

**REGULAR MEETING AGENDA
CITY OF MADERA
PLANNING COMMISSION**

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
July 14, 2015
6:00 pm**

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Ruben Mendoza (Vice Chairperson)
Commissioner Robert Gran, Jr.
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Jim DaSilva

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

MINUTES: None

CONSENT ITEMS: None

NON-PUBLIC HEARING ITEMS

NP1. CUP 2009-14 & SPR 2009-13 – BJ's Liquor/Stereo Express

A review of the performance of CUP 2009-14 and SPR 2009-13, a conditional use permit and site plan review which allowed for the establishment of an automotive repair/car stereo installation use in a portion of an existing building at BJ's Gas and Liquor.

PUBLIC HEARING ITEMS

1. CUP 2015-18 & SPR 2015-19 – Springhill Suites Alcohol Sales

A noticed public hearing to consider an application for a conditional use permit and site plan review to allow for the sale of beer and wine for on or off-site consumption. Springhill Suites is located on the north side of East Almond Avenue, 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). The Planning

Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

2. REZ 2015-02 & Amended Sub. No. 06-S-04 – Riverside Villas

A noticed public hearing to consider a rezoning of a 2.03 acre portion of the Riverside Villas subdivision from the PD-4500 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District to allow for amendment of a portion of the previously recorded subdivision map to provide larger lots. The project site is located in the proximity of the intersection of Riverside Drive and Merced Street in the LD (Low Density) General Plan land use designation (Multiple APNs). A Negative Declaration was certified for the project in 2005 in conjunction with a rezoning of the property from R1 (Residential) to PD-4500 (Planned Development). The impacts of the current application are less than those anticipated in 2005.

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on August 11, 2015.

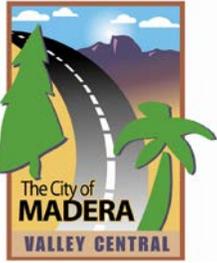
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5430.



CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

**Staff Report: BJ's Liquor/Stereo Express – CUP 2009-14 & SPR 2009-13
Non-Public Hearing Item #NP1 – July 14, 2015**

PROPOSAL: A review of the performance of CUP 2009-14 and SPR 2009-13, a conditional use permit and site plan review which allowed for the establishment of an automotive repair/car stereo installation use in an existing building at BJ's Gas and Liquor.

APPLICANT:	Kuldip Singh Bagri	OWNER:	Kuldip Singh Bagri
ADDRESS:	225 N. Gateway Drive	APN:	007-072-001
APPLICATIONS:	CUP 2009-14 & SPR 2009-13	CEQA:	Categorically Exempt

LOCATION: This site is located at the southeast corner of the intersection of the North Gateway Drive and East 4th Street (225 North Gateway Drive).

STREET ACCESS: The site is accessed from North Gateway Drive and East 4th Street.

PARCEL SIZE: Approximately 14,700 square feet

GENERAL PLAN DESIGNATION: C (Community Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is developed with an approximately 5,000 square foot building which houses BJ's Gas and Liquor and an automotive use, Valley Smog & Repair. The Union Pacific Railroad right-of-way is immediately to the east. Developed C-2 (Heavy Commercial) property is located to the north, south and west of the site.

ENVIRONMENTAL REVIEW: The proposed facility is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

SUMMARY & RECOMMENDATION: The site is not in compliance with the conditions of approval for Conditional Use Permit 2009-14. Staff recommends that the conditional use permit be scheduled for a public hearing to determine whether revocation is appropriate.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.901 Heavy Commercial Zones
MMC § 10-3.1301 Use Permits
MMC § 10-3.1311 Termination and Revocation

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

All use permits which have been granted may be revoked by the Planning Commission after a hearing as set forth below in the event the user of such permit, or his or its successor in interest to the real property in favor of which the permit was granted, breaches or fails to abide by any of the conditions designated in such permit.

PRIOR ACTION

The establishment of the liquor store was first contemplated in conjunction with Conditional Use Permit (CUP) 1976-01, which allowed for the expansion of an outdoor equipment rental business. The Planning Commission staff report and minutes explain that although the request for CUP centered on the expansion of the equipment rental operation, the applicant was also opening a liquor store on the site. No liquor store was actually opened in 1976 and, at that time, liquor sales did not require a CUP.

Site Plan Review (SPR) 1985-19 (Traina Liquor Store) was approved in 1985. This entitlement allowed for the establishment of a liquor store and retention of the equipment rental business.

There is no record available that provides a clear understanding of when the gas station component of the use was established. There is also no definite date when the equipment rental business was discontinued, but the extended discontinuance of the equipment rental business has rendered CUP 1976-01 null and void.

Conditional Use Permit 2009-14 and Site Plan Review 2009-13, allowing for the establishment of an automotive repair/car stereo installation use, was approved by the Planning Commission on December 8, 2009, subject to forty-one (41) conditions of approval. SPR 2009-13 expired one year from its adoption as no action was taken.

Site Plan Review 2013-37 was completed January 13, 2014 in an effort to meet conditions of approval required by CUP 2009-14. The SPR conditions were never signed, and action was not taken within the allowable one year timeframe, therefore SPR 2013-37 has expired.

ANALYSIS

Background

The use permit granted an intensification of the site by approving the automotive repair/car stereo business with the expectation that the site would be improved. Concerns raised during the original entitlement included parking and site aesthetics. Over time, the building housing

both the convenience market and stereo/smog shop had been allowed to deteriorate. Staff and the Planning Commission had concerns with the applicant's proposal to intensify the business activity on the site without seeing an investment in the building which would help achieve consistency with general plan goals and policies addressing community design. The conditions agreed to by the owner and approved by the Planning Commission required the site to be rehabilitated, including making improving to the facade and gable roof. The owner was allowed five years to make the improvements. Those improvements have not been made to date, and staff is not aware of any information suggesting that the owner intends to initiate work on the building in the foreseeable future.

Findings of Review

Attached please find a matrix of the conditions of approval for CUP 2009-14. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the forty-one conditions of approval, thirteen need attention in order to be in compliance with the conditions of approval.

