

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
September 11, 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 Kenneth Hutchings
Commissioner Richard Broadhead
Commissioner Pamela Tyler
Commissioner Bruce Norton

ABSENT: Commissioner Jim DaSilva

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

PLEDGE: Commissioner Gran led the Pledge of Allegiance.

PUBLIC COMMENT:

Mike Giersch stepped to the podium. He is the Chief Pilot at Madera Airport Center. He is concerned about a proposal to put a road through the landing area at the Airport.

He gave a handout of his proposal instead of the proposed road. He noted it was for information only and he will be reaching out to Mr. Merchen to discuss the possibilities for the future alignment.

MINUTES: August 14, 2018

Commissioner Norton moved to approve the minutes of August 14, 2018.
Seconded by Commissioner Tyler, the motion carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. CUP 2013-14 MOD – Brar Interim Ag

A continued public hearing to consider an amendment to Conditional Use Permit 2013-14, which allows for interim agricultural activities on approximately 137 acres located at the southwest corner of East Pecan Avenue and Golden State Drive within the Ventana Specific Plan area. The amendment request would allow for the continued farming of an almond orchard for a period not to exceed five years (APN: 012-490-002). An initial study and Negative Declaration were adopted by the Planning Commission in May of 2014.

Planning Manager, Christopher Boyle presented the item.

Applicant Lak Brar of 13226 Road 25 in Madera stepped to the podium. He met with Mr. Boyle and they are on the same page with this project.

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

2. VAR 2018-04 & SPR 2018-23 – United Rentals Electric Fence

A continued public hearing to consider a variance from Section 10-3.412 (fences, walls, and hedges of the Madera Municipal Code that would allow for an electric security fence ten (10') feet in height where a maximum of six (6') feet in height is allowed. The project site is located at the northwest corner of the intersection of West Almond Avenue and Madera Avenue (750 Madera Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15311 (Accessory Structures) (APN: 012-133-015).

Christopher Boyle, Planning Manager presented the item.

The applicant also had a presentation that was given after Mr. Boyle's presentation by Keith Kaneko of 2781 Lincoln in Sacramento. Mr. Kaneko noted the system is also monitored for system shortages or cut wires, etc. He agrees to all conditions except #17. He would like to request the system be on the whole perimeter and not just the two sides.

Mr. Kaneko gave his presentation to the Commission explaining the system with more detail.

Commissioner Broadhead asked about children putting their hands and arms through the fence.

Mr. Kaneko said if there are concerns they can put the wire mesh on the inside of the perimeter fence to prevent even a child from being able to reach through the fence. The reason they propose this instead of a vinyl mesh is because this is a business that relies on visibility of the items they rent, and this is transparent.

Commissioner Gran asked Mr. Boyle if he was aware of the vinyl mesh.

Mr. Boyle said he doesn't think it was addressed but can be considered as an additional deterrent.

Commissioner Gran said he's thinking in terms of them altering #17 and just requiring the wire mesh on the two sides.

Commissioner Broadhead asked about small critters going through the wire.

Commissioner Gran said he will open the public hearing and the applicant can address that.

The public hearing was opened, and the applicant was invited back to the podium.

Keith Kaneko of 2781 Lincoln Dr. in Sacramento stepped to the podium again. He explained there are 20 horizontal strands of wire and the bottom wire is the ground wire and it is not hot. The top wire is ground as well. In Dr. Webster's report he also addressed small animals and critters and it is not harmful to them.

Mr. Boyle said there is an understanding that the fence is safe but there's a fear we will start seeing 10' fences popping up along the street. However, they would be willing to compromise if the landscape is refreshed.

Commissioner Gran said he understands but it's really a case by case through the Planning Commission. He asked Mr. Boyle to direct him to the condition he would like to address or create.

Mr. Boyle said there's one...#21 says the property owner shall maintain landscape in a well-manicured appearance, etc. One of the photos clearly shows the landscaping has not been maintained.

Commissioner Gran stated he agrees with the applicant in excluding #17 but would also like the wire mesh to be put up on the two sides and then add the landscape refresh.

Commissioner Broadhead asked how high the mesh will go.

Commissioner Gran replied that he will let staff decide that.

Commissioner Hutchings asked for revised verbiage for #17.

Commissioner Gran said it will be; the electrical component of the security fence shall be allowed through the entire interior with the addition of the wire mesh on the eastern and southern property lines.

Commissioner Cortes moved to approve Motion 1 with the changes to #17 and #21. Seconded by Commissioner Hutchings. The motion carried unanimously.

