



City of Riverbank
Planning Commission Meeting
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA 95367

Agenda

Tuesday, January 16, 2018 – 6:00 P.M.

CALL TO ORDER: Chair: Larry King

ROLL CALL: Chair: Larry King
Vice Chair: Edward Tabacco
Commissioner: Joan Stewart
Commissioner: John Dinan
Commissioner: Robert Ball

Alternate Member: Commissioner: Melissa Hughes (serves in the absence of a primary commissioner).

CONFLICT OF INTEREST
Any Planning Commission Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PUBLIC COMMENTS (No action to be taken)
At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission Board.

2. CONSENT CALENDAR
All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission Board unless otherwise requested by an individual Planning Commissioner Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the January 16, 2018 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on January 11, 2018.

Item 2.2: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

1ST _____ 2ND _____

Item 2.3: Approval of the Minutes of the December 19, 2017 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: Dinan and Ball.*

1ST _____ 2ND _____

Recommendation: It is recommended that Planning Commission approve the Consent Calendar by roll call vote.

3. PLANNING COMMISSIONER PROCEDURES

Item 3.1: Annual Nomination and Appointment of Chair and Vice Chair – Per Planning Commission Rules and Procedures. Welcome new Commissioners.

Item 3.2: Presentation to outgoing Commissioners.

4. PLANNING COMMISSION WORKSHOPS

Item 4.1: Site Plan Design Review and Conditional Use Permits.

Item 4.2: Discussion of Skateboard Ramps in the R-1 Zoning District.

5. PLANNING COMMISSION COMMENTS

None.

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

None.

7. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Flavors Update

Item 6.2: Riverbank Cannabis Collective Update

Item 6.3: State of the City Address

8. ADJOURNMENT – The next regular Planning Commission meeting – February 20, 2018 @ 6:00 p.m.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Planning Commission Board will be available for public inspection at the address where the meeting is taking place as indicated on the agenda, at the same time that the public records are distributed or made available to the Planning Commission Board.

AFFIDAVIT OF POSTING

I, Janet Smallen, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours to the meeting in accordance to the Brown Act.

*Posted this 11th day of January, 2018
Janet Smallen, Sr. CDS*

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128 or jsmallen@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

NOTICE REGARDING NON-ENGLISH SPEAKERS: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION: The Riverbank Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDAS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the Development Services Department, 6617 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the Planning Commission. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.

PUBLIC HEARINGS: In general, a public hearing is an open consideration within a meeting of the Planning Commission Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

Televised/Video of Meetings: Charter – Channel 2; AT&T Uverse – Channel 99
Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)

City Hall Hours: City Hall is open Monday – Thursday: 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays. **QUESTIONS:** Contact the Developmental Services Department at (209) 863-7128.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Planning Commission Board will be available for public inspection at the address where the meeting is taking place as indicated on the agenda, at the same time that the public records are distributed or made available to the Planning Commission Board.



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MINUTES
Tuesday, December 19, 2017

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, if available, for a fee by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair McKinney, Commissioners: King, Tabacco, McRitchie and Stewart

Absent: None

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

No one spoke.

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the December 19, 2017 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on December 14, 2017.

Item 2.2: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

ACTION: *By motion moved/second (Stewart / Tabacco / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, Stewart, McRitchie and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.3: Approval of the Minutes of the November 21, 2017 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted.
Commissioners: Stewart to abstain.

ACTION: *By motion moved/second (Tabacco / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, Mc Ritchie and Tabacco

Nays: None

Absent: None

Abstained: Stewart

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: Development Agreement No. 02-2017 / Resolution No.# 2017-027 and Conditional Use Permit 05-2017 / Resolution No.# 2017-028 / Dept. File# 17-0017 – Riverbank Cannabis Collective.

The project consists of a Development Agreement and a Conditional Use Permit to permit a commercial cannabis dispensary at 6609 3rd Street (APN 132-011-019). The project site consists of approximately 3,100 square feet and the existing vacant building is 6,588 square feet. The project site has a General Plan Land Use Designation of Mixed Use (MU), and is located in the Downtown Specific Plan and zoned Downtown Core.