Condition of approval #15 states: "The property shall make substantial improvements to the site in an agreed upon period of time. The improvements and associated timeline are as follows:

- Within six months (180 days) – Installation of landscaping per the approved site plan.
- Within four months (120 days) – Submit and obtain approval from the Planning and Building Departments remodeling plans to include a new roof and building fascia.
- Within five (5) years – Completion of all improvements, to include the rehabilitation of the structure on the site, including a new roof and fascia, and the installation of other appurtenances such as the required trash enclosure."

Condition of approval #16 states: "The property owner/applicant shall abide by the agreed upon scope of work and timelines called out in the immediately previous condition of approval. Approval of the use permit is contingent upon fully satisfying the agreed upon scope of work within the agreed upon timeframes. Failure to complete the agreed upon improvements within the agreed upon timeframes shall render the conditional use permit null and void."

The owner was given five (5) years to revitalize the site and bring it in compliance with current city standards. Additionally, issues associated with circulation, parking, and signage are still unresolved. Compliance with twenty-eight of forty-one conditions equates a 68 percent compliance rate.

Site Plan Review 2013-37 was completed January, 2014 in an effort to bring the site into compliance with conditions of approval. The property owner did not move forward with the recommended improvements, and did not sign the conditions of approval.

SUMMARY OF RECOMMENDATIONS

It is recommended that CUP 2009-14 be scheduled for a public hearing at the August 11, 2015 Planning Commission meeting to determine whether revocation is appropriate.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2009-14, determining to either:

- schedule a public hearing to consider revocation of the use permit, or
- find that the review of the use permit is not warranted at this time

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Based on the following findings, move to schedule a public hearing to consider revocation of Conditional Use Permit 2009-14 at the August 11, 2015 Planning Commission regularly scheduled meeting.

Findings

- Staff has observed non-compliance with the conditions of approval, warranting review of CUP 2009-14, as approved by the Planning Commission on December 8, 2009.

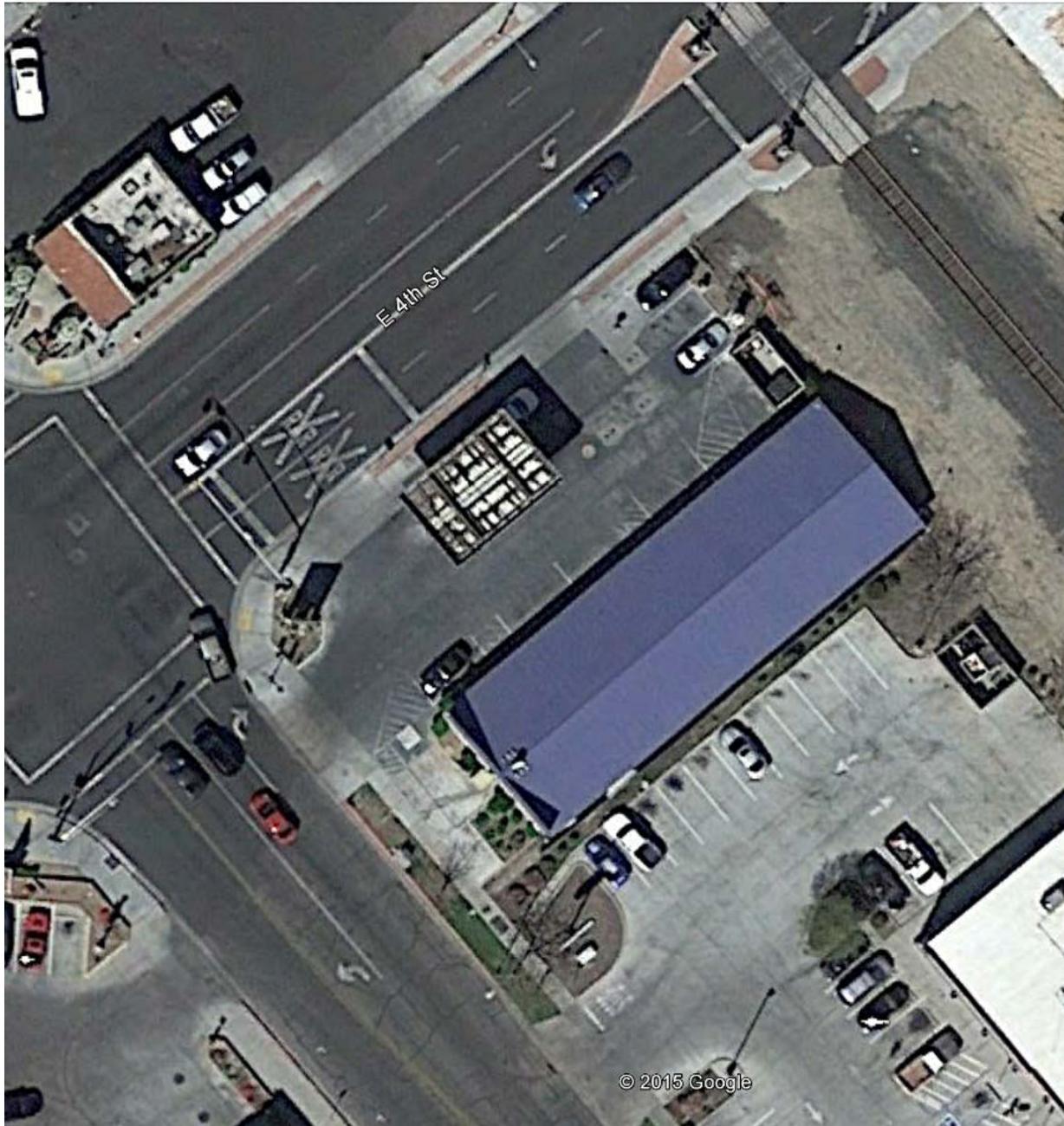
(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2009-14 is not warranted at this time for the following reasons (Specify):

