

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
May 8, 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 Norton
Commissioner Kenneth Hutchings
Commissioner Richard Broadhead

ABSENT: Commissioner Pamela Tyler
Commissioner Jim DaSilva

STAFF: Christopher Boyle, Planning Manager
Keith Helmuth, 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: March 13, 2018

Commissioner Hutchings moved to approve the minutes. Seconded by Commissioner Norton, the motion carried unanimously.

CONSENT ITEMS:

1. GPC 2018-01 – 320 South C Street

Consideration of findings of General Plan Conformance and an Environmental Determination for one 0.35 acre property located at the southwest corner of the intersection of South C Street and East 7th Street (320 South C Street) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation.
APN: 007-191-017

Commissioner Hutchings moved to approve Motion 1a. Seconded by Commissioner Cortes, the motion carried unanimously.

Commissioner Hutchings moved to approve Motion 1b. Seconded by Commissioner Norton, the motion carried unanimously.

PUBLIC HEARING ITEMS:

1. TSM 2018-01 & TSM 2018-02 – Ventana

A continued 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 individual phases. TSM 2018-02 proposes the creation of 857 residential lots which provide for the development of approximately 1000 residential dwelling units. The project site is within the Ventana Specific Plan, in 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, 012-490-004, 012-490-005, 012-490-006.

The item was presented by Planning Manager, Christopher Boyle.

Commissioner Gran noted that he remembers this project and asked if there was a Fire Department requirement.

Mr. Boyle said there is not a public facility included in the original map or subsequent map.

Commissioner Norton had a comment on Items 56, 57 & 58. He noticed there is a traffic light to be included on Pecan and 28 ½ at the main entrance, but there's no traffic light for 28 ½ and Avenue 12. That is already a horrible location for people turning left to access 99.

Mr. Helmuth said that before they moved to any phase on the project they would do traffic warrants.

Commissioner Norton said that was his question, so is that what Item 58 is referencing when it calls out warrants for off-site?

Mr. Helmuth said that the intersection that existed in 2007 doesn't technically exist but CalTrans has just about signalized everything on Avenue 12 that was addressed.

Commissioner Norton said it meets right by Madera Irrigation District and it's already bad without an additional thousand homes.

Mr. Helmuth asked to see the map again.

Commissioner Norton noted it is the bottom right hand corner. He asked if that was what Item 58 is addressing by saying warrants for off-site.

Mr. Helmuth said there were two prior, the signal at Pecan and Golden State and Pecan and the main entrance. Those were the two being addressed specifically. However, there was another condition that talked about other locations. T

Commissioner Norton said he strongly recommends that they identify Avenue 12 and Road 28 ¼.

Mr. Helmuth said the traffic study and EIR are being held constant and is not being modified.

Mr. Boyle noted that this project is approved in conjunction with the adoption of an Environmental Impact Report. The EIR's analysis is still consistent with the map that's proposed because the map is still consistent with the original analysis that's been done. He's not aware of any conditions of approval in the map and he would dare say the EIR would have warrants for additional signals back in 2006. He's pretty sure there are no requirements for the installation of a signal at Avenue 12 and 28 ¼ at this point.

Commissioner Norton clarified that if they approve this, then the potential light there wouldn't be part of this process.

Mr. Boyle noted yes and the EIR did not find it necessary at that time. Since the density in this map is consistent with the density in the EIR it is still a valid document.

Commissioner Gran replied that was before they spent 72 million dollars on the over pass. Everyone used that.

Commissioner Norton said his office is across the street and it would be interesting to check with the Highway Patrol to see how many times they are called to that intersection for accidents. He sees them where there's people turning left and not looking right or people turning right and not looking left.

Mr. Richardson said he doesn't see #58 as limited in any way. He sees it as requiring to check warrants period.

Mr. Helmuth said there was not a condition to check warrants at that location.

Mr. Richardson said this doesn't say where though.

Commissioner Gran said they are concerned about the traffic dumping on 12.

