

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
August 13, 2019**

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 Richard Broadhead
Commissioner Ryan Cerioni
Commissioner Ramon Lopez-Maciel
Commissioner Alex Salazar

ABSENT: Commissioner Pamela Tyler

STAFF: Christopher Boyle, Interim Planning Manager
Jesus Orozco, Assistant Planner
Keith Helmuth, City Engineer
Brandi Garcia, Recording Secretary

PLEDGE: Chairperson Robert Gran, Jr. led the Pledge of Allegiance.

PUBLIC COMMENT:

Steve Solder who lives in Home Ranch stepped to the podium. He said that none of the residents in the area want an apartment complex in the area.

Commissioner Gran noted they will not go over the item now since it is a public hearing item. It will be moved to next month.

Mr. Solder asked if they were going to allow Berry to do this again.

Commissioner Gran said they will give him one continuance to September. It will be the first agenda item next month. They want everyone to be heard that wants to be.

Commissioner Salazar asked if they should allow a few people to speak now but not speak next time just so they can be heard.

Commissioner Gran said there will be legal council next meeting and he feels it's best to do it all at the next meeting.

Michelle Garcia stepped to the podium and asked why we only notice within 300 feet. She noted she also submitted an email.

Commissioner Gran explained the 300- foot noticing process.

Mrs. Garcia asked if that was a City Ordinance.
Commissioner Gran said he believes it is a State requirement.

Mrs. Garcia responded that that needs to be changed and she will pursue the issue with her representative.

Commissioner Gran asked Mr. Boyle to explain on Robs behalf how the email correspondence works.

Mr. Boyle said that typically staff does not email people back regarding their correspondence. We collected the responses and Mr. Holt did however send emails to the individuals that had sent correspondence in an effort to provide as much notice as possible. It would have been done at the time the 21-day notice was prepared and sent out. He's not sure what emails were received after the notices went out, but we did do a pretty good effort to extend all the information to the residence both in the 300 foot and outside the 300 foot. Noticing beyond the 300 feet would set a pretty dangerous precedent so we in a way did a work around with the emails to allow the individuals that had sent correspondence to be notified of the continuance.

Kim Salter of 1432 Penny Way asked if those emailing after the noted date will be added in public record.

Mr. Boyle said that it is an extension of the courtesy regarding sending out the emails. He doesn't believe a need for it as it relates to the September continued date. It's not staff's intent to have another continuance for this project. The applicant has requested to have an additional neighborhood meeting and requested the continuance to September.

Mrs. Salter asked if that is a no that the new emails received will not be added into the public comment.

Mr. Boyle said they will be added in the public comment, but we will not be sending a response to them.

Commissioner Gran said that this is the public record, and anything received via email, regular mail etc. will be added in the packet.

Mr. Latiff stepped to the podium to comment on the paragraph regarding the public comment period.

MINUTES: May 14, 2019

Commissioner Cortes moved to approve the minutes of May 14, 2019.
Seconded by Commissioner Lopez. The motion carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. REZ 2019-02, GPA 2019-01 & PPL 2019-03 – River Sand Park Multifamily Complex

A noticed public hearing to consider a General Plan amendment, rezone and precise plan on approximately seven acres of land located at the southwest corner of the intersection of Westberry Boulevard and Fairfield Way to allow for the construction of a 93-unit multifamily residential apartment complex. The General Plan amendment requests a change from the LD (Low Density) to the MD (Medium Density) General Plan land use designation. The rezone requests a change from the R1 (Low Density) to the PD-3000 (Planned Development) Zone District. The precise plan would memorialize the development standards applicable to the multifamily residential project (APN: 006-380-026). A Negative Declaration will be considered by the Planning Commission.

Mr. Boyle, Planning Manager stepped to the podium and noted that the item was requested to be continued by the applicant. There is a lot of opposition and the applicant would like to hold one more meeting to address the concerns of the residents.

Ulysses Rivera of 25090 Ave. 18 ½ in Madera asked about opening a business at 610 N. E St.

Christopher Boyle, Acting Planning Manager gave Mr. Rivera his contact information.

Commissioner Broadhead moved to approve Motion 2 continuing the hearing to the September 10, 2019 Planning Commission hearing. The motion was seconded by Commissioner Cortes. The motion carried unanimously.

