

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
July 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 Bruce Norton
Commissioner Robert Gran Jr.
Commissioner Pamela Tyler

ABSENT: Commissioner Jeff DalCerro

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 Mendoza led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: June 14, 2016

Motion made by Commissioner Gran and seconded by Commissioner DaSilva to approve the June 14, 2016 minutes as amended.

Motion carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

- 1. CUP 1962-23, 1989-30 & 1991-13 – Thrive Fitness Revocation**
A noticed public hearing to consider a revocation of three existing conditional use permits which cumulatively allow for the athletic fitness club located at 1803 Sunset Avenue. The property is located on the northwest corner of Sunset Avenue and Orchard Avenue in the R3 (Residential) Zone District with a C (Commercial) General Plan land use designation. (APN: 006-182-007).

Commissioner Hutchings noted that we did receive two letters, one which was emailed to the Commissioners and the other that was just delivered to them today. The letters are also available in the back.

Christopher Boyle, Planning Manager presented the item.

Commissioner Gran asked if Mr. Boyle was ever contacted by council. The applicant stated two months ago that he was going to retain council and be proactive in his approach.

Mr. Boyle responded that the applicant's council that requested the continuance never had subsequent follow up with him. Mr. Boyle was then contacted by the new council about 20 days ago and just met with her today.

Commissioner Gran confirmed that they just met today.

Mr. Boyle stated there has been no movement towards a complete application. He has had dialogue with the applicant and discussed the application and conditions of approval at least once, maybe twice.

Commissioner DaSilva asked what the current CUP is.

Commissioner Gran stated that the three Conditional Use Permits they are operating under now are the three that they are going to be revoked.

Commissioner DaSilva asked if there is a use permit for the massage therapy.

Mr. Boyle stated there are no permits for the sub leased components.

Commissioner DaSilva asked if the upstairs is ADA approved.

Mr. Boyle stated there is not an elevator to provide ADA access. He would have to refer that to the Building Official who is not in the audience tonight. However, he can speak in general on the question, uses on the second floor must be duplicated on the first floor. If there is weight training on the first floor it must also be on the second floor. That makes for equal accommodation for all. If there is an office or a restroom on the second floor there must also be one on the first floor.

Brent Richardson said that for the ADA concerns that can be put in the newer CUP's but that doesn't pertain to the past CUP's and wouldn't be a concern for revocation.

Commissioner DaSilva asked when the permits were pulled for the construction on the second floor.

Mr. Boyle said he went through the building permits earlier that day and....

Commissioner Hutchings asked about Variance 1983-08 on page 8 of the report. It talks about a shared written agreement with the church for parking. Can that be enforced? Can you require someone to negotiate with an adjacent property owner?

Mr. Boyle stated that it is difficult to require someone that is not an applicant within the application to comply with the conditions of approval. In the analysis that may have

been the case in this particular instance. However, there was not an agreement reached and an agreement was not in place.

Commissioner Hutchings said that prior to the meeting he did discuss with Mr. Boyle about the parking requirements and apparently back in 1991 there was not a requirement in the ordinance at that time for facilities such as this and the Planning Commission used their discretion for the judgement of the number of parking spaces that would be needed.

There is no specific call out as it relates to athletic clubs. In advance of the performing arts club the commission adopted by resolution the parking standards discussed in the staff report. That is one stall for every 200 square feet or one stall for every three members and one stall for every two in employees whichever is greater. He doesn't have background with the Planning Commission's rational of the day. The standard parking count in 1991 was one stall for every three hundred square feet which would calculate to 105 stalls. But, it was at the Commissions discretion to make the findings that they did in 1991.

Commissioner Gran said he recalled there was no evidence of impact that is going on today and there were less intensive uses on the property. Also, it was much more spaced out. There was not the same situation when it was reviewed in 1991 as there is today.

Mr. Boyle said that certainly the intensification of the use of the spaces changes the dynamic of the site. You once would have 2 or 4 using the racquet ball courts. Today there are weight training centers in that area that can accommodate many more people.

Commissioner Hutchings asked what the appeal process would be if the Commission chose to move forward with staff's recommendation.