Mr. Richardson said again that he doesn't see how 58 is limited.

Mr. Helmuth asked Mr. Boyle for the EIR so he could look at it. They didn't revisit the traffic study and reopen the EIR. They addressed the issues at that time.

Commissioner Gran said he doesn't want to be the Planning Commission who, in 20 years is ridiculed for approving it.

Commissioner Norton noted there are cars queued up 40 deep in the morning and 30 to 40 cars deep in the afternoon waiting to turn on to Avenue 12.

Mr. Helmuth said that conditions 56 & 57 address two different locations.

Commissioner Gran asked if it can be addressed in 58 with a modification.

Mr. Richardson said as long as the modification works for Keith.

Mr. Helmuth said that intersection is in the County so the question is if it was even in the traffic study to begin with. If it was not there would be probably little basis to include it

with a belief that the traffic would go through there. He doesn't have the technical basis to say yes it would. Even though he doesn't have a doubt it would go through there. He believes it to be true but it has no technical value at the moment.

Mr. Boyle left the chambers to get the traffic study.

Commissioner Norton said he thinks it's a great project but if they don't take into consideration some kind of traffic monitoring it will be heard.

Commissioner Gran said that in 2007 nobody had an idea that Avenue 12 would be what it is now.

Mr. Boyle requested to table the item while Mr. Helmuth reviews the EIR.

Commissioner Gran took staff's recommendation to table the item and move on to Item #2.

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

A continued 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

Robert Holt, Assistant Planner presented the project.

Commissioner Gran asked what was deleted from the renderings.

Mr. Holt said on the elevations the exterior roof ladder has been removed and put inside instead. That is the only real alteration.

Commissioner Broadhead asked about the food deliveries and where the truck would come in.

Mr. Holt noted there is not a specified loading zone but he would let the applicant answer that question.

Applicant Joe Guagliardo stepped to the podium, he resides at 5414 E. Pitt in Fresno, Ca. He does projects from Stockton to Bakersfield and he has seldom, if ever had the experience like he has had with our staff. Our staff defends the City's General Plan and vision better than any city he's ever worked in and they should be complemented for that.

In regards to the loading zone, the deliveries are done by dedicated delivery companies. The deliveries are scheduled off peak hours or typically while the restaurant is closed. It would typically take place by where the trash enclosure is located. They use temporary ramps and off load the product very quickly. Deliveries take place in a manner to not impact the operation of the restaurant.

The project is not the way it started or how it was planned but it is a great project and does represent the best interest of Burger King and the City of Madera.

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

Mr. Guagliardo confirmed he is in agreement.

Commissioner Norton moved to approve Motion 1a. Seconded by Commissioner Hutchings, the motion carried unanimously.

Commissioner Norton moved to approve Motion 1b with the amendment to #69. Commissioner Cortes seconded the motion. The motion carried unanimously.

Mr. Boyle asked Commissioner Gran if he would like to reopen **Item #1 for Ventana**.

Item #1 - Ventana was reopened for Public Hearing.

Mr. Helmuth responded he has reviewed the EIR, not in its entirety, and the traffic signal location is called out as being warranted upon completion of the project. It does show that the level of service at that location upon completion of the project will be quite bad. It did not get into phasing on it, that's one of the reasons it's stated as check it at the beginning of each phase of the subdivision map they are working on. He would add another condition to address that particular location. He can add the condition and modify the one regarding checking warrants.

Commissioner Gran asked Mr. Helmuth if he would feel better postponing the project another month.

Mr. Helmuth said that would be up to Mr. Boyle to determine if there is a time sensitivity.

Mr. Boyle noted that he does not perceive there to be a time sensitivity and if the Commission is more comfortable doing so, he would be supportive.

Mr. Richardson said if it's not going to cause any time issues it would be more precise and cleaner to do it that way.

Commissioner Gran said, especially when you're talking about a thousand homes.

Mr. Helmuth replied that was fine, he does have a condition for the signal and the modification for Mr. Richardson's concern. There is already a condition that says the developer is responsible for conditions within the study, however, if built over the course of 10 years or so, most of the traffic study requirements do say at build out so he would go ahead and modify....

Commissioner Gran said that's when you have the developer not building the last 10 homes.

Mr. Helmuth continued saying when it does talk about right turn lanes at remote intersections, yes it would be a good idea to have something that says you're going to check these but at some point you're starting to move into another traffic study so he fears opening of the EIR for the extra improvements. Either you ask for them now or you're opening the traffic study again.

Commissioner Gran said maybe they should give Mr. Helmuth more time to create the condition to meet his concerns. They don't want to mess with the EIR or drop a thousand homes into an already bad traffic situation creating a severe traffic situation.

Commissioner Gran asked if the applicant was here.

The applicant, Lak Brar of 13226 Road 25 in Madera stepped to the podium.

Commissioner Gran said it is a great project but they need to make sure they meet his needs and still address the problems. They don't want to mess with the EIR. He told Mr. Brar that if it's not a time-sensitive issue they would like to push it back a month.

Mr. Brar replied that he was ok with that but if they are going to start putting the light on the project, it's going to kill it.

Mr. Helmuth noted that this project was not originally proposed to be phased so it was assumed that all improvements would have proceeded in sync with the project. If you phase it then many of the off-site improvements could be postponed until such time as the last phase goes forward. If you phase it this improvement would go in at the time it's needed. He can't predict when any of these things will be needed. From what Commissioner Norton is saying it may be needed now.

Mr. Brar said he goes on Road 25 and Avenue 12 about 20 times a day and there are times where you just sit there waiting and waiting until you get a chance to go. Some of the roads are like that. The school, that's not proposed, it's already there. It was built like six or seven years ago.

Commissioner Gran noted we didn't have the over pass we do now. People take advantage of that and thank goodness that can handle a thousand homes. They are just trying to address a problem that is there. They don't want to make it worse.

Mr. Brar said that is fine, let's see what they come back with.

Commissioner Gran noted he is the only Commissioner still here from the original project and it was the impression all thousand homes would be built then. It was a great time and everybody was ready to go. Money was cheap then and it is not now. He doesn't know of any developments where a thousand homes go all at once now, not in this state anyway.

Commissioner Hutchings moved to approve Motion 2 as amended. Seconded by Commissioner Cortes, the motion carried unanimously.

3. REZ 2018-01, TSM 2018-03 & PPL 2018-02 – Adelaide Subdivision

A noticed public hearing to consider a rezone, tentative subdivision map and precise plan. The rezone will change the zoning of the project site from the R1 (Low-Density Residential) Zone District to the PD 4500 (Planned Development) Zone District. The tentative subdivision map will subdivide three existing properties into nineteen (19) new properties. The precise plan will guide the development of model homes upon the subdivided properties. The project site is located approximately 1,100 feet north of the intersection of Sunrise Avenue and Adelaide Street. A Negative Declaration will also be considered by the Planning Commission. APN's: 008-102-003, 007 & 008

Christopher Boyle, Planning Manager requested this item be continued to the June 12, 2018, Planning Commission meeting.

Commissioner Norton moved to approve Motion 2 continuing the item to June 12, 2018. Seconded by Commissioner Hutchings, the motion carried unanimously.

4. 2018 General Plan Amendments – Cycle 1

A noticed public hearing to consider two applications to amend the General Plan of the City of Madera. The State Government Code limits the number of times a local General Plan can be updated, to four “cycles” per year. There are two applications included in Cycle 1. They are:

A. GPA 2018-01 – Parks and Recreation Element

An application to amend the Parks and Recreation Element in order to be consistent with recently adopted ordinance adding Title X, Chapter 2, Section 1300 et seq. to the Madera Municipal Code pertaining to acquisition of park lands as provided by the Quimby Act.

