

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
April 12, 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

**ABSENT:** Commissioner Robert Gran, Jr.  
Commissioner Pamela Tyler

**STAFF:** Christopher Boyle, Planning Manager  
Keith Helmuth, City Engineer  
Jose Aguilar, Deputy City Engineer  
Brent Richardson, City Attorney  
Brandi Garcia, Recording Secretary  
Zelda Leon, Deputy City Clerk

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

**PUBLIC COMMENT:** None

**MINUTES:** March 8, 2016

Motion made by Commissioner Norton; seconded by Commissioner DaSilva to approve the Minutes of March 8, 2016; the motion was carried unanimously.

**CONSENT ITEMS:**

**1. CUP 2008-15 EXT5 & SPR 2006-31 EXT5 – Comfort Suites Hotel – Time Extension**

Consideration of a request for a time extension for a conditional use permit and site plan review previously approved allowing for the development of a 3-story, 80 room hotel approximately 45,000 square feet in gross floor area. The 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)

Jim DaSilva made a motion to approve this item and it was seconded by Jeff Dal Cerro. The motion was carried unanimously.

## PUBLIC HEARING ITEMS

### **CUP 2016-03 & SPR 2016-09 – Liberty Baptist Church**

Item #5 was moved to the forefront due to a last minute request for a continuance by the applicant. Planning Manager, Christopher Boyle summarized the reason for the request.

Commissioner Norton made a motion to approve the continuance to the May 10<sup>th</sup>, 2016 regular meeting, Commissioner Dal Cerro seconded the motion. The vote was carried unanimously.

#### **1. TSM 2016-01 – Varbella / DMP Development (Staff Recommends This Item Be Pulled From Consideration – To Be Re Noticed At A Later Date To Be Determined)**

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) General Plan land use designation. A Mitigated Negative Declaration will also be considered by the Planning Commission.

The item was pulled from the agenda as recommended by Mr. Richardson.

#### **2. Fiscal Year 2016/17 to 2020/21 Capital Improvement Program Determination of Conformity to the City of Madera General Plan**

A noticed public hearing to consider a resolution finding the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401.

Christopher Boyle, Planning Manager summarized the report and asked that the Commission make a determination and provide a resolution that the Planning Commission recommends finding the Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.

Commissioner Mendoza asked if there was a tentative location for the new, City Hall. Mr. Boyle stated there is not a tentative location at this time.

Commissioner Hutchings asked if there was anyone who would like to speak on this item. Nobody stepped forward so the item was returned to the Commission for further action.

Motion made by Commissioner Norton; seconded by Commissioner DalCerro to adopt the Resolution finding the proposed Capital Improvement Program in conformance with the General Plan and specific plans of the City of Madera. The motion was carried unanimously.

#### **3. HOP 2016-02 – Mojo's Catering Services – Appeal**

A noticed public hearing to consider an appeal of a home occupation permit denied due to opposition from the surrounding community. The residential site is located at 2620

Monocott Drive in the R1 (Residential) Zone District with a LD (Low Density) General Plan land use designation (APN: 006-260-006).

Christopher Boyle, Planning Manager summarized the report. Chairperson Hutchings invited the applicant to step forward after the summary was completed.

The applicant (Mone'shay Platt) stated she is aware of the conditions of approval and agrees to all the conditions. The property owner is also aware of the conditions and approves, he was present at the meeting. She wants to use her home for paperwork and marketing only.

Commissioner Dal Cerro asked her what she meant by marketing.

Mrs. Platt said that she would like to post on Facebook and make business cards, etc.

Commissioner Dal Cerro asked how she would meet with a client if needed.

The applicant said they would meet at Starbucks or Panera, a public place, but not her home.

Commissioner Mendoza asked if the business would be visible from the outside. The applicant assured there would be no sign of her doing business.

Mrs. Platt assured there will be no indication of a business being ran there.

Commissioner Dal Cerro asked Mr. Boyle to explain the process that would take place if the applicant was in non-compliance.

Mr. Boyle stated that would become a Code Enforcement issue. They would be the pathway to bringing about compliance.

The applicant stated that if the Vineyard was not available for her to use on Sundays, she could also use the Elks Lodge to prepare food. That has already been approved by the Health Department.

Commissioner DaSilva verified with the applicant that all food is stored at The Vineyard and if something is being prepared at The Elks Lodge she would go to The Vineyard to get the food and take it to The Elks Lodge to prepare. After the preparation anything needing to be stored would be taken back to The Vineyard and not to her home.

Michael Linehan of 2701 Monocott Dr stepped forward to address his concerns. He said he had a list of things prepared but didn't know he would be limited to three minutes even though Mrs. Platt got the benefit of more time. He doesn't want a business on his street. He stated the applicant used to live across the street from where she lives now and there was always trash out, old tires and a car that wasn't tagged. He said that Code Enforcement didn't do anything when they were called. She had garbage out on the curb a week and a half before the curbside pickup, however, Code Enforcement did come out that time. Mr. Linehan stated he has pictures of paint cans being left out on the curb for several days. Mr. Linehan said this affects his ability to sell his property if there is junk across the street.

