

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
December 10, 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 Richard Broadhead
Commissioner Pamela Tyler
Commissioner Ryan Cerioni
Commissioner Alex Salazar

ABSENT: Commissioner Israel Cortes (Vice Chairperson)
Commissioner Ramon Lopez

STAFF: Darrell Unruh, Interim Planning Manager
Keith Helmuth, City Engineer
Tiffany Ljuba, Assistant Engineer
Jesus Orozco, Assistant Planner & Recording Secretary

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

PUBLIC COMMENT: None

MINUTES: None

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. PPL 2019-06 & VAR 2019-05 – Eagle Meadows Apartments

A continued noticed public hearing to consider a precise plan to allow for the development of a 106-unit multifamily residential complex on 3.67 acres located in proximity to the southwest corner of the intersection of Ellis and Merced Streets in the PD-1500 (Planned Development) Zone District with an HD (High Density) General Plan land use designation (Multiple APN's). A Negative Declaration will also be considered by the Planning Commission.

This item was continued to the January 14, 2020 Planning Commission meeting.

2. CUP 2019-25 – AT&T Telecommunications Monopole

A noticed public hearing to consider a request for a conditional use permit and site plan review to allow for the installation of a 64' tall telecommunications monopole including twelve antennas and associated equipment. The project is located approximately 500 feet south of the southeast corner of North Schnoor Avenue and West Cleveland Avenue within the Northpointe retail commercial center in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-390-

027). The project has been determined to be categorically exempt under the California Environmental Quality act (CEQA) Guidelines, Section 15332 (Infill Development).

Commissioner Cerioni recused himself because he is the accountant for the owner.

This item was presented by Jesus Orozco, Assistant Planner.

Commissioner Gran confirmed with Mr. Orozco that everyone was noticed properly.

Mr. Orozco said he only received one call from a resident in the vicinity with questions regarding the project but nothing opposing or in writing.

Macy (unable to understand last name) of Complete Wireless Consulting stepped to the podium representing AT&T. She noted AT&T is looking to improve internet and wireless services to those businesses and residents to the West of 99.

Commissioner Gran asked how long the lease is for.

Mrs.said it was for 25 years.

With nobody else to speak for or against the project, the item was returned to the Commission for further processing.

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

Commissioner Cerioni was brought back to the chambers.

3. CUP 2019-16 & 17 and SPR 2019-23 – Valero Gas Station

A noticed public hearing to consider a request for two conditional use permits to allow for the sale of alcoholic beverages and the sale of tobacco products. The site plan review will allow the development of a Valero gas station and convenience store. The site is located on the north east corner of Almond Avenue and Gateway Drive in the CH (Commercial Highway) Zone District with a C (Commercial) General Plan land use designation (APN: 012-390-023). A Mitigated Negative Declaration will also be considered by the Planning Commission.

This item was presented by Jesus Orozco, Assistant Planner.

Commissioner Gran said he didn't notice anything about hiding the a/c so it's not in public view. Unless he's wrong. He just wants to make sure. They will probably need a lot of condensers with the refrigerators and freezers, etc.

Mr. Orozco said Condition #70 says all electrical/mechanical equipment should be located within an electrical mechanical room on the interior of the structure.

Commissioner Gran said that's fine for the mechanical but you're not going to put a condenser in a room. It's going to go where there's air flow, outside somewhere. Nine times out of ten it's on the roof.

Mr. Orozco said that standard conditions require they be screened.

Commissioner Gran said he wants to make sure they are in a parapet and not sticking out over the top. He likes the building and would hate to see it blighted by an a/c unit sticking out on top.

Mr. Orozco said that Condition #7 does require Planning Department review and approval of HVAC and utility services.

Commissioner Gan said he thinks they will add something to that to make sure it's screened from public view. No offense to staff, but he doesn't see where they can put the trash enclosure. You don't want him to hit a gas pump.

Mr. Orozco said staff will review it for an optimal location and placement for a trash enclosure.

