

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
December 12, 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 Da Silva
Commissioner Israel Cortes
Commissioner Richard Broadhead

ABSENT: Commissioner Pamela Tyler
Commissioner Bruce 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: November 14, 2017

Commissioner Da Silva made a motion to approve the minutes on November 14, 2017. Seconded by Commissioner Cortes. The motion carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. CUP 2016-35, 36 & 37 and SPR 2016-57 – Arco Gas Station and Car Wash

A noticed public hearing to consider three conditional use permits which cumulatively allow for the construction of an 8,304 square foot self-serve drive-through car wash. In conjunction with the project, the applicant has proposed the off-site consumption of alcohol in conjunction with the mini-mart and the on-site consumption of beer and wine in conjunction with a restaurant. The project is located at the northeast corner of Madera Avenue (SR 145) and Pecan Avenue /Avenue 13. A Mitigated Negative Declaration will also be considered by the Planning Commission.

Christopher Boyle, Planning Manager presented the item.

Commissioner Da Silva asked if there was only the one approach on Hwy 145.

Mr. Boyle confirmed, yes, there is a shared access per the conditions of approval.

Commissioner Da Silva asked if the requirements were the same for the Shell station across the street.

Mr. Boyle noted the Shell station was developed with different standards. Perhaps that isn't consistent with current standards.

Commissioner Da Silva asked about the ingress and egress in relation to the stacking of cars on 145.

Mr. Boyle said there is shared access to the North to provide for future access to South bound traffic. There isn't enough ability in the center median on 145 to provide for a turn movement this close to the intersection. There is not sufficient stacking for right hand turn movements at the south bound intersection of Pecan and 145. Therefore, in the future, upon development of the property to the North that is where left hand south bound turn movements into this site will take place.

Commissioner Gran asked if Condition #70 is something we will start seeing in the future regarding the location of indoor displays and promotional signage of alcohol and tobacco related products.

Mr. Boyle noted yes, the City will begin implementing this moving forward. There are several beer posters in the City but that doesn't mean the signage is permitted per the existing code.

Commissioner Gran noted the conditions of approval and asked about the 32 to 40 ounce beer being not allowed.

Mr. Boyle said those have not typically been allowed for some time. However, it's is at the discretion of the Planning Commission, but it is a recommendation.

Commissioner Gran questioned if these are the conditions they can expect moving forward.

Mr. Boyle confirmed yes.

Commissioner Hutchings asked about the sale of food items and if it would be restricted to the restaurants only. Would they be allowed to sell hot items like the other AM/PM?

Mr. Boyle replied that there will be no restriction on the sale of food items at the AM/PM Market and he anticipates the sale of food items like the other AM/PM's.

Mr. Arash Arjang stepped to the podium. He is from Yara Law Group and was there on behalf of Mr. Carrazi who was unable to make it. They are representing he applicant. He noted this is a multi-million dollar project and they are excited about it. The applicant agrees to all conditions of approval.

Bob Shockley of 14819 Skyview Rd. in Madera stepped to the podium. He noted that he is the one that drew the plans.

Mr. Da Silva asked about the operating hours of the car wash.

Mr. Shockley said he believes they will be 6:00 am to 7:00 or 8:00 pm.

Mr. Da Silva asked if that would be 24/7.

Mr. Shockley confirmed it would be 24/7 and they will have 64 cameras monitoring the site. This is a condition from Arco to have the latest technology and to protect the owners and the employees.

Mr. Rajel Hussein of 3298 Fairfield Way in Madera stepped to the podium. He is concerned about the high school and elementary school traffic. It's a mess already and this will cause more traffic. There will be Pepsi and other delivery trucks. How is that going to be controlled? He owns the Shell station across the street. He disagrees with the report that the Police Department will not be affected. The population of this area doesn't need another gas station. He doesn't think it will help to improve the community.

Mr. Arjang noted that all issues have been discussed with the City and as stated there will be 64 cameras monitoring everything. There is really no other use for this land. No alternative.

Commissioner Da Silva asked about the delivery of the food trucks.

Mr. Shockley said the only large trucks will be for gas and that nothing will be unloaded on Pecan or Madera Avenue. They don't have a loading zone.

Commissioner Da Silva asked where they were going to unload the trucks. He doesn't want to see any unloading on Pecan or 145.

Mr. Shockley said he understands that and the Planning Department can add that in the conditions. He also noted that they are giving 20 feet on Pecan to add two lanes. Also, moving the existing signal and curb back an additional 12-14 feet. They are also dedicating 24 feet to Highway 145 which will become four lanes on the East side and Pecan will be three lanes.

