

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
June 14, 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 Jeff Dal Cerro  
Commissioner Bruce Norton  
Commissioner Robert Gran Jr.  
Commissioner Pamela Tyler

**ABSENT:** None

**STAFF:** Dave Merchen, Community Development Director  
Christopher Boyle, Planning Manager  
Keith Helmuth, City Engineer  
Jose Aguilar, Deputy City Engineer  
Jose Sandoval, Assistant Engineer  
Brent Richardson, City Attorney  
Brandi Garcia, Recording Secretary

**PLEDGE:** Commissioner Norton led the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**MINUTES:** May 10, 2016

Motion made by Commissioner Tyler and seconded by Commissioner Norton to approve the May 10, 2016 minutes.

Motion carried unanimously.

**CONSENT ITEMS:** None

**NON-PUBLIC HEARING ITEMS:** None

**PUBLIC HEARING ITEMS**

**1. CUP 2016-07 & SPR 2016-08 – Camarena Health School-Based Clinic**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of a 3,873 square foot school-based Camarena Health Center clinic to be constructed on the Madera South High School campus located on the northwest corner of West Pecan Avenue and Stadium Road in the U (Unclassified) Zone District with a P&SP (Public and Semi Public) General Plan

land use designation. The clinic will be open to the general public as well as students, and non-school clients will come and go from the medical office located on the school campus (APN: 012-410-004).

Commissioner Mendoza recused himself. He's an advisor for Madera Unified School District.

Planning Manager, Christopher Boyle presented the item.

Commissioner Norton asked if there would be a rent charged to the School District for the portion used by Camarena.

Mr. Boyle stated he would let the applicant speak on that but he believes it is free.

Commissioner Gran verified with Mr. Boyle that if this was not a 'U' Zone then they would not be looking at it and it would be a Unified School District decision.

Mr. Boyle stated that if it was a 'school facility' then the state would handle all licensure but since it is not a 'school facility' the City takes authority and requires a use permit since it is in the 'U' Zone.

Commissioner Hutchings questioned the center not being a 'school facility' but the school nurse will be in the facility and have his/her office there.

Mr. Boyle confirmed and said that there is a component of the structure that will house the school nurse and provide services to the students. There is a door the students can come through the student entrance into the nurse's facility and then be referred through another entrance to the Camarena area.

Commissioner Hutchings thanked Mr. Boyle and invited the applicant to come forward.

Paulo Soares, CEO of Camarena Health, he has reviewed the conditions of approval and they are in agreement with them.

Commissioner Tyler asked how they were going to maintain the outside community coming in and not having any major issues.

Mr. Soares stated that the front doors will be right off campus and then the doors in the back will be closed and key coded not allowing access to the back.

Commissioner Tyler was concerned with the facility being open to the public.

Mr. Soares stated that the daily capacity will be about 20 visits per day and the main priority will be the students and faculty. The general public will be able to access the facility during the summer so they wouldn't have to shut down the facility. The number one daily priority would be students and faculty, then the public would be able to be seen with any other available appointments. It would only be available to the public if it was not being used by the students and faculty at its full capacity.

Commissioner Tyler asked what the office hours are.

Mr. Soares stated those have not been set yet but the intent is right at or right before hours and then right up until just after school so likely 7:30 to 4:30 or 8:00 to 5:00. They would want to be available for the students coming to school early in the morning.

Commissioner Gran stated that one of the recommendations is 9:00 a.m.

Mr. Soares confirmed that was for the general public.

Commissioner Tyler noted that the earlier hours would be for the students.

Commissioner Norton confirmed that the business model is driven around the school and the teachers.

Mr. Soares confirmed, yes it is centered around the students and faculty.

Commissioner DaSilva asked what percentage of school students are currently seen at the Camarena centers and what other schools have this type of program.