B. GPA 2018-02 – Circulation and Infrastructure Element

An application to amend the Circulation and Infrastructure Element’s Figure C1-1: Circulation Master Plan, to correct omissions to and update the adopted circulation map. Impacted streets which will be added to the arterial street classification are a segment of Gateway Drive, north of Almond Avenue. Impacted streets which will be added to the collector street classification include a segment of Granada Drive, between Cleveland Avenue and Kennedy Street, and a proposed extension of Kennedy Street, between Lake Street and Austin Street.

The amendments proposed in the 2018 General Plan Amendments – Cycle One were contemplated and addressed within the 2009 Environmental Impact Report to the Madera General Plan.

This item was presented by Planning Manager, Christopher Boyle.

There was no public comment.

Commissioner Norton moved to approve Motion 1. Seconded by Commissioner Cortes, the motion carried unanimously.

NON PUBLIC HEARING ITEMS:

1. Review of CUP 2015-27 & SPR 2015-31 – Frank’s Auto Repair

A review of the performance of Conditional Use Permit 2015-27 allowing for the establishment of an auto repair shop located approximately 100 feet south of the intersection of East 12th Street and South Gateway Drive (801 South Gateway Drive) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation to determine whether it is appropriate to schedule a hearing on revocation. The project is categorically exempt under 15321 (Enforcement Actions by Regulatory Agencies) of CEQA Guidelines.

Commissioner Cortes excused himself since the applicant is a client of his. Assistant Planner, Jesus Orozco presented the item.

Commissioner Gran said he is surprised it had to come to this. He did drive by the site and it looks good. He hopes they keep it up and it doesn't have to come to this again.

Mr. Orozco said he has spoken to the property management company and they are working with all tenants at the site to make sure there is compliance by all of them.

Commissioner Hutchings moved to approve Motion 1. Seconded by Commissioner Broadhead, the motion carried unanimously without the presence of Commissioner Cortes.

Commissioner Cortes returned to the Chambers.

2. Review of CUP 2007-16 – Flor Oaxaquena

A review of the performance of Conditional Use Permit 2007-16 allowing for the sale of alcohol for on-site consumption in conjunction with a restaurant located approximately 150 feet east of the intersection of South Lake Street and East Yosemite Avenue (608 East Yosemite Avenue) in the C1 (Light Commercial) Zone District and the C (Commercial) General Plan land use designation to determine whether it is appropriate to schedule a hearing on revocation. The project is categorically exempt under 15321 (Enforcement Actions by Regulatory Agencies) of CEQA Guidelines.

Planning Manager, Christopher Boyle presented the item.

Commissioner Hutchings noted that earlier today Joe from Burger King commended the Planning staff and indicated how well they worked together. That's indicative of the Planning staff and sometimes these things come up and you have to be the bad person sometimes, but they understand.

Commissioner Hutchings moved to approve Motion 1. Seconded by Commissioner Broadhead, 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 presented the update.

He noted the Ordinance calls out a Food Store, he hasn't seen a sign in any city for a long time that says Food Store. Within the new Ordinance, there are definitions for a Convenience Store, a Grocery or Supermarket a Neighborhood Market and a specialty food or beverage such as maybe a BevMo.

There are differences between these types of Markets and their definitions are missing in the current Ordinance. They have different requirements for parking.

For Commercial Zones there are a lot of uses for basically New Merchandise Sales and they have the same impacts as the other uses that are called out. Instead of having a use schedule that is ½ a mile long that basically provides for allowance for the same

type of use as the person selling new merchandise of various types, the new Ordinance provides a definition and cleans up the use schedule so we're not looking at 6 pages of uses in the C1 Zone which are basically just new merchandise.

Commissioner Gran asked where an eBay sales type of business would be addressed.

Mr. Boyle said most e-commerce people are avoiding brick and mortar businesses and are operating through a Home Occupation Permit. He would like to see Cargo Bay where you could rent a 12x12 cubicle that gave you a business address, a phone and the ability to ship things from there. He can look into adding something and will bring it back to the Commission.