ATTACHMENTS

Aerial Photo
CUP 2009-14 Conditions of Approval Compliance Matrix
Site Photos

Aerial Photo



CUP 2009-14 Conditions of Approval Compliance Matrix

<u>CONDITIONS OF APPROVAL</u>		
General Conditions		
1.	Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant and property owner signatures upon an Acknowledgement and Acceptance of Conditions within (30) thirty days of the date of approval for this use permit.	In compliance.
2.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.	Not in compliance. Building plans have not been submitted for improvements.
3.	The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit and site plan null and void unless a written request for extension has been submitted to and approved by the Planning Commission.	In compliance.
4.	This conditional use permit will expire and be rendered null and void if the use is discontinued for a twelve-month period.	In compliance.
5.	The use permit may be made null and void without any additional public notice or hearing at any time by the owner's of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural condition.
6.	It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.	In compliance.
Engineering Department		
<u>General</u>		
7.	Nuisance on-site lighting shall be redirected as requested by the City within 48 hours of notification. Director.	In compliance.
8.	In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.	In compliance.
9.	Vandalism and graffiti shall be removed or corrected within 24 hours of notification.	In compliance.

Planning Department		
10.	<p>Site Data</p> <ul style="list-style-type: none"> • Approved Use of Building: Gas Station & Liquor Store Automotive Repair/Car Stereo Installation • Minimum Parking Requirements 17 stalls • Parking Provided 11 stalls • Accessible Stalls Required 1 stall • Accessible Stalls Provided 1 stall • Loading Spaces Required None 	<p>Not in compliance.</p> <p>Adequate parking is not provided</p>
11.	<p>All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep (including a 2.5' maximum bumper overhang into landscaped area). Minimum backing / maneuvering / drive aisle space is twenty-six feet (26') or fifteen feet (15') in conjunction with parallel parking stalls). All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.</p>	<p>Not in compliance.</p>
12.	<p>No left turn movements shall be allowed from the subject property. "No Left Turn" signage approved by the City Engineer shall be installed at all points of egress.</p>	<p>In compliance.</p>
13.	<p>Three parking stalls/service bays shall be provided and maintained within the interior of the automotive repair portion of the building.</p>	<p>Not in compliance.</p>
14.	<p>No conversion of storage space as identified on the site plan shall be allowed. Storage space shall not be converted to retail floor space or any other more intensive use. All storage areas shall remain as storage areas only.</p>	<p>In compliance.</p>
15.	<p>The property shall make substantial improvements to the site in an agreed upon period of time. The improvements and associated timeline are as follows:</p> <ul style="list-style-type: none"> • Within six months (180 days) – Installation of landscaping per the approved site plan. • Within four months (120 days) – Submit and obtain approval from the Planning and Building Departments remodeling plans to include a new roof and building fascia. • Within five (5) years – Completion of all improvements, to include the rehabilitation of the structure on the site, including a new roof and fascia, and the installation of other appurtenances such as the required trash enclosure. 	<p>Not compliance.</p> <p>Project was approved in December of 2009. The 5 year timeline to complete improvements ended December of 2014.</p>
16.	<p>The property owner/applicant shall abide by the agreed upon scope of work and timelines called out in the immediately previous condition of approval. Approval of the use permit is contingent upon fully satisfying the</p>	<p>Not in compliance. The agreed upon improvements were not completed within the</p>

	agreed upon scope of work within the agreed upon timeframes. Failure to complete the agreed upon improvements within the agreed upon timeframes shall render the conditional use permit null and void.	agreed upon timeframes.
17.	All automotive repair shops allowed on the site shall comply with the following conditions: <ol style="list-style-type: none"> 1. All work will be confined to the interior of the building. 2. No overnight storage of vehicles will occur outside of the interior of the building. 3. Automobile service bays will not be used for the extended storage of vehicles. 4. Auto accessory, sales and installation as determined by the Planning Director. 5. No repair or installation work of any kind shall be allowed to occur outside of the building interior. 6. No outdoor display of any kind is allowed. 7. Failure to comply with any of these conditions is grounds for review and possible revocation of this conditional use permit. 	Not in compliance. Work is not confined to the interior of the building, and auto repair work is conducted that was not entitled by the CUP.
HVAC and PG&E Utility Placement Considerations/Screening Requirements		
18.	Prior to the issuance of building permits, applicant shall identify the following information for Planning Department review and approval: <ul style="list-style-type: none"> • Utility meter locations identified on the site plan • HVAC (heating, ventilation, or air conditioning) equipment locations if any • All HVAC, compressor, utility meter locations, mechanical and electrical equipment 	Not in compliance.
19.	All electrical and HVAC equipment shall be screened to the specifications of the Planning Department. If located in view of the general public, applicant shall show methods proposed to architecturally integrate equipment locations or show methods proposed to screen equipment using landscaping. Any roof-mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall-mounted equipment shall be painted to match the exterior wall.	Not in compliance.
20.	The air and water station will be relocated in such a way as to not conflict with the required accessible parking stall per the approval of the Planning Director.	In compliance.
Building Colors, Materials and Lighting Considerations		
21.	Within four months (120 days), the applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building colors and materials. The scope and extent of improvements shall be approved by the Planning Director.	Not in compliance.
22.	Within four months (120 days), the applicant shall provide for Planning Department review and approval a representative color section rendering of the proposed	Not in compliance.