Commissioner Gran noted this project does have nice wide aisled lanes throughout the parking lot. They will fit a lot better in this project than the others.

Mr. Boyle noted that there are requirements that no parking shall occur on the street frontages. Delivery trucks will queue in places of opportunity to load and unload their merchandise.

Mr. Shockley also wanted to point out there will be 10 double sided gas pumps not 20 individual pumps lined up.

Commissioner Gran made a move to approve Motion 1a along with the modifications as stated, seconded by Commissioner Broadhead. The motion carried unanimously.

Commissioner Gran moved to approve Motion 1b with the modifications as stated. Seconded by Commissioner Broadhead. The motion carried unanimously.

2. CUP 2017-23 and SPR 2017-40 – The Tint Shop

A noticed public hearing to consider a conditional use permit to allow for the establishment of an automotive glass tint shop and site plan review to allow for the development of a new single-story 4,850 square foot commercial building, located approximately 200 feet north of the northeast corner of Cypress Street and Oak Street,

in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-013-018). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (IN-Fill Development Projects).

Planning Manager, Christopher Boyle presented the item.

Commissioner Broadhead asked if the building was back-lit like the Taco Bell.

Mr. Boyle replied, no.

There were no comments from the applicant but he was in agreement with the conditions.

Commissioner Da Silva moved to approve Motion 1, seconded by Commissioner Gran. The motion carried unanimously.

3. CUP 2017-25 and SPR 2017-40 – The Arc Office in I Zone

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an office use with associated training activities on property located on the west side of Falcon Drive, approximately 600 feet south of the intersection at Yeager Drive and Falcon Drive in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 013-010-043). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Christopher Boyle confirmed this item was withdrawn by Staff.

4. CUP 2017-26 and SPR 2017-42 – Hull Avenue Residence

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of a single-family residence on a thirty (30') foot wide existing nonconforming residential lot located approximately 100 feet southeast of the intersection at South Lake Street and Hull Avenue (341 Hull Avenue) in the R1 (Low Density Residential) Zone District with an LD (Low-Density Residential) General Plan land use designation (APN: 011-233-015). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures).

This item was presented by Robert Holt, Assistant Planner.

Commissioner Da Silva asked about the fence.

Commissioner Gran noted that the neighbors will get a new fence out of this.

Commissioner Gran made moved to approve Motion 1, seconded by Commissioner Da Silva. The motion carried unanimously.

5. CUP 2017-27 and SPR 2017-44 – La Esperanza Market Outdoor Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for outdoor sales activities, specifically the outdoor preparation of food during weekends, in conjunction with the operation of a grocery store. The site is located at the northwest corner of the intersection at North Lake Street and East Cleveland Avenue in

the c1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 004-103-003). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15304 (Minor Alterations to Land).

Christopher Boyle, Planning Manager noted that this applicant has requested a continuance to allow the property owner, the applicant and staff to come to an agreement on the conditions of approval.

Commissioner Da Silva moved to approve Motion 2, continuing the item to the January 9, 2018 Planning Commission meeting. Seconded by Commissioner Gran, and carried unanimously.

6. CUP 2017-28 – Taco Express Outdoor Dining

A noticed public hearing to consider a conditional use permit to allow for outdoor dining in conjunction with a restaurant business located on the southeast corner of West Olive Avenue and Santa Cruz Street (530 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN; 012-042-021). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

This item was presented by Planning Manager, Christopher Boyle.

Joleta Fleek of 433 S. L St. stepped to the podium. She stated they are in ok with use at that site with the two tables they currently have. It's a congested and busy intersection with a lot of traffic. There's not a lot of parking so they wouldn't want them having music or expanding the business

Commissioners Gran and Da Silva stated it is in the conditions that there will be no outdoor music.

Mrs. Fleek noted she was ok with that.

Isabel Hernandez of 3305 Camino Way stepped to the podium. She is one of the owners of Tacos Express. The tables outside are for those waiting for food or for kids waiting for parents. She said she is in agreement with all the conditions of approval.

Commissioner Broadhead asked what other businesses were in the other suites and about the parking.

Mr. Boyle confirmed that there are enough parking stalls for the site.

Commissioner Gran moved to approve Motion 1, seconded by Commissioner Da Silva. The motion carried unanimously.

7. CUP 2017-29 and SPR 2017-45 – Cold Stone Creamery Outdoor Dining

A noticed public hearing to consider a conditional use permit and site plan review to allow for outdoor dining in conjunction with an ice cream parlor business located within the North Point Shopping Plaza approximately 400 feet south of the intersection of North Schnoor Avenue and West Cleveland Avenue (1653 North Schnoor Avenue, Suite 101) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-390-027). The project has been determined to be categorically

exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

This item was presented by Christopher Boyle, Planning Manager.

Commissioner Da Silva asked if the property owner was in agreement with everything such as water meters, etc.

Ritesh Patel of 3380 Tragon St. in Madera stepped to the podium. He stated he is in agreement with all of the conditions of approval.

Commissioner Da Silva moved to approve Motion 1, seconded by Commissioner Gran. The motion carried unanimously.

8. CUP 2017-30 and SPR 2017-46 – MUSD at Rain Creek Bakery

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of Madera Unified School District Information Technology Department office and storage space located within the Rain Creek Bakery structure at the northwest corner of West Almond Avenue and Commerce Drive (2401 West Almond Avenue) in the IP (Industrial Park) Zone District with an I (Industrial) General Plan land use designation (APN: 009-270-056). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

This item was presented by Planning Manager, Christopher Boyle.

Commissioner Da Silva noted they have been there for 2 ½ to 3 years already and they don't have a license.

Mr. Boyle stated that staff would be happy to grant approval.

Allen Evans of 4320 W. Mineral King in Visalia, Ca. stepped to the podium. He was in attendance on behalf of MUSD.

Commissioner Gran confirmed that there is not a component of the MUSD operation that would require the Health Department to get involved.

Mr. Evans said that is correct.

Commissioner Da Silva said he has an issue with the fact that they have been there for three years without a permit.

Mr. Evans agreed but wanted to explain...he said that when the district purchases property it becomes State property and they are under the jurisdiction of the Division of the State Architect. They're not in the habit of coming to the City for a permit. The interior walls and the operation they have would not require any type of permitting with the Division of the State Architect.

Commissioner Gran noted they are required with the City of Madera.

Mr. Evans said yes, it was an oversight on MUSD's behalf.

Commissioner Da Silva confirmed they are in agreement with the conditions.

Mr. Evans replied, yes.

Commissioner Cortes moved to approve Motion 1, seconded by Commissioner Broadhead. The motion carried unanimously.

9. CUP 2017-31 and SPR 2017-47 – Family Mart/Valero Type 21 ABC

A noticed public hearing to consider a conditional use permit and site plan review to allow for the expansion of alcohols sales at the Family Mart/Valero gas station mini mart from beer and wine sales (Type 20) to beer, wine and distilled spirits for off-site consumption (Type 21). The project site is located at the southwest corner of West Olive Avenue and North Q Street (1211 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-101-001). 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 Gran asked what would be done with the carwash.

Mr. Boyle stated that in his last conversation with the applicant they stated they would be evicting the sub tenant and making corrections to the carwash.

Commissioner Da Silva said he has a big problem with the carwash. Early in the morning there's kids hanging out in there smoking or whatever. Let's board it up or something.

The applicant, Navjeet Jahal of Clovis, said they can board up the car wash until they put in new equipment. At the time the new equipment is installed it will have doors on it. They are in agreement with all the conditions of approval.

Commissioner Gran moved to approve Motion 1, seconded by Commissioner Cortes. The motion carried unanimously.

10. CUP 2017-32 and SPR 2017-48 – La Cabanita Restaurant Type 47 ABC

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer, wine and distilled spirits (Type 47) for on-site consumption in conjunction with a restaurant located on the north side of East Yosemite Avenue, approximately 150 feet west of the intersection of East Yosemite Avenue and C Street (219 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-111-006). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

The item was presented by Christopher Boyle, Planning Manager.

Commissioner Gran asked Mr. Boyle for clarification regarding the transfer from Huntington Beach.

Mr. Boyle said they purchased the license from a CVS in Huntington Beach and requested the transfer through ABC. The City was then notified by ABC of the request. Before we could even write a letter to the applicant they were in our office.

The applicant, David Atamian of 12180 Road 26½ in Madera stepped to the podium. He is in agreement with all conditions of approval.

Commissioner Gran moved to approve Motion 1, seconded by Commissioner Da Silva. The motion carried unanimously.

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS:

Commissioner Da Silva reported that he will not be here for the January meeting.

Mr. Boyle reminded the Commissioners that in January they will select a Chair and Vice Chair for 2018.

The meeting adjourned at 7:58 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary