

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
December 13, 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 Robert Gran Jr.
Commissioner Bruce Norton
Commissioner Jeff DalCerro
Commissioner Pamela Tyler
Commissioner Richard Broadhead

ABSENT: None

STAFF: Dave Merchen, Community Development Director
Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Robert Holt, Assistant Planner
Brent Richardson, City Attorney
Brandi Garcia, Recording Secretary

PLEDGE: Commissioner Gran led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: None

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

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

A continued public hearing from the November 8, 2016 Planning Commission meeting to consider two conditional use permits and a site plan review to allow for the outdoor display and rental of Penske trucks and assorted power equipment, and 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).

Planning Manager, Christopher Boyle summarized the item.

Commissioner Gran asked how this came to us. They have been doing this already.

Mr. Boyle stated it came to staff due to the truck rental component. A complaint was received and further research indicated that the use did not have an existing

allowance for outdoor display. Hence, staff processed two applications in order to make the Home Depot whole.

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

The applicant was invited to step to the podium.

Dan with Lars Anderson and Associates representing Home Depot stepped to the podium. He resides at 1119 West Cinnamon, Hanford, Ca. He stated he is in agreement with the conditions.

Commissioner Gran asked how he is going to display the 25 foot trucks and still keep in the striping zone.

Mr. Boyle said there is a condition that requires restriping of the parking area for the larger trucks.

There were no other questions and the item was returned to the Commission for further processing.

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

2. CUP 2015-31 – Los Girasoles Restaurant Revocation

A continued public hearing from the November 8, 2016 Planning Commission meeting 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).

Mr. Boyle requested this item be moved to the end of the agenda.

3. CUP 2016-30 & SPR 2016-49 – Valley West Christian Center Multi-Purpose Room

A noticed public hearing to consider approval of a modification to a conditional use permit and site plan review to allow for the construction of a 5,250 square foot multi-purpose room in association with the Valley West Christian Center located along West Adell Street at its intersection with Sonora Street (101 West Adell Street), in the R1 (Low Density Residential) General Plan land use Designation (APN: 003-200-004).

Mr. Boyle, Planning Manager, presented the item.

Commissioner Hutchings asked about #19 in the conditions.

Keith Helmuth, City Engineer answered the question.

The public hearing was opened and the applicant was invited to the podium.

Pastor Leach of Valley West Christian Center stepped to the podium. He stated he is in agreement with the conditions.

Larry Moore from Berry Construction at 415 W. Yosemite Ave. stepped to the podium. He questioned condition #41 about all HVAC units being ground mounted. He doesn't understand why.

Mr. Boyle said the reason is the roof doesn't have a well for the placement of the HVAC. For aesthetics it makes sense to have them ground mounted.

Commissioner Gran asked confirmed that if there was a parapet then they would be allowed on the roof.

Mr. Boyle said yes, if there was a parapet proposed then that condition of approval would not be in place. It's hard to screen the unit on the roof when the roof is a gable roof.

Mr. Moore said he could put it on the backside of the building not facing the road way.

Mr. Boyle stated it would still be visible from all sides. It would be up to the Commission if they choose to alter the condition.

Mr. Moore asked about the condition that states the landscape should be protected by a 6" curb.

Mr. Boyle stated that condition could be altered to read; when landscaping abuts to drive aisles, it shall be protected by a 6" curb. The purpose is to protect the landscape and define the drive aisle.

Commissioner DaSilva asked if the rest of the curb has raised 6" curb around the planting beds.

Robert Holt, Assistant Planner confirmed yes.

Commissioner Gran asked if Mr. Moore had any other questions.

Mr. Moore said he doesn't understand the 6" curb around the landscape. As for the A/C units he plans on maybe putting some on the ground but he would like the option to do either way.

Commissioner DalCerro asked what the advantage would be for putting them on the roof as opposed to the ground.

Mr. Moore explained he can run a condensing unit 75 feet without downgrading it. If he puts two in the front and maybe three in the back he would be over that in some areas and trying to get the systems in there. The cost would be less on the roof. He would just like to have the versatility to go either way.

Commissioner DalCerro said that to him, the fact that the neighbors have them can't always be used because there will never be any positive changes made. We want to be progressive in the way we apply our codes. He's not going to hold it up

and is going to go along with the rest of the Commission on this but the fact that the neighbors did it is not compelling to him.