Mr. Boyle said the applicant would have 14 days to appeal the decision of the Planning Commission with the City Clerk. That would be in writing to the City Clerk and with the appropriate fee.

Commissioner Hutchings invited the applicant to step forward.

Susan Treder of Treder land law in Santa Rita, Ca. council for Thrive and Fitness Evolution. She is the council that the applicant retained 20 days ago. They do strongly feel that given the opportunity they can demonstrate full compliance with every one of the situations. The main problem seems to be the parking situation. They need to be able to know how many members are parking on the street and how many are using the off-site parking. They also need to know if they are at capacity and during which hours does that happen. They have already started analyzing those questions.

They have already started the decal program. Every member will be getting a sticker to put on their car. They also want to have regular employee patrols on the street to determine where the members are parking.

They will also have a complaint hotline. There will be several ways of reporting complaints such as a 24/7 answering service as well as a complaint email address and a text complaint line.

They are in the process of putting protocol in place to deal with complaints. Once they verify it is a member's vehicle. The first violation will be Penalties for second violation, either monetary or suspension from the gym. And third they will be asked not to attend the gym any longer.

They have also started on the incentive part, this all fits in number two under the condition 1991-13.

She made a point to stay around the gym until 5:30 and the off street parking was only 85% full.

On Venturi, there was only one car utilizing the street parking.

She is optimistic that all other items in the matrix can be dealt with. There is not a massage business going on right now. The dance will be out by the end of the month.

There is not a separate permit needed to add dance or anything else recreational. It all falls under the same category in use permits. There are not uses going on that have triggered a permit requirement that has not been given.

The owners have never to her knowledge done anything illegally. They want to make sure they are keeping up with the conditions. There is a gradual intensification of the use.

The question is, how do we best deal with that?

Commissioner Hutchings asked if she could summarize her information in a few minutes.

Mrs. Treder said she would like to invite every one of the Commissioners to visit the gym to see for themselves. This is always going to be a gym and they would like the chance to show it can be operated in a responsible way in the terms of the use permit.

Mr. Richardson said it would need to be an agenda item in order for them to go visit. Even if they did it one at a time.

Mrs. Treder said yes, there would not be a Brown Act violation. They would also like the opportunity to continue to work with staff. She also encouraged the Commissioners not to take action on the revocation. The use permits should not be revoked without due process and allowing them to explore some of their options.

Commissioner DaSilva stated he used to manage the gym for 15 years back in the 80's and they never had a problem with parking or neighbors, anything.

There are now more members than the place can handle. Since the racquetball courts were take out the membership has doubled and they park everywhere. He and his cousin used to go out and pick up trash in the streets after closing. That is not being done. The dropping off in the alley is not going to work either. What about checking in, is there going to be a check in at that door too?

Mrs. Treder said that is an option.

Commissioner DaSilva said that's not going to happen. The sign is not readable because it is too small. Don't just tell the new members about the parking, tell the old

members also. He used to play racquetball until 3:00 in the morning when doors were closed and nobody knew he was even there. If you drive by now at midnight or 11:00 and there is loud music blaring. That needs to be toned down.

Mrs. Treder asked the dates that Commissioner DaSilva was involved.

Commissioner DaSilva stated he was involved from 1984-1998.

Mrs. Treder verified that was during the time when all these parking conditions were put into place. But there were no issues with that?

Commissioner DaSilva confirmed that there were not any issues.

Mrs. Treder asked Commissioner DaSilva if he will be voting on this item.

Commissioner DaSilva said he wasn't sure, and asked if he should.

Mrs. Treder said he has council to advise him on that.

Commissioner Hutchings said they can't help but acknowledge it appears they are making efforts but can't help to wonder if they are doing too little too late. He has seen the signs when he goes for his early morning walks. Mrs. Hill has stated in her letter that the signs have not done any good. So, the signs have been seen but are not effective.

Also, the honking of the horns when people lock their cars is something that we didn't have to deal with in the past years when you locked your car.

It has been his experience when he does his walks in the mornings that it is generally quiet but it only takes one inconsiderate person to mess things up for the neighbors. He also understands the concerns of the people with the loud noises they may be having to deal with at 5:00 in the morning. As an engineer they don't allow construction to start until 7:00 so people can get enough sleep.

Commissioner Gran said there is actually a City Ordinance that states 7:00. He said he would like to commend Mrs. Treder for hitting the ground running and doing what she's done in only 20 days. The problem is not necessarily with her but with her client. That's why she is experiencing the frustration.

Commissioner DaSilva asked if they had considered going from 5:00 in the morning until 9:00 at night like it used to be.

Mrs. Treder said that is definitely one of the things being looked at.

Commissioner DaSilva said if he lived in the neighborhood he would be mad. He would call tow trucks to get the cars out.

Commissioner Tyler said that even though Mrs. Treder was there until 5:30 she didn't see the peak time. On a Saturday afternoon it is horrible, the parking is horrible.

Commissioner Gran said that Madera is a late town. 5:30 may be the National peak time but it's not in Madera. He runs the theater and people like to show up three

minutes before and wonder why they are sold out. If somebody comes early for a movie it's 15 minutes early.

Mrs. Treder said they want to take that into consideration as well.

Commissioner Gran said he understands where she is getting her information but it's a last minute rush job here in Madera.

Commissioner DaSilva asked what the massage tables were for in the back room behind the fogged windows. The room that used to be the old finger nail place when he was there.

Mr. Chopra said those are for personal training to stretch you out and are not being used for massages.

Sanjiv Chopra from Fitness Evolution addressed the Commission. He has only been in the process for the last 60 days. He said they are already down to 7:00 pm on Saturday and Sunday.

Commissioner DaSilva said he was talking about Monday through Friday.

In 1991 in Madera there was 30,000 people and today there are over 65,000 people. They do a lot for charity organizations and youth sports and contribute to the town. They want to be a part of the community. They want to work with the neighbors.

Commissioner DaSilva asked what the plans are for the neighbors.

Mr. Chopra asked what he meant about his plans for the neighbors.

Commissioner DaSilva asked what they were going to do, are they going to have a neighborhood meeting or bring the neighbors into the gym?

Mrs. Treder said that they have the idea of sitting down with the neighbors and City officials to hear all the neighbor's concerns, etc. They want to be able to hear all the neighbor's concerns.

Commissioner DaSilva asked if they had anything like that in the past.

Commissioner Gran said that Mr. Montoya, according to the neighbors that testified at the last meeting, basically has met with them and nothing has ever become of this. When you throw that out there the neighbors are not going to say, wow.

Mrs. Treder said they have a brand new game plan.

Commissioner DaSilva said the game plan has been going on for nine months.

Mrs. Treder said there is a new driver of the bus and she is very motivated to make this work in very short order.

Mr. Chopra stated that he is also hoping that the hotline and the ability to send an email will allow them to handle situations that come up.

Commissioner Gran asked Mr. Chopra if he was notified prior to his purchase that there was possible revocation.

Mr. Chopra said, no he was not fully aware. There was nothing published when they searched.

Commissioner DaSilva asked what his time line is on this.

Mr. Chopra said it's hard to invest in the business when you are standing here within the first 60 days at a revocation hearing. They have already set time lines with the attorney to at least alleviate some concerns of the neighborhood.

Mrs. Treder said the decal program and complaint hotline along with the incentives will all be in place within the next 30 days.

Mr. Chopra said that all the traffic going through the area is not theirs it's a lot of others as well.

Commissioner DaSilva said the problem is not the people going through the area, it's the parked cars and the people coming and going. 40 miles an hour down the street, honking horns and turning their radios up late at night. Most of the people in the area are elderly and they want to sleep. Most of them are in bed by 8:00 or 9:00 and they are open until 11:00. That's the problem. By the time you're out of there it's midnight.

Mrs. Treder they have a lot more control over their employees than they do the guests.

Commissioner DaSilva said he's heard of parties in the alley during the night. He said he's heard of a lot of things going on there.

Mr. Chopra said that's not going to happen.

Commissioner DaSilva said he's seen a lot of stuff there.

Mrs. Treder said they are looking into security cameras.

Commissioner Mendoza asked about families that have multiple cars and don't put the decals on all their cars.

Mrs. Treder said they will be issuing decals for as many cars as the family has. Whether they put it on or not is up to them.

Commissioner Mendoza asked if there would be an enforcement team out checking.

Mrs. Treder said there will be people checking.

Commissioner Mendoza asked if the individuals checking will be wearing a uniform so they can be distinguished from crooks that are trying to break into cars.

(Mrs. Treder commented but her response was not clear on the recording)

Commissioner Mendoza said this can also create a problem for the residents thinking there is a prowler so the individuals should be identifiable.

Mrs. Treder agreed and stated that right now they have a lot of orange in their uniforms.

Commissioner Mendoza said yes another problem is the horns from the fob. People jump out and click the lock not once, not twice but three times just to make sure it's locked.

Mrs. Treder said yes even she will press the lock a couple times to make sure if she doesn't see the lights flash with the first one.

Commissioner Hutchings stated that it seems to be established that the intensity of the use is such that there is just not enough off street parking and very limited on street parking. It's been indicated you are going to try and discourage the clients from parking in the neighborhoods. When this happens what is the expectation of the company with their customers if there is no parking available. Will they go to another facility? What's expected of them?

Mrs. Treder stated that at some level it's self-correcting. If you miss your class three times or you spend time looking for parking. At some point it ceases to be convenient. These are fitness minded individuals though and it is a little ironic that they would be looking for the closest parking.

Mr. Chopra said that if there's one person

Mrs. Treder stated that this structure and location limits the opportunity to convert it to another use. In some ways the ability to move hours gives them the flexibility they would not have if there was a grocery store or something else in there.

Commissioner Tyler said they will need to build a tight relationship with the neighbors. If there's no support for the neighbors then there will be no support for the gym.

Mr. Chopra said he understands that and extending his hand and putting these things in place.

Commissioner DaSilva asked Mr. Chopra how long he has been there.

Mr. Chopra said since April.

Commissioner asked Mr. Chopra if he had talked with the neighbors since April or if Mr. Montoya has talked with them since April.

Mrs. Treder said no, the answer is no.

Mr. Chopra said it's now a legal aspect just like when Commissioner DaSilva came to the gym, there's issues with Brown Act.

Commissioner DaSilva said he can go to the gym.

Commissioner Tyler said these neighbors have been in their homes for 50 plus years so they're always going to be there.

Mrs. Treder agreed that outreach and trust are the number one priority.

Commissioner DaSilva asked Mr. Chopra who owns the property right now, Mr. Montoya?

Mr. Chopra said he believes so.

Commissioner DaSilva replied, and you own the gym?

Mr. Chopra replied yes.

Commissioner DaSilva asked if Mr. Montoya could come up.

Mr. Chopra said, sure.

Commissioner Mendoza asked if there was a sign in sheet for each member that comes in.

Mr. Chopra said there is a check in.

Commissioner Mendoza asked if there were any incentives when capacity is reached for the member to go to a different gym.

Mr. Chopra said there are other facilities in Madera and there is interest in building more.

Commissioner DaSilva asked if those gyms were as busy as this one.

Mr. Chopra said they are busier.

Commissioner DaSilva said but there is not a problem because there's different parking.

Mr. Chopra said this is a different situation compared to a commercial shopping center.

Commissioner Hutchings asked if there were any other questions.

Tom Frasier stepped to the podium. He resides at 701 Orchard Ave. at the corner of Orchard and Venturi. He couldn't hear everything since his hearing is bad but he can say what he heard sounded like a stall for time.

The club has outgrown the neighborhood by thousands. Mr. Montoya doesn't even know how many members he has as he stated at the last meeting. He gave a number over 3,000. That's great that he's succeeding but he's in a residential neighborhood. His clients have no respect for the neighborhood.

Mr. Frasier said that six years ago his neighbor had a meeting with Gary Svanda, the Chief of Police and whoever else was there. Mr. Montoya gave promises of change then. The more they changed, the more they stayed the same. More people, more issues. The alarms go off and take 20 minutes to be turned off. People park in front of his mail box.

