

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
April 14, 2015**

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

ROLL CALL

PRESENT: Chairperson Kenneth Hutchings
Vice Chairperson Ruben Mendoza
Commissioner Shirley Driggs
Commissioner Pamela Tyler
Commissioner Jim DaSilva
Commissioner Bruce Norton

ABSENT: Commissioner Robert Gran, Jr.

STAFF: Kira Noguera, Assistant Planner
Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Francisco Nuñez, Assistant Engineer
Brent Richardson, City Attorney
Zelda León, Recording Secretary
David Tooley, City Administrator (In the audience)

PLEDGE: Commissioner Mendoza led the Pledge of Allegiance.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: None

NON-PUBLIC HEARING ITEMS

NP1. Study Session – 2015 Housing Element Update

Larry Minitier of Mintier Harnish, consultants contracted to update the General Plan Housing Element in order to meet streamlining requirements updated the Planning Commission on the procedure, deadlines and the reasoning for wanting streamlining.

CONSENT ITEMS

C1. CUP 2011-14 EXT3 & SPR 2011-14 EXT3 - Gas Station/Convenience Store

A request for a time extension for a conditional use permit and site plan review approval to allow for a gas station/convenience store, to include the sale of alcoholic beverages. The project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-010-090)

C2. CUP 2008-15 EXT4 & SPR 2006-31 EXT4 – Comfort Suites Hotel

A request for a time extension for a conditional use permit and site plan review approval to allow for the development of an 80-room hotel. The project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive in the C2 (Heavy

Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-010-089)

Consent Item #1 was pulled for discussion and will be addressed after action on Consent Item #2.

C2. CUP 2008-15 EXT4 & SPR 2006-31 EXT4 – Comfort Suites Hotel

Motion made by Commissioner Driggs; seconded by Commissioner Norton to approve a one-year time extension from this date to March 13, 2016, for Conditional Use Permit 2008-15 and Site Plan Review 2006-31, remaining subject to the original conditions; motion was carried unanimously.

C1. CUP 2011-14 EXT3 & SPR 2011-14 EXT3 - Gas Station/Convenience Store

The Planning Commission was advised that recommendation for Consent Item #1 indicates a recommendation to approve to a date in 2015 when the year should be 2016.

Motion made by Commission Norton; seconded by Commissioner Driggs to approve a one-year time extension from this date to March 13, 2016, for Conditional Use Permit 2011-14 and Site Plan Review 2011-14, subject to the original findings and conditions of approval; motion was carried unanimously.

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 rooftop 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 summarized the report. Cellular telephone service is an integral element of daily communication. The proposed rooftop cellular wireless telecommunications facility is necessary to provide enhanced wireless telecommunications service to the area. In that no suitable alternatives are available, staff recommends conditional approval of Conditional Use Permit 2014-25 and Site Plan Review 2014-38.

The item was opened for public comment.

Rebecca Anderson, Verizon Representative of PO Box 2088. West Sacramento, CA spoke in favor of the project. Ms. Anderson indicated that the screening around the rooftop cellular wireless telecommunications facility will be of high quality and the condition of the screening will be maintained "like new" at all times as per the conditions of approval. Ms. Anderson requested that Condition #20 be amended to reflect that issues regarding this condition would be corrected per Madera Municipal Code as opposed to 24 hours.

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

Motion made by Commissioner DaSilva; seconded by Commissioner Norton to approve the requested Conditional Use Permit 2014-25 and Site Plan Review 2014-38, based on and subject to the findings and amended conditions of approval; motion was carried unanimously.

Amended Condition #20

Vandalism and graffiti shall be removed or corrected within 24 hours of notification per **Madera Municipal Code**.

2. CUP 2002-07 MOD - Review of Rescue Mission Use Permit

A noticed public hearing for review of the conditional use permit (CUP 2002-07 MOD) allowing for the operation of the Madera Rescue Mission located at the northwest corner of Elm Avenue and Clinton Street in the R2 (Residential) and PD-4500 (Planned Development) Zone District, with a MD (Medium Density) and LD (Low Density) General Plan land use designation. The approximately two acre complex includes a Men's Shelter, a Women's Shelter, several storage and accessory structures, and an office. The review will assess compliance with the conditions of approval governing the use permit (APNs: 008-062-006, 007 & 033). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15303.

Christopher Boyle, Planning Manager summarized the report. The review is required per the conditions of approval for CUP 2002-07 MOD. The information contained herein demonstrates that the Madera Rescue Mission is operating in noncompliance with two of the thirty-two conditions of approval.

The item was opened for public comment.

Mike Unger, Rescue Mission Executive Director, of 129 River Pointe, Madera, CA spoke in favor of the project. Mr. Unger was asked and responded that he has reviewed and is in agreement with the conditions of approval.

