

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

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

ROLL CALL

PRESENT: Commissioner Hutchings (Chairperson)
Commissioner Jim DaSilva
Commissioner Israel Cortes
Commissioner Richard Broadhead
Commissioner Pamela Tyler

ABSENT: Commissioner Gran (Vice Chairperson)
Commissioner Norton

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 Hutchings led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: October 10, 2017

Commissioner Da Silva made a motion to approve the minutes. Seconded by Commissioner Tyler. The motion carried unanimously.

CONSENT ITEMS:

1. CUP 2016-02 – West Coast Tires

Consideration of a request for a one-year time extension of Conditional Use Permit 2016-12, which allows for a used car sales lot as a component of the West Coast Tires and Auto business located at the northwest corner of South Gateway Drive and Madera Avenue (500 and 508 S. Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-213-002). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Commissioner Da Silva made a motion to approve the consent item. The motion was seconded by Commissioner Cortes and carried unanimously

PUBLIC HEARING ITEMS:

Public Hearing Items #1 and #2 were switched bringing the Varbella Subdivision Map Amendment to the first item.

1. TSM 2016-01 MOD – Varbella Subdivision Map Amendment

A noticed public hearing to consider an amendment to the conditions of approval for Tentative Subdivision Map 2016-01, to allow for 50-foot street sections where 60-foot street sections are currently required within the subdivision. The 27.94 acre subdivision is located at the southwest corner of Gary Lane and Monterey Street, in the R1 (Residential) Zone District with an LD (Low Density) General Plan land use designation. An initial study and Negative Declaration was adopted by the Planning Commission on October 11, 2016 in conjunction with the approval of the map.

Christopher Boyle, Planning Manager presented the item.

There were no questions nor was there anyone to speak on the item.

Commissioner Tyler made a move to approve the modification, seconded by Commissioner Da Silva. The motion carried unanimously.

2. CUP 2017-19 & SPR 2017-31 – 99 Cents Only Store Beer and Wine Sales for Off-Site Consumption

A continued public hearing to consider a conditional use permit and site plan review to allow for the off-site consumption of beer and wine as a component of an existing retail food store (99 Cents Only Store). The property is located at the northeast corner of Country Club Drive and West Sherwood Way (1333 Country Club Drive) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-201-025). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Christopher Boyle, Planning Manager presented the item.

Commissioner Tyler asked about the other locations like the gas station and if they are included in the licenses noted.

Mr. Boyle confirmed that only the places in ½ a mile radius were included.

Commissioner Da Silva asked about the licenses nearby in the County.

Mr. Boyle said that those were not included.

Commissioner Da Silva noted that there are others very close but they are just outside the City limits.

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

Steve Rawlings stepped forward on behalf of the 99 Cent Store. He is from Murietta Ca. He passed out some documents/articles to the Commission. The first one was from People Magazine regarding the 99 Cent Store. He wanted to talk about the business model for the 99 Cent Only Store and who they are.

They started in 1982 with one store in Los Angeles and now they have 300 stores in California and 400 in the entire chain including Texas and Arizona. He also provided a list of all the other stores in California that have active licenses with ABC. They have not had any incidents as a result of the alcohol.

Mr. Rawlings presented a slide that showed the different items that are offered at their locations. They have a desire to continue to grow their grocery business and be competitive. Almost everyone shopping in their stores is coming after work and does not want to shop at their store and then stop at another location just to buy a bottle of wine.

Their proposal for a beer and wine display would be limited to no more than 36 feet. Sometimes they only stock 8 feet. No single sales of beer would be proposed. They don't refrigerate their alcohol. The customer's they sell to, are looking to purchase to take home to enjoy later, not go in to purchase a 'cold one'. They don't advertise and they do extensive employee training.

They do agree to all the conditions of approval and they have also agreed to other conditions with other municipalities if public safety is an issue. However, it doesn't sound like that is an issue here.

Mohammad Latiff of 2671 Marie Dr. stepped to the podium. He is in support of this and the moratorium does not apply since this is only a transfer. Mr. Latiff asked the Commission to approve this item.

Commissioner Da Silva made a move to approve Motion 1 denying the use. Seconded by Commissioner Cortes. The motion carried unanimously.

3. SPR 2017-34 – Cool Steam Pasteurization, LLC

A noticed public hearing to consider and application for site plan review to allow for the development of an approximately 60,000 square foot nut processing plant on 8.49 acres located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment (3211 Aviation Drive) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. An initial study and Negative Declaration will also be considered by the Planning Commission.

Planning Manager, Christopher Boyle presented this project.

The applicant did not step to the podium so Commissioner Hutchings confirmed that they are in agreement with the conditions.

Mr. Boyle confirmed, they agree.

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

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

4. CUP 2017-21 and SPR 2017-36 – Mendoza Residential

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of an approximately 1,400 square foot home on an existing

non-conforming corner parcel located at the southwest corner of North M Street and West 3rd Street (320 North M Street), in the R2 (Medium Density Residential) Zone District and a LD (Low Density) General Plan land use designation (APN: 010-043-011). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Assistant Planner, Jesus Orozco presented this item.

