

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
October 13, 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 Robert Gran, Jr.  
Commissioner Bruce Norton  
Commissioner Pamela Tyler  
Commissioner Jim DaSilva  
Commissioner Jeff Dal Cerro

**ABSENT:** None

**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

**PLEDGE:** Commissioner Dal Cerro led the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**MINUTES:** None

**CONSENT ITEMS:** None

**NON-PUBLIC HEARING ITEMS**

**NP1. CUP 2015-05, CUP 2015-06 & SPR 2015-15 – DPF Filters (Consideration to Revoke)**  
A review of the performance of Condition Use Permit 2015-05, Conditional Use Permit 2015-06 and Site Plan Review 2015-15 allowing for a diesel particulate filter systems business and the storage of diesel “big rig” tractors and trailers and consideration as to whether a revocation hearing is appropriate.

Christopher Boyle, Planning Manager summarized the report. The site is not in compliance with the conditions of approval for Conditional Use Permits 2015-05 and 2015-06. Staff recommends that the conditional use permits be scheduled for a public hearing to determine whether revocation is appropriate.

Motion made by Commissioner Gran; seconded by Commissioner Norton to schedule a public hearing to consider revocation of Conditional Use Permits 2015-05 and 2015-06 at the November 10, 2015 Planning Commission meeting, based on and subject to the findings; motion was approved unanimously.

## Findings

- Staff has observed non-compliance with the conditions of approval, warranting review of Conditional Use Permits 2015-05 and 2015-06, as approved by the Planning Commission on June 9, 2015.

### **NP2. CUP 2014-21 – Universal Auto (Consideration to Revoke)**

A review of the performance of Conditional Use Permit 2014-21 and Site Plan Review 2014-30 allowing for the expansion of a used car sales lot and consideration as to whether a revocation hearing is appropriate.

Christopher Boyle, Planning Manager summarized the report. The site is not in compliance with the conditions of approval for Conditional Use Permit 2014-21. Staff recommends that the conditional use permit be scheduled for a public hearing to determine whether revocation is appropriate.

Motion made by Commissioner Gran; seconded by Commissioner DaSilva to schedule a public hearing to consider revocation of Conditional Use Permit 2014-21 at the November 10, 2015 Planning Commission meeting, based on and subject to the findings; motion was approved unanimously.

## Findings

- Staff has observed non-compliance with the conditions of approval, warranting review of CUP 2014-21, as approved by the Planning Commission on September 9, 2014.

## **PUBLIC HEARING ITEMS**

### **1. CUP 2015-23 & SPR 2015-27 & Consideration of a Negative Declaration – Aphesis Apostolic Ministries**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction and operation of a church located at the northwest corner of Knox Street and Road 28 (Tozer Street). A sanctuary with seating for 265 is proposed on the undeveloped 3.5 acre parcel. The project site is located the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission (APN: 011-340-005). An initial study and Negative Declaration have been prepared for consideration by the Commission in conformance with the California Environmental Quality Act (CEQA) guidelines.

Kira Noguera, Assistant Planner summarized the report. The allowance for a church 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 as noted in the staff report.

The applicant is not in agreement with Conditions 58 and 59.

The item was opened for public comment.

Property Owner Representative, Jill Stubbs of 22 6<sup>th</sup> Avenue, Suite 523, Seattle, WA was asked and responded that they don't feel that stone is consistent with the project or necessarily makes it look better than what is currently designed. This is a steel building

with a stucco exterior. Ms. Stubbs stated that they are building to suit the church. If the Commission feels they need to add the stone in order for the project to move forward, then they are willing to reconsider.

Tyrone Carter, Pastor of Aphesis Apostolic Ministries. Pastor Carter assured the Commission that they will stay within in the guidelines of the permit. They would not do anything that is reprehensible or goes outside of the permit range. They will be adding a dining area in Phase II and five (5) classrooms in Phase III. He doesn't have any plans for that outside space as the building is not built yet. Mr. Carter assured the Commission that yard sales and outdoor music events will not occur and would submit in writing if needed. He does own an outdoor tent that seats 100 that would be used for outside services, but they would need to find a site such as a park and get clearance from the City beforehand. They will not have outdoor services at this site.

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

Motion 1a made by Commissioner Gran; seconded by Commissioner Norton to a negative declaration, consistent with Section 15070(a) of the California Environmental Quality Act; motion was carried unanimously.

**(and)**

Motion 1b made by Commissioner Gran; seconded by Commissioner Tyler to approve Conditional Use Permit 2015-23 and Site Plan Review 2015-27 based on and subject to the findings and conditions of approval as listed; motion was carried unanimously.