	building, using a scale similar to the exterior elevation drawings.	
23.	The construction/rehabilitation of building(s) approved as part of site plan review shall be consistent with the approved color and materials presentation board and representative color section rendering of the proposed building as reviewed and approved by the Planning Department. Any alteration shall require amendment of the site plan review.	Not in compliance.
Signage		
24.	Signage shall be consistent with the Madera Municipal Code. Signage not allowed per the sign ordinance shall be removed immediately.	Not in compliance.
Landscaping		
25.	<p>A detailed landscaping and irrigation plan shall be submitted to and approved by the Planning Director prior to issuance of building permits. The plans shall include:</p> <ul style="list-style-type: none"> • Landscaping areas throughout the project shall be landscaped, so as to provide a minimum of 70% vegetative cover. • The property's frontage with the public right-of-way shall be improved with a 5-foot park strip with turf and street trees. Concrete shall be removed where necessary, consistent with the approved landscaping plans. The park strip shall be planted consistent with the requirements of the Parks Department (See Condition #26). • Landscaped areas shall be provided with permanent automatic irrigation systems. • A climbing vine shall be planted in conjunction with the chain-link fence along the property frontage to the Union Pacific Railroad right-of-way. • A detailed planting list for existing and proposed landscaping shall be included, with the number, size and specie of all plantings. • All shrubbery and ground cover plantings shall be spaced at no greater than two (2) feet on center. Depending upon size and specie, closer separation may be required. 	In compliance.
26.	The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City approved street tree every 30 feet shall be provided, along with root guards. No trees shall be planted within five (5) feet of any fire hydrant. Each street tree shall be planted with a City approved root barrier. Detailed landscape and irrigation plan shall have been submitted and approved by the Parks and Community Services Director and Planning Director prior to issuance of building permits. Any deviation shall require prior written request and approval. Removal or modification	In compliance.

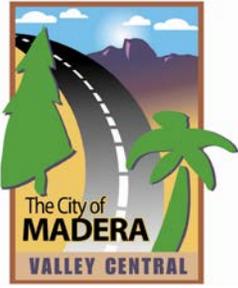
	shall be at developer's expense. Landscaping water meter (if applicable) shall be connected after the backflow device.	
27.	The approved landscape and irrigation plan shall be fully installed and operational in no less than one hundred eighty (180) days from date of approval.	In compliance.
28.	The property owner shall maintain landscaping in an acceptable appearance that enhances the aesthetic value of the area and is consistent with the approved landscaping plan.	In compliance.
<u>Walls and Fences</u>		
29.	A trash enclosure with containers for both regular and recyclable refuse shall be constructed of split-faced masonry block units and/or in a fashion architecturally compatible with the remodeled building fascia.	In compliance.
<u>Regulatory Comments</u>		
30.	The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/trackout; and cease grading and earth moving during periods of high winds (20 mph or more).	In compliance.
31.	Any construction grading plans shall include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.	In compliance.
32.	Any construction grading plans shall include a statement that work crews shall shut off construction equipment when not in use.	In compliance.
<u>Streets</u>		
33.	Developer shall reconstruct the handicap ramp at the intersection of Gateway Drive and 4 th Street to current City and ADA standards.	In compliance.
34.	Developer shall maintain handicap accessibility around entire site.	Parking field is in compliance.
<u>Water</u>		
35.	New water service connection shall be constructed to current City standards including water meter located within city right-of-way and shall read in cubic feet and a backflow prevention device located within private property.	Not in compliance.
<u>Sewer</u>		
36.	New sewer connection(s) shall be constructed to current City standards.	In compliance.

Fire Department		
37.	The information provided relates to the automotive repair shop use and does not affect the nature of the “existing non-conforming” mini-mart space. If the proposed automotive repair shop is replacing a repair garage, it is considered a less hazardous similar use and need only comply with current fire code requirements of imminent life safety required for all occupancies.	In compliance.
38.	Portable fire extinguishers are required. A minimum of one, 2A10BC-rated fire extinguisher is required for each 3,000 square feet of area or fraction thereof. A maximum of 75 feet of travel distance is permitted. If the retail space and the automotive repair shop are not operated in common then each must be independently equipped. Additional fire extinguisher provisions apply to the fuel dispensing operation.	In compliance.
39.	At least one legally complying exit must be provided from the automotive repair shop. The exterior path of exit travel (Exit Discharge) for the Stereo Shop must be shown on the plans.	In compliance.
40.	A rated separation is required between the mini-mart and stereo shop. This should have been provided between the mini-mart and garage at the time that remodel was performed. The placement needs to be verified.	In compliance.
41.	The above-referenced project is protected by the Madera City Fire Department. Prior to approval of the business license or any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection development requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes and ordinances.	Not in compliance.

Site Photos







CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: Springhill Suites by Marriott CUP 2015-18, SPR 2015-19 & Environmental Determination Item #1 – July 14, 2015

PROPOSAL: An application for a conditional use permit and site plan review to allow for the sale of alcoholic beverages at an existing hotel.

APPLICANT:	Springhill Suites by Marriott	OWNER:	Madera Hotels LLC
ADDRESS:	1219 East Almond Avenue	APN:	012-390-005
APPLICATION:	CUP 2015-18 & SPR 2015-19	CEQA:	Categorical Exemption

LOCATION: The property is located on the on the north side of East Almond Avenue, west of Highway 99.

STREET ACCESS: Access to the parcel is provided via East Almond Avenue.

PARCEL SIZE: Approximately 3.27 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: CH (Highway Commercial)

SITE CHARACTERISTICS: The 3.27-acre site is developed as a hotel and a restaurant. There is vacant land to the west, Highway 99 to the east, and Madera Community Hospital is to the south.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

SUMMARY & RECOMMENDATION: The use is consistent with the purpose and intent of the Zoning Ordinance and is compatible with the surrounding uses. There is no compelling reason to deny the sale of beer and wine in the hotel market.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.9.301 Highway Commercial Zone
MMC § 10-3.1201 Parking Spaces Required
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

The property is located within the East Almond Specific Plan planning area, completed in December, 2004. The site was developed as a hotel and restaurant with the approval of Site Plan Review 2007-02 in July, 2007 and Site Plan Review 2001-31 in December, 2007 respectively. The allowance for alcoholic beverages for on-site consumption in conjunction with a restaurant was granted with the approval of Conditional Use Permit 2008-16 and Site Plan Review 2008-21 in October, 2008 for the Black Bear Diner.

ANALYSIS

Background

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for hotels in the CH (Highway Commercial) Zone District, except that the proposed alcohol sales are allowed only with the approval of a conditional use permit. The request to sell beer and wine of off-site consumption is compatible with surrounding uses.