Mr. Soares said he wasn't sure and didn't have the exact number but the program is currently in place in Kerman, Gaston Middle School in Fresno, Parlier, Raisin City, Livingston High School is in the process of building a center. It's newer in the valley, but L.A. and the Bay Area schools also have had the program in place for a while. It's a convenience for the parents. Mom doesn't have to take time off work and the student may miss less school by being able to go back to class right after the appointment. It's a convenience factor and it keeps the students in the classroom longer.

Commissioner DaSilva asked if children can go to the clinic for a period and learn if they want to be a dental hygienist or something in that field.

Mr. Soares confirmed, yes they can train there for a period if they wish to do so. They have been working with Madera Unified for a period of time in the CTE programs to help identify health careers for high school students and how they can shadow and learn more. They have held conferences and they would like to fold in the career technical education aspect and have some of the curriculum as a component to the health center. There will be an opportunity for those students interested. They will also be offering behavioral health services. That is a big component of the center.

Commissioner Gran confirmed the school nurse was a 'gratis' type of situation. He also asked what kind of arrangement Camarena currently has with Madera Unified School District. Who is building the structure?

Mr. Soares said that Camarena is building the building.

Commissioner DaSilva asked how long the lease is.

Mr. Soares stated that it is either a 7 or 10 year lease with MUSD.

Commissioner Gran mentioned that the lease probably has two roll overs included as well. He asked Mr. Soares if they are a non-profit organization.

Mr. Soares confirmed yes, they are non-profit.

Commissioner Gran said he was trying to figure it all out, it's an excellent tool since you may get kids or parents that don't put priority into visiting the doctor and now it's right there. So, how does Johnny make an appointment?

Mr. Soares said the preferred method would be for the parent to make an appointment. Commissioner Tyler asked about the center getting inundated with public appointments. Even the location on 6<sup>th</sup> Street gets behind. How will it be prevented that students are not sitting there waiting and missing class?

Mr. Soares replied that the slots that are available are available and they will not book over that. The number one priority will be the students. If there are 20 slots and only 19 are filled then that one may be given to the general public.

Commissioner Gran asked about the mentioned weekend operation and the summer operation that Mr. Soares had mentioned.

Mr. Soares said that they currently do not have any intentions of operating on weekends at this point. The hours would be 7:30-5:00 on the campus side and 9:00-5:00 on the public side if there was availability. The public side of the business is the backup for the summer so they don't have to shut the facility down during that time. Given the large student population on this campus, they foresee this being a student/faculty priority. Right next door is the elementary school and they would also be given the priority. It really won't leave a lot of room for the public.

Commissioner DaSilva asked about elementary students that have appointments and the parents not being able to pick them up and get them to the clinic. Would they be picked up?

Mr. Soares replied that they are working with the school district trying to figure out what can be done if students need to be walked over. They may be able to have a staff member take care of that.

Tyler asked if it would be open to Madera High students down the street as well.

Mr. Soares said absolutely, the number one priority is school district students.

Mr. Boyle stated that the City staff had similar concerns regarding public coming on to the campus and after having conversations with the school district, staff (including the Police Department) was extremely satisfied with the measures that would be in place.

Commissioner Hutchings noted that this item was continued from last month's meeting due to unresolved issues regarding the conditions of approval with the school district, he wanted to make sure that they are now on board with this.

Mr. Boyle stated he had spoken with Rosalind Cox that morning and they are in approval and will be taking a board action in July.

Commissioner Norton made a motion to approve Conditional Use Permit 2016-07 & Site Plan Review 2016-08, seconded by Commissioner DalCerro.

The motion was carried unanimously, 6-0 with Commissioner Mendoza abstained.

## 2. CUP 2016-12, 13, 14 & SPR 2016-23 – West Coast Tires

A noticed public hearing to consider multiple conditional use permits and a site plan review to allow for the establishment of a used car sales lot and a tire and wheel sales and installation business with outdoor display to be located at the northwest corner of South Gateway Drive and Madera Avenue (500 & 508 S. Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-2136-002).

Commissioner Gran asked to see the site plan with parking again. He asked for verification of where the wheel display would be. He also asked where the used cars would be parked.

Mr. Boyle explained that the parking is to the rear of the site and customers would park up to the front. There is no particular way that the cars need to be parked but the site must maintain the path of travel.

Commissioner Hutchings had a question regarding the location and how Madera Avenue joins Gateway Drive. The driveway falls in the middle of the signalized intersection.

Mr. Boyle said that the one particular driveway is required to be abandoned. The driveway will end up being off center of the intersection.

Commissioner Hutchings said he noticed the right turn only requirement but had the same concern regarding the drive way on Madera Avenue.

Mr. Boyle stated that per Cal Trans they did not require it there.

Commissioner Hutchings asked if there were any other questions for Mr. Boyle. There were none so he invited the applicant to step forward.

Ibrahim Alwareeth, CEO of West Coast Tires stepped to the podium, he stated has read and is in agreement with the conditions of approval.

Commissioner Mendoza asked if the wheels would be pulled in and out.

Mr. Alwareeth confirmed that yes, they will be pulled inside at night.

There were no other questions, the item was returned to the Commission.

Commissioner DaSilva made a move to approve Motion 1 to approve Conditional Use Permits 2016-12, 13, 14 & Site Plan Review 2016-23.

Commissioner Norton opposed the approval.

The motion was approved 6-1.

### **3. VAR 2016-01 – Delano/Lake Street Setback Variance**

A noticed public hearing to consider a variance from the rear yard setback standards of the Madera Municipal code to allow for a three (3') foot rear yard setback where a minimum of ten (10') feet is required, on property located at the southeast corner of the intersection of Clark Street and North Lake Street (1525 North Lake Street) in the R1 (Residential) Zone District with an LD (Low Density) General Plan land use designation (APN: 005-132-021).

Planning Manager, Christopher Boyle presented the item.

Commissioner Gran confirmed that the house is conforming but the garage is not.

Mr. Boyle stated that they are currently one structure today. In building the house it significantly improved the garage.

Commissioner Hutchings invited the applicant to step forward.

Mark Delano stepped forward and said this is something he was not aware of. He never realized this was an issue. They incorporated this old building that was an eye sore at the time. They eventually attached it to the house and added stucco so it looks like one building. He thinks the lot line was just drawn in the wrong spot.

Commissioner Hutchings asked if there were any questions for Mr. Delano. There were none.

It was asked if anyone would like to step forward and speak on the item. Nobody came forward.

Commissioner Gran made a move to approve Motion 1 to approve the application for Variance 2016-01, it was seconded by Commissioner DaSilva.

The motion was carried unanimously.

### **4. CUP 2015-18 – Springhill Suites ABC MOD**

A noticed public hearing to consider an amendment of an existing conditional use permit to allow for the sale or furnishing of beer, wine and/or distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. Springhill Suites is located on the north side of East Almond Avenue, immediately west of Highway 99 (1219 East Almond Avenue), in the CH (Highway Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-390-005).

Planning Manager, Christopher Boyle presented the item.

Commissioner Gran said he has stayed at different locations and some have full service bars, others have an area off the check-in counter that they serve drinks from. He questioned the intention of this location.

Mr. Boyle stated that there are specific conditional of approval but they are not saying where those beverages should be made available. There is no allowance for the serving outside but it may be done in the foyer area.

Commissioner Hutchings invited the applicant to step forward.

Felicity Gallund, her address is 50 N. Hughes Ave., Clovis, Ca.- General Manager of the hotel. They have read and are in approval with the conditions of approval.

Commissioner Gran just wanted to confirm with her how they planned to serve the drinks.

Mrs. Gallund stated they will be using a small area to the side of the front desk. They will be using that area to sell beer and wine.

Commissioner Gran asked about distilled spirits.

Mrs. Said that the type of license they are applying for automatically includes distilled spirits but at this time there will not be any distilled spirits.

