

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
August 8, 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 Richard Broadhead  
Commissioner Pamela Tyler  
Commissioner Bruce Norton

**ABSENT:** None

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

**PLEDGE:** Commissioner Hutchings led the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**MINUTES:**

**July 11, 2017**

Commissioner Hutchings noted that he was not present for the July 11, 2017 meeting and requested to have Commissioner Gran noted as calling the meeting to order and not himself.

Commissioner Norton made a motion to approve the minutes with the change noted by Commissioner Hutchings. Seconded by Commissioner Gran. The motion carried unanimously.

**CONSENT ITEMS:** None

**NON-PUBLIC HEARING ITEMS:** None

**PUBLIC HEARING ITEMS**

**1. VAR 2017-04 – Pond Place Setback Variance**

A noticed public hearing to consider a variance from the setback requirements of the R1 (Residential) Zone District in order to allow for less than the required fifteen foot rear

yard structural setback on property located at the northwest corner of Stadium Road and El Monte Avenue (805 El Monte Avenue) in the R1 (Low Density) Zone District with an LD (Low Density) General Plan land use designation (APN: 012-440-019).

Planning Manager, Christopher Boyle requested to continue this item to the September 12, 2017 Planning Commission meeting in order to allow staff to collaborate with MID.

Commissioner Gran made a move to approve Motion 2, seconded by Commissioner DaSilva. The motion carried unanimously.

## **2. General Plan Conformity and Environmental Determination – India Park**

A noticed public hearing to consider findings of General Plan Conformance and an Environmental Determination for the future development of a park on an 8.1 acre property located approximately 600 feet southeast of the intersection of Martin Street and Austin Street (16557 Austin Street) in the LD (Low Density) General Plan land use designation within the AR-5 (Agricultural Rural – 5 acres) Zone District of Madera County (APN: 038-030-027). The future park site is currently developed as a rural residential property in the County of Madera, approximately 500 feet from the current City limits.

Christopher Boyle, Planning Manager presented the item.

Commissioner Norton asked what would happen to the current homes on the property.

Mr. Boyle said he wasn't sure what would happen to the homes, he's not sure the City would want to act as a landlord and continue to rent the properties.

Commissioner DaSilva asked who would be responsible for the upkeep of the property.

Mr. Boyle stated that the City would be responsible. The Parks Department would take care of it.

Selena Montoya stepped to the podium. She is one of the property owners for the property adjacent to the proposed park (16614 Cutting St. & 16632 Cutting St.). She noted her two sisters (the other owner's) were in attendance as well. She also shared that one of the homes on the property has burned. She also stated she is concerned about the water situation and would also like to have a wall built to protect their property. She would like to have their property annexed to the City as well.

Commissioner Gran asked what kind of wall or fence she has in mind.

Mrs. Montoya said that people like to cut through that property already. They had to move their fence over so they wouldn't be going through their property.

Stella Delgado of 985 Arthur Ct. also stepped to the podium. She is one of the other co-owners of the property. She noted she is concerned about the security as well. She too is concerned about the water issue. There's already some gang and drug activity in the area. She just wants to make sure it's a safe place for the neighborhood. She also would like a very tall cinder block fence.

Commissioner DaSilva asked where the City boundary is right now.

Mr. Boyle replied that the City's nearest boundary is south southeast or east southeast from the site about 500 feet from the southeast corner of the property to the nearest furthest extension of the City limits. Directly south it is closer to 1000 feet but there is an extension of the City that brings the overall distance to about 500 feet.

Commissioner DaSilva noted that were probably looking at about 10 years before this happens.

Mr. Boyle said we really don't know.

Commissioner Gran stated he found it odd that there wasn't a letter in the packet from the Parks Department.

Dave Merchen, Community Development Director noted that Mary Anne was involved in discussion between the owner and the City. She also screened the general request before it even went forward for consideration. It's a great size property however, it is in an area that may not see development for a few years. This is a great opportunity to acquire some land with no upfront Capital cost. It's not any more expensive to maintain than any other property. The City Council will decide if they want to accept the donation.

Commissioner DaSilva asked if we would hook up City water or if it would be a well.