Mr. Moore said he would just like the ability to go one way or the other.

Commissioner Broadhead asked if the units were put on the ground, how accessible would they be to the students.

Mr. Moore confirmed there is not a physical barrier between the units and the students play area.

The public hearing was closed and returned to the Commission for further processing.

Commissioner Gran said that Mr. Moore is probably doing this for efficiency and to give himself some wiggle room so he can make it work. He still may be putting a couple units on the ground as he had said.

Mr. Merchen let the Commissioners know that as Mr. Boyle stated the Commissioners have the option of modifying the condition. It would however, be helpful to understand why the condition would be applied. It could be a slippery slope and if we are not able to identify a distinguishing factor, we're not going to be able to withstand the request of what is different about this project.

Commissioner Gran said the 'slippery slope' is a liability issue and since this is a school campus it would be a special circumstance, not a regular general exposure.

Commissioner DalCerro said that would be the basis of him agreeing to the modification.

Mr. Richardson said as long as the Commission is willing to go down that road in any similar circumstance.

Commissioner DalCerro asked if it would be any different if it were a Madera Unified School District project.

Mr. Richardson said we typically wouldn't have any say over that since it would be a state project. Unless they voluntarily conceded it to us we wouldn't be involved. However, there are plenty of other daycares and schools, in general assembly type uses that would be similar. Large assemblies of people whether young or old. You have to be able to distinguish the facts and articulate why.

Commissioner DalCerro he would be uninclined to support a modification if it was a mixed use since he would expect the adults to be able to conduct themselves appropriately but since there are children involved here he is inclined to support the modification.

Mr. Richardson said there just needs to be some sort of guidance.

Mr. Boyle stated that staff would recommend altering #47 so it reads, 'when vehicular drive aisle and or parking stalls abut to landscaping, the landscape area shall be protected by 6" curbing'.

Mr. Boyle stated the Commission could just strike condition #41 since it would be redundant to say roof or ground mounted.

Commissioner Gran made a move to approve Motion 1 with the amendments as indicated, seconded by Commissioner DaSilva. The motion was carried unanimously.

4. CUP 2016-31 & SPR 2016-54 – Harmony Massage

A noticed public hearing to consider approval of a conditional use permit and site plan review to allow for the establishment of a massage business located at the southwest corner of Clark Street and Country Club Drive (1410 Country Club Drive, Suite 108), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-210-033).

Planning Manager, Christopher Boyle summarized the item.

Commissioner DalCerro asked about the condition that states they must comply with State and local laws. Are they practitioners required to be licensed by the State?

Mr. Boyle confirmed, yes they are.

Commissioner DalCerro asked about comments from the neighborhood.

Mr. Boyle said there were no comments, either for or opposed on the use.

Commissioner Hutchings opened the public hearing and asked the applicant to step to the podium.

Richard Dufor, 2805 Malaga Way, Modesto, Ca. and Fuong Xiong 6906 Bryan Ct., Elk Grove, Ca. came forward. They are in agreement with the conditions of approval.

Commissioner DalCerro asked who will be managing the facility.

Mr. Dufor stated he will be managing.

Commissioner DalCerro verified that Mr. Dufor will be on site at all times.

Mr. Dufor said no, not all the time. He will have only certified therapists there.

Commissioner Hutchings thanked the applicant and asked if anyone else would like to address the Commission on this item.

There were 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.

5. CUP 2016-32, CUP 2016-33 & SPR 2016-55 – Chino’s Auto Detailing

A noticed public hearing to consider approval of a conditional use permit to allow for the establishment of an auto detailing and car wash business, a conditional use permit to memorialize an existing nonconforming residence and site plan review on property located at the northeast corner of East 4th Street and North E Street (305 North E Street), in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN's: 007-075-007 and 008).

Christopher Boyle, Planning Manager presented the item.

Commissioner DaSilva asked about the parking lot.

Mr. Boyle said they will have to probably saw cut, patch and slurry seal.

Commissioner Tyler asked if the neighbors were in approval.

Mr. Boyle confirmed we did not receive any letters in opposition or support of the request.

Mr. Broadhead asked about the fence. It appears to be in moderate to poor condition. Is there any motivation for this applicant to fix it?

Mr. Boyle said the Commissioners can make recommendations to require it as an additional condition of approval.