Commissioner DalCerro said the report states they drinks will be complimentary but she is saying 'sell'.

Mrs. Gallund said that Marriott is requiring them to sell them and not do anything complimentary as of yet but that could change in the future.

Commissioner Hutchings thanked the applicant and asked if there was anyone else that would like to speak. There were none.

The item was returned to the Commission.

Commissioner Norton made a move to approve Motion 1 to approve Conditional Use Permit 2015-08 MOD based on and subject to the conditions and findings, Commissioner Gran seconded the motion.

The motion was carried unanimously.

##### **5. CUP 2016-16 & SPR 2016-26 – Galaxy Dance Academy**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a dance studio within a 2,900 square foot lease space located in the 47<sup>th</sup> Place West shopping center (1930 Howard Road, suites 115 & 117), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 009-361-069).

Planning Manager, Christopher Boyle summarized the item.

There were no questions from the Commissioners for Mr. Boyle.

Commissioner Hutchings asked the applicant to step forward.

Michelle Harvey, 1930 Howard Rd., Madera – owner of Galaxy Dance Academy, she has read and is in approval of all the conditions.

Commissioner DaSilva asked if Mr. Berry is in approval.

Mrs. Harvey said yes, she is working with Rudy at Berry's office.

Commissioner DalCerro made a move to approve Conditional Use Permit 2016-16 and Site Plan Review 2016-26 based on and subject to findings and amended conditions of approval. Commissioner Tyler seconded the motion.

The motion was carried unanimously.

#### **6. CUP 2015-26 MOD & SPR 2016-27 – Madera's Finest Car Wash & Window Tinting**

A noticed public hearing to consider an amendment to an existing conditional use permit and site plan review to allow for the establishment of an auto detailing and window tinting business in an existing structure located on the southwest corner of East 6<sup>th</sup> Street and South E Street (96 East 6<sup>th</sup> Street), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-213-002).

Planning Manager, Christopher Boyle presented the item.

Commissioner DaSilva asked what they were going to do for the water.

Mr. Boyle said there is a well there and the water all drains into the City sewer. Past observations were that the water usage was not at a high volume like at the automatic car washes.

Commissioner Hutchings asked if there was any need to hold a public hearing since staff is recommending a continuance until the July 12<sup>th</sup> regular Planning Commission meeting.

Mr. Richardson said it depends on if they would like to go with staff's recommendation or not.

Commissioner Hutchings asked if anyone was in the audience for the car wash. Mr. Ortega was present but chose not to speak on the item.

Commissioner Tyler made a move to approve Motion 2 to continue Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 to the July 12<sup>th</sup> meeting to give the applicant and property owner time to complete the improvements prior to approval and opening the business. Seconded by Commissioner DaSilva.

The motion was carried unanimously.

## **7. CUP 2016-17 & SPR 2016-30 – New Beginnings Church**

A noticed conditional use permit and site plan review to allow for an amendment to an existing conditional use permit and site plan review to allow for the establishment of a church at 218 South D Street in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-154-012).

Planning Manager, Christopher Boyle presented the item.

Commissioner Hutchings invited the applicant to step forward.

Sam Almanza of 218 South D Street, Madera stepped to the podium. He stated he is in agreement with the conditions of approval. There were no questions for Mr. Almanza.

Commissioner Hutchings returned the matter to the Commission for further processing.

Commissioner DalCerro made a move to approve Motion 1 to approve Conditional Use Permit 2016-17 & Site Plan Review 2016-30 based on the findings and conditions of approval. Seconded by Commissioner Norton.

The motion was carried unanimously.

## **8. OTA 2016-03 – City of Madera Landscaping Ordinance**

A noticed public hearing to consider an amendment to Chapter 10 of Title 9 of the Madera Municipal code to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards.

Community Development Director, Dave Merchen presented the item.

Commissioner asked about #9 stating there is to be no bare dirt allowed in publicly visible areas. A common look now is the DGM look.

