

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
March 14, 2017**

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 Robert Gran Jr. (Vice Chairperson)
Commissioner Jim DaSilva
Commissioner Israel Cortes
Commissioner Pamela Tyler
Commissioner Richard Broadhead

ABSENT: Commissioner Bruce Norton

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

PLEDGE: Commissioner Tyler led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: February 13, 2017

Commissioner DaSilva moved to approve the minutes from the February 13th meeting. Seconded by Commissioner Tyler. The motion carried unanimously.

CONSENT ITEMS: None

NON-PUBLIC HEARING ITEMS: None

PUBLIC HEARING ITEMS

1. TSM 2016-02 – Sunrise Estates

A continued public hearing to consider a tentative subdivision map proposing to subdivide four parcels (008-180-001, 002, 003 and 004) encompassing 22.52 acres into a 112-lot single family residential subdivision. The project site is located at the northwest corner of Sunrise Avenue and Tozer Street 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.

Christopher Boyle, Planning Manager explained that this item was removed from the Agenda per the applicant's request.

2. CUP 2007-24MOD & SPR 2016-60 – Head Start Expansion

A noticed public hearing to consider a modification to a conditional use permit and site plan review to allow for a 960 square foot modular classroom expansion for the Head Start program at the Valley West Christian Center located on the north side of West Adell Street at its intersection with Sonora Street (101 West Adell Street), in the R1 (Low-Density Residential) Zone District with an MD (Medium-Density Residential) General Plan land use designation. (APN: 003-200-004)

Christopher Boyle, Planning Manager presented the item.

Commissioner Gran asked about the condition regarding inspections.

Mr. Boyle said they felt that based on the time lines it was important to address land use entitlements at this point. Typically the office would be constructing structures on school sites which would be exempt from inspections. This is not a school site, it's a residentially zoned property but staff feels confident that we will resolve that issue in the near future. Because of the time lines it was good advice to the applicant to move forward with the zoning entitlements since they would be required regardless.

Commissioner Gran noted it is a mix of church and state, usually it's a state, state situation. They must understand that different rules apply for private property.

Mr. Boyle said he believes there is a realization coming about. There's a bit of a sticker shock as well for inspection fees, etc. He believes they will be able to resolve those matters with the applicant and come to agreement and move forward.

The applicant was invited to the podium.

Corina McDonald of 1100 H St. in Modesto stepped to the podium. She brought the architect, Mike Clark, up with her as well. Corina is the Operations and Construction Manager for the County and works for the Stanislaus County Office of Education. They are in agreement with the conditions. Their number one goal is to serve the kids. They did come into this in a backwards way, this is not the traditional manner but they are trying to correct the issues and move forward.

Commissioner Gran asked how Stanislaus County ended up in Madera.

Mrs. McDonald stated they have extra funding so they are working with Madera County staff but it is their funding that is being used.

Commissioner Hutchings had a question for the architect. He asked about the proposed site plan. With the shade trees there is one light that is placed near a couple trees. Has there been an analysis to make sure that light would be effective once the trees are mature? He wanted to bring that to their attention.

Mr. Clark of 571 McHenry Ave. in Modesto responded that he will discuss that with the electrical person. Sometimes with the preliminary plans there is a coordination issue and they may not have coordinated with locations of shade trees.

Commissioner Hutchings asked if anyone else would like to address the Commission.

Pastor Roger Leach of Valley West Christian Center at 101 W. Adell St. stepped to the podium. He said he and M.J. Neighbors got together back in about 2000 and started talking about the need for education for small children in that area. The idea started to take place then. It's a unique collaboration working with Stanislaus. They will work things out and get things done. They have a migrant housing complex right across the street and the children come walking across the street. They want to do everything they can to make sure the children are protected.

The item was returned to the Commission for further processing.

Commissioner Gran was concerned about the inspections.

Brent Richardson, City Attorney said the City will have the same enforcement as we would for anything else.

Commissioner Gran said he just wants to make sure they can come to some kind of agreement.

Mr. Richardson said they have agreed to the conditions for the use permit.

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

3. CUP 2017-04 & SPR 2017-05 – Paletalandia Beer and Wine Sales

A noticed public hearing to consider a conditional use permit ad site plan review to allow for the on-site consumption of beer and wine in conjunction with an existing restaurant located in the Madera Marketplace shopping center at the northeast corner of North Schnoor Avenue and West Cleveland Avenue (2295 West Cleveland Avenue), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-160-020)

Robert Holt, Assistant Planner presented the item.

The applicant was invited to the podium.

Alejandro Aguilar, General Manager for Paletalanda stated he has read the conditions of approval and is in agreement with them.

Commissioner DaSilva asked who would be doing the upgrades, him or the property owner.

Mr. Aguilar said he believes the property owner will be doing the upgrades.

There were no further questions of Mr. Aguilar. He stepped down from the podium.

Dave Delawder, Property Manager for the Shopping Center stepped to the podium.

He asked about the water meter and the sewer going into the City easement areas. He met with Public Works, the Water District and Engineering and also sat

down with Chris. He has easement rights with the City to have the water meters where they are now. Some are on public right of way, the same with the sewer lines. They would like to keep the same locations and just upgrade the meters. It's very costly to redesign the infrastructure of the shopping center.

Commissioner Hutchings asked about Mr. Delawder managing the entire shopping center.

Mr. Delawder said that IHOP and the Tire Center are not a part of it even though they should have been. He manages the parking lot sweeping and landscape maintenance for the shopping center. Walmart maintains their own security and issues on their property. He does also take care of the sweeping, lighting and landscaping for Chase.

Commissioner Hutchings noted there is a stop sign near Chase and IHOP that is extremely washed out.

Mr. Delawder noted that right at that drive way is the property line for IHOP. They don't take care of anything on the IHOP side which is where the sign is.

Commissioner Hutchings verified that he would need to contact the IHOP Manager.

The item was returned to the Commission for further processing.

Commissioner Gran asked if the water meter would be an issue.

Keith Helmuth noted that he did speak with Mr. Delawder that day and they are able to keep the location of the meter and just do the upgrade of the meter.

Commissioner Gran made a move to approve Motion 1 with the modification to #15 to read the upgrade to City standards but remain in the existing location. Seconded by Commissioner Tyler. The motion carried unanimously.

4. CUP 2017-05 & SPR 2017-02 – La Quinta Inn & Suites

A noticed public hearing to consider a conditional use permit and site plan review to allow for the renovation of the existing hotel located at the northeast corner of West 4th Street and North G Street (317 North G Street), in the C2 (heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 006-095-010)

This item was presented by Planning Manager, Christopher Boyle.

Commissioner DaSilva asked what they were going to do with signage.

Mr. Boyle said that all signage on site has a permit so La Quinta will then propose alternative signage as part of the remodel. They may wish to retain freestanding signage or they may wish to entertain alternative signage as part of the rebranding.

Commissioner Gran asked where the trash enclosure is going.

Mr. Boyle said that they will be required to bring the trash enclosure to City standards.

There were no further questions for Mr. Boyle. The applicant was invited to step forward.

Carter Case of 232 Southeast Oak Street, Portland OR 97214 stepped to the podium. He said that Mr. Boyle did a good job describing what their intent is which is a complete remodel. The number of rooms will stay the same with maybe one or two that will be switched around. They will take the old restaurant and make it a lobby and breakfast room with places to sit and eat. He described the materials that will be used in the remodel of the outside of the building. He also noted that they will take care of the trash enclosure. They want the first impression of people to be that they want to stay there. They have read the conditions of approval and they are anxious to move forward.

Commissioner Gran confirmed that he is in agreement with all the conditions.

Mr. Case said, yes.

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

5. CUP 2017-07 & SPR 2017-08 – 365 Autos Temporary Outdoor Sales

A noticed public hearing to consider a modification to a conditional use permit and site plan review to allow for three outdoor sales events to be held by 365 Auto in the Walmart parking lot located on the northeast corner of the intersection of North Schnoor Avenue and West Cleveland Avenue (1977 West Cleveland Avenue) in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation. (APN: 013-160-014)

Planning Manager, Christopher Boyle presented the item.

Commissioner DaSilva asked if the tent was a pop up tent that would be taken down every night.

