

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
March 13, 2018**

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

**ROLL CALL**

**PRESENT:** Commissioner Robert Gran Jr. (Chairperson)  
Commissioner Israel Cortes (Vice Chairperson)  
Commissioner Jim Da Silva  
Commissioner Pamela Tyler  
Commissioner Kenneth Hutchings  
Commissioner Richard Broadhead  
Commissioner Bruce Norton

**ABSENT:** None

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

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

**PUBLIC COMMENT:** None

**MINUTES:** February 13, 2018

Commissioner Norton moved to approve the minutes of February 13, 2018. Seconded by Commissioner Hutchings. The motion carried unanimously.

**CONSENT ITEMS:** None

**NON PUBLIC HEARING ITEMS:** None

**PUBLIC HEARING ITEMS:**

**1. CUP 2017-22 & SPR 2017-39 – New Life Assembly**

A noticed public hearing to consider a conditional use permit and site plan review to memorialize an existing non-permitted church in an approximately 3,750 sq. ft. tenant suite located in the Span Industrial Park, approximately 670 feet south of the intersection of Maple Street and South Pine Street (467 South Pine Street) in the I (Industrial) Zone District, with an I (Industrial) General Plan land use designation (APN's: 012-230-053, 054 & 055). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Planning Manager, Christopher Boyle presented the item.

Commissioner Gran wanted to confirm that we do not know everything since we have not been in the building.

Mr. Boyle stated that staff has been in the building on multiple occasions to help Pastor Thurman understand if there was something that would prevent the church from remaining. If that had been the case, Pastor Thurman would probably not have submitted applications since it would not have been cost-effective. The Fire Marshal and Building Official have himself have been in the building multiple times.

Commissioner Norton asked if there was a time frame on the sidewalk.

Mr. Boyle said typically there are specific time frames placed. If not, it can be amended to place specific time frames on the condition. Six months is about as far out that staff will go nowadays. He also noted that the property owner has already made some improvements to benefit the church such as the ADA requirements. Some access requirements to the public right of way still need to be addressed but nothing that could stop this project.

Applicant Fred Thurman stepped to the podium. He is the pastor and is in agreement with all conditions except for the opening and closing times. Some people like to pray at 5:00 am and some meetings on Friday may go longer than 10:00 pm.

Commissioner Gran asked if 5:00 am to midnight would be ok.

Pastor Thurman confirmed, yes.

Commissioner Gran asked Mr. Boyle if he would like to formally amend #18 or leave it how it is.

Mr. Boyle's response cannot be understood on the recording.

Commissioner Tyler asked if it was September 1<sup>st</sup>, or September 13<sup>th</sup> so it's six months from today.

Mr. Boyle replied with September 13<sup>th</sup>.

Commissioner Norton moved to approve Motion 1 as amended. Seconded by Commissioner Da Silva. The motion carried unanimously.

**2. REZ 2017-06, CUP 2017-36 & SPR 2017-53 – Boston Motors, Inc.**

A noticed public hearing to consider a rezoning of one parcel (APN: 007-123-003) encompassing approximately 6,000 square feet from the R3 (High-Density Residential) Zone District to the C1 (Light Commercial) Zone District, and a conditional use permit and site plan review to allow for the establishment of a used automotive sales business on four parcels located at the northwest corner of East Yosemite Avenue and High Street in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission (APN's: 007-123-003, 004, 005 & 006).

Planning Manager, Christopher Boyle presented the item.

Commissioner Gran noted he saw the fence on the High Street side of the elevations.

Commissioner DaSilva asked about alley access.

Mr. Boyle confirmed there is alley access and the trash enclosure will also use alley access for service.

Commissioner DaSilva asked about Cal Trans.

Mr. Boyle noted they are ok with the project since there is no request for encroachment.

Frank Rodriguez of Style Line Construction stepped to the podium to represent the owner. They are in agreement on all conditions.

Commissioner Cortes asked about the hours and if they would want to be open later during certain times of the year.

Mr. Rodriguez said that there are certain times when they may want to be open later.

Commissioner Gran said he didn't have a problem with that.

Commissioner Tyler moved to approve Motion 1 as amended to read 8 am to 9 pm. Seconded by Commissioner DaSilva. The motion carried unanimously.