Commissioner DaSilva added it should be raised up to be even with the other fence.

Commissioner Hutchings asked about the drain being sealed off. Are we looking at capping it off? It seems the pad would need to be redone.

Mr. Boyle said that staff would rely on the Engineering Department on how to seal it off from the sewer.

Commissioner Hutchings thanked Mr. Boyle and invited the applicant to step forward.

Jesse Gonzalez, 24647 Gardena Dr. stepped to the podium. His father, Miguel Gonzalez (applicant) is in approval of all the conditions.

Commissioner DaSilva said he would like to see the fence fixed and raised to the height of the other fence at the right.

Jesse Gonzalez translated this to his father Miguel Gonzalez and he is in agreement with doing so.

Mr. Richardson said it would say, 'the fence shall be raised to 6' in the area immediately adjacent to the work areas'.

The item was returned to the Commission.

Commissioner DaSilva made a move to approve Motion 1 with the amendment to #34, seconded by Commissioner DalCerro. The vote was carried unanimously. The commission returned to Item #2

CUP 2015-31 – Los Girasoles Restaurant Revocation

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Christopher Boyle, Planning Manager presented the item.

Commissioner DaSilva asked about the drain. What if there is a big rain, what is going to keep the wood chips from going down the drain?

Mr. Boyle said he thinks that as the chips become weighted down with water they will stay in place. Staff did not notice any movement of chips from the previous rain.

Commissioner DaSilva asked if the drain flowed into the sewer.

Mr. Boyle said it drains into the storm drain facility.

Mr. Broadhead said that on a windy day this bark may end up next door since it seems like more of a shaving instead of a more dense bark as requested.

Mr. Boyle confirmed you will not see a lot of large pieces in the bark.

Commissioner Gran verified that the State of California wants to see bark.

Mr. Boyle said noted the State wants to see mulch products. This is a mulch product. There's probably 20-30 different types of mulch products. The landscape architect called out a specific product to be purchased from a specific carrier. He believes the applicant chose not to purchase from the preferred supplier due to cost.

Commissioner DaSilva asked if the sprinklers were from the lawn that was there or have they been changed over to drip.

Mr. Boyle said there are some areas that have a couple pop ups remaining but most of them have been converted to a drip. The pop ups however are a special kind that puts the water on a specific spot.

Commissioner DaSilva confirmed they will not be over watering then.

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

The applicant was invited to the podium.

Leo Rueda, 25779 Avenue 18 ½ and Jazmin Rueda of the same address stepped up to address the Commission. Mr. Rueda said he doesn't have any questions but wanted to apologize for all the headaches and inconvenience that may have been caused. It was initially very difficult to get a landscape architect to even look at the project because it is a small project.

Mrs. Rueda said she wanted to accept responsibility for the different bark. She had called the recommended company in Hanford. They didn't even discuss the price of the bark but she asked about shipping and it was going to be about \$1.50 per mile. It seemed steep to go with them because of that. She read that walk on bark was required so she went to Rosenbaum Rockery and asked for walk on bark. They were able to get it to her within 2 hours with no shipping fee. She chose from the colors they had there. They are paying a mortgage on the property and want it to look nice.

Commissioner Hutchings thanked the applicant and invited anyone else to step forward if they wished to address the Commission on this item.

Seeing none, the item was returned to the Commission for further processing.

Commissioner Gran said he did drive by the location earlier that day and it does look nice. He can attest to their pride in their restaurant.

Commissioner Gran made a move to approve Motion 3 stating the revocation of the Conditional Use Permit is not warranted at this time, seconded by Commissioner DaSilva. The vote was carried unanimously.

NON PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

Mr. Boyle wanted to report that next month the Commissioners would be selecting a new Chairperson and Vice Chair.

COMMISSIONER REPORTS:

Commissioner DaSilva asked if Savemart has a use permit for the Christmas Trees.

Mr. Boyle said he believes they do.

Commissioner DaSilva asked about the location next to Tordini Insurance.

Commissioner Gran said he also brought to Chris' attention that there is a massage parlor that has been operating next to where Jimmy Johns is located.

The meeting was adjourned at 6:40 pm.

Kenneth F. Stutshings

Planning Commission Chairperson

Brandi Garcia

Brandi Garcia, Recording Secretary