Commissioner Gran said you could argue that the public view will be no matter where you put it.

Commissioner Broadhead asked if during normal development of something like this, is the trash collection agency consoled.

Mr. Orozco said those services were overseen by the Public Works Dept. however, Mid Valley Disposal is a private entity and it is hard to get consult from them. Staff does do what they believe is best for the service trucks.

With no further questions of Mr. Orozco, the applicant was invited to the podium.

The applicant, Jed Irwin of 1489 N. Dara Ave. in Clovis stepped forward.

Commissioner Gran confirmed he has reviewed and is in agreement with all the conditions.

Mr. Irwin said yes, he is in agreement.

Commissioner Gran asked if he heard his concern regarding the a/c units on the roof.

Mr. Irwin said yes, he did.

Commissioner Gran said he's sure since he does it for a living it's pretty standard.

Mr. Irwin said yes, and he will definitely take it into consideration.

Commissioner Gran said it's a beautiful building and he just doesn't want it blighted.

With no further questions Commissioner Gran thanked Mr. Irwin and asked if anyone else would like to speak on the item.

Mohammed Latiff of 2671 Marie Dr. in Madera stepped to the podium. He said he wanted to view the staff report for the project and the alcohol license and to see what staff was recommending.

Mr. Orozco said that it's a (unable to hear).

Commissioner Gran said it has to be an existing license they go buy and get cleared from ABC.

Mr. Latiff said he said he remembered that in the past transfers have not been allowed because of a moratorium.

Commissioner Gran said he has been on the Commission for 20 years and he cannot remember them not being transferrable. However, they are to go with what ABC recommends. If they don't qualify, they cannot buy a license.

Mr. Orozco said the applicant is requesting a use permit for a type 20 for beer and wine and there is a moratorium on the type 20 which requires they be inter county transfers only. The type 21 allows for spirits as well but moratorium for that type is a little different. But again, this use permit is for a type 20.

Mr. Latiff said he's not against the project, but he wanted to clarify because in the past he has seen staff put remarks that should be from ABC and not the City.

Commissioner Gran apologized for any misunderstandings in the past.

Mr. Latiff thanked him and left the podium.

With no one else to speak on the item it was returned to the Commission for further processing.

Commissioner Cerioni moved to approve Motion 1a, seconded by Commissioner (unable to hear) the motion carried unanimously.

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

4. CUP 2019-22 - Stop N Smoke

A noticed public hearing to consider a conditional use permit to allow for the establishment of a smoke shop on property located at the northwest corner of the intersection of Country Club Drive and Sharon Boulevard (1130 Country Club Drive, Suite B) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-194-003).

Assistant Planner, Jesus Orozco presented the item.

Commissioner Gran confirmed the proper noticing was done and asked if anyone had submitted any correspondence for or against the project.

Mr. Orozco initially staff did receive some verbal comment in opposition. Staff requested it be provided in writing. At least two calls were also received, and they were also requested to submit comments in writing. However, nothing in writing was ever received.

Commissioner Broadhead said he noticed that on the previous item certain items were specifically excluded as far as vaping. However, here they specifically authorize the use of vaping, hookah, etc. Is there any City official response to vaping and allowing it?

Commissioner Gran said the Surgeon General hasn't come out with anything. Were waiting on a higher authority.

Commissioner Broadhead asked why the difference from one to the other.

Mr. Orozco said it's based on their request. The gas station was focused on tobacco.

Commissioner Gran said as long as the applicant understands he's not being given permission for THC products.

With no further questions of Mr. Orozco, the applicant was invited to the podium.

Mr. Mohammad of 1130 Country Club Dr., Ste. B stepped to the podium. He mentioned they will be selling sodas, hats, etc. not only vaping items.

Commissioner Gran made sure he understood there will be no THC products. That would require special permission.

Mr. Mohammad said yes, he understands.

Commissioner Cerioni asked if he has any other locations.