Mr. Merchen talked about the standards and the state code. He said that dirt is dirt and rock is rock but dirt is not rock, he is not sure if the DGM or crushed stone would be a preferred landscaping material but there is a lot of alternatives.

Commissioner Gran pointed out that right in front of Clovis Community they spent a lot on their landscaping and it's the rock, etc. but looks nice and easy to maintain.

Commissioner Hutchings asked for clarification on 'street trees' noted in the report.

Mr. Merchen said that 'street tree' is a global term, it's the tree that is along the street frontage in developments. There would need to be that tree and at least one additional tree.

Commissioner Norton asked about item F, 2 (i), it talks about the addition or installation of 500 square feet or more. Is that for new installation or additional installation?

Mr. Merchen said it would apply to if you have 500 square feet and you are tearing out and replanting, you would need a permit.

Commissioner Gran pointed out that you wouldn't even be able to install turf without a permit.

Mr. Merchen said that the City should be discouraging the installation of turf because we don't have any water. However, it should say that if you have existing turf and want to replace it that would be ok.

Commissioner Gran said that in Lake Havasu they have plenty of water because of how they have placed their well. However, in order to have a lawn you have to pay an additional tax every year. Therefore, most people have rocks.

Commissioner DalCerro said these types of ordinances are great for Palo Alto or Bel Air but for places like us where people are struggling to pay their house payments it may not work so well since they would have to hire a professional to put in their yards.

Commissioner DaSilva said that if it's going to apply to the City residents then it needs to apply to the City of Madera also. There is always water running at Town and Country Park and other areas.

Mr. Merchen said the question is, should there be an ordinance for this? The question is on the table.

Commissioner Hutchings noted two observations; section K, number 6 regarding the use of rubber infill made from tires not being acceptable. Why would that be the case?

Mr. Merchen was not sure, those standards were developed by the Parks Department Manager.

Commissioner DalCerro said they raise the temperature because they are dark and encourage evaporation.

Commissioner Hutchings asked if there were any more questions for Mr. Merchen.

Commissioner DalCerro thanked Mr. Merchen for his report, he thought it was well written.

Commissioner reminded the Commissioners that these are strict standards straight out of the MWELo.

Commissioner Norton asked if Mr. Merchen envisioned this getting so out of hand that you couldn't even sell your house if you don't have the right sprinkler requirements, etc.

Mr. Merchen said that not today that wouldn't matter but maybe in a couple years, yes.

Commissioner Tyler asked about the City owned properties that aren't kept up such as the 14<sup>th</sup> Street and E Street property. It doesn't look nice.

Mr. Merchen said this is different that the property maintenance standards.

Mr. Richardson said that would be a Code Enforcement issue.

Commissioner Hutchings remembered the other item he wanted to comment on; he read about some instances where the artificial turf was creating more heat being reflected into homes resulting in more use of air conditioners. He would hope that we are not creating any unintended circumstances.

Mr. Merchen said that there is a cap on how much artificial turf you can use. You would also have to have some planters to help with that also.

Commissioner Hutchings asked if there were any other questions of Mr. Merchen. There were none so he invited anyone from the audience who would like to speak.

David Rasnik – 1032 Perkins stepped to the podium. He read up on MWELO when he was getting ready for his church project. The City helped him find plants that were drought tolerant and plants as well. He did find the 500 square feet odd though. Are people going to come in and say I'll do 450 square feet to get away with not needing a permit? Or like his neighbor who had tenants that ruined his house and yard, now he would have to spend money on landscaping, etc. Also, in some areas the two trees would not be possible. It doesn't seem like there is room built into the standards.

Commissioner Hutchings returned the item to the Commission for further discussion and or action.

Commissioner Mendoza said he is not happy with this. The vast part of the residents and the community cannot afford this to try and keep up with these new rules. Some of this falls on the backs of those that are having a hard time already.

Commissioner Gran said that some of this makes sense but...

Commissioner Norton asked what would happen if the Commission did not approve this.