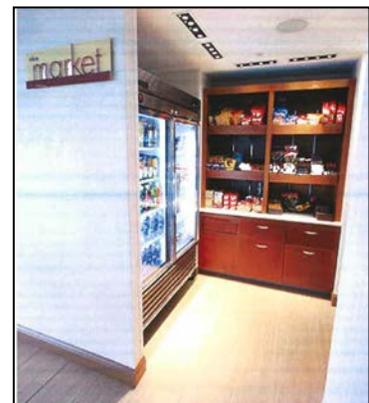
Parking

In that the site was developed with adequate parking, and there is no change in use on the property, there is sufficient parking to allow for the use. The hotel and restaurant are served by one hundred fifty-three (153) parking stalls.

Operations

The applicant wishes to sell beer and wine in a small retail area of the hotel. A Type 20 (Off-Sale Beer and Wine) license from the California Department of Alcoholic Beverage Control (ABC) would be required. The project site is in Census Tract 5.02 which generally encompasses the southern area of the city. This census tract is not in a state of over-concentration.

The beer and wine will be available for sale in "The Market" inside the hotel. This small retail area sells snacks and drinks to hotel guests, including chips, packaged breakfast items, candy, juice, soda, and water.



This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of sales of alcoholic beverages is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*”

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports conditional approval of the use permit request.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2015-18 and Site Plan Review 2015-19, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to approve the requested Conditional Use Permit 2015-18 and Site Plan Review 2015-19 based on and subject to the findings and conditions of approval as listed.

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the CH (Highway Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2015-18 allows for the sale of beer and wine for off-site consumption within a retail area of the hotel, consistent with the stated conditions of approval.
3. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. The use permit may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
5. This conditional use permit will expire if the use is discontinued for a twelve-month period.
6. Site Plan Review 2015-19 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or the required action is taken to extend the approval before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
7. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

Planning Department

8. This use permit allows for the sale of beer and wine for off-site consumption (Type 20) within a retail area of the hotel.
9. All conditions applicable to approval of Site Plan Review 2007-02, Conditional Use Permit 2008-16 and Site Plan Review 2008-21 shall remain effective and are not revised in any way by this approval except as modified herein.
10. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
11. No outdoor displays or storage of materials shall be allowed.
12. No outdoor consumption of alcoholic beverages shall be allowed on the premise.
13. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.

14. The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.
15. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
16. The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control.
17. The sale of alcoholic beverages shall be in accordance with the permit issued by the Department of Alcoholic Beverage Control.
18. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.
19. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan.
20. All signage shall be consistent with the Madera Municipal Code.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2015-18 and Site Plan Review 2015-19 to the August 11, 2015 Planning Commission meeting.

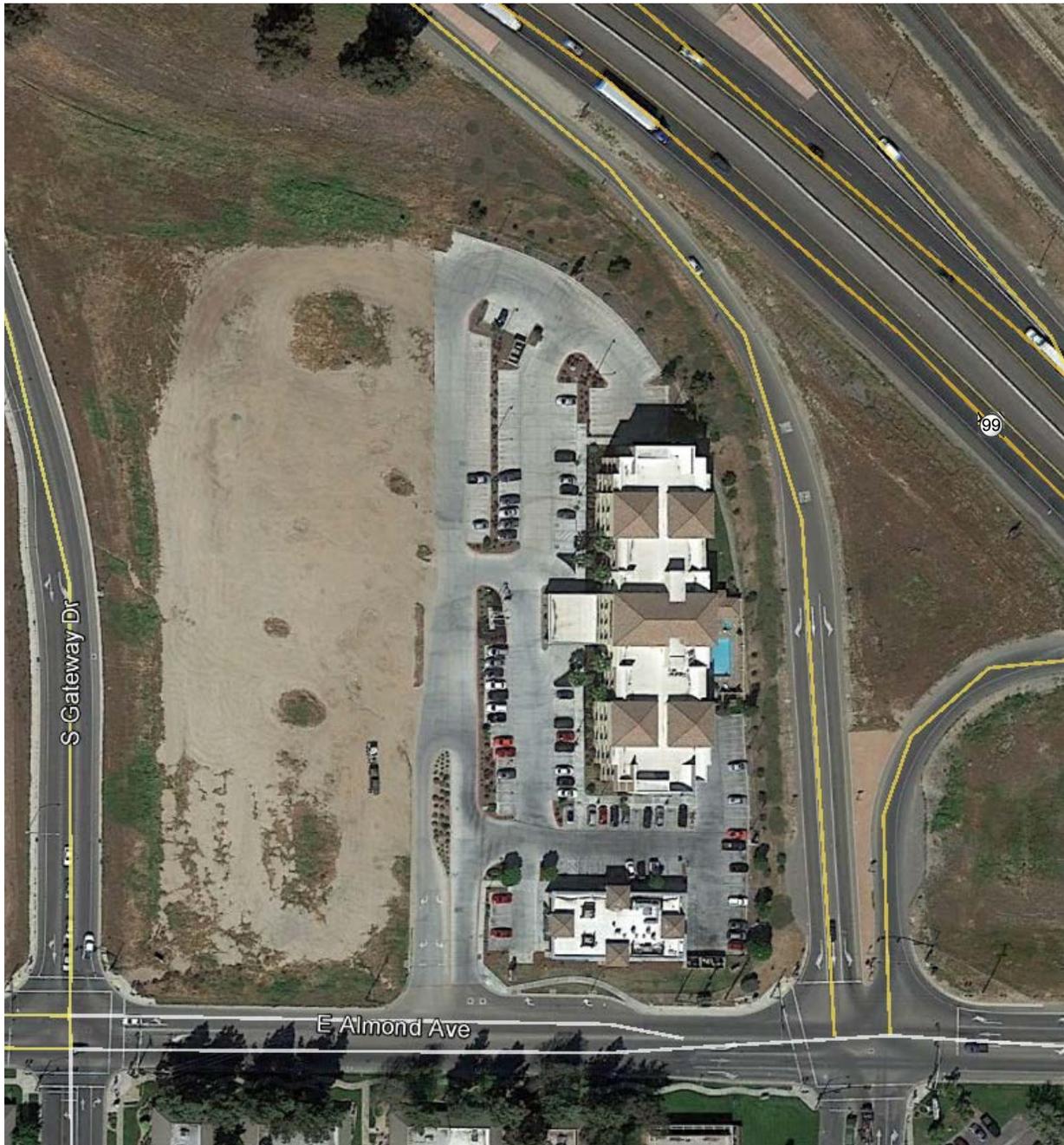
(OR)