Recommendation: Approval by roll call vote

- Planning and Building Manager Donna Kenney presented item 3.1 staff report and power point. The Planning Commission and Staff discussed the item.
- Applicants Deanna Garcia, Kimberly Cargile and Danielle Gravelle introduced themselves and Kimberly Cargile presented a power point on their business model and what they are purposing for Riverbank.
- Public hearing was opened at 7:40 p.m.
- Fred Wood, a Riverbank resident stated his concerns of the location.
- Haskell Moore, a Riverbank resident spoke against the project and location.
- Neil Singh, a Riverbank resident spoke in favor of the dispensary, but thinks the city could collect a lot more money than they are.
- Jeff, a Riverbank resident spoke against the dispensary.
- Arthur, a Riverbank resident spoke against the dispensary.
- Ramon Burmudes, understands it is for holistic medicine but it is illegal by Federal law.
- Leticia Valdo, a Riverbank resident spoke against the dispensary and was concerned for the future of our youth.
- Roman, a Riverbank resident was concerned about the location.
- Evelyn Halbert, a Riverbank resident spoke against the project and is concerned with parking issues in the downtown.
- Public Hearing was closed at 7:24 p.m.

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- Break – 5 minutes from 7:25 p.m. – 7:30 p.m.
 - Planning Commission discussed item 3.1.
 - Tabacco asked a question on warehouses for grows that was mentioned by a resident. Tabacco also asked the number of locations allowed for dispensaries in Riverbank and the difference of the 4% and 5% fee charge.
 - Planning and Building Manager Donna Kenney responded to Tabacco's questions and clarified the difference between each dispensary in why the percentage was different.
 - McKinney asked if the old Hotel has landmark status.
 - Planning and Building Manager Donna Kenney responded that it is not a landmark site.
 - McKinney asked a question that had been asked by a resident on how the money goes into the community and the youth.
 - City attorney Nubia Goldstein responded to McKinney's questions.
 - McRitchie believes that most of the money would go into police enforcement.
 - McKinney asked why they chose this location.
 - Donna Kenney responded to McKinney's questions.
 - City attorney Nubia Goldstein also responded that the location is over the 600 feet limit from a school.
 - McRitchie did mention it would be nice to improve the site.
 - McKinney asked the difference of Adult Use and Medicinal Use.
 - Donna Kenney clarified the difference between the two.
 - Stewart asked if the city had a limit on number of dispensaries.
 - City attorney Doug White responded to Stewart's question.
 - Stewart is concerned with allowing dispensaries in Riverbank.
 - City attorney Doug White responded to Stewart's concerns.
 - Tabacco stated he is concerned with location and parking issues.
 - King asked if we have spoken with the businesses downtown and also asked what kind of prices they would be charging.
 - Kimberly Cargile applicant responded to King's questions.
 - King had some additional questions on the dispensary.
 - City attorney Doug White responded to King's questions.
 - McRitchie expressed his thoughts and concerns on the matter.
 - McKinney also expressed his thoughts on the matter.

ACTION: By motion moved/second (Mc Ritchie / King / denied 4-1) Development Agreement **Resolution No. 2017-027** as presented; motion carried by roll call vote:

Ayes: Planning Commissioner: McKinney

Nays: Commissioners: King, Stewart, McRitchie and Tabacco

Absent: None

Abstained: None

ACTION: By motion moved/second (Mc Ritchie / King / denied 4-1) Conditional Use Permit **Resolution No. 2017-028** as presented; motion carried by roll call vote:

Ayes: Planning Commissioner: McKinney

Nays: Commissioners: King, Stewart, McRitchie and Tabacco

Absent: None

Abstained: None

4. PLANNING COMMISSION COMMENTS (Informational Only – No Action)

None

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Informational Only – No Action)

None

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Donna gave the Commission an update on Flavors.

Item 6.2: Donna informed them that she would be bringing a discussion item on skateramps in the R-1 district.

7. ADJOURNMENT – There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Donna M. Kenney,
Planning and Building Manager

Anthony McKinney, Chair
Planning Commission