Mr. Linehan also stated he has seen food come out of the house in trays. She told him she was having a party. His complaint is based on previous experience at the previous home she lived in. He said the applicant has no skin in the game.

He said to check with Code Enforcement and the Police Department to see how many times they were called to the previous address.

Mr. Linehan was asked to wrap it up. He apologized for going over his three minutes but nobody was ringing a bell at him.

Commissioner DaSilva said, 'ok, ding, ding, time's up.'

Commissioner Mendoza asked how the complaints from the previous address relate to this current request. Such as the cans and the debris that were left around the house.

Mr. Linehan stated that if she doesn't follow the basic rules of a neighborhood then she may not follow the rules for her business.

Commissioner Mendoza said that these things have nothing to do with her business and that the trays of food carried out could be for a family party. He said he's looking for concrete information that will tell him she's not going to comply. Based on the report there is every indication she will be running a home office and that's it.

Mr. Linehan said if she doesn't comply with basic rules then how is she going to comply with these rules.

Commissioner DaSilva said it doesn't matter what happens outside, he only cares what goes on inside. He said until Mr. Linehan sits in his front yard with a camera and takes pictures 24/7, and he walks by and sees her taking food out then we have a problem. As of now there's no proof.

Mr. Linehan asked why he was being questioned.

Commissioner DaSilva replied, "Cause you have no proof. Just take pictures." He requested that Mr. Linehan to take pictures and bring them to him.

Commissioner DaSilva asked for the next person to come up.

Veronica Barnett of 36954 Sparta Ave in Madera stepped forward to address the Commission. Veronica is a family friend. She said that Mrs. Platt keeps her home and business life private. She also said Mrs. Platt does do family events for potlucks and things. She also preps her food at the Elks Lodge where she (Veronica) has helped her in the past. She said she has other friends that live in close proximity of Mr. Linehan and he is always making false accusations and exaggerate about things. She also said that Mrs. Platt is very professional in what she does and her license is very important to her.

Moyra Farelli a resident of Madera for 31 years stepped to the podium. She has been a teacher since 1972. She knows the applicant to be a lovely and responsible person. She is also a positive person and an asset to this community. The applicant is assertive and wants to succeed.

Judy Minter of 24273 Avenue 13 in Madera came forward to address the Commission. She has a home on the corner of Monocott Dr. and Riverview Dr. She visits Mrs. Platt on a weekly basis. She thinks it's admirable that the applicant is taking the time to do this instead of going forward without a license. She stated the applicant wants to do everything the correct way.

Raylene Charlton spoke next. Raylene lives at 19344 Avenue 23 in Chowchilla. She has been babysitting for Mrs. Platt for the past two years. She is at Mrs. Platt's home on Monocott Tuesday through Saturday from 2:30 pm to 10:30 pm. Raylene said she was upset because she knows the things being said by Mr. Linehan are not true. She stated there has been no food preparation in the house and nothing sitting out as Mr. Linehan had stated.

Ron Dutrow of 37862 Rosemead Dr. Resident of Madera County for 30 something years. He is the owner of the home Mrs. Platt rents and is pleased to have her as a tenant. He has several rentals in Madera and is on top of keeping them looking nice. He said it is impossible to cook in the home for catering. The stove is only 27" wide. As soon as he can he's going to buy a new one for her. This makes it impossible to run her business out of the home. He is proud to have her there, she's a good person. A lot of people have offices in their house. He has read Mr. Linehan's letter and listened to his comments. He didn't appreciate the comments that were made.

Ronna Harris 2708 Monocott, three doors down from Mrs. Platt. She met Mrs. Platt when she came at her with a spatula thinking she was robbing the neighbor's house. She went and talked to Mrs. Platt when she received the letter about the Home Occupation Permit. She verified that it is correct that the stove is small, she has the same one herself. Mrs. Platt has only a small desk in the corner of the living room. She has one in her back room herself. She has not seen the trash, but doesn't go around checking everybody's trash.

Commissioner Hutchings stated that most of the comments have been directly focused around the objections by Mr. Linehan or references of Mrs. Platt. He asked if anyone would like to bring up any other items that would not be repetition of earlier comments.

Mr. Linehan continued to speak from the audience and Commissioner Hutchings let him know his objections had been noted.

If anyone else wished to address their concerns, they were asked to step forward to the podium. Otherwise, he would like to close the public hearing at this time and bring the item back to the Commission.

There continued to be conversation in the audience.

Commissioner Hutchings asked if there were any other questions from the Commission otherwise, he would entertain a motion.

Commissioner Mendoza stated that based on the contents of the report he doesn't see why the applicant should be denied. We cannot predict future behavior based on Mr. Linehan's concerns regarding prior happenings.

It has been moved and seconded to approve the appeal of Home Occupation Permit 2016-02 to allow for the Catering Services business in the R1 district. The motion was carried unanimously.

#### **4. CUP 2016-02 & SPR 2016-08 – Planet Fitness**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church to be located on the east side of South Gateway Drive (801 South Gateway Drive), south of its intersection with 12<sup>th</sup> Street in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-151-008).

