

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
April 10, 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

ABSENT: Commissioner Bruce Norton

STAFF: Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Jose Sandoval, Assistant City Engineer
Robert Holt, Assistant Planner
Jesus Orozco, Assistant Planner
Brent Richardson, City Attorney
Brandi Garcia, Recording Secretary

PLEDGE: Commissioner Gran led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: None

CONSENT ITEMS: None

NON PUBLIC HEARING ITEMS: None

PUBLIC HEARING ITEMS:

1. CUP 2011-17 MOD2 & SPR 2018-01 – Valleywide Recycling

A continued 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 East 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).

Assistant Planner, Jesus Orozco presented the item.

Applicant, Garth Zambrano stepped to the podium. He thanked Jesus and Chris for helping him on the project. He noted that he runs the cleanest recycling center in the State. They are in agreement with building the brick wall and agree to all the conditions.

Commissioner Gran asked Mr. Zambrano if he would have a problem with a six and nine-month review.

Mr. Zambrano said he will comply in whatever way they tell him to.

Commissioner DaSilva moved to approve Motion 1 with the amendment to #29 and the review at six and nine months. Seconded by Commissioner Hutchings, the motion carried unanimously.

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

A continued 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 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).

Robert Holt, Assistant Planner presented the item.

Commissioner Gran asked how much of the dirt area would be asphalt.

Mr. Holt said the primary drive areas would be asphalted and the actual parking areas will have gravel cover until such time they are asphalted.

Commissioner Gran confirmed that anywhere the trucks move will be asphalted and anywhere they park will be controlled fill.

Mr. Holt replied, yes.

Commissioner DaSilva asked if there would be any issues with the trucks coming in and out once the Fire Station goes in.

Mr. Holt said no.

Commissioner DaSilva confirmed that only one approach would be on Condor.

Mr. Holt said yes, in order to accommodate the trucks they will provide a larger approach.

Commissioner Hutchings noted that the 50' half width on Kennedy, and asked if he is to assume that Kennedy will become an arterial.

Mr. Helmuth, City Engineer, stated that Kennedy is on the circulation element as an arterial. There may be the need for dual lefts and dual rights in that location.

Commissioner Broadhead asked if the traffic plan anticipates the use of Avenue 17 or Avenue 16 to access this property.

Mr. Helmuth replied that they do not have specific anticipation for what route is used to access the property. Though, the circulation element may be officially modified in the

future. When the interchange at Avenue 17 and 99 is constructed in the future there may be restricted movements so access through Condor and Airport may still be a reasonable way to get to this property.

Michael Smith of Central California Permit Services out of Merced Ca. stepped to the podium. His job was to come in and discuss the application and list of Conditions with the applicant. They have reviewed the 51 conditions. Only one question, #2, activation of the permit; any type of operation? He would like to get the office up and going first so by that happening does that constitute the permit being active?

Mr. Boyle replied that if the office is established there is enough finding that the use is being utilized. However, there is a condition of approval that the conditions are to be completed prior to occupancy of the site. Establishing the office component and not using the trucking component he's probably comfortable with it but the more activities that occur with the establishment of the trucking company staff will bring it to the applicant's attention that the improvements need to be made prior.

Commissioner Gran noted, yes it does.

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

Commissioner Hutchings moved to approve Motion 1b, seconded by Commissioner Tyler. The motion carried unanimously.

3. CUP 2018-05 & SPR 2018-07 – Burger King

A noticed public hearing to consider a conditional use permit and site plan review to allow for the development of an approximately 2,700 sq. ft. Burger King restaurant with a drive-thru component, located approximately 300 feet south of the southwest corner of the intersection of South Madera Avenue and Gary Lane in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission (APN: 012-320-006).

Staff requested this item be continued to the May 8, 2018, Planning Commission meeting.

Commissioner DaSilva moved to continue the item to May 8, 2018. Seconded by Commissioner Cortes. The motion carried unanimously.

4. VAR 2018-01 – Barsotti West Yosemite Sign Variance

A noticed public hearing to consider a sign variance from the signage requirements of the WY (West Yosemite Overlay – Professional Office) Zone District. The property is located at the northwest corner of the intersection of West Yosemite Avenue and North K Street (601 and 609 West Yosemite Avenue) in the WY (West Yosemite Professional Office) Zone District with an O (Office) General Plan land use designation (APN's: 010-081-003, 004 & 005). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 153119(a) (Accessory Structures).

Christopher Boyle, Planning Manager presented this item.

The applicant, Mark Barsotti of 543 W. Muncie Ave. in Clovis, Ca. stepped to the podium.

Commissioner Gran asked if he had reviewed all the conditions.

Mr. Barsotti said yes.

Commissioner Gran asked how much lighting he would be leaving on at night.

Mr. Barsotti said there are can lights that will be on at night. There are lights in between the two buildings to prevent vandalism. The parking lot lights are lower level lights that put out enough lumens to cover the parking lot and not be a nuisance to residents.

Commissioner DaSilva moved to approve Motion1. Seconded by Commissioner Cortes, the motion carried unanimously.

5. CUP 2018-06 – Born 2 Rise Ink Studio

A noticed public hearing to consider a conditional use permit to allow for the establishment of a tattoo parlor in an approximately 830 square foot tenant suite within the Yosemite Plaza, located on the southwest corner of East Yosemite Avenue and Vineyard Avenue (632 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-173-024). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Jesus Orozco, Assistant Planner presented this item.

The applicant, Ector Carranza of 1315 Fountain Way stepped to the Podium. He has reviewed all conditions and is in agreement with them.

Commissioner Gran asked confirmed that there are State regulations and that he will only employ those that are State certified.

Mr. Carranza confirmed.

Commissioner Cortes liked the idea of offering discounts to cover up gang-related tattoos.

Commissioner DaSilva moved to approve Motion 1 as stated. Seconded by Commissioner Cortes, the motion carried unanimously.

6. PPL 2018-01 – Eagle Meadows Precise Plan amendment

A noticed public hearing to consider an amendment to the Eagle Meadows Precise Plan which provides for the residential development of the 38-lot Eagle Meadows (Phase 2) subdivision, located approximately 100 feet south of the southwest corner of the intersection of Merced Street and Ellis Street, in the PD-1500 (Planned Development) Zone District with an HD (High Density Residential) General Plan land use designation. The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Assistant Planner, Robert Holt presented this item.

Commissioner asked if there was only one entrance.

Mr. Holt confirmed there is only one.

Commissioner Gran asked if the driveway depths are going to vary or be the same all the way down the road.

Mr. Holt noted that conditions 20, 21 & 22 specify the separation.

Commissioner DaSilva asked about cars parking on the street.

Mr. Holt stated that will not be allowed per the CC&R in place.

Commissioner DaSilva asked who is in charge of that.

Mr. Holt replied, the HOA.

Mr. Boyle spoke on the issue but the audio did not pick up his voice.

The applicant, Ubaldo Garcia of 156 Asilomar Dr. in Madera stepped to the podium. He is the project architect. They tried to make the best of this project. He designed the best possible homes for these tiny lots. There is a concern for off-site parking. They did provide 2 parking stalls in the garage and one additional in the driveway. He is in agreement with all the conditions.

Commissioner Broadhead asked where visitors would park.

Mr. Garcia said there are additional spots in out-lot C.

Commissioner DaSilva moved to approve Motion 1 as stated. Seconded by Commissioner Tyler, the motion carried unanimously.

7. CUP 2018-07 & SPR 2018-09 – Cunningham Diagnostics, LLC

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a large engine diagnostics service company, located approximately 280 feet north of the intersection of Gill Avenue and Noble Street (528 Noble Street) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-401-010). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

The project was presented by Assistant Planner, Jesus Orozco.

Commissioner DaSilva asked if the business was up and running already.

Mr. Orozco confirmed there was not.

The applicant, Destin Cunningham of 7080 W. San Madele in Fresno stepped to the podium.

Commissioner Gran asked if he was in agreement with all the conditions of approval.

Mr. Cunningham confirmed he is in agreement. However, he is concerned about the improvements for the improvements along Noble. All improvements that would concern

them have been done. The sidewalks being talked about would take it all the way to Gill which would not impact them.

Mr. Boyle noted that this project qualifies for a waiver from that requirement because of the nature of the improvements. The City Engineer chose to leave the condition in because it is placed on every application. The applicant can apply for a waiver and not be required to make the improvements.

Commissioner DaSilva asked Mr. Cunningham if he was in business currently.

Mr. Cunningham replied that they have done a couple jobs.

Commissioner Gran confirmed that most jobs are not on site at the location.

Mr. Cunningham said yes, in most cases they travel to a trucking yard to perform the services. They do have customers that don't have the site for them so they would come to the facility to have the work done. It will not be the commonplace though.

Commissioner DaSilva confirmed that any trucks kept overnight would be stored inside.

Mr. Cunningham replied, yes.