3. REZ 2018-04 – Groves Neighborhood Rezone

A noticed public hearing to consider a rezone of approximately 0.69 acres of land from the R1 (Low Density Residential) Zone District to the PD 4500 (Planned Development) Zone District located at the southeast corner of the intersection of Linden Street and West Park Drive (APN: 006-360-016). An initial study and a negative declaration were adopted by the Planning Commission on October 19, 1997 in support of the Groves Neighborhood Plan. The proposed rezone was anticipated within the Neighborhood Plan and analyzed as part of the 1997 environmental document. No additional environmental review is required.

The item was presented by Planning Manager, Christopher Boyle.

Mike Sutherland of Michael Sutherland and Associates at 36691 Avenue 12 stepped to the podium. He is the Engineer and Surveyor of the project. He agrees with the conditions.

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

4. CUP 2018-15 & SPR 2018-25 – Walmart Storage Trailers

A noticed public hearing to consider a conditional use permit and site plan review to allow for the temporary placement of outdoor storage trailers for the 2018 holiday season on property located approximately 900 feet east of the intersection of West Cleveland Avenue and North Schnoor Avenue (1977 West Cleveland Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15304(e) (Minor Alterations to Land) (APN: 013-160-014).

The item was presented by Christopher Boyle, Planning Manager.

Applicant Darryl Bougheri, Store Manager of Wal-Mart at 1977 W. Cleveland Ave. in Madera stepped to the podium. He stated he only has an issue with the light poles being replaced. They had issues with the power lines where the lights were located. He said they do have extra lights set up in the back now.

Commissioner Gran said he believes the light poles were in the original plans. You can't just go take them down. He asked what condition # was in question and if he was asking to have it removed.

Mr. Bougheri said he could not get it onto the remodel expense. Anything else they would have to pursue at the store level.

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

5. CUP 2018-16 & SPR 2018-28 – El Toro Outdoor Barbeque

A noticed public hearing to consider a conditional use permit and site plan review to allow for the outdoor preparation of food at El Toro Market located at the southwest corner of the intersection of East South Street and North D Street (748 North D Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15304 (Minor Alterations to Land) (APN: 003-023-007).

Christopher Boyle, Planning Manager presented the item.

Commissioner Broadhead asked where the barbeque is stored when not in use.

Mr. Boyle replied that the barbeque will be stored at the rear of the store.

Gary Rogers of 1816 Howard Rd. in Madera stepped to the podium. He is the Architect for the project. He confirmed the applicant's agreement with the conditions.

Commissioner Norton asked about a child touching the barbeque.

Commissioner Gran replied with the option of putting up a vinyl fence around the barbeque, so a child doesn't reach out and touch it.

Mr. Boyle noted that additional conditions can be added stating the Fire Marshal must sign off on the fencing. #17 would read; Fire Marshal shall sign off on fencing for safety on the site.

Commissioner Norton moved to approve Motion 1 with the added condition #17. Seconded by Commissioner Hutchings, the motion carried unanimously.

6. CUP 2018-17 & SPR 2018-27 – Liu’s Kitchen Alcohol Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for on-site consumption in conjunction with a restaurant located approximately 50 feet south of the intersection of Roberts Avenue and North Gateway Drive (620 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities) (APN: 006-053-002).

Christopher Boyle, Planning Manager presented the item.

Applicant, Kendrick Liu of 620 N. Gateway Dr. in Madera stepped to the podium. Mr. Liu stated they are in agreement with the conditions.

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

7. CUP 2018-19 & SPR 2018-32 – Diva Fitness

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a group exercise studio within an existing tenant suite located north of Riverside Drive on the east side of North D Street (711 N. D Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities) (APN: 004-011-007).

The item was presented by Planning Manager, Christopher Boyle.

Applicant, Roz Robles of 711 N. D St. stepped to the podium. She is in agreement with the conditions.

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

NON-PUBLIC HEARING ITEMS:

NP 1. Review of CUP 2008-07 – Singh / 7-11 Use Permit

A performance review of Conditional Use Permit 2008-07 allowing for the sale of alcoholic beverages for off-site consumption as a component of the operation of a convenience store located in the C-2 (Heavy Commercial) Zone District. The project has been determined to be categorically exempt under California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies) (APN: 012-053-024).

Christopher Boyle, Planning Manager presented the item.

Commissioner Hutchings moved to approve Motion 1. Seconded by Commissioner Broadhead the motion carried unanimously.

ADMINISTRATIVE REPORTS:

Mr. Boyle reminded the Commissioners about the joint meeting with City Council the following Tuesday.

COMMISSIONER REPORTS:

Commissioner Cortes reported that on Olive near the High School there is nothing to alert the drivers that a pedestrian is crossing.

Commissioner Tyler asked about the Fitness place on Sunset. There is a huge hole in the building and the glass is broken.

Brent Richardson, City Attorney noted they are still in litigation, but Code Enforcement is addressing the issue.

ADJOURNMENT:

The meeting adjourned at 7:37pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary