

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
February 10, 2015**

CALL TO ORDER: The meeting was called to order by Commissioner Hutchings at 6:02 p.m.

ROLL CALL

PRESENT: Commissioner Kenneth Hutchings (Chairperson)
Commissioner Ruben Mendoza (Vice Chairperson)
Commissioner Shirley Driggs
Commissioner Robert Gran, Jr. (Arrived at 6:07 pm)
Commissioner Pamela Tyler
Commissioner Jim DaSilva

ABSENT: Commissioner Bruce Norton

STAFF: David J. 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 Hutchings led the Pledge of Allegiance.

PUBLIC COMMENT

Alma Torres, audience member, indicated that she had questions regarding the Housing Element Rezone. Chairperson Hutchings asked that she hold her comments until that agenda item was discussed.

APPROVAL OF MINUTES

Motion made by Commissioner Tyler; seconded by Commissioner DaSilva to approve the Minutes January 13, 2015; motion was carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

1. CUP 2014-25 & SPR 2014-38 - Verizon Rooftop Wireless Facility

A noticed public hearing to consider a request for conditional use permit and site plan review to allow for the installation of a rooftop cellular wireless telecommunications facility to be located on the roof of the existing Quality Inn located at 317 North G Street in the C2 (Heavy Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 006-095-010). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Christopher Boyle, Planning Manager advised the Commission that the applicant requests that the item be continued to the April 14, 2015 Planning Commission meeting.

Motion made by Commissioner Driggs; seconded by Commissioner Mendoza to continue the public hearing for Conditional Use Permit 2014-25 and Site Plan Review 2014-38 to the April 14, 2015 Planning Commission hearing; motion was carried unanimously.

Commissioner Gran was not a part of this vote. Commissioner Gran arrived at 6:07 pm at the start of Item #2.

2. SPR 2014-34 & DU 2014-01 - Napa Auto Parts

A noticed public hearing to consider a request for a determination of use and site plan review to allow for the construction of a 7,000 square foot Napa Auto Parts store on a 0.78-acre (34,080 sf) property located on the east side of South Gateway Drive, south of its intersection with Madera Avenue, in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation. A Determination of Use is required to allow for retail sales in the I (Industrial) Zone District. The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15332.

Christopher Boyle, Planning Manager summarized the report. The applicant proposes the construction of a 7,000 square foot Napa Auto Parts store. The structure and overall site design are in conformance with the goals and policies of the General Plan. Staff recommends approval of a determination of use and approval of the site plan review for the project.

The item was opened for public comment.

Representative, Sam Basila, Basila Construction of 2591 Mitchell Court, Madera, CA spoke in favor of the project. Mr. Basila was asked and stated that he is in agreement with the findings and conditions of approval as presented.

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 Determination of Use 2014-01 and Site Plan Review 2014-34, based on and subject to the findings and conditions of approval; motion was carried unanimously.

Commissioner Driggs announced that Commissioner Gran had joined the Commission. [Commissioner Gran arrived at 6:07 pm at the start of Item #2.]

3. GPA 2014-02 – DMP Development

A noticed public hearing to consider a General Plan Amendment to change the General Plan land use designation of two parcels from the MD (Medium Density) land use designation to the LD (Low Density) land use designation. The first parcel (APN 012-460-001) encompasses the 18.7 acres located on the southeast corner of Stadium Road and Gary Lane. The second parcel (APN 012-480-009) encompasses the 19.1 acres located on the southwest corner of Stadium Road and West Pecan Avenue. Also considered within the amendment request is revision of the Target Density requirements of the Land Use element of the General Plan. The Planning Commission will consider whether the proposed General Plan Amendment project is exempt under Section 15061(b)(3) of CEQA.

Christopher Boyle, Planning Manager summarized the report. The proposed General Plan Amendment provides compatibility between existing land uses, the Zoning Ordinance and

the General Plan. Mr. Boyle discussed the request to amend the target density component of the Land Use element and advised that staff recommended that further analysis was needed. No action on the request was recommended at this time. Staff recommends approval of the General Plan amendment.

The item was opened for public comment.

Applicant, Mike Pistoresi, DMP Development of 2001 Howard Road, Madera, CA spoke in favor of the project. Mr. Pistoresi was asked and stated that he is in agreement with the findings.

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

Motion 1a made by Commissioner Gran; seconded by Commissioner Driggs to adopt a Resolution recommending to the City Council approval of General Plan Amendment 2014-02, allowing a change in General Plan land use designation from the MD (Medium Density) to the LD (Low Density) General Plan land use designation, for the subject property, with the findings as stated; motion was carried unanimously.

4. Riverwalk Drive Improvements

- **Consideration of Adoption of a Negative Declaration**
- **Environmental Assessment 2014-01**

A noticed public hearing to consider adoption of a Negative Declaration and to consider a finding of General Plan Conformity for a proposal to construct new Riverwalk Drive roadway improvements in order to connect North A Street to North C Street, north of the East Central Avenue alignment. (Multiple APNs).

Christopher Boyle, Planning Manager summarized the report. The proposed project is consistent with the goals and policies of the General Plan and the purpose and intent of Zoning Ordinance. Staff recommends adoption of the resolution adopting the Negative Declaration and approving the finding of conformity with the General Plan.

The item was opened for public comment.

Jim Taubert, City of Madera Successor Housing Agency to the former Redevelopment Agency of Madera, CA spoke in favor of this project. Mr. Taubert stated that they [Successor Housing Agency] are the owners of all properties and will be constructing the street. Mr. Taubert stated that he concurs with staff's recommendation.

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

Motion made by Commissioner Mendoza; seconded by Commissioner Driggs to adopt a resolution finding the Riverwalk Drive Improvements project in conformance with the General Plan and adopting the negative declaration; motion was carried unanimously.

5. Braga Organic Farms

- **Consideration of Adoption of a Negative Declaration**
- **SPR 2014-43**

A noticed public hearing to consider adoption of a Negative Declaration and to consider a site plan review to allow for the development of a 4,875 square foot commercial structure with supporting improvements to be located at the southeast corner of the intersection of

South Granada Drive and Mitchell Court (2592 Mitchell Court) in the C2 (Heavy Commercial) Zone District, with an I (Industrial) General Plan land use designation. (APN: 009-351-010).

Christopher Boyle, Planning Manager summarized the report. The applicant proposes the construction a 4,875 square foot commercial/industrial structure. The structure and overall site design are in conformance with the goals and policies of the General Plan. Staff recommends adoption of the resolution adopting the Negative Declaration and approving the site plan review for the project.

The item was opened for public comment.

Representative, Sam Basila, Basila Construction of 2591 Mitchell Court, Madera, CA spoke in favor of the project. Mr. Basila was asked and stated that he is in agreement with the findings and conditions of approval as presented.

No further 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 adopting a negative declaration and approving the site plan review, based on and subject to the findings and conditions of approval; motion was carried unanimously.

6. CUP 2003-08 MOD & SPR 2015-04 – Starbucks Drive-thru Modification

A noticed public hearing to consider a modification to Conditional Use Permit 2003-08 which allowed for a drive-thru window as a component of a Starbucks coffee house to allow for a digital ordering interface in conjunction with the remodeling of the drive-thru. The coffee house is located at the southeast corner of West Kennedy Street and Marketplace Drive (2295 Marketplace Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-070-028). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Christopher Boyle, Planning Manager summarized the report. The proposed project provides for the replacement of a menu and preview board with the addition of a digital order screen. It is recommended that the amended conditional use permit and site plan review be approved subject to the listed conditions.

The item was opened for public comment.

Representative, Spencer Reghery of 1630 255th Street, Harbor City, CA spoke in favor of the project. Mr. Reghery stated that they are in agreement with the findings and conditions of approval as stated.

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

Motion made by Commissioner Tyler; seconded by Commissioner Gran to approve Conditional Use Permit 2003-08 MOD and Site Plan Review 2015-04, based on and subject to the findings and conditions of approval; motion was carried unanimously.