Commissioner Gran asked if items can be taken out.

Mr. Merchen said recommendation or denial are both options. Things can also be taken out.

Commissioner Norton asked if it was City Council's decision to adopt this.

Mr. Merchen confirmed, yes.

Commissioner DalCerro said, so it may be an option to recommend approval but take out the 500 square foot renovation rule.

Mr. Merchen said yes, you can take that action.

Commissioner Dal Cerro is worried about the established neighborhoods starting to look really bad because they can't afford to do things the way the city is requiring.

Commissioner Hutchings asked if there was anything magical about the 500 number.

Mr. Merchen said that is the number is the floor for the MWELO. However the MWELO does not have a renovation requirement. That is the one requirement that can be taken

out and we would still be fine. Conservation requirements apply today but the concern is that there's no limitation in putting in all lava rock, etc.

Commissioner DalCerro verified that the standards are going to apply regardless but were trying to do it in a way that we won't have a bunch of paved over front yards.

Mr. Merchen confirmed yes.

Commissioner DalCerro asked the Commissioners what they were going to do.

Commissioner DaSilva asked if they could make a motion only for new construction homes.

Commissioner Hutchings said that he thinks most of the Commissioners have a problem with the 500 thing. He also raises the question on the swimming pool item, does it apply to above ground pools also.

Mr. Merchen said that only in ground pools require permits so the above ground pools would not trigger this requirement since they don't require permits.

Commissioner Norton said he's voting no on everything and will go talk to City Council.

Commissioner DalCerro told Mr. Merchen that he has an unhappy council.

Commissioner Gran stated that the only way to send a message to City Council is to deny this.

Mr. Richardson said they have Motion 3 as an option.

Commissioner Norton made a move to accept Motion 3 to adopt a resolution recommending to the City Council denial of OTA 2016-03. Seconded by Commissioner Tyler.

The vote was carried unanimously.

## **9. CUP 2016-09, 10, 11 & SPR 2016-20 – Madera Commerce Center**

A noticed public hearing to consider a conditional use permits to allow for automotive repair and a site plan review to allow for the remodeling and repurposing of the former Madera Tribune building into an eleven (11) suite retail/commercial center with an outdoor vehicular storage yard.

This item was recommended for continuation until the July 14, 2016 meeting. Staff was not ready to move forward with this item.

Commissioner Mendoza made a motion to continue Conditional Use Permits 2016-09,10 & 11 and Site Plan Review 2016-20 to the July 12, 2016 meeting. Seconded by Commissioner Tyler.

The vote was carried unanimously.

## ADMINISTRATIVE REPORTS

Mr. Boyle said he wanted to give an update on the trees on W. Cleveland Ave. he has spoken with the property manager and the owner. The trees will be getting ground down and Chinese Pistachio planted in their place.

Also, he spoke with Los Girasoles, he has grown frustrated with the applicant. She is under contract with a landscape architect and we should be receiving plans. If that is not the case he will ask for direction prior to the next meeting.

There are several use permits in the Span Industrial park that are going through review. There are a lot of off-site requirements due to the increasing retail, such as sidewalks along Maple.

Commissioner DaSilva noted that the first center median on Cleveland and Westberry is never mowed or taken care of like the others.

Mr. Boyle wasn't sure if there is a LMD in place on that or not.

Commissioner Hutchings asked if there were any other Administrative Reports.

Mr. Richardson added a reminder...Commissioner Reports should just be a note of things noticed but not a discussion. The reports should be limited to meetings or classes attended, etc. Just a reminder.

## COMMISSIONER REPORTS

Commissioner Hutchings wanted to let Mr. Boyle know he did a good job with being short-handed. He also wanted to say that the Engineering Department did a wonderful job with the sewer repair.

**ADJOURNMENT:** The meeting adjourned at 8:10 p.m.

  
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Kenneth A. Hutchings  
Planning Commission Chairperson

  
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Brandi Garcia, Recording Secretary