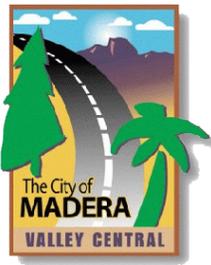
Motion 3: Move to deny the request for Conditional Use Permit 2015-18 and Site Plan Review 2015-19 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo

Aerial Photo





CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

**Staff Report: Riverside Villas
REZ 2015-02, Map Amendment & Environmental Determination
Item #2 – July 14, 2015**

PROPOSAL: An application for rezone of a 2.03 acre portion of the Riverside Villas subdivision from the PD-4500 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District to allow for amendment of a portion of the previously recorded subdivision map to provide for larger lots.

APPLICANT:	City of Madera	OWNER:	City of Madera
ADDRESS:	Multiple	APN:	Multiple
APPLICATIONS:	REZ 2015-02, Amendment of Subdivision Map No. 06-S-04	CEQA:	Previously Certified Negative Declaration

LOCATION: The project site is located in the proximity of the intersection of Riverside Drive and Merced Street.

STREET ACCESS: The site is accessed from Riverside Drive and Merced Street.

PARCEL SIZE: A total fifteen parcels encompassing approximately 2.03 acres.

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: PD-4500 (Planned Development)

SITE CHARACTERISTICS: The project site is a portion of the un-built lots within the Riverside Villas single family residential subdivision located immediately north of the Fresno River channel. Single family residential development surrounds the project area.

ENVIRONMENTAL REVIEW: A negative declaration was certified for the project in 2005 in conjunction with a rezoning of the property from R1 (Residential) to PD-4500 (Planned Development). The impacts of the current application are less than those anticipated in 2005.

SUMMARY & RECOMMENDATION: The proposed rezone provides consistency with the General Plan and allows for the logical completion of a single family residential neighborhood. Staff recommends adoption of a Resolution recommending to the City Council adoption of an ordinance rezoning the property.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, P-D Zones
MMC §10-3.1501, Amendments
Subdivision Map Act, Section 66472.1

PRIOR ACTION

In 2005, Marathon Properties requested a rezoning of the property to the R2 (Medium Density) Zone District. After neighboring property owners objected to the proposed R2 zone, the Planning Commission and City Council ultimately approved a rezoning to PD-4500 (Planned Development) Zone District. In April 2006, the Planning Commission approved Tentative Subdivision Map (TSM) 2006-01, dividing approximately 7.7 acres into 28 residential lots cumulatively known as Riverside Villas. The Riverside Villas subdivision was ultimately recorded as Subdivision Map No. 06-S-04. The requested amendment affects a portion of the subdivision.

ANALYSIS

Rezone

The project site is within the LD (Low Density) General Plan land use designation, which allows for residential development at a density of between 2.1 and 7 units per acre. The project site is currently within the PD-4500 (Planned Development) Zone District. Both the current PD-4500 (Planned Development) Zone District and requested PD-6000 (Planned Development) Zone District are consistent with the LD (Low Density) General Plan land use designation.

The amendment of Subdivision Map No. 06-S-04 proposes a reduction in the number of lots; from the existing fifteen lots to a proposed thirteen lots. The result is that the average lot size increases from 5,140 square feet to 6,821 square feet. The smallest lot increases from 4,158 square feet to 5,686 square feet. With this change in lot characteristics, the amended portion of the Riverside Villas is no longer consistent with the development standards of the PD-4500 (Planned Development) Zone District. Instead, the PD-6000 (Planned Development) Zone District is the correct zone district.

Map Amendment

The Planning Commission is accustomed to review and approval of tentative subdivision maps, where parcels are proposed but not yet recorded. In this case, the map that has already been recorded and now is proposed for amendment. Subdivision Map Act, Section 66472.1 makes provisions that "after a final [subdivision] map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction or an amending map, . . . if the local agency finds that there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the fee owners of the real property."

The original map approved lots that were very narrow, as narrow as forty feet wide. Lot dimensions constrained the range of homes that could be constructed on the parcels and made General Plan conformity difficult to achieve. Reducing the number of lots provides for wider lot widths and, although infrastructure will be required to be either relocated or reconstructed to serve the newly configured lots, the new design will ultimately provide a subdivision design that will be better able to attain General Plan conformity.

Thus, amendment of the recorded map is appropriate and necessary, but no action is required of the Planning Commission. The subdivision amendment is included in the rezone process because the rezone is necessitated by the map amendment. By separate action, upon

approval of the proposed rezone, the Engineering Department will take an action item to the City Council to facilitate approval of amendment of the map.

Precise Plan

No construction of homes is currently proposed on the project site. Future development proposals will be required to submit an application for precise plan that will be reviewed and approved by the Planning Commission.

Public Services

Public Services are already in place within the subdivision. With amendment of the map, sewer and water laterals will be relocated to serve the new lotting pattern and drive approaches will be adjusted accordingly. In that the number of lots will be reduced from fifteen to thirteen, demand for City services will potentially be less than originally anticipated.

General Plan Conformity

The proposed amendment to the recorded map provides for the creation of thirteen parcels where fifteen currently exist. The density proposed remains consistent with the project site's LD (Low Density) General Plan land use designation. The proposed rezoning to the PD-6000 (Planned Development) Zone District is also consistent with the General Plan.

General Plan Goal CD-1 calls for "the City of Madera [to] require that all new development is well-planned and of the highest possible quality. The City will seek to build an image of Madera as a contemporary small city with vibrant, livable neighborhoods and walkable pedestrian -and bicycle- oriented development." Goals CD-2 expands that vision by requiring that "all new development shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture." Based on the whole of the project, the proposed rezone to the PD-6000 (Planned Development) Zone District and amendment to Subdivision Map No. 06-S-04, are consistent with the goals and policies of the General Plan.

Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is "a well-planned city". The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project will help "ensure adequate supply of affordable, accessible and barrier-free housing city-wide" and is specifically consistent with Strategy 131, which requires that we "Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components."

RECOMMENDATIONS

The information presented in this report supports approval of the rezone. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and adopt a Resolution recommending approval of the rezone to the City Council.

PLANNING COMMISSION ACTION

The Commission will be acting on Rezone 2015-02, determining to either;

- adopt a Resolution recommending to the City Council adoption of an ordinance rezoning the property.
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to adopt a Resolution recommending to the City Council adoption of an ordinance rezoning the property to the PD-6000 (Planned Development) Zone District, with the findings and conditions as listed.

Findings

- A negative declaration was certified for the project in 2005 in conjunction with a rezoning of the property from R-1 (Residential) to PD 4500 (Planned Development). The impacts of the current application are less than those anticipated in 2005.
- The proposed rezone will provide the required consistency between the General Plan and zoning.
- The rezone is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.

Motion 2: Move to continue the public hearing on the adoption of an ordinance rezoning the property to the PD-6000 (Planned Development) Zone District to the August 11, 2015 Planning Commission meeting.

(OR)

Motion 3: Move to deny the application for Rezone 2015-02, based on the following findings: (specify)

ATTACHMENTS

Aerial Map

General Plan Map

Zoning Map

Resolution of Recommendation to the City Council

Exhibit A - Zoning Map

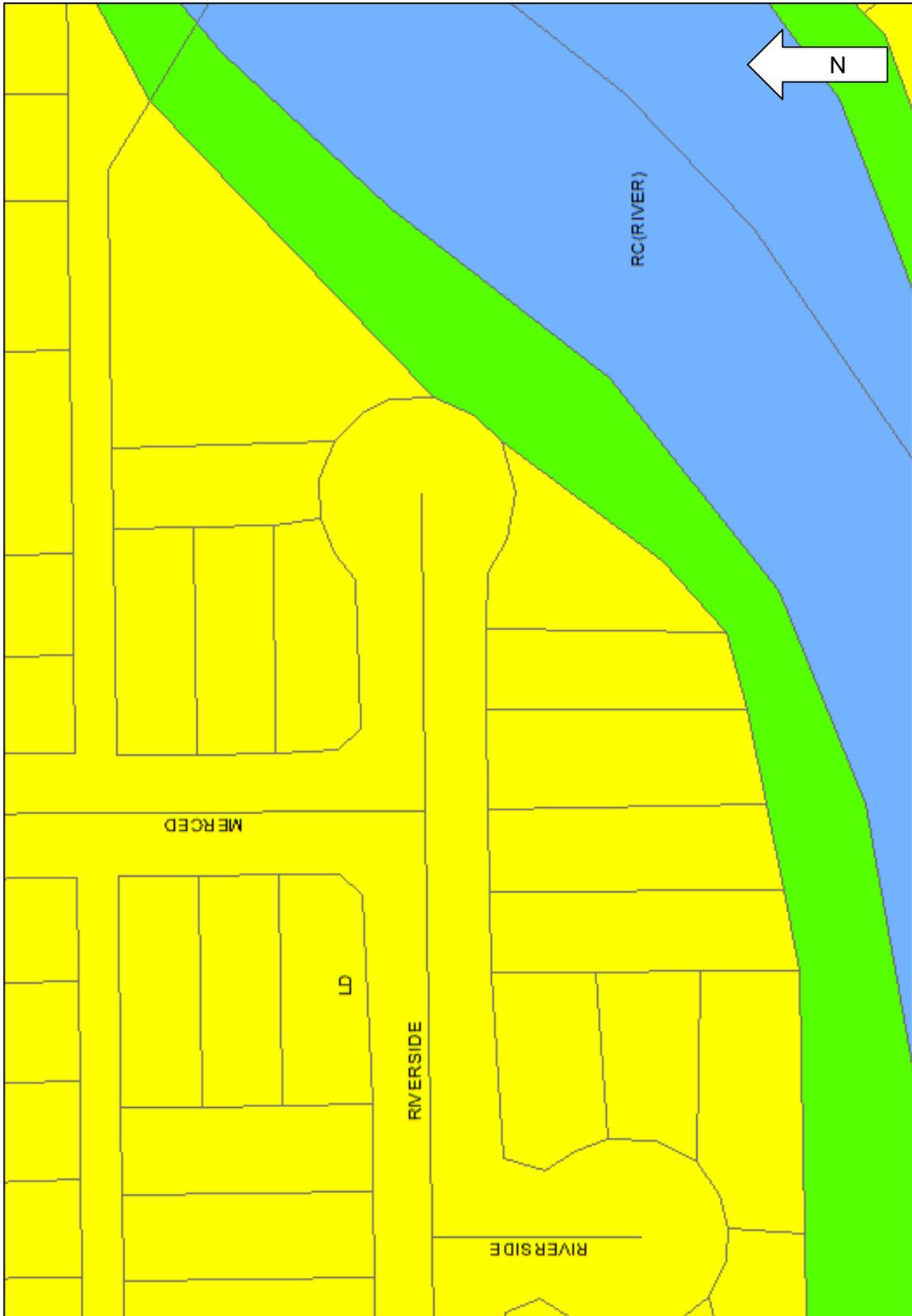
Draft Ordinance

Exhibit A - Zoning Map

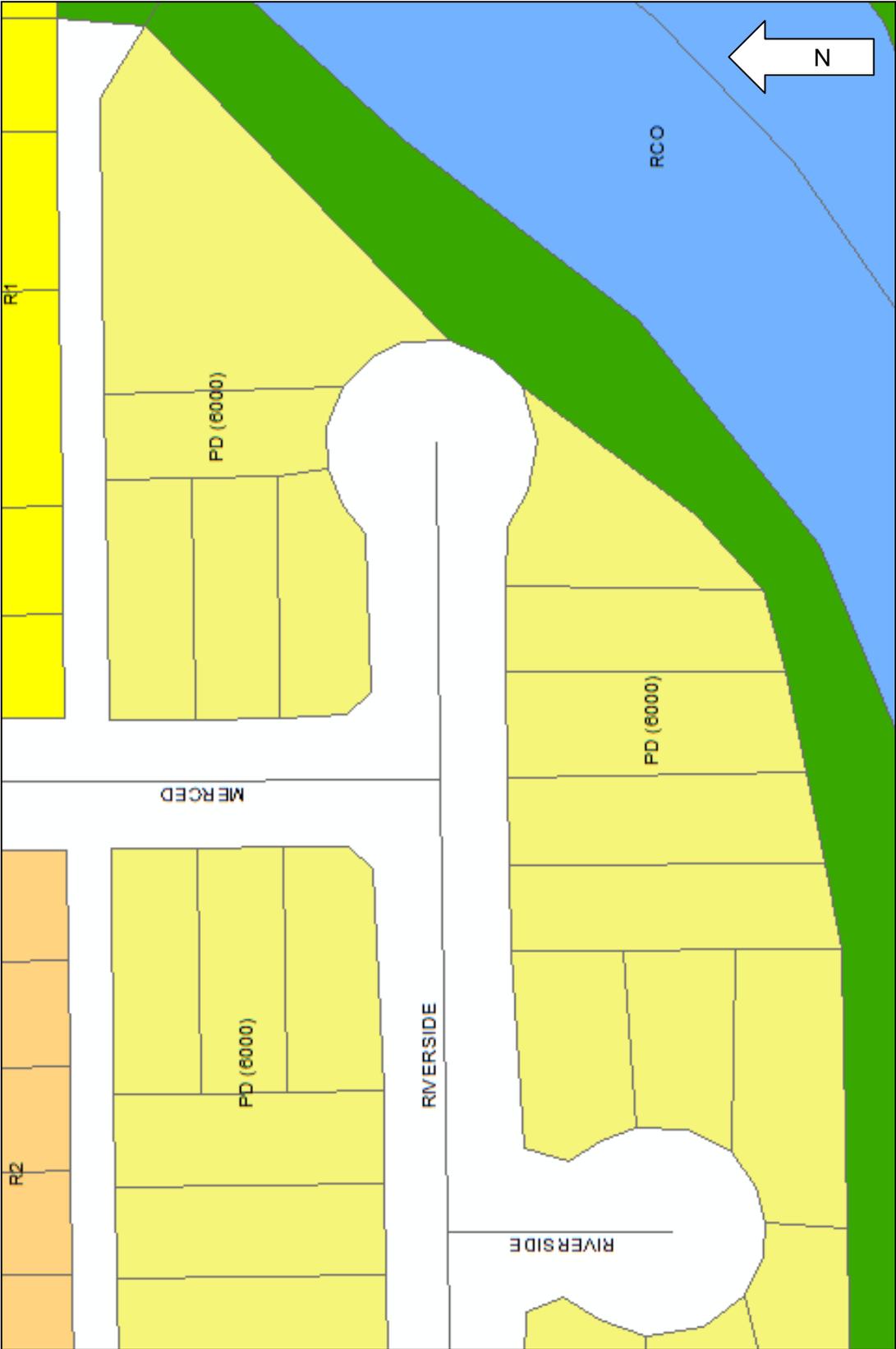
Aerial Photo



General Plan Map



Zoning Map



RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE REZONING PROPERTY LOCATED IN PROXIMITY TO THE INTERSECTION OF RIVERSIDE DRIVE AND MERCED STREET FROM THE PD-4500 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT.

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, The City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various Plans; and

WHEREAS, a proposal has been made to rezone fifteen parcels encompassing 2.03 acres located in the proximity of the intersection of Riverside Drive and Merced Street., resulting in a change from the PD-4500 (Planned Development) Zone District to the PD-6000 (Planned Development) Zone District, as shown in the attached Exhibit A; and