Mr. Boyle said no, it's not a pop up tent, this vendor relies on a trailer. The trailer is noted in the site plan. Regardless, the tent will need to be inspected by the Fire Marshall.

Commissioner Hutchings noted that during the holiday season it gets busy in the shopping center and this will add to the congestion the parking lot and this will add to it.

Mr. Boyle said that yes the shopping center will experience higher degrees of congestion during the holiday season. The parking lot is parked in a way to provide for the expansion of the green space along Cleveland Ave if at such time Walmart had chosen to move forward with that expansion project. Not withstanding, the fact that the day after Christmas is a high parking demand period, the site chosen is away from the other tenants on the site and staff would still feel that the parking field would adequately address the number of cars.

Commissioner Gran noted that the only thing that would be impacted is the area where the RV's park.

Commissioner Broadhead asked if the location would be taped off.

Mr. Boyle said there are conditions of approval that require them to make sure the site is separated from rights of way to protect pedestrians.

Commissioner DaSilva asked about security during the night.

Mr. Boyle said that he would anticipate there will be some type of security to protect inventory while they are closed. There are conditions of approval that relate to things like trash, nuisances, etc.

Commissioner Broadhead asked if parking for the event will be parked there or mixed in with the Walmart parking.

Mr. Boyle said that typically those who visit the site will not park within it.

The applicant was invited to the podium.

Jim Estes of 4175 N. Blackstone, the dealer of 365 Autos stepped forward. He stated he is in agreement with the conditions of approval.

There were no questions of Mr. Estes.

Dave Delawder, Property Manager for the shopping center stepped to the podium. He said that the owner of the other part of the shopping center is opposed to it. They have a CCR which was established when the shopping center was built. It states there will be no other activities in the parking lot except for parking lot sales for those retail stores located in the shopping center. 365 Autos is an auto sale that has nothing to do with the retail sales of the shopping center such as Walmart having a parking lot sale. Under the CC&R there are parking requirements as well. There are a certain number of parking stalls for shopping center customer's only. As far as the safety and barricading of the roadway; it states that you cannot block any roadway for through traffic in the shopping center. They do block off a whole section and it takes away the whole section which is a violation of the CC&R's.

Commissioner DaSilva asked if they (365 Autos) came to him and asked for permission.

Mr. Delawder said no, and in 2014 when it was done he wrote to Benton, AR. To the Walmart Corporate office. They said they felt different and they've done it already, the Planning Commission gave them permission.

Commissioner DaSilva said you were notified already for Gill.

Commissioner Gran noted that they were notified by mail and all of a sudden now, they're opposed to it. The sales have been going on for years now just not with this applicant. He said he understands there's a CCR but does it apply to Walmart's property also?

Mr. Delawder said that the CC&R is between Walmart and the other owner of the shopping center. Walmart is part of the shopping center. It stipulates these are the rules and regulations. It says that when there are parking lot sales none of the roadways can be blocked. Only the parking stalls can be roped off.

Commissioner Gran asked how the storage was addressed.

Mr. Delawder said that the storage containers are in the back of Walmart and is under a container issue. The City has come to him and he says he doesn't own the Walmart parking and as long as they are in the back there are no parking spaces so he doesn't have a problem.

Commissioner Gran said yes, there are and they are counted spaces.

Mr. Delawder said they may be counted but they're not blocking the roadway.

Commissioner Gran asked about RV's.

Mr. Delawder asked what RV's, the one in the middle?

Commissioner Gran said it is a known fact that if you have an RV you can park at a Walmart.

Mr. Delawder said that he talked to Walmart about it in the past and even went to Walmart's corporate office. He's had people coming to him including Madera Police but he doesn't own their property or control their security issues, they do.

Commissioner DaSilva asked for clarification on the boundaries.

Mr. Delawder said he can provide a map.

Commissioner Gran noted that the CC&R's apply to both.

Mr. Delawder said there is an agreement that they would operate the parking lot to be for parking only for the use of the retail stores that are in the shopping center.

Mr. Boyle noted that to answer the question regarding the parcel configuration, looking at the aerial photo, you can see the difference in the parking lot between the times the blacktop has been refreshed. That is closely aligns with the parcel line.

Mr. Delawder said they have restrictions on signs being put up throughout the parking lot. The stalls need to be left open for those that are tentative shoppers. There is over flow in the middle but the stores that run from Pak N Save to Goodwill have a narrow parking strip. With the school there now, they are having trouble with the parking and will be making the parking in some areas to 30 minute parking. Walmart owns the parking lot but there is the CC&R agreement with them.

Commissioner Hutchings said the opposition had been noted.

Mr. Estes stepped back to the podium. He said he prefers to have parking only in the stalls because the more open it is the more traffic comes through. They don't want to take over the lot and block traffic. He has extensive experience in automotive and has been in the Valley for a long period of time. They signed a contract with Walmart and mailed out several pieces of mail offering a \$5 Walmart card for everyone that visits. It not only benefits Walmart but people will also stop and get groceries or whatever while there.

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

Commissioner Gran asked for Mr. Richardson's input on this.

Mr. Richardson said it is certainly something that we could consider but they do not necessarily apply to the City. They are between the two property owners. The City itself is not necessarily bound by it. It's a little problematic to consider them since you cannot see them. If the Commission grants the permit and it is in violation then the property owner can pursue some sort of action to keep them from operating in violation.

Commissioner DaSilva made a move to accept Motion 2, to continue the request for approval of Conditional Use Permit 2017-07 and Site Plan Review 2017-08 to the April 11, 2017 Planning Commission meeting so they can see the CC&R's.

Commissioner Gran said this has been going on for a while and he understands that they feel like they need to say something but at the same time...

Commissioner Cortes seconded the motion.

Commissioner Hutchings - no
Commissioner Gran - yes
Commissioner Tyler - no
Commissioner Broadhead - no
Commissioner Cortes - yes
Commissioner DaSilva - yes

The motion failed due to a tie vote.

Commissioner Tyler made a move to accept Motion 1, to approve Conditional Use Permit 2017-07 and Site Plan Review 2017-08, seconded by Commissioner Gran.

Commissioner Hutchings - yes
Commissioner Gran - yes
Commissioner Tyler - yes
Commissioner Cortes - no
Commissioner Broadhead - yes
Commissioner DaSilva - no

Motion 1 was carried by a 4-2 vote.

NON PUBLIC HEARING ITEMS:

1. CUP 2016-20 & SPR 2016-36 – Teran Residence (Performance Review)

A review of the performance of Conditional Use Permit 2016-20 and Site Plan Review 2016-36 allowing for a residential use on a commercially zoned property, to determine whether it is appropriate to schedule a hearing on revocation.

Mr. Boyle, Planning Manager presented the item.

Commissioner DaSilva asked if there was any ADA compliance.

Mr. Boyle confirmed there was not but it would not be required from a residential perspective. It there would have been a requirement if the applicant wished to continue the use as a commercial building.

Commissioner DaSilva asked if it was commercial throughout the whole year or just during tax season.

Mr. Boyle said that in the inspections over time it had remained commercial. As of six days ago the 'Open' sign had been removed and the 'Tax Services' sign had been removed but as you walk up the front steps the interior of the site still functions as a commercial entity. He can't say with certainty that every day since the approval of the use permit it was functioning as a commercial, but every time staff has inspected it has been.

Commissioner DaSilva asked if the parking stalls would be removed if it was a residential use.

Mr. Boyle said that staff made a concession that the site doesn't have a covered parking stall on site but since the site never has had covered parking, it would not be required and they could use the street parking for the residential needs moving forward. We felt that long term viability as a commercial property is where we wanted to see the property go.

There were no further questions of Mr. Boyle.

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

ADMINISTRATIVE REPORTS:

Mr. Boyle stated that staff would bring updates on current projects at the next scheduled meeting.

COMMISSIONER REPORTS:

Commissioner DaSilva reported that the Planning Commission Academy was good. He felt that last year was better but they did get a lot of good information.

Commissioner DaSilva also asked Mr. Helmuth about the sinkhole at Olive and Pecan. He said it's getting bigger.

Mr. Helmuth said the construction manager was going to look at it but he will check on it.

The meeting adjourned at 7:23 p.m.



Planning Commission Chairperson



Brandi Garcia, Recording Secretary