

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
March 8, 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.

ABSENT:

STAFF: David Merchen, Community Development Director
Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Jose Aguilar, Deputy City Engineer
Jose Sandoval, Engineer Intern
Brent Richardson, City Attorney
Zelda León, Recording Secretary
Brandi Garcia, Interim Recording Secretary

PLEDGE: Commissioner Gran led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: February 9, 2016

Motion made by Commissioner Norton; seconded by Commissioner Gran to approve the Minutes of February 9, 2016; motion was carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

**1. TSM 2016-01 – Varbella / DMP Development
(Staff Recommends This Item Be Continued)**

A request for extension of a noticed public hearing to consider a tentative subdivision map to subdivide two parcels (APN: 012-460-001 and 006) encompassing 27.94 acres into a 120-lot single family residential subdivision. The two parcels are located at the southwest corner of Monterey Street and Gary Lane in the R1 (Low Density Residential) Zone District with an LD (Low Density Residential) General Plan land use designation. A Mitigated Negative Declaration will also be considered by the Planning Commission.

Motion made by Commissioner DaSilva; seconded by Commissioner Mendoza to continue TSM 2016-01 to the April 12, 2016 Planning Commission meeting. The motion was carried unanimously.

2. CUP 2012-02 MOD & SPR 2016-04 – Dollar General

A noticed public hearing to consider modification of an existing conditional use permit and site plan review to allow for the sale of distilled spirits where only the sale of beer and wine is currently allowed as a component of an existing grocery store located at the southwest corner of Gary Lane and South Madera Avenue (1200 S. Madera Avenue) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 012-320-005) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

Christopher Boyle, Planning Manager summarized the report. The applicant has requested a 60 day continuance to May 10, 2016 in attempt to collaborate with staff to resolve current recommendations.

Commissioner Da Silva questioned them being able to get a license if we were out of licenses.

Mr. Boyle stated the liquor store at 2370 W. Cleveland Ave would transfer/sell his to Dollar General.

Commissioner Dal Cerro questioned the letters attached to the agenda from 2012 and asked about recent communication from the school.

Mr. Boyle stated he had communicated with Opie Riar and Opie stated they would have the same concerns as they did back in 2012.

Commissioner Da Silva stated he went by the store the previous day and they are selling beer in three packs. He stated the landscaping is not kept up and that pictures were taken as well. Commissioner Da Silva then asked about the transfer of the license from Cleveland Ave to this location and how that would work.

Mr. Boyle stated that Mr. Latif at the Cleveland location would need to stop the sale of alcohol. The transfer/sell would need to be approved by ABC. Mr. Boyle was noticed from ABC that there was a proposed transfer.

Commissioner Da Silva stated that Dollar General had previously said they were not a liquor store and that now they would be a liquor store if they are issued the license.

Mr. Boyle said that would be correct but that they are requesting a continuance at this point to collaborate with staff.

Commissioner Gran asked if there were other Dollar General stores in the chain that sell distilled spirits.

Mr. Boyle confirmed that there are 13,000 Dollar General stores and he was certain that there were other stores that offer distilled spirits. He stated that both stores in Madera have a standard beer and wine license for sale of off-site consumption.

Commissioner Hutchings asked if there were any other questions. No further comment was made.

Motion made by Jeff Dal Cerro and seconded by Commissioner Norton to continue Conditional Use Permit 2012-02 MOD to the May 10, 2016 Planning Commission meeting. The motion was carried unanimously.

3. CUP 2016-01 & SPR 2016-06 – Chipotle Beer and Wine Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for on-site consumption at an existing restaurant located within the Commons at Madera Fair shopping center along West Cleveland Avenue, approximately 500 feet east of its intersection with North Schnoor Avenue in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 006-390-029) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

Christopher Boyle, Planning Manager summarized the report.

The item was opened for public comment.

Applicant, Mike Kabojino, stated he has reviewed the conditions and is in agreement with the conditions as modified.

Store Manager, Chris Mejia, 2180 West Cleveland Avenue will not serve beer 'to go'.

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

Motion made by Commissioner Norton; seconded by Commissioner Tyler to approve the amended Conditional Use Permit 2016-01 and Site Plan Review 2016-06 based on and subject to the findings and conditions of approval as listed; motion was carried unanimously.

4. CUP 2000-15 MOD & SPR 2016-02 – Lake Street Valero Remodel

A noticed public hearing to consider modification of an existing conditional use permit and site plan review to allow for the sale of distilled spirits for off-site consumption, expansion of the existing convenience store structure and remodeling of the commercial site located at the southwest corner of East Cleveland Avenue and North Lake Street (1030 N. Lake Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 004-083-016) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15303 (New Construction or Conversion of Small Structures).

Christopher Boyle, Planning Manager summarized the report.

Commissioner Da Silva suggested moving the trash enclosure to parking spot #11 to remove it from Cleveland Avenue view. Commissioner Da Silva also had concerns

regarding graffiti on the enclosure. Commissioner Hutchings questioned the drive way entrance/exit.

The item was opened for public comment.

Applicant, Balwinder Singh, 1030 N. Lake Street, Madera, Ca. Mr. Singh thanked Mr. Boyle and staff with their help in his remodel. Mr. Singh stated he has read and is in agreement with the conditions of approval.

Commissioner Da Silva asked if he would remain open during the remodel. Mr. Singh stated he has yet to determine if he will be staying open during the remodel but would like to if it is possible.

Commissioner Dal Cerro asked the applicant if he is aware of the landscaping standards and how he plans not to over water his landscape.

The applicant stated he is aware of the water restrictions and is working with a landscaping architect to use trees and landscape that do not require a lot of water. He also stated that he may be installing solar panels in the future as well.

Commissioner Hutchings asked about the landscaping encroaching into the City Right-of-Way. Christopher Boyle stated it was allowed by the City Engineer.

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 approve the requested Conditional Use Permit 2000-15 MOD and Site Plan Review 2016-02 based on and subject to the findings and conditions of approval as listed; motion was carried unanimously.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS

Christopher Boyle, Planning Manager

- Presentation of proposed report from the Planning Commission to the City Council in connection with the appeal of the Planning Commission denial of Conditional Use Permit 2015-28, Conditional Use Permit 2015-29, Variance 2015-03 and Site Plan Review 2015-32, and request for comment and direction to staff.
- Commissioner Dal Cerro requested a fourth bullet point be added to the Captain Mart request to sell beer and wine. (CUP 2015-28, CUP 2015-29, Variance 2015-03 and Site Plan Review 2015-32) The fourth point would be; the nature of the business would affect the redevelopment of the Bethard Square shopping center.

- Reminder to Commissioners, the Form 700 is due to Sonia Alvarez, City Clerk, by April 1, 2016.

COMMISSIONER REPORTS

- The Commissioners stated they had a good time at the Commissioners Academy they attended.
- Commissioner DaSilva asked if PG&E was doing street repairs on Howard Road.
- Commissioner Da Silva asked if someone could look at the trees around the Walmart shopping center. They are all dead.

ADJOURNMENT: Meeting adjourned at 7:00 pm.



Kenneth F. Hutchings
Planning Commission Chairperson



Brandi Garcia, Interim Recording Secretary