Commissioner Gran stated that the building does need to have some embellishment, but staff can work to find a less costly method.

## **2. SPR 2015-29 – Master Storage**

A noticed public hearing to consider a site plan review to allow for the construction and operation of a mini storage facility, to be located on the east side of Knox Street, south of its intersection with Almond Avenue. The project site is located in the CH (Highway Commercial) Zone District, with an O (Office) General Plan land use designation (APN: 011-340-004). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15332 (In-Fill Development Projects).

Kira Noguera, Assistant Planner summarized the report. The applicant proposes the construction an approximately 101,000 square foot mini-storage facility. The structures and overall site design are in conformance with the goals and policies of the General Plan. Staff recommends approval of the site plan review for the project.

The item was opened for public comment.

Applicant, Richard Torosian was asked and responded that he had reviewed and is in agreement with the conditions of approval. Mr. Torosian was asked and responded that the gates close at 7 pm, there are security lights/beams that set off alarms, there is an on-site manager, however he does not spend the nights on-site. There are no security guards and commercial vehicles such as U-Hauls are not stored there.

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

Motion made by Commissioner Norton; seconded by Commissioner Mendoza to approve the site plan review, based on and subject to the findings and conditions of approval; motion was approved unanimously.

**3. CUP 2015-26 & SPR 2015-30 – Ranchos Auto Sales**

A noticed public hearing to consider a conditional use permit and site plan review to allow for a used auto sales business to operate in an existing structure located on the southwest corner of the intersection of East 6<sup>th</sup> Street and South E Street (96 E. 6<sup>th</sup> Street). The site is located in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 007-152-007). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

Kira Noguera, Assistant Planner summarized the report. The site had been used in the past as part of the operation of a new car dealership. The use is consistent with the purpose and intent of the Zoning Ordinance and can be made compatible with the surrounding uses.

The item was opened for public comment.

Applicant, Joey Ramirez, General Manager of Ranchos Auto Sales was asked and responded that he had reviewed and is in agreement with the terms and 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 Tyler to approve Conditional Use Permit 2015-26 and Site Plan Review 2015-30, based on and subject to the findings and conditions of approval; motion was approved unanimously.

**4. ABN 2015-01 – 11<sup>th</sup> Street Summary Vacation**

A noticed public hearing to consider a request for General Plan Conformity and an Environmental Determination for a proposed abandonment of street right-of-way for a portion of 11<sup>th</sup> Street located between the South G Street alignment and the State Route 99 right-of-way. The 80 foot wide by 150 foot long section is not required for provision of access to private property and/or street circulation. The adjoining property owners have requested that the City summarily vacate the street section (APN: 011-071-007 and 011-101-001). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15305 (Minor Alterations in Land Use Limitations).

Christopher Boyle, Planning Manager summarized the report. The existing street segment does not provide meaningful benefit or service to the City. The street segment has not been maintained for an extended period of time. The summary vacation of this street segment is in conformity with the City's General Plan and would not create any significant environmental impacts and has been determined exempt from CEQA.

The item was opened for public comment.

Applicant, Ajit Gill spoke in favor of this project. Mr. Gill stated that it is excellent and he agrees with everything.

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

Motion made by Commissioner Mendoza; seconded by Commissioner DaSilva to adopt a resolution adopting a report to the City Council making a determination of conformity with the General Plan for summary vacation of an approximately 80 foot wide by 150 foot long segment of street right-of-way; and affirming the determination that the project is exempt from the California Environmental Quality Act under §15305 (Minor Alterations in Land Use Limitations); motion was approved unanimously.

Findings

- The summary vacation of an approximately 80 foot wide by 150 foot long segment of street right-of-way is categorically exempt under §15305 (Minor Alterations in Land Use Limitations), of the California Environmental Quality Act (CEQA) which allows for minor alterations in land not involving the creation of a new parcel.
- The summary vacation of an approximately 80 foot wide by 150 foot long segment of street right-of-way is consistent with the purpose and intent of the General Plan and the C (Commercial) General Plan land use designation.

**ADMINISTRATIVE REPORTS**

Christopher Boyle, Planning Manager advised the Commission of a California League of Cities Commissioners Conference on March 4 – March 6, 2016. He will bring additional information as it becomes available.

**COMMISSIONER REPORTS:** None

**ADJOURNMENT:** Meeting adjourned at 7:21 pm.

  
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Kenneth F. Hutchings  
Planning Commission Chairperson

  
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Zaida León, Recording Secretary