Mr. Mohammad said he has one in Merced and one in Turlock. This is the first time he has had to do this in Merced they don't ask anything like this.

Commissioner Cerioni asked if he had looked into the over saturation of the type of business in the community. He sees there's a lot of businesses of this type.

Mr. Mohammad said he understands but he thinks it's a good location.

Commissioner Gran said that Toby's isn't far away. Their concern is that they don't want to see him open and then in two or three months have to close.

Mr. Mohammad said he thinks it's a good location, it's a chance he has to take.

Commissioner Broadhead moved to approve Motion 1.

Commissioner Salazar said thinking about the last 40 years in Madera, the tobacco use was everywhere and now it's being condensed to shops. Its something that maybe were not used to.

Commissioner Gran said he thinks that's correct. It's almost a shopping specialty. It wouldn't have been unusual to go into a Long's Drugs store and buy tobacco but about five years ago they stopped carrying it.

Commissioner Salazar said we want to restrict but don't want to get rid of the rights. He also noted the letter from the Department of health. This intersection is not easily accessed. He's not too concerned about kids coming from housing and crossing Club Dr. to the shop. It's already difficult to begin with.

Commissioner Gran said the only crosswalk is right there at the point.

Commissioner Salazar said he doesn't see a lot of foot traffic.

Commissioner Gran said the housing being talked about is the two apartment complexes.

Commissioner Broadhead asked if he was to withdraw his motion, does that give more discussion or just deny it.

Commissioner Gran said they have never shied away from someone who wants to come in and be part of the competition.

Commissioner Cerioni said for him, there's already over saturation of these shops and these are not beneficial products to be adding to the ease of accessibility.

Commissioner Gran the gas station is right there, and they could go there. None of this is going to disappear.

Commissioner Salazar asked the applicant to describe what his store will look like as far as signs go.

Mr. Mohammad said there will be small signs on the windows.

Commissioner Salazar confirmed what other items will be sold in the store.

Commissioner Tyler said so basically an under-age child could go in if those other things are being sold.

Mr. Orozco said there is a condition within the use permit that stipulates the age requirements. He has confirmed with legal counsel.

Commissioner Cerioni said nobody under 21 is allowed.

Mr. Orozco said as permitted by the letter of the law, excluding military personnel.

Commissioner Gran said he thinks it depends on how it's interpreted. If they put the sodas and candy up by the entrance, they can go in there but not any further. There is a little leeway, it's like when you go into a restaurant and the kids have to walk by the bar to get to the restroom.

Commissioner Salazar asked Mr. Orozco to elaborate a little bit on the signage that is allowed on the window.

Mr. Orozco said a sign permit would be required for any signage visible on the windows or building would require a permit.

Commissioner Gran said on the windows, the police want to be able to look in and make sure everything is ok. There is a code enforcement issue with several businesses on this.

Commissioner Gran thanked the applicant and seeing nobody else to speak on the item it was returned to the Commission for further processing.

Commissioner Broadhead noted there was not a motion to deny the item.

Commissioner Gran said technically it's hard for them to deny it because there is nobody in the audience to testify there is a public issue. Legally there's no grounds to deny it. It would need to be continued and the conditions refined. However, a business is wanting to come to Madera and follow the terms and conditions. He doesn't see a negative impact it will have.

Commissioner Salazar said if a parent concern is a product that he sells in his shop is attracting the child, he won't be advertising so the child is more likely to go to the gas station to get the product.

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

NON-PUBLIC HEARING ITEMS: None

WORKSHOPS: None

ADMINISTRATIVE REPORTS:

Mr. Orozco introduced Mr. Unruh as the Interim Planning Manager.

COMMISSIONER REPORTS:

Commissioner Gran noted he went in the prior day and met Darrell and wished everyone a Merry Christmas.

ADJOURNMENT: 6:54 pm

Planning Commission Chairperson

Brandi Garcia, Recording Secretary

