

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
February 9, 2016**

CALL TO ORDER: The meeting was called to order by Chairperson Hutchings at 6:00 p.m.

ROLL CALL

PRESENT: Commissioner Kenneth Hutchings (Chairperson)
Commissioner Jim DaSilva (Vice Chairperson)
Commissioner Ruben Mendoza
Commissioner Pamela Tyler
Commissioner Jeff Dal Cerro
Commissioner Robert Gran, Jr. (Arrived at 6:04 pm)

ABSENT: Commissioner Bruce Norton

STAFF: David Merchen, Community Development Director
Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Francisco Nuñez, Assistant Engineer
Brent Richardson, City Attorney
Zelda León, Recording Secretary

PLEDGE: Commissioner DaSilva led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES

Motion made by Commissioner Tyler; seconded by Commissioner Dal Cerro to approve the Minutes of September 8, 2015; October 13, 2015; November 10, 2015 and January 12, 2016; motion was carried unanimously.

CONSENT ITEMS

C1. SPR 2009-21 EXT3 & Multiple CUP Extensions - Foxglove Shopping Center

A request for extension of an approved site plan review and various conditional use permits in support of the development of a retail shopping center. The project site is located on the southeast corner of Schnoor Avenue and Foxglove Way in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-160-005 & 013-160-16)

Staff was asked and responded that, currently, there are no set limits for the number of time extensions that a project can be granted. It is up to the Planning Commission to determine if they want to grant the time extensions.

Motion made by Commissioner Mendoza; seconded by Commissioner Dal Cerro to approve the requested time extension to February 12, 2017 for Site Plan Review 2009-

21 and Conditional Use Permits 2013-04, 05, 06 and 07, subject to the original conditions of approval as listed; motion was carried unanimously.

PUBLIC HEARING ITEMS

1. CUP 2015-32 & SPR 2015-37 - Iglesia Pentecostes Espiritu Santo y Fuego

A continued public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church in a commercial development located at the southeast corner of West Olive Avenue and Martin Street (200 West Olive Avenue) in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation. (APN: 012-053-017) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Christopher Boyle, Planning Manager summarized the report. The use is consistent with the purpose and intent of the Zoning Ordinance. There is sufficient parking to accommodate the church. Staff recommends conditional approval of the use permit and site plan review.

The item was opened for public comment.

Applicant, Juan Bedolla, of 200 W. Olive Avenue, Madera, CA spoke in favor of the project. Mr. Bedolla was asked and responded that he has read and is in agreement with the conditions of approval. Mr. Bedolla also responded that the site has fire extinguishers, smoke detectors and panic hardware in place.

Khalid Chaudhry, property owner of 200 W. Olive Avenue, Madera, CA spoke in favor of the project. Mr. Chaudhry advised the Commission that the items with timeframes will be done before June 1st.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Tyler; seconded by Commissioner DaSilva to approve the requested Conditional Use Permit 2015-32 and Site Plan Review 2015-37 based on and subject to the findings and conditions of approval as listed; motion was carried unanimously.

Commissioner Mendoza recused himself from the next item on the agenda and left the room. Commissioner Mendoza cited a conflict of interest as he sits on an advisory board for the MUSD (Madera Unified School District).

2. GPA 2016-02 & REZ 2016-02 - MUSD General Plan Amendment and Prezoning

A noticed public hearing to consider a General Plan amendment and prezoning of approximately 18.96 acres of land located at the northwest corner of Tozer Street (Road 28) and South A Street. The property is proposed to be prezoned into the PF (Public Facility) Zone District. The General Plan amendment would change the General Plan land use designation from the MD (Medium Density) land use designation to the P&SP (Public and Semi-Public) land use designation. The Planning Commission, acting as a responsible agency, will consider a Mitigated Negative Declaration prepared for the Madera Unified School District in support of the proposed construction of an elementary school (APN: 035-221-001).

Christopher Boyle, Planning Manager summarized the report. The proposed General Plan Amendment and Rezoning provide consistency between the Zoning Ordinance and the Madera General Plan, providing for the eventual development of the site as a Madera Unified School District elementary school.

The item was opened for public comment.

Leonard Bedolla spoke in opposition of the project. Mr. Bedolla expressed concern of the flooding issues which stem from the City side and travel across the street to the County side (his side). The flooding brings about many mosquitos.