7. CUP 2015-01 & SPR 2015-02 – Madera Star Smog

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an automotive smog check business to be located approximately 100 feet southwest of the intersection of South C Street and East 6th Street (217 East 6th Street), in the C1 (Light Commercial) Zone District with an C (Commercial) General Plan land use designation (APN: 007-161-013). 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 and can be made compatible with the surrounding uses. Staff recommends approval of the automotive smog check business.

The item was opened for public comment.

Property Owner, Rochelle Noblett of 17461 El Camino Road, Madera, CA spoke in favor of this project. Ms. Noblett was asked and stated that she is in agreement with the findings and conditions of approval except for Condition #11 and she asked that the Planning Commission remove the condition.

The Commission stated that they could not waive Condition #11 which requires that the handicap access ramp on northeast corner of East 6th Street and South C Street be reconstructed to meet current ADA and City standards.

After further discussion, Ms. Noblett requested that this item be continued to the March Planning Commission meeting. Ms. Noblett stated that the City should roll out the red carpet [for new businesses] instead of placing obstacles [in their path].

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

Motion made by Commissioner Gran; seconded by Commissioner DaSilva to continue the application for Conditional Use Permit 2015-01 and Site Plan Review 2015-02 to the March 10, 2015 Planning Commission hearing; motion was carried unanimously.

8. CUP 2014-10 MOD & SPR 2015-03 – Barnes Welding Supply Modification

A noticed public hearing to consider modification of a conditional use permit and site plan review to allow for the establishment of an outdoor storage area as a component of a welding supply store located the southeast corner of South Pine Street and Maple Street (311 South Pine Street), in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-230-026 & 025). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Christopher Boyle, Planning Manager summarized the report. The industrial park has been utilized more and more by commercial uses over time. The site is a fitting location for a welding supply store. It is recommended that the conditional use permit and site plan review be modified to allow for outdoor storage and approved as conditioned.

Commissioner DaSilva asked staff several questions regarding the outdoor storage:

- Can storage be placed elsewhere instead of at the street?
- Is there any possible way to put this indoors?
- How many tanks will be stored in that area?

Mr. Boyle answered:

- There is only one other area that would be compatible, however it is not in close proximity to the site.
- Staff looked at having it placed as far away from the intersection as possible, however the applicant wants it in close proximity to the site.
- The applicant had originally agreed to indoor storage, but after looking at fire codes, cost, etc., decided to modify this Conditional Use Permit and request outdoor storage.
- That he is not sure how many full or empty tanks would be stored in the area, however, the conditions of approval indicate that the applicant would have to comply with all State regulations, etc. The Fire Marshal would determine if the storage area complies with all applicable codes and regulations.

The item was opened for public comment.

Chairperson Hutchings asked if anybody wanted to speak in favor of the project; nobody approached the podium. Chairperson Hutchings asked if anybody wanted to speak in opposition of the project; nobody approached the podium.

Public hearing on this item was closed.

Commissioner Gran stated that since the applicant was not in attendance, his motion was for Motion 2 [Move to continue the application for Conditional Use Permit 2014-10 MOD and Site Plan Review 2015-03 to the March 10, 2015 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)]

At that point, a member of the audience indicated he was the applicant and was asked to approach the podium.

Applicant, Craig Wedgeworth, 8242 Majestic Oak Way, Citrus Heights, CA spoke in favor of the project. Mr. Wedgeworth was asked and stated that he is in agreement with the findings and conditions of approval as presented.

Commissioner Gran recalled his Motion 2 and:

Motion made by Commissioner Gran; seconded by Commissioner Driggs to approve Conditional Use Permit 2014-10 MOD and Site Plan Review 2015-03, based on and subject to the findings and conditions of approval; motion was carried by Commissioners Mendoza, Driggs, Gran, Tyler and Hutchings; Commissioner DaSilva opposed the motion.

A Roll Call was requested on the split vote.

Commissioner Mendoza Aye

Commissioner Driggs stated that she had decided to change her vote.

Commissioner Driggs Nay

Commissioner Gran Aye

Commissioner Tyler Nay

Commissioner DaSilva Nay

Commissioner Hutchings Aye

Commissioner Norton Absent

The motion to approve CUP 2014-10 MOD & SPR 2015-13 Barnes Welding Supply Modification failed due to a tie vote. Roll Call Vote: Ayes: 3 / Noes: 3 / Absent: 1

9. REZ 2014-02 – Housing Element Rezone

A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an ordinance amending the Zone District of specific parcels in order to provide consistency between the General Plan and compliance with the Housing Element of the City's General Plan. An environmental impact report (EIR) was previously certified in October 2009 by the City Council for the General Plan Update. The proposed rezoning of parcels provides consistency with the General Plan and was contemplated in the previously certified EIR.

APN	Zoning From	Zoning To
003-240-001	PD 3000	PD 1500
003-240-002	PD 3000	PD 1500
003-260-042	C1	PD 1500
003-260-043	C1	PD 1500
003-260-044	C1	PD 1500
003-260-045	C1	PD 1500
005-180-001	PD 3000	PD 1500
005-220-006	R1	PD 4500
Eagle Meadows Phase II	PD 3000	PD 1500
006-250-013	R2	PD 1500
006-250-014	R2	PD 1500
006-360-012	R1	PD 1500
006-360-013	R1	PD 1500
006-360-014	R1	PD 1500
006-360-015	R1	PD 1500
008-180-005	R1	PD 4500
009-600-004	PD 4500	PD 1500
009-600-005	PD 4500	PD 1500
011-143-006	C1	PD 1500
011-143-007	C1	PD 1500
011-143-008	C1	PD 1500
011-320-005	CH	PD 1500
Portion of 011-320-006	CH	PD 1500
012-253-001	PD 3000	PD 1500
012-260-003	PD 3000	PD 1500
012-260-004	PD 4500	PD 1500
012-260-007	PD 4500	PD 1500
Portion of 012-270-002	PD 3000	PD 1500
012-390-015	PD 3000	PD 1500
Portion of 012-480-005	PD 6000	PD 1500

Christopher Boyle, Planning Manager summarized the report. The proposed rezoning of parcels provides the required consistency between the Zoning Ordinance and the Housing Element of the General Plan. It is recommended that the Planning Commission adopt a resolution recommending to the City Council adoption of an ordinance amending the Zone District of specific parcels in order to provide consistency between the General Plan and compliance with the General Plan Housing Element.

Mr. Boyle stated that there are no development proposals at this time. This is just a housekeeping issue in order to get the zoning and general plan to be consistent with each other.

Staff was asked and responded that noticing requirements included and English notice to the property owners and those within a 300 foot radius. Staff fielded numerous calls in reference to the notice and none were in opposition.

David Merchen, Community Development Director advised the Planning Commission that the individual who spoke earlier is a adjacent property owner who just wanted to be sure it was not her property that was involved [and it isn't]. The notice is in English, but it does include an offer in Spanish that if they have any questions they should contact the Planning Department and Ms. León does provide translation services whenever those questions come in.

Chairperson Hutchings thanked staff for the clarification.

Commissioner Gran asked the audience for a show of hands if they were in favor of the project. Hands were raised.

Commissioner Gran asked the audience for a show of hands if they were in opposition of the project. No hands were raised.

The item was opened for public comment.

Alma Torres of 104 E. Lewis Street, Madera, CA stated that her question had been answered earlier, however she would like clarification on "compliance with the General Plan". The Commission stated that this is just a housekeeping issue to get everything to match up. No new developments are being proposed at this time.

Brent Richardson, City Attorney stated that everything except the ordinance was completed previously. Mr. Boyle stated the rezone was previously noticed, but the process didn't get completed and that is what staff wishes to do so now.

Evelyn Jones of PO Box 1205, Madera, CA stated that she has two lots on Linden Street and thinks that it's about time this was done.

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

Motion made by Commissioner Driggs; seconded by Commissioner Gran to adopt a resolution recommending to the City Council adoption of an ordinance amending the Zone District of specific parcels identified within Exhibit "A" and illustrated within Exhibit "B" in order to provide consistency between the General Plan and compliance with the General Plan Housing Element; motion was carried unanimously.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS: None

ADJOURNMENT: Meeting adjourned at 7:17 pm.

Ruben Mendez

Planning Commission Chairperson

Zelda León

Zelda León, Recording Secretary