The only way to keep a parking spot in front of your house is to park on the street and force the club members to go somewhere else. The facility is bringing in too many people. The classes are out in the streets running and going up and down the alley. Traffic goes up and down the alley. The kids go down the alley and slam on their brakes

and throw up dust and gravel. He has talked to the managers several times. They tell him they will do something but their only kids themselves and nothing gets done.

A week or so after they met with Mr. Montoya at John Adams back in April he unloaded the club onto someone else. Does he even have a say so in this anymore? He doesn't want to see anyone go out of business but on the corner of Sunset and Orchard is not the place for this club anymore.

Not all the traffic is from those coming out of the club. But when there's people drag racing down Venturi, those are club members. The club members will park lined up on Orchard before they are forced to use the parking lot.

John Evans, 612 Williams Ave. stepped to the podium. One of his main concerns is the alley. Please do not use it for traffic. There are trash trucks and PG&E that use that area also. The other concern is why, do they have to throw 100 pound weights at 5:00 in the morning and 11:00 at night. He also thinks that if they move fire trucks and ambulances out of the area there would be room for more parking. He has even seen an ambulance parked in the alley feeding the Zumba class with music. The noise and the trash are his concerns.

Roger Harper, 1809 Venturi Ave. addressed the Commission. He thinks they have been given enough time and the new gentleman needs to spend his money somewhere else. He needs to find another place. The noise and the traffic is a devaluation to their property.

Mary Arredondo, declined to give address but lives in front of the club. She has lived in her house for 38 years. She thought when she retired it would be nice neighborhood. She has had so many cars parked in front of her house which is ok. However, once she came out to a car parked half in front of her mailbox. The person was coming out of the club and she asked them not to block her mailbox. The next morning her daughter's car window was broken from a piece of cement. She has picked up garbage, beer bottles and cans. The neighborhood is not the same, she doesn't even come out at night anymore.

The lights on her fence were ripped off, and all of this in the last few years. If she does go out front to water there's men walking from the club through her yard. She's afraid that someone may come into her house or something.

The decal thing, if someone asked her to put it on her car she wouldn't. The neighborhood used to be a nice neighborhood but now it is not because of the club.

Commissioner Mendoza asked if she has witnessed any tail gate parties in front of her house or near it.

Mrs. Arredondo said she has seen men hanging out.

Commissioner Mendoza asked if they were from the club.

Mrs. Arredondo said yes.

Commissioner Hutchings asked if anyone else would like to address the Commission.

Cynthia Hurenkamp, 1812 Venturi Ave. wanted to add a couple of things. She wanted to agree with the fact that they had heard this before and that Commissioner Gran had said he expected a nice tidy package. She presented a flyer she received inviting people to join the club.

Commissioner DaSilva said he received the same flyer.

She said she didn't have a nice tidy package but she did have the flier to join. They are spending money advertising inviting people to join and inviting more people into the neighborhood instead of providing security. People were witnessed partying and tail gating until 12:30 this morning. The headlights were beaming right into her home.

Commissioner Mendoza asked Mrs. Hurenkamp to address the Commission and not the audience.

She thinks the protocol for complaints is a good idea. However, she also looked up Evolution on the Better Business Bureau and they have an F rating. These are the people we are supposed to reach out to. The report card without even starting is already an F. Also, please no more traffic in the alley.

She also wanted to add that the last person spoke about being afraid and her own daughter is afraid. Cynthia asked that for safety sake do something about this situation. She thanked the Commission and stepped down.

Commissioner Gran asked if there was anyone else that would like to speak.

Commissioner Hutchings closed the public hearing and returned the matter to the Commission for further discussion and action.

Commissioner wished to add his comments and said that when Commissioner DaSilva noted what they used to do when he was involved in the gym and the things he did to keep the neighbors satisfied he noticed there were nodding heads in the audience so it does appear that to some extent it could work or that it did at one time. However, that has not happened for a while.