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

PUBLIC WORKSHOP:

1. OTA 2018-01 – Zoning Ordinance Update

A noticed public workshop to provide for public input on the proposed comprehensive update of Title X, Chapter 3: Zoning, last updated in 1992, in order to provide for consistency with the General Plan.

Planning Manager, Christopher Boyle began his presentation on some of the updates proposed to the Zoning Ordinance. He noted that General Plan is the law of the City of Madera and is mandated by the State of California to be updated periodically. The Zoning Code is created to implement the General Plan.

Mr. Boyle said he will talk about the yellow on the map which covers all the Residential Zones. These specific policies within the General Plan are what the Zoning Ordinance for tonight's topic addresses. These would be the residential goals and community design components that we are looking to implement. There are even specific parts of the Ordinance which implement specific policies of the General Plan.

Mr. Boyle noted that he will be talking about;

- Changes in the land use schedule
- How the City's zoning code now implements density and coverage
- Dimensional requirements
- Yard requirements,
- Fences, walls, and hedges
- Development standards for specific zones

Mr. Boyle also wanted to point out that there are two new zones;

The Planned Commercial Zone that will function a lot like the planned Residential Zones right now. If we wanted to put a mall we may want to place specific design standards for that development. Maybe a parking standard so we don't have to say to someone, you don't have enough parking for a restaurant. With a Planned Commercial District, we plan it all out and have use schedules in place. We could give the development standards as we would do for a subdivision. He won't talk about this but wanted to note it was one of the zones.

The other is an R4 Zone. The General Plan says it wants more density. He has broken up the land use for R standard Zones. R1 is still single family, R2 right now is medium density but the General Plan wants higher density so the R2 zone has become single family medium density so the parcels are just smaller but still with single-family homes. The R3 zone becomes a multi-family medium density. You can put things like apartment complexes at a medium density. The R4 is a high-density multi-family zone district. The General Plan asks for more varied types of housing opportunities and the current Zoning doesn't allow for that.

The old land use schedule has multiple uses but those are now just put into a tabular design. The old Ordinance doesn't have a prohibition, it says if it is allowed in one zone but is not called out for in another zone it's not allowed for in the other zones but then says unless the Planning Commission wants to give them a use permit. This can convolute the characteristics of development zones.

The new use schedule has an 'N' for no. This takes a burden off the Planning Commission and allows for common sense. The older code has a lot of greys and not enough black and white. There are references to other ordinances in the new code. The four-page list of what's allowed for is going away and in comes the tables. You can look at a single family dwelling and see they are permitted in lower density situations and not in the R3 and R4 zones. There are minimum and maximum standards for the R3 and R4 zones.

Old standards have standardized yard requirements broken down just as R. Not R medium, R1, R2 or R3, just R. In the new requirements it is broken down by single family and multi-family in each of the zones. All development standards within the zone are in an easy to read table. The same for the yard requirements for each zone.

Mr. Boyle noted that the PD Zones, it's a build your own zone so staff has not even included suggested setbacks. It could be for a project with 25 units per acre or for a project with 5 single family residential parcels per acre. It's one precise plan at a time.

One of the current problems is the idea of an accessory structure. There isn't even a definition of what an accessory structure is. There is a clear defining point as it relates to the law of the land and that was 120 sq. ft. If someone came to the counter and said they wanted a Tuff Shed in their backyard if it was less than the 120 sq. ft. it was not recognized as a structure. If it was 120 sq. ft. or more it would require a building permit and be recognized as a structure. The new ordinance defines what an accessory structure is and also gives terms to open-sided, enclosed and those that require a building permit. If it does not require a building permit we will go an entirely different direction, there will be different types of development standards associated with it.

Commissioner Gran noted that with the tiny homes, etc. some housing developments in Fresno and Clovis have them incorporated.

Mr. Boyle said there is not a tiny home component. Since it was required by State law we did adopt an Accessory Dwelling unit Ordinance that replaced the first one. That is incorporated into this Ordinance. He's not even sure of what a tiny home really is. Some municipalities say it must have wheels but should be able to connect for permanent utilities. Other city's look at it differently. We have not included a tiny home Ordinance. He has been mandated to look into bringing one in the future.

Commissioner Hutchings noted that 10-3.542(b) talks about accessory structures must be constructed of attractive building materials. How does one define attractive?

Mr. Boyle said it goes on to say that it must be constructed of materials similar to the existing structure and shall be compatible types of materials. That actually comes from the State Ordinance.

The Ordinance also addresses residential fences. This has been topical lately. We have provided corrections to a lot of greys.