Commissioner Driggs stated that there has been quite an improvement to the site and congratulated Mr. Unger in their efforts. Mr. Unger stated that Mr. Boyle was a part of that process and he thanked Mr. Boyle for that.

Charles Rigby of 619 Foster Avenue, Madera, CA spoke in favor of the project. Mr. Rigby made the following comments:

- Mr. Unger has only been the director for the Rescue Mission for a few years.
- The Rescue Mission has been at that site since 1987 or 1988.
- Mr. Unger deserves the extension which would allow the Rescue Mission to comply with the conditions currently in non-compliance.
- The Rescue Mission, when built, had been on the outskirts of town.
- Mr. Unger is capable of increasing the value of their property.
- The Rescue Mission did not choose to build the houses that are going up around it; we did (as a City).
- If the Rescue Mission does grow out of the acreage and we need to provide a larger area, then, maybe we (the City) are not doing a great job. That is not a good problem.
- Proposition 178 – Lots more people are leaving jails and the prison systems and have nowhere to go.
- The Rescue Mission does daily/weekly outreach to homeless single mothers.
- The last thing we need to do is make it harder for them to get food and shelter.
- Mr. Rigby identified himself as a City Council Member.
- He is proud to say that the Rescue Mission is a part of his district.

- He looks forward to working with Mr. Unger in the future to reach the accolades he knows it can reach.

Mariselda Leon of Madera, CA spoke in opposition of this project. Ms. Leon made the following comments:

- While she agrees that the Rescue Mission provides valuable services to the community, the Rescue Mission may have outgrown their site in offering too many programs.
- She informed the Commission that the four corners of Elm Avenue and Clinton Street have been red curbed (painted red), thus greatly reducing the safety hazards to the neighborhood.
- She thanked Mr. Tooley, Planning Department, Engineering Department, Public Works Department and any others who helped make the red curbs happen.
- She advised the Commission that Mr. Unger or the people who represent him or work for him are still not complying with the Temporary Use Permit (TUP) process.
 - At January's meeting, Mr. Unger had indicated that he hadn't known there was a process he had to comply with, but now that he'd been informed, he would see to it that they took care of those requirements.
 - As per the handout with pictures that was distributed to the Commission, that is still not occurring and, therefore, at the date of the pictures still causing safety issues.
 - Vehicles were still parking in the red zones, but maybe that issue will better now that the corners have been red painted.
- The man-gate to the concrete area has created more issues.
- She does not know what time the man-gate is supposed to be open. She does not know when meals are scheduled. What she does know is that when she passes through there after work (after 5 pm), the man-gate is not open for client use, thus, Rescue Mission clients are on the sidewalk (blocking path of travel), laying on the sidewalk or out on the street.
- The Elm Avenue gate is still not open during events held by the Rescue Mission.
- The issues that she speaks about regarding the Rescue Mission are recent issues. She has been in that area 15-17 yrs and the neighborhood never had these kinds of impacts or issues before.

Commissioner Tyler asked several questions and Ms. Leon responded as follows:

- In regards to the pictures dated 03/19/15:
 - She does not know if the vehicles that parked in the red zones are non-Rescue Mission clients.
 - She does know that when the pictures were taken, the Rescue Mission's Clinton Street parking area was full and these vehicles seem to be the overflow.
 - She does know that when the Clinton Street parking area was full and there seemed to be overflow from it, that the Elm Avenue parking area gate remained closed.
 - She doesn't know if the full parking lot on Clinton Street was in association with an event at the Rescue Mission as Rescue Mission personnel has not complied with the TUP process as required.

- In regards to the pictures date 03/7/15:
 - Commissioner Tyler asked if having Mr. Unger line up their clients on the sidewalk would help in keeping their clients off the street.
 - Ms. Leon replied that the concrete area which was approved in January was supposed to be used to get their clients off the sidewalk and street, but since the man-gate is not open to them, the concrete structure has, actually, created more issues.
 - The man-gate is not open when she passes by after work (5 pm).
 - She doesn't know when meal times are, but if they opened the gate sooner, then people would go into that concrete area.

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 find Conditional Use Permit 2002-07 MOD to be in general conformance with the conditions of approval, with the requirement that within the next ninety days the applicant either install the required improvements or make an application for deferral of the required improvements listed in Condition No. 32, and make application to amend the use permit to better clarify Condition No. 10 and provisions for special events; motion was carried unanimously.

3. PPL 2003-03 MOD3 - Chateau at the Vineyards Precise Plan Modification

A noticed public hearing to consider modification of Precise Plan 2003-03 to allow for two additional models to be available for construction on the remaining unbuilt lots within Phase IV of the Chateau at the Vineyards subdivision. The subdivision is located in the PD 6000 (Planned Development) Zone District, with an LD (Low Density) General Plan land use designation (APN: Multiple). A negative declaration was certified by the Planning Commission for the subdivision on the site in May of 2003. The proposed modification is consistent with development anticipated in the Negative Declaration.