Commissioner DaSilva said the problem is that back then it was a family owned business and they took pride in it. Today the gym is a corporation. It's a numbers game.

Commissioner Tyler said she personally would not like a gym in her neighborhood. The police department would dislike her because she would be on the phone every day. It is heartbreaking for your children or you to be scared to step out of your house. Even to leave your daughters at home when you go somewhere because there are bad people out there. Not to say anything bad about the gym but you should be there at 11:00 at night when the guys are coming out and partying with the girls. There are legit complaints and she totally agrees with them.

Commissioner DaSilva said he gets pretty upset about the situation because it was an awesome gym back in the day. The property owner doesn't even want to come up and talk to explain things. That's a big 'X' to him right there.

Mr. Richardson reminded the Commission to keep in mind what they are considering tonight.

Commissioner Mendoza asked to throw in his two cents. He thanked Sophie for her presentation and ideas. However, after hearing complaints from several residents in the area there's a failure here in thinking about the community as it has progressed from a family owned business to a corporation. They have had 9 months to do something and hasn't. Now, at the 11th hour someone put on a great presentation but it's a little too late. It's just not going to work. Were too far into non-compliance regarding the club.

Commissioner Gran said that 60 days ago he purposely tried to tell Mr. Montoya to come back and give us a work around. He didn't hit the ground running. Commissioner Gran said he's not sure what happened. The lawyer didn't get involved until the 11th hour and she's doing a great job trying but it's too little too late. As much as he doesn't like the word revocation he doesn't see anything else at this point.

Commissioner Hutchings said he would entertain a motion.

Commissioner Gran made a move to approve Motion 1 with the findings as stated. The motion was seconded by Commissioner Tyler.

The motion was carried unanimously, 5-0.

2. CUP 2015-26 MOD & SPR 2016-27 – Madera's Finest Car Wash

A noticed public hearing to consider an amendment to an existing conditional use permit and site plan review to allow for a car wash and auto detailing business. The site is located at the southwest corner of East 6th Street and South E Street in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-152-007).

Christopher Boyle requested a continuance until the August 9th, 2016 Planning Commission meeting in order to allow the applicant, staff and the property owner to continue to consult.

Commissioner Gran confirmed with Mr. Boyle that there has been progress made.

Mr. Boyle stated that staff is confident that we will have positive results in the next 30 days.

Commissioner DaSilva confirmed this site is located next to the used car lot.

Commissioner Gran said yes, next to the rail road tracks.

Commissioner Hutchings noted this was advertised as a public hearing and questioned if they should accept testimony.

Mr. Richardson said they could just continue the item until August 9th.

Commissioner Gran made a move to accept Motion 2 to continue the application to the August 9th, 2016 Planning Commission hearing. The motion was seconded by Commissioner DaSilva.

The motion was carried unanimously.

3. CUP 2016-09, 10, 11 & SPR 2016-20 – Madera Commerce Center

A noticed public hearing to consider an application for three conditional use permits and one site plan review to provide individual allowances for automotive repair as part of the remodel and repurposing of the former Madera Tribune newspaper building. The project site is located at the southeast corner of South E Street and East 7th Street in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation.

Christopher Boyle, Planning Manager presented the item.

Commissioner Hutchings invited the applicant to step forward.

Ubaldo Garcia stepped to the podium. He is a general partner and the project architect, he lives at 156 Asilomar Dr. in Madera. He is proud of this project, not only because he owns it but because it could set a trend of what other buildings in the City could do. He has no problem with staff either approving or denying sales of merchandise. They are looking to focus more on the commercial sale vs. the retail portion. However, they don't want to shut themselves out from anyone that wants to have a small office where they can take clients.

They have addressed the parking issues and are planning on having an automatic gate. They will work as they go on the opening and closing of the gates.

Commissioner Hutchings asked if he has read and approves all the conditions of approval.

Mr. Garcia stated he has and is in agreement.

Commissioner Tyler asked if Mr. Garcia foresees excess traffic.

Mr. Garcia said that traffic is horrible there and he has been talking with Engineering regarding the new ADA ramp he is having to put in. He said he loves the traffic that Evan's generates but it's a tough corner.

Commissioner Hutchings asked if there was anyone else that would like to address the Commission.

Roger Evans of 1817 Venturi Ave asked about the zoning. He thought the area was zoned Light Heavy Industrial, has it changed to Commercial?

Mr. Boyle said he's not certain about the exact zoning for Evan's but he can pull it up quickly. The Madera Tribune site would have been in a Heavy Commercial Zone. The area had once been an Industrial Zone District because of the rail spurs and its proximity to the railroad. However, today the rail road doesn't stop in the City. That area of the community per our General Plan is being converted into a Commercial designation. As part of the Zoning update you will not see any Industrial designations on either side of the Union Pacific Railroad. It's no longer Industrial property. Its highest and best use is Commercial.

Commissioner Gran asked if Evan's would then fit into that area or if they would have to be grandfathered in?

Mr. Boyle stated that a feed store as it focuses on 'store' fits into a Commercial designation. It actually fits less into the Industrial classification than the Commercial classification. Industrial is more manufacturing, assembly and warehousing types of uses today. In the future the commercial designations will best reflect the activity on the site which are largely retail in nature.

Commissioner Gran verified with Mr. Evans that he was noticed about the meeting.

Mr. Evans confirmed he was noticed.

Commissioner Gran said ok, that's all that is required. He understands that back in the day people used to sit down, have a cup of coffee and say they were thinking about becoming their neighbor. In the society we live in today, it doesn't quite happen that way.

Mr. Evans said the traffic on E Street runs way too fast. There's no crosswalks even though they've asked. There's safety issues with the speed limit that was raised by 10 mph.

Commissioner Gran asked Keith if he would like to speak about the concerns.

Keith Helmuth, City Engineer stated that there have been comments come through in the last few years about speed limits through the area that are set by the State. I has been some time since he checked for accidents. However, here was no record of accidents there the last time he checked. He can check it again. Typically, crosswalks don't necessarily make walking safer. When there's a lack thereof people tend to look better before they cross the road. They do not install crosswalks without the area meeting certain criteria. That location has not seemed like a reasonable location for a crosswalk.

He's not aware of a flood issue but it may exist. He's not aware of specific detailed flooding where it threatens the buildings. However he is hearing it does enter the building. If it goes onto the ramp that is an ADA issue. He asked how bad the flooding gets.

Mr. Evans stated they took a \$16,000.00 loss due to the flood issues one year.

Mr. Doud from the Madera Tribune said one of the years they were in the building they had two inches of water in the press room. He noted they still got the paper out on time.

Mr. Helmuth stated he would ask Public Works to go out and look at the drop inlet. Quite frankly, some of the improvements that come out of the Master Plan to address areas of drainage on paper probably aren't funded as of yet and we would have to get back to you. It's not a good answer, but...

Mr. Evans made a comment but it was not picked up on the audio.

Commissioner DaSilva asked about putting in a stop sign going south on E Street.

Mr. Helmuth noted that everything that is done is based on warrants. Installing stop signs without a warrant can lead to other types of accidents such as rear end accidents.

Commissioner DaSilva said that Mr. Evans crosses the street probably a couple hundred times a day because his yard is on the other side of the street.

Mr. Helmuth said one of the most difficult conversations that he has is about crosswalks. He looks for a reason to say the crosswalk will actually make it safer. Generally the world thinks that a crosswalk is going to make it safer. He will do a little bit more review with the location. He can meet with Mr. Evans separately and discuss the issue.

Mr. Evans made a comment again but it was not detected by the audio.

Mr. Helmuth noted that whatever he does is based on national standards and warrants. He very much tries to avoid doing anything based upon fear of what might happen. His documentation shows that what he does could result in somebody being hurt. For a two lane road way such as the one we are talking about right now, generally speaking you would have about exactly what you are talking about now if a crosswalk was installed.

Commissioner Gran said he always thought stop signs and crosswalks were a good idea.

Mr. Helmuth said it could be under the right circumstances.