Commissioner Da Silva asked if there was still the 5' setbacks from the fence line to the house.

Mr. Orozco confirmed that the interior would be 5' and the exterior side yard would be 10'.

The applicant did not step to the podium so Commissioner Da Silva confirmed he is in agreement with all the conditions.

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

5. CUP 2015-27 – Frank's Auto Revocation

A noticed public hearing to consider revocation of a conditional use permit allowing for the establishment of an automotive repair shop on property located on the east side of South Gateway Drive, near its intersection with 12th Street (801 South Gateway Drive), in the I (Industrial) Zone District and the C (Commercial) General Plan land use designation (APN: 011-151-008). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

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

Christopher Boyle, Planning Manager presented the item.

Commissioner Da Silva noted that he can't see giving them another year.

Commissioner Hutchings confirmed that it would be \$100.00 per month for the \$1200.00 yearly fee to inspect the site monthly.

Mr. Boyle said that will help the applicant to take the matter seriously and bring the site into compliance.

Commissioner Hutchings asked if Mr. Boyle still feels that there are other spots in the City that would be a better fit for this business.

Mr. Boyle said he hasn't done checking but there is a small supply of sites that are available in the City.

Mr. Richardson noted that deviates from the issue and its irrelevant if there's other spots that would work. He wanted to refocus the issue.

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

Conrado Camarillo stepped to the podium and stated he is interpreting for Frank's Auto repair.

The owner of Frank's said he was notified by mail. He shares the same mailbox as two other tenants and doesn't know if he has been receiving all correspondence. He would have made attempts to fix problems.

Commissioner Da Silva confirmed that the business owner agreed to the conditions when he was originally approved and is aware he's not to be keeping cars overnight. Those were the general conditions he agreed to.

Mr. Camarillo said the business owner wants to ask for forgiveness and he will clean up the business.

Commissioner Da Silva said Mr. Boyle has contacted him prior and nothing has been done in 20 months. That's almost two years.

Mr. Camarillo stated that he doesn't remember being notified. The only time was recently and he went in to see what he needed to do.

Commissioner Da Silva confirmed with Mr. Boyle that there was prior contact.

Commissioner Da Silva asked if the applicant understands what is happening.

Mr. Camarillo confirmed yes and that it's not intentional. Some repairs just can't be done in the same day.

Commissioner Da Silva noted that storing vehicles outside was in the conditions.

Mr. Camarillo said the business owner understands.

Commissioner Da Silva asked if they thought the property owner received the letters.

Mr. Camarillo noted that one of the other tenants received a letter and brought it to him. That's when he came in.

Commissioner Da Silva said someone received the letter 20 months ago and ignored it.

Mr. Boyle noted the first letter that went out was letting them know staff was preparing to take the item for review. That was a little over a year ago. That process was suspended and staff worked with Liberty Baptist and some of the improvements to the site were made. He spoke directly with the property owner and not the business owner and staff spoke directly with the business regarding the second letter.

Commissioner Da Silva asked what it will take to get everything compliant.

Mr. Camarillo translated that the business owner will stay on top of it.

Commissioner Da Silva asked if he needs a letter in Spanish.

Mr. Camarillo translated yes.

Commissioner Da Silva said we need to get a good address to get information to the business owner.

Mr. Camarillo noted that it's not intentional.

Mr. Singh, property owner stepped to the podium and said that he doesn't go to the property often. Someone else manages the property. If his tenant doesn't start to comply he will have to terminate the lease with him.

Commissioner Da Silva confirmed they understand everything that is needing to be done to be in compliance.

Commissioner Da Silva asked Mr. Richardson how to go about making a motion for this.

Mr. Richardson gave example.

Commissioner Da Silva made a motion to suspend the revocation for 6 months with \$100/month payments for inspections and if it's not in compliance they will be brought back to the May 8th, 2018 Planning Commission Meeting for revocation.

Commissioner Hutchings noted that it states the fee be paid within 7 days of the inspection.

Mr. Richardson stated it would be to suspend the proceeding to May 8, 2018 and upon an agreement that there is monthly monitoring for \$100 per month to be paid within 7 days of each monthly inspection. Monthly inspections to be scheduled with planning staff. It can be added that if any violation is found or if payment is not made, staff can bring it back to the next public hearing.

Commissioner made a motion to approve the motion stated, seconded by Commissioner Tyler. The motion carried unanimously.

ADMINISTRATIVE REPORTS:

Informational Workshop Part 4 – Zoning: Implementing the General Plan

Mr. Boyle presented part 4 of his workshop.

Commissioner Da Silva asked if there was any news on the Love's truck stop.

Mr. Boyle noted they have signed agreements with Cal Trans and all road blocks to development have been resolved. The property is in Love's hands.

COMMISSIONER REPORTS:

None

The meeting adjourned at 7:58 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary