

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of May 1, 2008

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Moore, Barnes, Mahoney, McAndrew and Chairperson Barton

EXCUSED: _____

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Ken Solomon, Contract Planner; and Kristine Letterman, Planning Commission Clerk

Items from the floor - none

1. **CONTINUED PUBLIC HEARING** to consider Use Permit Application No. U-07-13 of **T-Mobile (Corey Alvin)** to allow the construction and operation of a wireless telecommunication facility including a 105 foot tall monopole within a 15' x 25' lease area on a portion of property located at 5164 Fry Road, Vacaville, in an "A-40" Exclusive Agriculture Zoning District, APN: 0136-090-130. The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Jim Leland) **Staff Recommendation:** Continue to June 5, 2008

Mr. Yankovich stated that the applicant has requested another continuance of this item to allow staff and the applicant more time to explore alternative solutions for the proposed wireless communication facility.

A motion was made by Commissioner Barnes and seconded by Commissioner McAndrew to continue this item to the regular meeting of June 5, 2008. The motion passed unanimously.

2. **CONTUNUED PUBLIC HEARING** to consider Use Permit Application No. U-07-11, Lot Line Adjustment Application No. LLA-07-04 and Architectural Review Application No. AR-07-01 of **Tower Energy Group** to merge two parcels zoned Neighborhood Commercial and to demolish the existing market and gas station and build a new 6,000 square foot market and gas station on property located at the southwest corner of Suisun Valley and Rockville Roads, Suisun, APN's: 0027-141-380 and 040. The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Michael Profant) **Staff Recommendation:** Approval

Michael Profant gave a brief presentation of the written staff report. He explained that the applicant is seeking to merge two parcels zoned Neighborhood Commercial, requiring a lot line adjustment. Following the lot line adjustment, the applicant wishes to demolish the existing convenience market and gas station and build a new 6,000 square foot convenience market and gas station with four fuel dispensers, two on each side. Colors proposed for the building range in the earth tones, and materials to be used include beige cement plaster, a copper colored metal roofing on the pop-out feature, and a stone veneer at the base of the structure. The fuel canopy will incorporate similar colors and materials. Mr. Profant stated that eighteen parking spaces will be provided, one of which meets the requirements for accessible parking. He said the existing driveways will be maintained as will all existing street trees within the right-of-way. The applicant is also proposing to install three new fuel tanks underground.

Mr. Profant indicated that the owner of the commercial property to the west of the project has requested that a wall be constructed between his property and the tower mart property. Mr. Profant noted that there is currently an existing chain link fence between the two properties, and the applicant is proposing to retain the fence which they believe provides an adequate buffer. Mr. Profant stated that staff does not see a need to replace the existing fence with a wall.

Jason Coleman, project archeologist, spoke to the excavation of cultural resources on the project site. He said that currently the southern parcel has been cleared and they are now at the stage where they are monitoring construction as the pad is being prepped. He said once demolition occurs on the northern portion of the site they will be back to monitor and resume excavation.

Commissioner Moore wanted to know if an issue was raised when the original development was built, or if this is something new that came about because of this project. Mr. Coleman explained that they are following protocol for when developments are flagged by the Northwest Information Center at Sonoma State University. He indicated that they are notified when a development is located within an archeologically sensitive area.

Commissioner Moore inquired as to why the property with the existing gas station was not previously inspected.

Kesner Flores, Most Likely Descendent, explained that archeological records and the way activities were performed in the past were not done to the scale that they are today. He stated that at the time when the original building was built and excavation was done, there was little to no oversight. Mr. Flores stated that it has only been within the past few years that the reporting requirements have changed because of federal regulations and the standings of cultural resources. He stated that site investigation and delineations are done much more in depth and more precise due to the way people have learned to look at project sites historically and culturally.

Commissioner Moore inquired if there was any information contained in the traffic report that dealt with the stacking up of cars at the pumps. Michael Profant stated that the only areas considered for parking were the actual spaces at the pump, and did not include the cars waiting in line.

Commissioner Barnes wanted to know why a variance was not provided as part of the project approval since the regulations require 30 parking spaces and only 26 are proposed.

Mr. Profant explained that the zoning code provides for the planning commission to allow the parking study to be considered as the basis for their decision without having to go through the variance process. He stated that if the commission is satisfied that the study has demonstrated the project has a special type of use that was not contemplated by the code, they have the authority to determine that the amount of parking is sufficient for that use.

Commissioner McAndrew wanted to know if an action plan will be in place in case soil contamination is found when the tanks are removed. Mr. Profant stated that if contamination is found, the applicant would be required to excavate the soil and replace it with fresh infill. Mr. Profant noted that this requirement is included as a condition of the project approval, and the applicant would need to secure the necessary permits from the department's environmental health division.

Commissioner McAndrew stated that she agreed the proposed parking is sufficient because the site is a temporary stop for people using the facility, and not a place where they will be spending a lot of time. She said the less amount of parking is not as crucial as it would be for another type of use, and commented that it depends upon what kind of future development happens in the area because right now it is low density in terms of traffic and residential development.

Chris Cunan, project architect, noted that over the past 9 years the applicant has purchased and upgraded approximately 40 gas stations in Northern California. She indicated that some of those sites were exterior remodels and some structures were completely demolished and rebuilt. She noted that the applicant has also built new structures on sites that were vacant. Ms. Cunan indicated that the use of the existing building will not change. She said in her opinion this project goes beyond what is typically required for this kind of facility.

Ms. Cunan stated that she believes the applicant has provided a good balance that works well with regard to parking. She stated that the new proposal will provide for more circulation and room for movement. With regard to the fence, Ms. Cunan noted that there is no requirement in the code that calls for a wall or barrier between two commercial properties. She noted that the applicants are willing to leave the existing fence in place. She indicated that the new site plan provides a buffer of landscaping between its parking and the fence. She also noted that the trash enclosure will consist of a wall which will

extend approximately 20 feet across the property which can help aid in noise buffering.

Chairperson Barton opened the public hearing.

Maurice Koch, 5055 Business Center Drive, Suite 108, PMB 396, Fairfield, stated that he is the owner of the commercial property to the west. He stated that he believes this is a good project and is good for the community, but he noted his concern with regard to excessive noise. He indicated that the existing building currently acts as a buffer for noise, but when the building is removed traffic will be exposed to the front of his property. Mr. Koch requested that the applicant erect a standard 5 to 6 foot wall to help lessen the noise impact.

Since there were no further speakers, Chairperson Barton closed the public hearing.

Commissioner McAndrew inquired if there was some kind of cost effective structure that could be built that would provide a noise buffer, but not put the applicant beyond their budget.

Ms. Cunan stated that the applicant prefers not to replace the fence since it is only two years old. She indicated that the new site plan proposes a 6 foot landscape buffer which includes trees and shrubs, and she believed that this landscape barrier will help with any noise impact. She said that it is more probable that sound would be generated from the road's intersection rather than from the gas station itself.

Commissioner Moore commented from his past experience regarding sound buffers and stated that the landscaping proposed, especially the trees, would be much more effective.

A motion was made by Commissioner McAndrew and seconded by Commissioner Moore to adopt the Mitigated Negative Declaration and the recommended findings, and approve Lot Line Adjustment Application No. LLA-07-04, Use Permit Application No. U-07-11, and Architectural Review Application No. AR-07-01, subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4495)

3. **ANNOUNCEMENTS and REPORTS**

4. Since there was no further business, the meeting was **adjourned**.