

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
October 10, 2017**

CALL TO ORDER: The meeting was called to order by Vice Chairperson Gran at 6:00 p.m.

ROLL CALL

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

ABSENT: Commissioner Kenneth Hutchings (Chairperson)

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

PLEDGE: Commissioner Gran led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: September 12, 2017

Commissioner Norton made a move to approve the minutes of September 12, 2017. Commissioner Tyler seconded the motion. The motion was carried unanimously.

CONSENT ITEMS:

PUBLIC HEARING ITEMS:

1. GPA 2017-01 & REZ 2017-03 – Avila Residential

A noticed public hearing to consider a General Plan Amendment and Rezoning to allow for the future development of residential dwellings at a higher density than presently allowed. The General Plan Amendment would change the General Plan land use designation on the project site from the LD (Low Density Residential) land use designation to the HD (High Density Residential) land use designation. The rezone would change the zoning for the project site from the R2 (Medium Density Residential) to the R3 (High Density Residential) Zone District. The project site is located on the west side of North K Street, north of its intersection with West Yosemite Avenue (APN: 010-081-002)

Planning Manager, Christopher Boyle presented the project.

Commissioner Norton asked about moving to a higher density on this particular property, and what if the guy across the street wanted to do the same thing. What would prevent that from being approved?

Mr. Boyle said that he's not sure if staff could support zoning from and LD land use designation in an R1 zoning as is across the street. In that instance there is a block of all single family residential and we would want to protect the integrity of that. In this instance you have an individual parcel between and existing apartment complex and what will be a professional office complex. Therefore it's not seen as an intensification of the use just to allow the intensification of the use. This project will provide better consistency and better compatibility within this block section.

Commissioner Norton asked if Mr. Boyle envisioned that entire block becoming the same.

Mr. Boyle said he doesn't believe he could support a conversion on the other side of the alley. That side is a fully whole residential block. He prefers to use streets to separate density as opposed to property lines. In this case there is a High Density property directly adjacent to a Low Density property that now is complicated by offices next to it makes sense to add this to the HD component so it can better fit in over time.

The applicant was invited to the podium.

Humberto Avila, the owner of 118 North K Street, stepped to the podium. He is in agreement with the conditions.

There were no others to speak on the item so the item was returned to the Commission for further processing.

Commissioner DaSilva made a move to approve Motion 1 as stated. Commissioner Tyler seconded the motion and it carried unanimously.

2. CUP 2017-15 & SPR 2017-21 – Fresh Kebab Outdoor Dining

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of outdoor dining as a component of an existing drive-thru food service kiosk on property located at the northwest corner of North Q Street and West Yosemite Avenue (1209 West Yosemite Avenue) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation. APN: 010-062-015

Christopher Boyle, Planning Manager presented the item.

Commissioner DaSilva asked where the restrooms are.

Mr. Boyle replied that they will use the restroom with outdoor access at the 1 Hour Martinizing and that that is compatible with fire and building code.

Commissioner Gran asked about onsite storage at the restaurant.

Mr. Boyle noted there will be note except for what is on the interior of the building. It worked for the smoothie place and he will leave it to the applicant to decide how they will function.

Commissioner Broadhead asked about the parking on the site.

Mr. Boyle said the parking on site is consistent with the code. All onsite dining is required to provide one stall for every 3 seats. The Martinizing is also required to provide parking based on its square footage. In the end the site has sufficient parking to provide for both uses. Per code parking is satisfied.

Commissioner Gran asked if one ADA stall is sufficient.

Mr. Boyle confirmed.

Commissioner DaSilva asked about the monument that is on the site.

Mr. Boyle said there is a condition of approval that asks the monument be moved to a less obtrusive location. Staff recommends it be moved to the northern planter boxes on the side. The Commission can request that it be removed entirely. It is a monument for a motorcyclist that passed at the site. There is no permit that was granted or asked for at the City to place the memorial. It has received both positive and negative responses from members of the community.

Commissioner DaSilva asked if the corner would be reconstructed and updated with handicapped ramps at all.

Mr. Helmuth noted that it's already in the conditions to upgrade the ramp.

Commissioner DaSilva asked how moving the plaque would work with City Council and about protest from the family members if the plaque is requested to be moved or removed.

Mr. Boyle said that in the past he had spoken to two different council members that wanted it removed. That was when it was first installed.

There were no further questions of Mr. Boyle so the applicant was invited to the podium.