Mr. Boyle, Planning Manager summarized the report.

Commissioner DaSilva asked what the plan was for the backside of the building, the West side of the building.

Mr. Boyle stated that all fascia of the building would be repainted but there will not be any investment in rock or any other materials on the rear side of the building.

Commissioner Hutchings asked if there were any other questions for Mr. Boyle and said that we were expecting the applicant to speak.

Commissioner Dal Cerro asked if the applicant would be speaking.

Commissioner Hutchings invited the applicant to come forward.

Kurt Rathman, Representative of the Applicant David Bidwell, 517 South Main St in Moscow ID.

He thanked the Planning staff for a well written staff report. He stated they find the conditions of approval are consistent with the City of Madera zoning ordinance and general Plan. They are in agreement and plan to submit documents for a building permit and incorporate all the requirements into it.

Commissioner Mendoza asked if there would be any intentions of selling food or drink at the location.

Kurt stated, they usually sell bottled drinks out of a cooler but no other food or drink would be served.

Commissioner Dal Cerro asked if David owned any other locations here.

Kurt said he had just come from Fresno and there will be a couple projects going there. However, not currently in the Central Valley.

Commissioner Dal Cerro asked if there would be a staff person there 24 hours a day.

Kurt replied that yes, there will be a staff person there.

He referred the Commission to Bret Linsky for any other questions regarding the operation.

Commissioner Hutchings asked if there were any other questions. There were none.

Commissioner Hutchings asked if anyone would like to come forward and address the Commission.

Cynthia Hurenkamp stepped forward. She resides at 1812 Venturi in Madera. She lives next to an athletic club in her neighborhood. Cynthia asked how many members the location planned to have and how the number of parking spaces was determined for this location.

Mr. Boyle stated that there are two ways of determining the spaces required. The first is based on the number of members and number of employees. The second which is used in this case, is one parking stall for every 200 square feet of floor area.

Cynthia asked how the 200 square feet was determined because the County's calculation is one space per 100 square feet. She said she would have thought that would have been a good baseline for the City to use when determining the number of spaces required here. She stated that the Thrive she lives next to has about 76 spaces and 200 cars on a night. She stated it was important to her to see what we use in establishing the correct number of parking spaces, especially for a 24 hour facility. The facility near her is not a 24 hour facility but people show up at 3:30 and leave at 11:30. It is important to her to understand if it is 100 or 200 square feet for our requirements. She stated she would like to ask again where our calculations came from.

Mr. Boyle stated he would like to note that the County is a very different municipality compared to the City and he cannot speak as to how the County derives their counts. It would however take into account the non-urban area. However, for us, this has been the standard since he came to the City. He doesn't know where it comes from but it is applied per our Ordinance. Based on that there are adequate requirements for the Planet Fitness.

Cynthia asked if she could respond.

Commissioner Mendoza stated that she got her answer and it would not do any good to argue about it. It makes sense because we are an urban area.

Cynthia asked if the City has a specific standard for Athletic club facilities in its specific code.

Mr. Boyle stated that was correct and was adopted by Resolution of the Planning Commission.

She asked for the specific code requiring the number of parking stalls within the City.

Mr. Boyle stated it would be a pleasure to meet with Cynthia outside the public hearing.

Commissioner Hutchings thanked her for her comments and asked if anyone else would like to address the Commission on this item. Otherwise the item would be returned to the Commission for further action.

Commissioner Mendoza made a motion to approve the requested CUP 2016-02 and SPR 2016-08 based on and subject to the findings and conditions of approval as listed. The motion was seconded by Commissioner DaSilva. The motion was carried unanimously.

**NON-PUBLIC HEARING ITEMS: None**

**ADMINISTRATIVE REPORTS**

Christopher Boyle, Planning Manager

- Los Girasoles has changed the paint on the building. However, the landscaping has not changed according to the conditions of approval. This may find its way back to the Commission.
- City Council referred the Captain Mart application back to the Planning Department to create conditions of approval. The applicant describes a different business model today compared to what was originally reviewed. They are going for more of an ethnic type grocery store with alcohol as a component. Staff will create conditions of approval according to this new business model.

**COMMISSIONER REPORTS**

- Commissioner DaSilva asked about the Wal-Mart trees and Mr. Boyle stated that Code Enforcement has been working with Wal-Mart to have new trees planted. Hopefully within the next Planning Commission cycle.
- Commissioner DaSilva asked about the curb and gutter along Rotary Park.
- Commissioner DaSilva asked about the curb and gutter at Madera Valley Inn.
- Commissioner Hutchings brought up the open lot East of Schnoor by the Home Depot. It is grown up with weeds. He recommended City staff contact the property owner to have that taken care of before it becomes a fire hazard.
- Commissioner Hutchings stated the purple leafed tree between Panda Express and Cool Hand Luke's needs to be trimmed also.

**ADJOURNMENT:** Meeting adjourned at 7:13 pm.

  
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Kenneth F. Hutchings  
Planning Commission Chairperson

  
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Brandi Garcia, Recording Secretary