**3. CUP 2018-01 & SPR 2018-03 – Singh Trucking Company**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a trucking company which will accommodate a fleet of approximately sixty (60) semi-trucks on an approximately 6.60 acre parcel located on the north side of West Kennedy Street, approximately 450 feet east of the intersection of West Kennedy Street and Condor Drive (2185 West Kennedy Street) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. A Mitigated Negative Declaration will also be considered by the Planning Commission (APN: 013-260-002).

Planning Manager, Christopher Boyle requested a continuance to the April 10, 2018, Planning Commission meeting on behalf of the applicant.

Commissioner Norton moved to approve Motion 2 continuing the item to the April 10, 2018 meeting. Seconded by Commissioner DaSilva. The motion carried unanimously.

Mr. Richardson reminded the Commission that on **Item #2 for Boston Motors** there should have been three separate motions.

Motion 1c was already approved so 1a and 1b are still needed. The item was called back.

Commissioner DaSilva moved to approve Motion 1a. Seconded by Commissioner Cortes and carried unanimously.

Commissioner Cortes made a motion to approve Motion 1b. Seconded by Commissioner Norton and carried unanimously.

**4. TSM 2018-01 & TSM 2018-02 – Ventana Tentative Subdivision Maps**

A noticed public hearing and consideration of approval for two tentative subdivision maps proposing to subdivide approximately 250.9+ acres located at the southwest

corner of the intersection of Avenue 13 and Road 28 ¼. TSM 2018-01 proposes the creation of 19 large lots to be developed in multiple phases. TSM 2018-02 proposes the creation of 954 residential lots. The project site is within the Ventana Specific Plan, within the PD (Planned Development), CN (Neighborhood Commercial), and PF (Public Facilities) Zone District within the LD (Low Density), MD (Medium Density), P&SP (Public & Semi-Public) and C (Commercial) General Plan land use designations. (APN's: 012-490-002, 004, 005 & 006). An Environmental Impact Report for the Ventana project was certified by the City Council of the City of Madera on March 7, 2007.

Christopher Boyle, Planning Manager requested a continuance to the May 8, 2018, Planning Commission meeting.

Commissioner Hutchings made a motion to approve an extension. Seconded by Commissioner DaSilva. The continuance was approved unanimously.

**5. CUP 2011-17 MOD2 & SPR 2018-01 - Valley Wide Recycling**

A noticed public hearing to consider the modification of a conditional use permit and site plan review to amend conditions of approval for the recycling business operations of the existing drive-thru recycling center located on the southeast corner of the intersection of Tozer Street and East Yosemite Avenue (1502 E. Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 008-110-009). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Planning Manager, Christopher Boyle requested a continuance to April 10, 2018, Planning Commission meeting.

Commissioner DaSilva made a move to continue this item until April 10, 2018, Planning Commission meeting. Seconded by Commissioner Cortes. The motion carried unanimously.

**6. CUP 2018-02 & SPR 2018-04 – Singh Smog Shop**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an automotive emissions testing and emissions-related repair business in an existing structure located on the southwest corner of East 6<sup>th</sup> Street and South E Street (96 East 6<sup>th</sup> Street), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-152-007). 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 Planning Manager, Christopher Boyle.

Commissioner Gran noted that he had doubts about the property ever getting fixed.

Mr. Boyle said he cannot speak for Mr. Bonander but the applicant is aware of the improvements and is being provided time to make those improvements. The site is compatible with continued automotive use.

The applicant, Mr. Singh of 3127 Chianti Ave. in Madera stepped to the podium. He is in agreement with all requirements and will get it done within the time frame. He also

noted that he will only be doing smog repair that will take 5 minutes or so. Nothing more. No mechanics, it will be just him working in the shop. His work will not create any trash but he will still make the trash enclosure as requested.

Commissioner Tyler moved to approve Motion 1 as amended. Seconded by Commissioner DaSilva. The motion carried unanimously.

**7. CUP 2018-03 & SPR 2018-05 – West Cleveland Avenue American Tire Depot Outdoor Display**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the outdoor display of tires and wheels for an existing business located on the southwest corner of West Cleveland Avenue and North Schnoor Avenue (2300 West Cleveland Avenue), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-390-020). 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.

Bedros Darkjian stepped to the podium. He said regarding the Engineering conditions, he believes the sewer cleanout is already there.

Mr. Helmuth, City Engineer noted that if they are already there then it has been met.

Commissioner Gran asked if there were any other questions and confirmed he was in agreement with all the conditions.

Mr. Darkjian replied, yes.

Commissioner Cortes moved to approve Motion 1 as stated. Seconded by Commissioner Tyler. The motion carried unanimously.

**8. CUP 2018-04 & SPR 2018-06 – South D Street American Tire Depot Outdoor Display**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the outdoor display of tires and wheels for an existing business located on the southeast corner of South D Street and East 6<sup>th</sup> Street (200 South D Street), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-154-001). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Planning Manager, Christopher Boyle presented the item.

Bedros Darkjian stepped to the podium. He is in agreement with all conditions except two items. One, the trash, he proposed an alternative to the direction the trash bin door will face. Two, one condition asks for outdoor storage space, all the used tires are stored inside and picked up at least once a week.

Commissioner DaSilva asked about accessibility for the trash bin.

Commissioner Gran noted he would have to reconstruct the wall.

Mr. Boyle noted that if the Commission would like to allow for the enclosure in this position, it would be stated to allow for it per the site plan that was submitted. For the condition regarding the tire storage, the staff is comfortable with removing that condition and replacing it with one that states all used tires should be stored within the interior of the building.

Commissioner Gran asked what staff's reasoning was for wanting the trash enclosure perpendicular.

Mr. Boyle replied that the trash truck usually moves down the alley servicing the bins facing the alley.

Commissioner Da Silva moved to approve Motion 1 as amended. Seconded by Commissioner Norton. The Motion carried unanimously.

**9. Fiscal Year 2018/19 to 2022/23 Capital Improvement Program Determination of Conformity to the City of Madera General Plan**

A noticed public hearing to consider a resolution finding the Fiscal Year 2018/19 to 2022/23 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if "the activity is covered by the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

Commissioner DaSilva asked if there was any money being put aside for the curb and gutter at Gateway Dr.

Mr. Helmuth replied that at this point it would be maintenance. As part of Measure T, Gateway to Cleveland was proposed for widening.

Commissioner DaSilva asked when that would take place.

Mr. Helmuth replied that it is on the bottom of the Measure T list and may not be until the second round of funding. This may not take place until 2025.

Commissioner Gran asked Mr. Helmuth to drive by it again.

Mr. Helmuth said he has driven by it but would do it again. The funding for improvements and maintenance is based on the availability of funds.

Commissioner Gran asked if RDA/Successor Agency will cease to exist after 2018, 2019?

Mr. Richardson said it will cease to exist after everything is wound down.

Commissioner Gran said the only thing he sees that will affect him will be the Cleveland underpass at Cleveland.

Mr. Helmuth said yes, the walking path may affect him but the undercrossing would provide a more direct route for pedestrians to the fairgrounds or any other shopping.

Commissioner DaSilva asked if they City has located a place for the new City Hall.

Mr. Boyle said no, it's just a goal of the City and is a placeholder.

Mr. Merchen, Community Development Director said that the CIP works by the projects being funded within the 5-year time frame. There are some projects where that is not the case and those will be substantially funded by a Development Impact Fee where we don't have the money or will not for some time. Such as City Hall or the Westberry Bridge, those are large Impact Fee funded projects but the money will not be there for a number of years to cover construction. The law requires funds to be given back to those who paid it if it is not spent. However, if there is a project we are saving towards and is in the planning process, we can continue to build up the dollars. These would be projects such as City Hall and the Westberry Bridge.

Commissioner DaSilva asked if we were 36% over what we are allowed.

Mr. Merchen said we are not over in any way, we are actually underfunded and that's why it has to be shown the way it is.

Commissioner Norton moved to approve Motion 1 as submitted. Seconded by Commissioner Tyler. The motion carried unanimously.

#### **ADMINISTRATIVE REPORTS:**

Mr. Boyle noted that the Zoning Workshop will be in April.

#### **COMMISSIONER REPORTS:**

Commissioner Hutchings noted that the tire shop on Cleveland has cleaned up however, the Walgreens remains the same.

Commissioner Gran said he drove by the other Walgreens and they are having issues too. He also noted that he drove by the CVS and they are having problems too.

Commissioner DaSilva asked if anyone could go behind Lee's Concrete by the railroad spur and get the guy out of there that lives there. He has been there for 3 years and there is so much trash, etc.

Commissioner Gran said to call PD.

The meeting adjourned at 7:29 pm

Handwritten signature of Robert O. Gump in black ink.

\_\_\_\_\_  
Planning Commission Chairperson

Handwritten signature of Brandi Garcia in blue ink.

\_\_\_\_\_  
Brandi Garcia, Recording Secretary