Mr. Bedolla was advised that the school district would have to abide by City regulations on water drainage specific to the site, however flooding issues elsewhere would not be addressed as part of this project.

Commissioner Gran asked staff to advise the school district of Mr. Bedolla's comments/concerns.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Gran; seconded by Commissioner Dal Cerro to adopt a resolution recommending to the City Council approval of the requested General Plan amendment and introduction of an ordinance rezoning the subject property, with the findings as stated; motion was carried by Commissioner DaSilva, Commissioner Tyler, Commissioner Dal Cerro, Commissioner Gran and Commissioner Hutchings. Commissioner Mendoza abstained from the vote (recused himself from this project).

Commissioner Mendoza resumed his seat.

3. CUP 2015-33 & SPR 2015-38 – Maranatha Outdoor Dining

A noticed public hearing to consider a conditional use permit and site plan review to allow for the renovation of an existing restaurant property to include the addition of an outdoor dining area. The project site is located on the northwest corner of South Gateway Drive and 11th Street (624 S. Gateway Drive) in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation (APN 011-072-011). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Christopher Boyle, Planning Manager summarized the report. The Maranatha restaurant relocated onto this substandard property approximately two years ago. Completion of site plan review was made a requirement of allowing the use to be established on this substandard property. Site plan review conditions of approval bring the property into compliance with development code and the General Plan. A conditional use permit is requested to allow for outdoor dining.

The item was opened for public comment.

Brenda Barrera, daughter of the business owner for Maranatha Restaurant located on Gateway Drive, Madera, CA spoke in favor of the project. Ms. Barrera was asked and responded that they have read and are in agreement with the conditions of approval. They are more than willing to make all the required improvements.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Mendoza; seconded by Commissioner Gran to approve the requested Conditional Use Permit 2015-33 and Site Plan Review 2015-38 based on and subject to the findings and conditions of approval as listed; motion was carried unanimously.

4. CUP 2015-35 & SPR 2015-40 – Glory of Zion Church

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church in a professional office complex located on the south side of East Almond Avenue between South Madera Avenue and Emily Way (360 E. Almond Avenue) in the C2 (Heavy Commercial) Zone District, with an O (Office) General Plan land use designation (APN 012-240-001). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Christopher Boyle, Planning Manager summarized the report. The church is an ancillary use in the office complex and will not adversely affect the character of the office complex or the activities therein. The office structure can accommodate the assembly activities of the church and there is ample on-site parking for the church.

The item was opened for public comment.

Applicant, Joyce Lane, of 1718 Glade Avenue, Madera, CA spoke in favor of the project. Ms. Lane was asked and responded that she has read and is in agreement with the conditions of approval. Ms. Lane was stated that she now understands why the door is necessary. They do not have a fire extinguisher at this time, but will obtain it.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Tyler; seconded by Commissioner DaSilva to approve the requested Conditional Use Permit 2015-35 and Site Plan Review 2015-40 based on and subject to the findings and conditions of approval as listed; motion was carried unanimously.

5. OTA 2016-01 – Ordinance Amending Madera Municipal Code Relating to Appeals of Planning Commission Decisions

A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an ordinance amending the Madera Municipal Code to provide for revision of the process to appeal the decisions of the Planning Commission to the City Council. The proposed ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA".

Christopher Boyle, Planning Manager summarized the report. The current Zoning Ordinance that addresses appeals to the City Council is reflective of a five-member Council. This ordinance amendment will correct the appeals process to accurately reflect the seven-member composition of the City Council.

The item was opened for public comment.

No public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Gran; seconded by Commissioner DaSilva to adopt a resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2016-01, amending Section 1310 of Chapter 10 of Title III of the Madera Municipal Code pertaining to action on appeal of Planning Commission decisions, as proposed; motion was carried unanimously.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS

Christopher Boyle, Planning Manager

- Form 700 was distributed to the Planning Commissioners. Commissioners were asked to complete and submit the forms to Sonia Alvarez, City Clerk by April 1, 2016.
- Conference Update – Materials will be routed to the Commissioners who will be attending as the conference date approaches.

COMMISSIONER REPORTS

- Commissioner Gran apologized for being late to the meeting.
- Commissioner DaSilva asked if PG&E was doing street repairs on Howard Road.

ADJOURNMENT: Meeting adjourned at 7:00 pm.



Planning Commission Chairperson



Zelda León, Recording Secretary