Kira Noguera, Assistant Planner summarized the report. The proposed new home floor plans and elevations are comparable to the approved models and, as conditioned, are consistent with the goals and policies of the General Plan. Approval of the modification to the precise plan is recommended.

The item was opened for public comment.

Applicant, Joseph Crown of 4337 N. Golden State Boulevard, Fresno, CA spoke in favor of the project. Mr. Crown stated that he had reviewed the conditions of approval, but that his designer was recommending an amendment to the conditions.

Designer, Ubaldo Garcia of 156 Asilomar Drive, Madera, CA spoke in favor of the project. Mr. Garcia asked the Planning Commission to allow for a 10 foot rear yard setback in some of the homes as their lot size and shape would make it difficult to comply with the current rear yard setback requirements.

Mr. Boyle stated that the public notice mentioned that two new models were being considered, but didn't address other changes to the Precise Plan.

Brent Richardson, City Attorney stated there was nothing to preclude making a minor change to the conditions.

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

Motion made by Commissioner Driggs; seconded by Commissioner Tyler to approve Precise Plan 2003-03 MOD3 to allow for the modification of the precise plan for Chateau at the Vineyards to include the addition of two new floor plans and elevations, based on and subject to the findings and amended conditions of approval; motion was carried unanimously.

Amended Condition #7

A ten percent (10%) minor variation for the interior side yard and rear setbacks and yard requirements may be granted with approval by the Community Development Director when deemed necessary. **A ten foot rear yard setback may be allowed for on a case-by-case basis per the approval of the Planning Manager.**

4. CUP 2015-03 & SPR 2015-09 – Crescent View South Public Charter

A noticed public hearing to consider a conditional use permit and site plan review to allow for a private charter school to locate within the Madera Marketplace shopping center at the northeast corner of North Schnoor Avenue and West Cleveland Avenue (2073-A West Cleveland Avenue). The project site is located in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-160-023). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Kira Noguera, Assistant Planner summarized the report. The allowance for a private school in a commercial zone is consistent with the purpose and intent of the Zoning Ordinance. Conditions of approval provide compatibility with surrounding land uses. Staff recommends approval of the conditional use permit and site plan review.

The item was opened for public comment.

Erik Jans, Representative for Crescent View South Public Charter of 1038 E. Olympic Drive, Fresno, CA spoke in favor of this project. Mr. Jans stated that he had read and supports staff's recommendation. Mr. Jans was asked and responded to several questions from the Commission:

- Participants would be high school age children.
- They get public funding from the State.
- The site will be open five (5) days a week.
- He will mention to those he represents that the stop sign between Chase Bank and IHOP needs to be replaced.
- They are accredited.

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

Motion made by Commissioner Tyler; seconded by Commissioner Norton to approve Conditional Use Permit 2015-03 and Site Plan Review 2015-09, based on and subject to the findings and conditions of approval; motion was carried unanimously.

5. CUP 2015-04 & SPR 2015-12 – Maria's Burger Bar Alcohol 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 in conjunction with a restaurant located on the west side of North Gateway Drive (114 North Gateway Drive), north of its

intersection with Yosemite Avenue, in the C-1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-093-002). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

Kira Noguera, Assistant Planner summarized the report. The use is consistent with the purpose and intent of the Zoning Ordinance and is harmonious with the surrounding uses. There is no compelling reason to deny the sale of alcoholic beverages in conjunction with the restaurant.

The item was opened for public comment.

Blanca Campos, Representative for Maria's Burger Bar was asked and responded that they had read and are in agreement with the conditions of approval.

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

Motion made by Commissioner Mendoza; seconded by Commissioner Norton to approve the requested Conditional Use Permit 2015-04 and Site Plan Review 2015-12 based on and subject to the findings and conditions of approval; motion was carried unanimously.

6. OTA 2014-01 – Housing Element Streamlining Process Ordinance Amendment

A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an ordinance amending Title X: Planning and Zoning of the Madera Municipal Code to be in compliance with the state Department of Housing and Community Development requirements for qualification for the Housing Element streamlined review process.

Christopher Boyle, Planning Manager summarized the report. In order to qualify for the Housing Element streamlined review process, adoption of an ordinance amending Title X: Planning and Zoning of the Madera Municipal Code to be in compliance with the State Department of Housing and Community Development requirements is necessary.

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 DaSilva; seconded by Commissioner Norton to adopt a resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2014-01, amending Title X: Planning and Zoning of the Madera Municipal Code to be in compliance with the State Department of Housing and Community Development requirements for qualification for the Housing Element streamlined review process, as proposed; motion was carried unanimously.

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS: None

ADJOURNMENT: Meeting adjourned at 7:45 pm.

Kenneth F. Hutchings

Planning Commission

Zelda León

Zelda León, Recording Secretary