Commissioner Hutchings said that he has had prior experience in Mr. Helmuth's position and he concurs with everything that he says. He's glad to see Keith taking it seriously. As an Engineer, he notices down Yosemite all the crosswalks for the High School. In the morning sometimes there is shade over the crosswalks and they are not visible to motorists. They are visible to pedestrians but it just creates a false sense of security. Putting a couple of lines for a crosswalk will not enhance the safety.

Commissioner Gran noted that there is definitely a drainage issue and a traffic issue that will be looked at further. He asked Mr. Evans if there was anything else he would like to bring up as the neighbor.

Mr. Evans didn't have anything else.

Mr. Garcia stepped to the podium again and stated that he thought the lack of a parking lot at his site might be causing the issue for Evans. Maybe when somebody is driving a 20 foot truck with a 30 foot trailer coming to pick something up. A loading zone may be an option. Mr. Evan's is using the sidewalk at his building for an unloading dock. He's a believer in street parking. Mr. Evan's has a lot of clientele but there's not a parking lot. Maybe he could consider having some kind of a loading area within his property.

Mr. Evans noted that RDA appraised the site with a value that has not allowed them to make any improvements.

Commissioner Hutchings thanked everyone for their comments and returned the matter to the Commission for further action.

Commissioner Gran made a move to approve Motion 1, seconded by Commissioner Tyler.

The motion was carried unanimously 5-0.

NON PUBLIC HEARING ITEMS

1. CUP 2015-21 & SPR 2015-25 – Whole Body Bootcamp

A review of the performance of conditional Use Permit 2015-21 allowing for a training fitness facility, consideration as to whether a revocation hearing is appropriate and setting of such hearing if necessary. The site is located at the southeast corner of South Pine Street and Maple Street in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-230-021 & 022).

Christopher Boyle, Planning Manager presented the item.

Commissioner Gran asked how this would affect the PAC. He noticed some of the fire department things are a safety issue. They don't have panic hardware or emergency lighting.

Mr. Boyle said that is correct, when there's two uses there has to be two exit strategies. The PAC really only needed an exit out towards the Maple Street frontage. Additional improvements were added when the extra use was added.

Most of the off-site improvements have been done. There were some scary on-site improvements. The ADA path of travel was behind the parking stalls which is an absolute no. One of the conditions was to redefine the path of travel so it is consistent with the Americans with Disabilities Act.

The PAC noted that as their students get older they would like to include Zumba or Whole Body Boot Camp. Staff recommended they could do so with an amendment to the use permit. He hasn't had any follow up dialogue with the owner of the PAC Studios and isn't sure if the outdoor activities are a reflection of PAC Studios or Whole Body Boot Camp especially when there is a mixed message on social media.

Commissioner DaSilva said he only sees them walking up and down Pine Street every morning.

Commissioner Hutchings thanked Mr. Boyle for his report.

Commissioner Gran made a move to approve Motion 1 to schedule a public hearing to consider revocation of CUP 2015-21 at the August 9th, 2016 Planning Commission regularly scheduled meeting, seconded by Commissioner DaSilva.

Motion carried unanimously 5-0.

ADMINISTRATIVE REPORTS

Commissioner Hutchings asked if there were any Administrative matters from City Staff.

Mr. Boyle noted the trees at Madera Marketplace are coming into place. There's multiple City departments that are collaborating with the property management firm as well as the tree business in making sure it gets done.

Commissioner Hutchings said it has been noted.

Commissioner Gran asked how much longer on Schnoor.

Mr. Helmuth responded but it was not picked up on the audio.

Commissioner DaSilva asked how far down Schnoor they are going.

Commissioner Hutchings asked how much longer, will Central be off limits.

Mr. Helmuth said about a month or so.

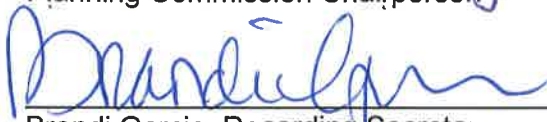
Commissioner Hutchings asked if there were any matters from the Commission.

There were none.

The meeting was adjourned t 8:34 p.m.



Planning Commission Chairperson



Brandi Garcia, Recording Secretary