2. CUP 2019-09, 10 & SPR 2019-17 – Valero

A noticed public hearing to consider two conditional use permits and one site plan review to allow for the sale of beer, wine and tobacco for off-site consumption in conjunction with the development of a Valero gas station and convenience store located on the northeast corner of the intersection of South Gateway Drive and East Almond Avenue in the CH (Highway Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-390-023). A Mitigated Negative Declaration will be considered by the Planning Commission

Acting Planning Manager, Christopher Boyle recommended a continuance of this project in order to allow the applicant to get clarification from their Engineer after the traffic study was done regarding turn lanes vs a round-about.

Mr. Mohammad Latiff of 2671 Marie Dr. in Madera requested a copy of the staff report for this item.

Commissioner Cerioni moved to approve Motion 2 continuing the hearing to the September 10, 2019 Planning Commission hearing. Seconded by Commissioner Broadhead, the motion carried unanimously.

3. VAR 2019-02 – Perez Accessory Structure

A noticed public hearing to consider a variance from the accessory structure height requirements to allow for a 23'-6" garage building where a maximum of fifteen feet in height is allowed on property located on the northeast corner of the intersection of West Pecan Avenue and Monterey Street (397 West Pecan Avenue) in the PD 6000 (Planned Development) Zone District with a LD (Low Density Residential) General Plan land use designation (APN: 012-310-054).

Jesus Orozco, Assistant Planner presented this item.

Commissioner Gran asked if this will be replacing the existing structure.

Mr. Orozco said yes, it will be replacing the existing structure and will be correcting some of the existing setbacks. He also noted that the a/c unit will not be located on top of the structure as part of the conditions.

Commissioner Gran asked about the trees.

Mr. Orozco said that one or two may be required to be removed because of the construction but to his knowledge there is no intent to remove any others.

Commissioner Cortes noted he read in the report that the structure would be concealed in a way by the trees.

Mr. Orozco said he did walk the site and they are grown trees and it would be difficult to see it in the rear of the home.

Mr. Boyle mentioned there is not a condition of approval that would either recommend or restrict the removal of trees.

Wilbert Perez of 397 W. Pecan stepped to the podium. He wants to build this structure as a hobby room for his children who enjoy collecting antiques. He agrees with all conditions.

The public hearing was closed, and the item was brought back to the commission.

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

4. CUP 2017-01 EXT 2 – Quality Children's Services Extension

A noticed public hearing to consider a request for a one-year extension of CUP 2017-01 to allow for the establishment of a commercial daycare facility located

approximately 500 feet north of the intersection of Stinson Avenue and South A Street (333 Stinson Avenue) in the R1 (Low Density) Zone District with a LD (Low Density) General Plan land use designation (APNs: 011-234-017, 018 and 019).

The item was presented by Acting Planning Manager, Christopher Boyle.

Commissioner Gran confirmed with Mr. Boyle that the applicant has tried to fulfill the terms but just needs more time.

Estevan Pauli of Pauli Engineering at 2501 W Shaw Ave in Fresno stepped to the podium. He has worked with Mr. Boyle and other departments to reach a successful site plan in May of 2018. They will need to do a lot line adjustment and lot merger. It's just a matter of time to complete the merger process.

Commissioner Cortes moved to approve Motion 1. The motion was seconded by Commissioner Salazar and carried unanimously.

NON-PUBLIC HEARING ITEMS:

1. **CUP 2013-11 MOD – Joyee's Recycling Review**

A review of the performance of Conditional Use Permit 2013-11 MOD, which allows for the operation of a recycling center at 709 North D Street, and determination as to the necessity of scheduling a public hearing to determine whether revocation is appropriate. The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15321 (Enforcement Actions by Regulatory Agencies).

Acting Planning Manager, Christopher Boyle presented the item.

He noted the property owner would be supportive in scheduling the revocation of this item.

Commissioner Cerioni asked if staff had been in contact with the applicant.

Mr. Boyle stated he has been in contact with Alicia and Sergio for a long period of time. The use permit was originally approved in 2013.

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

WORKSHOPS:

2009 General Plan – Part 2

Mr. Boyle presented the 2nd part of the workshop on the 2009 General Plan.

ADMINISTRATIVE REPORTS:

It was mentioned that staff would be meeting with Madera County the following Thursday and it could be expected that the next meeting would be held at their building.

COMMISSIONER REPORTS: None

ADJOURNMENT:

The meeting adjourned at 7:29 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary