

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
October 11, 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 Bruce Norton
Commissioner Ruben Mendoza
Commissioner Robert Gran Jr.
Commissioner Pamela Tyler

ABSENT: Commissioner DalCerro

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

PLEDGE: Commissioner Hutchings led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: August 16, 2016, Commissioner Gran made a motion to approve the minutes. Seconded by Commissioner Tyler. Motion carried unanimously. 6-0

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

1. TSM 2016-01 – Varbella / DMP Development

A noticed public hearing to consider a tentative subdivision map to subdivide two parcels (APN: 012-460-001 and 006) encompassing a total of 27.94 acres into a 120-lot single family residential subdivision. The two parcels are located at the southwest corner of Monterey Street and Gary Lane in the R1 (Low Density Residential) Zone District with an LD (Low Density Residential) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission.

Commissioner Gran said he knows Mr. Boyle has been working on this one for a while, and asked if he is satisfied with the terms and conditions as stated in the staff report and is ready to move forward.

Mr. Boyle replied that staff is in approval of all conditions and is ready to move forward.

Commissioner Mendoza asked who comes up with the street names.

Mr. Boyle said that the street names are the responsibility of the Planning Department. Typically the applicant makes street name proposals. There were some changes so that we have consistency. The street names are approved by the Planning Department and the addresses are assigned by the Building Department.

Commissioner Mendoza noted that sometimes if there are streets with the same name just with street, court, etc. it can become confusing for emergency responders.

Mr. Boyle said that would be noted.

Commissioner Hutchings asked about the western part of Milano Lane since it appears it is on the second parcel and will it have to be dedicated at a later time.

Mr. Boyle said actually Milano Lane is currently built to a $\frac{3}{4}$ street section to serve the Madera Family Apartments parcel. General Plan requires that direct access to a collector and arterial doesn't occur with residential development. Therefore Milano Lane was improved to provide access from a street other than a collector or an arterial.

Commissioner Norton asked what the other parcel on the bottom southwest corner is zoned for in the future.

Mr. Boyle replied that it is zoned for additional high density multi-family development.

Commissioner Hutchings asked if there were any other questions of Mr. Boyle. There were none and the public hearing was opened.

Mike Pistoresi of 2001 Howard Rd. stepped to the podium. He is in agreement with all conditions except item #3 under the Engineering Conditions. He has spoken to the City Engineer and it has been tentatively agreed to revise it to read 'upon acceptance of the sub-division'. That's the only modification he is requesting.

Keith Helmuth, City Engineer confirmed.

Commissioner Gran asked for clarification on the corrected wording.

Mr. Helmuth replied, 'prior to acceptance of off-site improvements, the developer should submit a cash deposit' and it goes on.

Mr. Boyle said, it will be recrafted to say, 'prior to acceptance of off-site improvements' instead of 'prior to approval of any final map'.

Mr. Pistoresi noted that off-site is anything not on the specific lot where the house will be constructed.

Commissioner Hutchings noted it would basically be public improvements.

Mr. Pistoresi confirmed.

Commissioner Hutchings asked if there was anyone else that wished to speak on the item. There were none and the item was returned to the Commission for further processing.

Commissioner Gran made a move to accept Motion 1a, seconded by Commissioner DaSilva. The vote was carried unanimously. 6-0

Commissioner Gran made a move for Motion 1b with the modification to item # 3, seconded by Commissioner DaSilva. The motion was carried unanimously. 6-0

2. CUP 2015-31 – Los Girasoles Restaurant Revocation

A noticed public hearing to consider revocation of Conditional Use Permit 2015-31 which allows for the sale of beer and wine for on-site consumption and outdoor dining as components of the operation of a restaurant located on the east side of North Gateway Drive at its intersection with Roberts Avenue (703 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 007-041-009).

Christopher Boyle, Planning Manager presented the item and requested a continuance for the public hearing to December 13, 2016 in order to allow the applicant additional time to complete the required improvements and demonstrate compliance.

Commissioner Gran asked if there was something going on with the patio.

Mr. Boyle said there were signs that said 'No consumption of alcohol beyond this point' but those signs have been removed and the applicant assures staff that the alcohol is only being consumed inside the restaurant.

Commissioner Norton made a move to accept Motion 2 continuing the public hearing to the December 13, 2016 Planning Commission hearing. Seconded by Commissioner Gran. The motion was carried unanimously. 6-0

3. CUP 2016-24, 25, 26 & SPR 2016-40 – Chevron Remodel

A noticed public hearing to consider three conditional use permits and a site plan review to allow for the memorialization of the sale of alcohol and tobacco for off-site consumption, and for an outdoor dining area in conjunction with the remodel of a gasoline station and convenience store located on the northwest corner of the intersection of West Cleveland Avenue and State Route 99 (1801 West Cleveland Avenue) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-110-010).

Planning Manager, Christopher Boyle stepped to the podium and requested this item be continued to the November 8, 2016 Planning Commission meeting.

Commissioner Hutchings asked if there were any questions.

Commissioner Tyler made a move to accept the requested continuance to the November 8, 2016 Planning Commissioner meeting. Seconded by Commissioner Norton. The motion was carried unanimously. 6-0

4. CUP 2016-27 & SPR 2016-43 – Z Boys Auto Detailing

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an auto detailing business to be located on the west side of Noble Street approximately 600 feet north of its intersection with Gill Avenue (518 Noble Street) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-402-009).

Christopher Boyle, Planning Manager presented the item.

Commissioner DaSilva asked if the applicant would be allowed to move in prior to the improvements.

Mr. Boyle responded that no, a condition of approval is that improvements be done prior to issuance of a building permit and occupancy of the site.

Commissioner DaSilva asked about the church and Thrive and the rest of them.

Mr. Boyle stated that in a way that is exactly why staff has moved toward requiring that improvements be in place prior to occupancy. There has been a poor percentage of compliance when occupancy is granted prior to the improvements being done. You will see continuing in the future that improvements are required to be done in advance.

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

The applicant was invited to step forward.

Luis Zaragoza, 1129 Owens St. confirmed he is in agreement with the conditions. He thanked the Commission and returned to the audience.

Commissioner Hutchings asked if there was anyone else that would like to speak on the item. There were none and the item was returned to the Commission for further processing.

Commissioner Tyler made a move to accept Motion 1, seconded by Commissioner Mendoza. The motion was carried unanimously. 6-0

NON PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

Dave Merchen, Community Development Director wanted to note that the landscape ordinance that was seen by the Planning Commission a few months back was presented to the City Council. They agreed with the Planning Commission. When there is an opportunity they may review options with the Beautification Committee to see if there are other options but there will be no immediate action and there is not an immediate plan.

Brent Richardson, City Attorney wanted to update the Commission on the Thrive Fitness Revocation that was upheld at City Council level. The reason they are still open is due

to legal timelines. The decision of the City Council is subject to a writ of mandate proceeding at Superior Court level. They have 90 days to file that and during that time we have to sit and wait so nothing is done that will upset the Superior Court. Should they file the writ they will no doubt seek a stay of that order and if the court grants it, it could be another 4, 5 or 6 months or however long the proceeding takes under court order. It's basically legal time lines.

Commissioner Gran asked if they have to come more into compliance during this time or do they just continue to operate?

Mr. Richardson said if there is any blatant non-compliance we can try to pursue it but the revocation itself is actually in a holding pattern. He will keep them updated.

Commissioner Hutchings asked if there were any reports from the Commissioners.

COMMISSIONER REPORTS:

Commissioner Hutchings wanted to double check the next Planning Commission meeting was on the 8th of November which is election night.

Commissioner Mendoza made a motion to reschedule the meeting to November 15, 2016. Seconded by Commissioner Tyler. The motion was carried unanimously. 6-0

The meeting adjourned at 6:39 pm.



Kenneth F. Hutchings
Planning Commission Chairperson



Brandi Garcia, Recording Secretary

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