

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
November 15, 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 Jeff DalCerro
Commissioner Pamela Tyler

ABSENT: Commissioner Gran

STAFF: Dave Merchen, Community Development Director
Christopher Boyle, Planning Manager
Keith Helmuth, City 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: September 13, 2016 and October 11, 2016 Commissioner DaSilva made a motion to approve the minutes. Seconded by Commissioners Tyler and DalCerro. Motion carried unanimously. 6-0

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

1. PPL 2003-03 MOD 4 – Chateau at the Vineyards Precise Plan Modification

A noticed public hearing to consider modification of Precise Plan 2003-03 to allow for the construction of homes on the two remaining unbuilt lots within Phase 1 of the Chateau at the Vineyards subdivision. The subdivision is located in the PD 6000 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation (APN: 012-420-001 and 069).

Planning Manager, Christopher Boyle presented the item.

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

The item was opened for public hearing.

The representative for Benchmark was not in attendance. Mr. Boyle stated they are in agreement with the conditions and he would ask that the Commission move forward.

Commissioner Norton made a move to approve Motion 1, seconded by Commissioner DaSilva. The motion was carried unanimously 6-0.

2. PPL 2014-01 MOD2 – Capistrano 16 Precise Plan Modification

A noticed public hearing to consider a request for modification of Precise Plan 2014-01 MOD 2 to allow for a change in the approved home plans and amendment of certain development standards applicable to the 103-lot Capistrano 16 subdivision generally located north of Almond Avenue and east of Westberry Boulevard in the PD-4500 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation (APN: 009-600-006).

Mr. Boyle requested this item be moved to the end of the Agenda. The applicant would like to be here and is on his way from San Francisco.

The Commission proceeded with item #3.

3. CUP 2016-22 and 23, SPR 2016-39 – Home Depot Outdoor Display and Rentals

A noticed public hearing to consider two conditional use permits and a site plan review to allow for the outdoor display and sale of various merchandise at the Home Depot located southeast of the intersection of North Schnoor Avenue and Kennedy Street (2155 North Schnoor Ave.) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-070-025).

Commissioner Hutchings noted that communication from Mr. Fairbanks, representing Zinkin, was just received prior to the meeting.

Christopher Boyle, Planning Manager presented the item.

Commissioner Norton asked about the 18' length, and if it was for the bed length only or the entire length of the truck.

Mr. Boyle stated it was the overall length.

Commissioner DaSilva asked if there was a permit in place for the trailers and equipment that is currently parked at the location.

Mr. Boyle confirmed there was not a permit in place.

Commissioner DaSilva said they have an area roped off and there are items there.

Mr. Boyle said he had inspected the site and asked the merchandise be moved out of the area to the rear of the site.

Commissioner DalCerro asked if the purple area on the screen where the trailers are going to be can be moved to the rear or is it a marketing issue.

Mr. Boyle said it is a marketing issue where these are items for sale as opposed to rent. Staff talked with the applicant and the items for rent are done online. They would like to feature the larger items that are for sale.

Dal Cerro asked if any of the parking lot was designed to provide parking to any of the surrounding businesses or is it solely for Home Depot.

Mr. Boyle stated that the Planning Department has done an overall parking count for the shopping center itself including the area where Subway used to be and there is a large amount of over flow parking available. It's a large number of available parking and the site is designed in a way that there could be additional pads along the frontage and the parking would still be able to accommodate it.

Dal Cerro said he was thinking about the building where Starbucks and the phone store is.

Mr. Boyle said that the parking count for that project is not included in this. It's a separate project.

Commissioner DaSilva asked how far Foxglove Way would continue past the cul-de-sac.

Mr. Boyle said that Foxglove would terminate and take people across the frontage of the Foxglove Shopping Center and also come in the backside where the Goodwill is at Madera Marketplace. It would act as a linkage bridging the two shopping centers.

Commissioner Hutchings asked if Mr. Boyle felt that most of the concerns in the letter provided prior to the meeting have been addressed.

Mr. Boyle said that staff does not concur with the idea that a truck rental would need a traffic study or Environmental Impact Report or the idea that the Ordinance doesn't align with outdoor display requiring a use permit. The outdoor dining of the Foxglove Shopping Center does indeed require and does have a use permit for outdoor dining. Every U-Haul business in the City does have a use permit along those lines. If not for that specific call out in the Ordinance, the Planning Commission does have the authority to approve uses that they deem as appropriate in the C1 Zone District. Staff is not in concurrence with the call outs in the letter, although he has not had a chance to read it completely having just received it.

Commissioner Hutchings opened the public hearing.

Dan Zoldac of Scott Mommer Consulting, 4694 W. Jacquelyn in Fresno, Ca. They have reviewed the conditions and are in agreement of them.

Commissioner Hutchings asked if there was anyone else that would like to address the Commission either in favor or opposed to.

Richard Fairbank representing Foxglove Shopping Center, 5 East River Park Place West in Fresno, Ca. stepped to the podium. Mr. Fairbank stated he attempted to reach Mr. Mommer today but received notification that his request had been denied. He would like to have a chance to review this before the Commission makes a decision. They are concerned with the impact of the trucks within about 60 feet of their shop frontage. He believes it should be moved to the rear and he does not believe it is a permitted use.

Commissioner DaSilva asked if they were concerned about the highway traffic.

Mr. Fairbank said he doesn't think that is going to impact them. There's nothing they could do about it. He thinks this is out of character.

The Commission asked the applicant to come back up.

Commissioner DaSilva asked how many trucks they expected to have stored at the location at one time.

Mr. Zoldac said they are ordered online and could possibly be there for 48 hours. There may be up to four trucks at one time.

Commissioner Mendoza asked if they were diesel.

Mr. Zoldac stated he wasn't sure, but thought it would depend on the size of the truck.

Commissioner Hutchings asked if there was anyone else that would like to address the Commission on this item. Seeing none, the item was returned to the Commission for further processing.

Commissioner Hutchings said that based on the request of Mr. Fairbanks he is leaning towards continuing the item.

Commissioner DaSilva said he doesn't like the idea of them parking on the side in front of the Shopping Center.

Commissioner DaCerro said he would also like to see what Home Depot would think about storing the trucks in the back. If that is an option it would take care of the issue.

Commissioner Norton made a move to continue the application to the December 13, 2016 meeting. Seconded by Commissioner DaSilva. The vote was carried unanimously.

4. CUP 2016-28 and SPR 2016-44 – East Yosemite Taco Bell

A noticed public hearing to consider a conditional use permit and site plan review to allow for a drive-thru lane in conjunction with the development of a new Taco Bell restaurant proposed to be located southwest of the intersection of East Yosemite and Tozer Street (1420 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 008-142-071).

The item was presented by Christopher Boyle, Planning Manager. The applicant was invited to the podium.

Phillip Moss said he agrees with the staff report and all the findings. The developer is aware of the issues with the bus enclosure and they will get going on it. They like the slatted wall but making findings for a variance are hard. They could not find anything about our location that would warrant a variance but they can submit application and see where it goes. They are looking forward to building this site.

Commissioner Hutchings asked if anyone else would like to address the Commission. Seeing none, the item was returned to the Commission for further processing.

Commissioner Tyler made a move to accept Motion 1, seconded by Commissioner DaSilva. The vote was carried unanimously.

5. Madera Travel Center – Love’s Travel Stops and Country Stores, Inc. – Development Agreement

A noticed public hearing to consider adoption of a resolution recommending to the City Council of the City of Madera adoption of an ordinance implementing a proposed development agreement for the Madera Travel Center Project pursuant to California Government Code Sections 65864, 65869.5. Various approvals in support of the Travel Center project were granted by the Planning Commission on August 16, 2016. The proposed agreement would provide assurance that the developer may proceed with developing the project in accordance with the existing regulations and approvals. A reimbursement mechanism for certain public facilities and improvements is also included. An Environmental Impact Report was previously certified for the Project, which is located on a 24.4 acre portion of a 48.36 acre parcel at the southeast corner of the intersection of Avenue 17 and State Route 99, Madera (APN: 013-240-003).

Community Development Director, David Merchen presented this item to the Commission.

Kym Van Dyke, Love’s Travel Stops at 3153 East 1250 North, Leighton, UT. 84040 stepped to the podium. This has been the largest project that Love’s has done and they have 401 stores. It is a big deal for them. They agree completely with what they are getting into. They are excited to be here.

Commissioner Hutchings asked if there were any questions for Mr. Van Dyke, there were none. Mr. Van Dyke stepped from the podium.

Commissioner Hutchings asked if there was anyone that would like to speak on the item. Seeing none, the item was returned to the Commission for further processing.

Commissioner DaSilva made a move to approve Motion 1a, seconded by Commissioner Norton. The vote was carried unanimously.

The Commission returned to Item #2.

PPL 2014-01 MOD 2 – Capistrano 16 Precise Plan Modification

A noticed public hearing to consider a request for modification of Precise Plan 2014-01 MOD 2 to allow for a change in the approved home plans and amendment of certain development standards applicable to the 103-lot Capistrano 16 subdivision generally located north of Almond Avenue and east of Westberry Boulevard in the PD-4500 (Planned Development) Zone District with an LD (Low Density) General Plan land use designation (APN: 009-600-006).

Commissioner Hutchings invited the applicant to step forward.

Planning Manager, Christopher Boyle presented the item.

Ubaldo Garcia of 156 Asilomar Drive in Madera stepped to the podium. He has reviewed the conditions and is in agreement with them. He stated they have chosen the top selling plans.

There were no questions for Mr. Garcia.

Commissioner Hutchings asked if there was anyone else that would like to address the Commission on this item. Seeing none, the item was returned to the Commission for further processing.

Commissioner Tyler made a move to approve Motion 1, seconded by Commissioner DaSilva. The vote was carried unanimously.

NON PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

Mr. Boyle took a moment to thank Mr. Mendoza for his service as a Planning Commissioner.

Commissioner DaSilva asked about the restaurant on Gateway.

Mr. Boyle said the item was continued to the December hearing since it was going to be impossible for them to secure the landscaping plan and make the improvements within a month. He has made a personal requirement to the applicant that the landscaping and irrigation plan be in his hands today. He received it today, at 4:56 pm. He is hoping to have positive news and pictures for the Commission.

Commissioner DaSilva asked about the landscaping at Planet Fitness.

Mr. Boyle stated that staff continues to collaborate with the applicant regarding the landscaping and irrigation at the shopping center. The original conditions of approval required that all the improvements be complete and accepted by the City by November 1st. We have now ran two weeks over on the requirement. We are processing applications for new tenants that cannot be given occupancy until the improvements are complete.

We were able to let Mr. Bidsal move forward with finishing the parking lot since all irrigation is in the ground and has been accepted.

Commissioner DaSilva asked if there are any fines for not having it completed by November 1st.

Mr. Richardson warned they were going into a non-agenda item.

COMMISSIONER REPORTS:

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

There were none, the meeting adjourned at 7:24 pm.



Planning Commission Chairperson



Brandi Garcia, Recording Secretary