Commissioner Cortes asked about marijuana dispensaries.

Mr. Boyle replied that currently, the City's Ordinance has no provision for dispensaries. There was a call out prior to the Ordinance that we adopted on the heels of Prop. 65. Any component of that business would require an amendment to that Ordinance. He wouldn't expect that any amendment would be in the Zoning Ordinance. It could happen but at this point, the Council has acted and he thinks it's safe to say they want to wait and see what happens so we don't choose a path that ultimately leads to a struggle.

There are two new Zone Districts.

The first is a Downtown Commercial District. Looking back he wonders how the current districts came about. Every single Commercial Zone District in the City has a zero setback. Really the only appropriate district for that is downtown which is where the original Commercial District was.

The expansion of Howard Rd. and others happened after Downtown was the Commercial Core. Those development standards are dated but the downtown standards apply with zero setbacks and 100% lot coverage. In the Suburban Commercial corridor and Freeway Commercial corridor, we need more contemporary development standards.

Mr. Boyle is hoping the C3 Zone leads to having a better handle on master planning downtown. Yosemite is to be reinforced as the City's main street through policies and actions. If we are to encourage downtown to look backward instead of forward to maintain its historical character we need to implement some design criteria within that zone. That would allow property owners to embrace older architectural themes that may or may not be under the stucco that covers most of the facades downtown. There are specific downtown designations like 100% of the lot can be covered. When you go into the C1 Zone there are specific standards, minimum lot requirements are 10,000 sq. ft. The thought that we can develop a free-standing commercial land use on a 6,000 sq. ft. lot is silly. You really need 20,000 sq. ft. to provide for all development standards. You can't take an old lot that's 7,500 sq. ft. and put a store with 5 parking stalls. That's not good planning or stewardship of land.

Existing uses in their present form are protected by the existing Ordinance. There are also public open spaces required. Whether it be a shaded place, an open green or like the walkways in Riverpark. Per the General Plan policy, it would depend on the sq. ft. of the project.

The second Zone District is the PD or Planned Commercial Zone District. We have a PD Zone for Residential. This is so we can have unique development opportunities for residential. Here within the PCD Zone that would translate into being able to provide unique development standards for commercial development. Many Cities have planned commercial districts where you can say; for this mall, were going to call a specific parking standard for everything in the mall. It doesn't matter how many restaurants or assembly type uses, it will be for the entire commercial site. You don't need to calculate parking for each use that goes in there.

Planned Commercial Zone Districts allow for unique development standards to be implemented. Looking in terms of the PC Zone it allows for a wide range of commercial opportunities with a Precise Plan.

Regarding Industrial Uses, there is a new Industrial Zone called the Light Industrial Zone. Industrial Zone Districts are job generating districts. We want to be able to generate jobs. Right now we use a C2 Zone as the catch all. It's the bridge of Industrial and Commercial activities. The Span Industrial Park is an example. There's TEC Gymnastics, New Life Assembly and many other uses.

Next month he will wrap up the Zoning Update Workshop talking about parking and the Site Plan Review process.

There will be two Public Workshops for the development community. There are two specific dates for that, right around next month's public hearing.

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS:

Commissioner Gran asked Mr. Boyle who finally got ahold of Walgreens.

Mr. Boyle said that they did notice Code Enforcement directly after the last meeting and they reached out to Walgreen's.

He believes that, per their statement, they are looking to hire a new contractor. Code Enforcement is in contact with the Manager making sure things do happen.

Commissioner Hutchings said he finds it ironic because a lot of the vacant lots are getting tilled for the summer yet there's a forest at the Walgreen's on Cleveland. It's unsightly, and Cleveland is a major corridor. That's what visitors to the City are seeing.

ADJOURNMENT:

The meeting adjourned at 7:04 pm

Robert W. [unclear]

Planning Commission Chairperson

Brandi Garcia

Brandi Garcia, Recording Secretary