Frank Gomez the Consultant of the applicant stepped to the podium. They are in agreement with the conditions. He also noted they will be changing the colors of the structure. As far as the inside storage goes, he has a design and it will be looked at by the Health Department. There is limited space, it's not for a big restaurant. They are trying to improve the area and make it look better.

Commissioner Gran noted that he may be required to get a landscape architect for the landscaping.

Mr. Gomez said he understands the drought tolerant requirements.

Commissioner DaSilva wanted to clarify the business hours and asked if it would be Monday through Sunday 10:00 a.m. to 8:00 p.m. or is it 7:00 a.m. to 10:00 p.m.?

Mr. Boyle said that staff allows for an expanded hours of operation. The applicant may request to operate 10:00 a.m. to 6:00 p.m. but if there is no reason why the

applicant couldn't operate 7:00 a.m. to 10:00 p.m. daily then staff would place conditions of approval that would provide that option.

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

3. CUP 2017-18 & SPR 2017-30 – Elsayed Pharmacy

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a pharmacy in an existing professional office complex located approximately 150 feet west of the northwest corner of West Cleveland Avenue and North Schnoor Avenue (2311 West Cleveland Avenue) in the PO (Professional office) Zone District, with an O (Office) General Plan land use designation. APN: 013-141-033

Assistant Planner, Jesus Orozco presented this item.

There were no questions for Mr. Orozco and the applicant was invited to step forward.

Gary Rogers of 450 S. Madera Ave. stepped to the podium. He is the Architect for the project. He said that when the building was built years ago they had the intention of eventually opening a pharmacy there. They are in agreement with the conditions.

Commissioner Gran confirmed they are aware of the sign issue.

Mr. Rogers said yes.

The item was returned to the Commission for further processing.

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

4. CUP 2017-19 & SPR 2017-31 – 99 Cents Only Store Beer and Wine Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for off-site consumption as a component of an existing retail food store located at the northeast corner of Country Club Drive and West Sherwood Way (1333 Country Club Drive) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation. APN: 003-210-025

Staff requested this item be continued to the November 14, 2017 Planning Commission meeting to allow more time to collaborate with the applicant.

Commissioner Norton made a move to approve the continuance, seconded by Commissioner DaSilva. The motion carried unanimously.

5. CUP 2017-20 & SPR 2017-32 – Panchito's On-Site Alcohol Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for on-site consumption as a component of an existing retail food store located at the northeast corner of Country Club Drive

and West Sherwood Way (1333 Country Club Drive) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation.
APN: 003-210-025

This item was presented by Jesus Orozco, Assistant Planner.

Commissioner Norton asked about the number of ABC licenses in Sensus Tract 9 and if their supply is over or under.

Mr. Boyle said they are at their capacity.

Commissioner Gran asked if the Police Department had any response to this item.

Mr. Orozco replied that he did not receive any comments from the Police Department.

With no further questions the item was opened to the public and the applicant was invited to the podium.

Sylvia Garnica of 412 South C Street stepped forward. She has read and understands all the conditions.

The item was returned to the Commission for further processing.

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

6. OTA 2017-01 – Accessory Dwelling Units

A public hearing and consideration of adoption of a resolution recommending to the City Council adoption of an ordinance repealing in its entirety Section 513 of Chapter 10 of title III of the Madera Municipal Code pertaining to Secondary Dwelling Units, and replacing it with revised text under the title, Accessory Dwelling Units, as required by state law.

Christopher Boyle, Planning Manager presented this item.

Commissioner Norton asked if new subdivisions will be required to have a certain number of these units.

Mr. Boyle replied, no.

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

NON PUBLIC HEARING ITEMS:

1. Review of CUP 2015-27 & SPR 2015-31 – Franks Auto Repair

A review of the performance of Conditional Use Permit 2015-27 allowing for the establishment of an auto repair shop on the east side of South Gateway Drive near its intersection with 12th Street, to determine whether it is appropriate to schedule a hearing on revocation.

Commissioner Cortes excused himself. The applicant is a client of his.

This item was presented by Christopher Boyle, Planning Manager.

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

ADMINISTRATIVE REPORTS:

1. Informational Workshop Part 3 - General Plan Land Use Element

COMMISSIONER REPORTS:

The meeting adjourned at 7:45 p.m.



Kenneth F. Hutchings
Planning Commission Chairperson



Brandi Garcia, Recording Secretary