WHEREAS, the proposed rezone will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the Rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared a negative declaration that was certified for the project in 2005 in conjunction with a rezoning of the property from R1 (Residential) to PD 4500 (Planned Development), in compliance with the California Environmental Quality Act; and

WHEREAS, the impacts of the proposed rezone are less than those anticipated within the negative declaration prepared in 2005; and

WHEREAS, the rezoning proposal was distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained therein, and considered testimony received as a part of the public hearing process.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission hereby recommends that proposed rezoning, as shown in Exhibit A, is consistent with the General Plan and is compatible with adjacent zoning and uses.
3. The Planning Commission hereby recommends the City Council adopt an ordinance rezoning property as indicated on the attached Exhibit A.
4. This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of July, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Kenneth Hutchings, Chairperson
City Planning Commission

Attest:

Christopher F. Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO. _____
EXHIBIT 'A'



DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE APPROXIMATELY 2.03 ACRES OF PROPERTY LOCATED IN PROXIMITY TO THE INTERSECTION OF RIVERSIDE DRIVE AND MERCED STREET FROM THE PD-4500 (PLANNED DEVELOPMENT) ZONE DISTRICT TO THE PD-6000 (PLANNED DEVELOPMENT) ZONE DISTRICT..

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings upon the rezoning of this property and have determined that the proposed rezoning is consistent with the General Plan as amended and subsequent development will be in conformance with all standards and regulations of the Municipal Code.

SECTION 2. The City of Madera Zoning Map as provided for in Chapter 3 of Title 10 of the Madera Municipal Code is hereby amended as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the Planning Director and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Director and City Clerk.

SECTION 3. Based upon the testimony and information presented at the hearing, the adoption of the proposed rezoning is in the best interest of the City of Madera, and the Council hereby approves the rezoning based on the following findings:

FINDINGS:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AMENDMENT AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.
3. CITY SERVICES AND UTILITIES ARE AVAILABLE OR CAN BE EXTENDED TO SERVE THE AREA.

SECTION 4. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

DRAFT ORDINANCE - EXHIBIT A