Mr. Merchen said he can't foresee that but the City has never developed, that he's aware of, with a well. It would probably be on the City's utility system. Once this area sees residential development they wouldn't take an island in a rural developmental area and put a park in the middle. The high school is looking to start developing in the next six months or so and that may start development in this area.

Henry Martinez stepped to the podium. He lives about 1500 feet from the proposed park on Austin St. There's been quite a bit of growth in the area and he thinks the park is a great idea. He also has a well and is concerned about the water.

Commissioner Hutchings asked what the next step would be if the Planning Commission does go through with the project.

Mr. Boyle said the Parks Department would move forward with an action by the Council that would facilitate an acceptance by the Council. Only they can accept a gifting of property.

Commissioner Hutchings asked how quick that would happen.

Mr. Boyle said he would anticipate it to happen within the next couple months. It would go through a Consent Calendar so there would not be noticing to the residents.

Commissioner Gran said to watch the City's website and write a letter stating any concerns.

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

Commissioner Norton made a move to approve a finding of General Plan Conformity. Seconded by Commissioner Tyler, the motion carried unanimously.

### **3. CUP 2016-08 – Herbalife Fitness Revocation**

A continued public hearing to consider revocation of Conditional Use Permit 2016-08, which allows for a fitness use on property located east on North D Street, approximately 215 feet north of the intersection of North D Street and East Riverside Drive (711 North D Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 004-011-007).

The item was presented by the Planning Manager, Christopher Boyle. He noted that neither the tenant or property owner was in attendance.

Commissioner Gran noted that since the customer was in the office the day prior they were aware of the hearing.

Mr. Boyle said yes, they were in attendance at the last meeting and we have collaborated and done a great deal of outreach with the property owner and the applicant.

Commissioner Gran asked if Mr. Boyle expects that the land lord would get this done if he was to receive an extension.

Mr. Boyle said he would only look at the property owner's record. They have worked with him for over a year.

Commissioner Gran noted that the record in the last four weeks was good but before that....

Mr. Boyle said that the property owner, a year ago, contracted with preparation of plans to construct a trash enclosure. The contractor came and asked about steps necessary to pull permits. Nothing was ever secured. Without giving an opinion, that's the record.

Commissioner Hutchings opened the item for public hearing.

Seeing none, the public hearing was closed and the item was returned to the Commission for processing.

Commissioner Gran made a move to approve Motion 1 as stated. Seconded by Commissioner Norton. The motion carried unanimously.

**NON PUBLIC HEARING ITEMS:**

**1. CUP 2015-26 MOD, SPR 2016-27 – Madera’s Finest Car Wash (Performance Review)**

A performance review of Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27, allowing for a car wash and auto detailing business on a C1 (Light Commercial) Zone District, to determine whether it is appropriate to schedule a public hearing for revocation.

Christopher Boyle, Planning Manager presented the review.

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

**ADMINISTRATIVE REPORTS:**

**1. Informational Workshop Regarding the City of Madera General Plan**

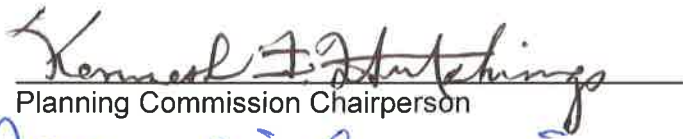
Mr. Boyle gave the Commissioners a quick refresher on the City’s General Plan.

**COMMISSIONER REPORTS:**

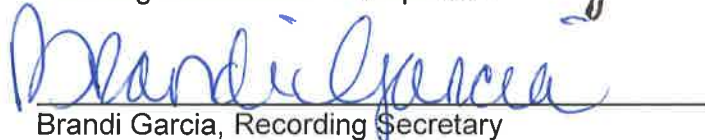
Commissioner Gran asked what the latest is on the Health Club.

Mr. Richardson said it’s not on the agenda so he’s going to be real brief. It is still in litigation. The hearing is scheduled out to February. They’re trying to work out all the issues in the neighborhood.

The meeting adjourned at 7:04 pm.

  
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Planning Commission Chairperson

  
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Brandi Garcia, Recording Secretary