Police Department and U.S.
- Post Office facilities.
- Public and semi-public utility uses, except corporation, service, or similar yards.
- Restaurants, except fast food restaurants and those with drive-through service.
- Secondhand shops.
- Shoe stores
- Television, radio, electronics and appliance repair.
- Travel agencies.

5.28.030 Accessory buildings and uses –Administrative approval required.

The following accessory buildings and uses shall be permitted in the Professional Office (P-O) Zoning Districts subject to administrative approval:

- A. Accessory uses and buildings customarily appurtenant to a permitted or conditional use, such as incidental storage facilities.
- B. Signs which pertain only to a permitted or an approved conditional use located on the premises.
- C. Temporary buildings and uses as provided in Chapter 5.22 NCC.

5.28.040 Conditional uses – Commission approval required.

Any principal permitted use which is not conducted entirely within a building shall be required to obtain a conditional use permit. In addition, the following uses, and uses determined to be similar, may be permitted in the Professional Office (P-O) Zoning District subject to approval of a conditional use permit:

- Music and dance studios and schools.
- Nursery, preschool, day care facilities
- Physical fitness studios, health clubs and spas.
- Print shops.
- Private clubs, lodge halls and meeting facilities.
- Wholesale operations primarily serving the local community.
- Residential uses which are compatible with the Retail Commercial District such as residential uses in buildings previously used for residential purposes, owner-occupied residential uses located in the rear of buildings or above the ground floor.

5.28.050 Prohibited Uses

The following uses are prohibited in the Professional Office (P-O) Zoning District:

- A. Light industrial and heavy commercial uses and services.
- B. Storage of commercial and industrial vehicles, except for the purpose of loading and unloading.
- C. The storage or warehousing of merchandise or products in the building or on the premises, unless otherwise approved.
- D. The outdoor storage of merchandise or products.
- E. The assembly, compounding, manufacturing, or processing of merchandise or products, except such as are customarily incidental or essential to permitted district uses.
- F. Any use which is obnoxious or offensive or creates a nuisance to the occupants or commercial visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances.

5.28.060 Property development standards.

The following standards shall apply to all land uses, development and subdivisions in the Professional Office (P-O) Zoning District:

- A. Minimum lot area: 7,500 square feet.
- B. Minimum lot width: 50 feet.
- C. Minimum front yard setback: None required unless adjacent to a residential zoning district or alley. In such instances, a 10-foot front yard setback is required.
- D. Minimum rear yard setback: None required unless adjacent to a residential zoning district or alley. In such instances, a 10-foot rear yard setback is required.
- E. Minimum side yard setbacks: None required unless adjacent to a residential zoning district. In such instances, the minimum side yard setback shall be 10 feet.
- F. Maximum Floor Area Ratio (FAR). The floor area ratio shall not exceed 0.50.
- G. Minimum landscaped area: Ten percent of the total lot area.
- H. Maximum building height: 35 feet.
- I. Architectural and Site Plan Review. Where new construction is proposed, architectural and site plan review shall be required prior to issuance of a building permit.
- J. Other Applicable Provisions. Other provisions of this title as applicable such as off-street parking and loading, signs, landscaping and screening, trash enclosures, etc.

RESOLUTION #2012-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN
RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR ZONE CHANGE #12-01**

PROJECT NAME: Newman Professional Office Re-Zoning

PROPOSAL DESCRIPTION:

The proposed Re-Zoning consists of the re-zoning of 7 parcels on the west side of the 1000 block of "N" Street, between Yolo and Mariposa Streets from C-2 (General Service Commercial) to P-O (Professional Office) in conformance with the Newman 2030 General Plan. The proposed zoning is in response to public comment received during the City-Wide Re-Zone process that occurred in 2011.

PROJECT APPLICANT: City of Newman

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and recommends approval of Zone Change #12-01 to the City Council based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

- 1.) That the proposed re-zoning consistent with the goals, policies and actions of the General Plan.
- 2.) That the affected sites are physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use.
- 3.) That the public health, safety or welfare are not affected by the zone change and that the public necessity, convenience and general welfare permit it.

CONDITION OF APPROVAL

1. All proposed zoning shall be consistent with the General Plan.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 16th day of August, 2012, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution adopted by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED:

Planning Commission Chairman

ATTEST:

Planning Commission Secretary

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2012- AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON AUGUST 16, 2012, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

Dated