The garages and carports may be one of the biggest differences in residential zones. It requires there be two enclosed covered parking stalls for every home. There are development standards that provide for the size and dimensions of the garages. The size is a little larger than most of the homes that are approved today. These are small steps forward that provide for a more walkable, livable and sustainable community which is exactly what the General Plan asks for.

Commissioner DaSilva asked when this Ordinance would apply.

Mr. Boyle said he will complete this within the next six months. There will be one more public workshop then we will go into the public hearing process. He noted he has talked with Sonia about a joint meeting with City Council and Planning Commission. This is long overdue. Many cities adopt a Zoning Code in conjunction with the adoption of their General Plan. We adopted a General Plan at the time we went into a recession. Now we are finally bringing the Zoning Update.

There's also dialogue pertaining to carports. A carport will not be your primary covered parking. We see a lot of garage conversions and the person puts up a carport. The quality of the neighborhood then goes down with the retirement of the covered parking. There is a provision for a carport if someone wishes to have a carport as an accessory structure to the primary two car garage. We don't want to see random garage conversions of garage spaces that degrade the value of the neighborhood.

Mr. Boyle noted there are also things like modular homes and manufactured homes. The requirement for a Zoning Administrator's Permit goes away with this code. State law says the placement of a modular home must follow the same requirements of a single family stick built home. There are requirements in terms of the modular home closely matching homes of its surroundings. That matches state law.

Mr. Boyle went on to say the next part of his presentation is the Multiple Family Zone Districts. These are different than the Single Family Zone Districts. You have parking, landscaping standards, and recreational amenities. In the past, the City's Ordinance didn't have any assurance for an apartment complex having livability, sustainability or

walkability. It shows in some cases. You can drive through the community and in an R3 Zone, you would have a single family home right next door to a four-plex that has no open space component whatsoever with carports that back into the public right-of-way. We want to give you certain directions that would facilitate compliance with the General Plan.

There is a parcel on Granada, which was an R1 Zone that is over 18,000 square feet. The Ordinance at the time said you could have one unit for every 6,000 square feet in an R1 Zone. The builder built 3 units in an R1 Zone which was designed originally to have single family residential houses. They adopted the Ordinance because the neighborhood was not happy. About a year later, there was a new Ordinance adopted by City Council that placed additional square footage requirements when you're going to place more than one home in an R1 Zone. There is no reason for an R1 Zone to have two homes on a parcel unless there is an accessory dwelling unit entertained. The new Ordinance says a single family residential home is permitted in R1 and R2 Zones. Multi-Family homes are allowed in R3 and R4 Zones since those are Multi-Family Zones.

That concluded the presentation for the night.

Mr. Boyle noted that on May 16th the Quimby Ordinance would become law. The Parks Manager will be able to do the things the General Plan anticipated.

Commissioner Broadhead asked if there's anything that dictates street width in the neighborhoods.

Mr. Boyle said there are street standards and the width is determined by the number of trips that are entertained on it. The smallest width the City will entertain is a 50-foot width. When you see cars starting to collect it goes up to a 60-foot width. However, Varbella has been expanded to a 70-foot width to better provide for circulation. The City Engineer makes the determination.

Commissioner Gran said the presentation was good and he likes the charts.

Mr. Boyle said he was going to start with the fundamentals of the code and how the permits are aligned. The Zoning Administrator is one of those sections. The actual land use starts on like page 80 which is what was given out.

ADMINISTRATIVE REPORTS:

Commissioner Gran said that Walgreens still looks terrible, both Walgreens. Also, the landscape at the tire shop on Cleveland and Schnoor is looking bad again.

He said he's sure there are things that Walgreens is in violation of.

Mr. Boyle said he would talk to Viola in Code Enforcement to see about getting someone out there.

Commissioner DaSilva asked if Avenue 12 and 99 is currently City or County.

Mr. Boyle said it is currently County property.

Commissioner DaSilva was wondering about the Klein's truck stop going in there.

Commissioner Gran noted it is in the sphere of influence though.
Commissioner Hutchings said he wanted to bring up the flooding of the exit at 99 and Cleveland Ave. He knows it is a CalTrans issue but was wondering if they have anything planned to correct it.

Mr. Helmuth said he wasn't sure if they have anything planned but he knows they are out there regularly.

Commissioner Tyler asked about the Gateway exit and the flooding there.

Mr. Helmuth said he wasn't sure about that one.

COMMISSIONER REPORTS:

The meeting adjourned at 7:16 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary