



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, June 13, 2023
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 89774118453# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89774118453>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on

the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

CONSENT ITEMS:

1. ABN 2022-02 – Washington Elementary School Public Utility Easement

Subject: A finding of General Plan Conformity for the partial vacation of a Public Utility Easement at George Washington Elementary School.

This project is determined to be categorically exempt under the California Environmental Quality Act, Guidelines, Section 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), and 15314 (Minor Additions to Schools) as the project will not result in any changes in land use or density.

Recommendation:

Conduct the hearing and;

- a. Adopt a Resolution finding a 40-foot-wide vacation of an existing 60-foot-wide Public Utility Easement crossing George Washington Elementary School between East Lincoln Avenue and East South Street conforms with the City of Madera General Plan. (Report by Robert Smith)

2. Initiation of a Text Amendment to the Zoning Regulations of the Madera Municipal Code (MMC).

Subject: An initial of a Text Amendment to the Zoning Regulations of the Madera Municipal Code (MMC) to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities from the list of uses requiring a use permit in the C1 (Light Commercial), C2 (heavy Commercial), and CN (Neighborhood Commercial) Zone Districts.

Recommendation:

- a. Adopt a Resolution of Intention to Initiate Procedure to Amend Title X, Chapter 3 of the City Municipal Code to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities from the list of uses requiring a use permit in the C1 (Light Commercial), C2 (Heavy Commercial), and NC (Neighborhood Commercial) zone districts in accordance with the provisions of Section 10-3.1500 et seq. of the City Municipal Code. (Report by Will Tackett)

PUBLIC HEARINGS:

1. TPM 2022-05, CUP 2022-13 & SPR 2022-15 – Schnoor & Kennedy Development

Subject: A continued public hearing to consider a tentative parcel map, conditional use permit and site plan review for the property located at the northwest corner of Kennedy St. (Avenue 16) and N. Schnoor Ave. The parcel map will divide the property into two parcels. One parcel is proposed to be developed with a carwash and the second parcel with a convenience store and attached restaurant. The use permit will allow the sale of beer and wine for off site

consumption, in conjunction with the convenience store. The site is located in the C2 (Heavy Commercial) zone district with a C (Commercial) General Plan land use designation. APN: 013-230-005

The project is determined to be categorically exempt per Section 15303, New Construction or Conversion of Small Structures, 15315, Minor Land Divisions and 15332, In-fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines.

Recommendation:

Conduct the public hearing and;

- b. Adopt a Resolution adopting a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines, Sections 15315, Minor Land Divisions and 15332, In-Fill Development Projects and approving Tentative Parcel Map 2022-05, Conditional Use Permit 2022-13 and Site Plan Review 2022-15, subject to the findings and conditions of approval. (Report by Will Tackett)

2. CUP 2023-03 – Country Club Chevron & Commercial Center

Subject: A noticed public hearing to consider an application for a conditional use permit to allow the development and operation of a 2,200 sq. ft. drive through coffee shop. The use permit would also allow the sale of beer and wine for off-site consumption and the sale of tobacco products within a previously approved convenience store. The site is located at the southeast corner of County Club Drive and Adell St. in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. APN: 003-250-026

An Initial Study/Negative Declaration was prepared for and adopted by the Planning Commission on December 14, 2021, consistent with the provisions of the California Environmental Quality act, CEQA Guidelines for the proposed Country Club Chevron and Commercial Center inclusive of the proposed 2,200 sq. ft drive through coffee shop and convenience store. No further environmental review is required.

Recommendation:

Conduct the public hearing and;

- a. Adopt a Resolution approving Conditional Use Permit 2023-03, subject to the findings and conditions of approval (Report by James Troyer).

3. REZ 2022-08, CUP 2022-34 & SPR 2022-42 – Mammoth Oxygen, Inc.

Subject: A noticed public hearing to consider an application for a rezone, conditional use permit and site plan review to allow the establishment of a Mammoth Oxygen retail welding supply store at 794 S. Pine St. The Rezone would rezone the property from the current U (Unclassified) Zone District to I (Industrial) for consistency with the site’s General Plan land use designation of I (Industrial). The use permit along with the site plan review, would allow the mixing and storage of paint as well as the storage and handling of oxygen supply tanks and to allow retail sales in an Industrial Zone District. The site is located on the northwest corner of S. Pine St. and W. Almond Ave. APN: 009-330-026

The project is determined to be categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

Recommendation:

Staff is requesting this item be continued to the July 11th, 2023, Planning Commission meeting.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

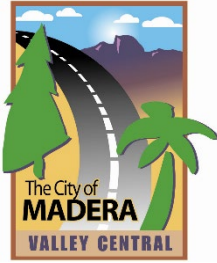
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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing planninginfo@madera.gov. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
 - The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing planninginfo@madera.gov to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



REPORT TO PLANNING COMMISSION

Prepared by:

Robert Smith, Senior Planner

Meeting of: June 13, 2023

Agenda Item: Consent-1

SUBJECT

ABN 2022-02 – Washington Elementary School Public Utility Easement Partial Vacation

RECOMMENDATION

1. Adopt a Resolution of the Planning Commission of the City of Madera finding a 40-foot-wide vacation of an existing 60-foot-wide Public Utility Easement crossing George Washington Elementary School between East Lincoln Avenue and East South Street conforms with the City of Madera General Plan.

PROPOSAL

An application to vacate a portion of an existing 60-foot-wide public utility easement (ABN 2022-02) extending 410 linear feet between East Lincoln Avenue and East South Street (see Attachment 1). Application proposes to amend the width of the existing easement from 60 to 20 feet by removing 20-foot-wide sections (8,200 square feet) on either side of the existing easement centerline. The remaining easement is to be retained to serve existing subsurface City storm drain improvements placed within the easement. This will reduce the overall easement width from 60 to 20 feet (see Exhibit A of Attachment 2). The affected parcel (APN 004-030-008), located at 604 East Lincoln Avenue, is occupied by the Madera Unified School District’s George Washington Elementary School. The partial vacation of the utility easement will remove development restrictions on the placement of structures on an additional 16,400 square feet of the school site. Table 1 below provides an overview of the proposal and project site characteristics.

Table 1: Project Overview	
<i>Project Number:</i>	ABN 2022-02
<i>Applicant:</i>	Forefront Power
<i>Owner:</i>	Madera Unified School District
<i>Location:</i>	604 East Lincoln Avenue
<i>Project Area:</i>	8,200 square feet on either side of retained 20’ easement
<i>Plan Land Use:</i>	Other Public and Semi-Public Uses (P&SP).
<i>Zoning District:</i>	Public Facilities (PF).
<i>Site Characteristics</i>	This segment of easement contains an underground storm drain and is turfed serving as portion of the school’s playground area.

SUMMARY

The applicant, Forefront Power, on behalf of the Madera Unified School District is requesting a partial vacation of a north-south trending public utility easement on between East Lincoln Avenue and East South Street reducing the existing easement width from 60 to 20 feet. The subject request is related to the Madera Unified School District's (MUSD) desire to construct solar arrays at the George Washington Elementary School site. The vacation does not include the removal, construction or modification of existing infrastructure.

Pursuant to the California Streets and Highways Code, vacated easements allow for the development within the abandoned areas of the property owner(s). The proposed easement vacation will cause ownership of the easement to revert to the owner of the surrounding parcel – Madera Unified School District. Upon recordation of the vacation, the City as well as public utility purveyors would relinquish their rights to use the vacated portion of the MUSD property for the placement of subsurface or aerial utilities.

SITE CHARACTERISTICS

This segment of easement was originally planned and dedicated as a 60-foot-wide right of way and public utility easement for the purpose of continuing the north, south Nebraska Street alignment and to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drain improvements as well as to construct, maintain, operate, replace, renew, restore and enlarge lines of pipe, conduits, cables wires, poles and other structures for the operation of gas line pipes, telephone, electrical energy, petroleum products and water. The 60-foot-wide right-of-way was not developed and right-of-way was ordered to be vacated by the City, reverting to a public utility easement on July 18, 1949 to enable the ability to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drain improvements as well as to construct, maintain, operate, replace, renew, restore and enlarge lines of pipe, conduits, cables wires, poles and other structures for the operation of gas line pipes, telephone, electrical energy, petroleum products and water (City Council Resolution 574). The North and south of the school site is a developed 60-foot-wide right-of-way. The abandonment of 20 feet on either side of the utility easement would reduce the public utility easement width to 20 feet.

ANALYSIS

Pursuant to California Government Code Section 65402, the "Planning Agency" (City of Madera Planning Commission) is required to make a determination of whether a 40-foot-wide vacation of an existing 60-foot-wide public utility easement on private property in the City of Madera conforms to the City's General Plan. for any street right of way or public utility easement being vacated by the City Council.

In review of the City of Madera General Plan, there are no policies that specifically call for the retention of established public utility easements. Therefore, the proposed vacation would not conflict with the goals or policies of the City's General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Staff performed a preliminary environmental assessment and have determined that the project is exempt under CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction of Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), and 15314 (Minor Additions to Schools) as the project will not result in any changes in land use or density, the addition of any future solar panels by MUSD would involve a negligible expansion of existing school uses already located on the site and would constitute new and small equipment and accessory structures for the site, the vacation and construction of solar panels would not increase student capacity by more than 25% or 10 classrooms, and the portion of the public utility easement proposed to be vacated and used for solar panels is not being

used for public utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

COMMISSION ACTION:

The Commission will be acting on ABN 2022-02. Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera finding that ABN 2022-02 is in conformance with the City of Madera General Plan.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to deny the proposed vacation and direct staff to return within updated resolution with appropriate findings for denial for the following reasons (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS:

Attachment 1: Vicinity Map

Attachment 2: General Plan Land Use Map

Attachment 3: Zoning Map

Attachment 4: Resolution of the Planning Commission

“Exhibit A” - Vacation Map and

“Exhibit B” - Legal Description

ATTACHMENT 1

Vicinity Map



Dina's Crystal Cleaning Laundromat

E Rush St

E Rush St

Taquería Guerrero

E Lincoln Ave

E Linco

George Washington Elementary School

E South St

Fastway Chicken

E South St

El Toro Loco Supermarkets

Chavinda Taqueria

Nebraska Ave

Delaware Ave

Riverside Dr

N D St

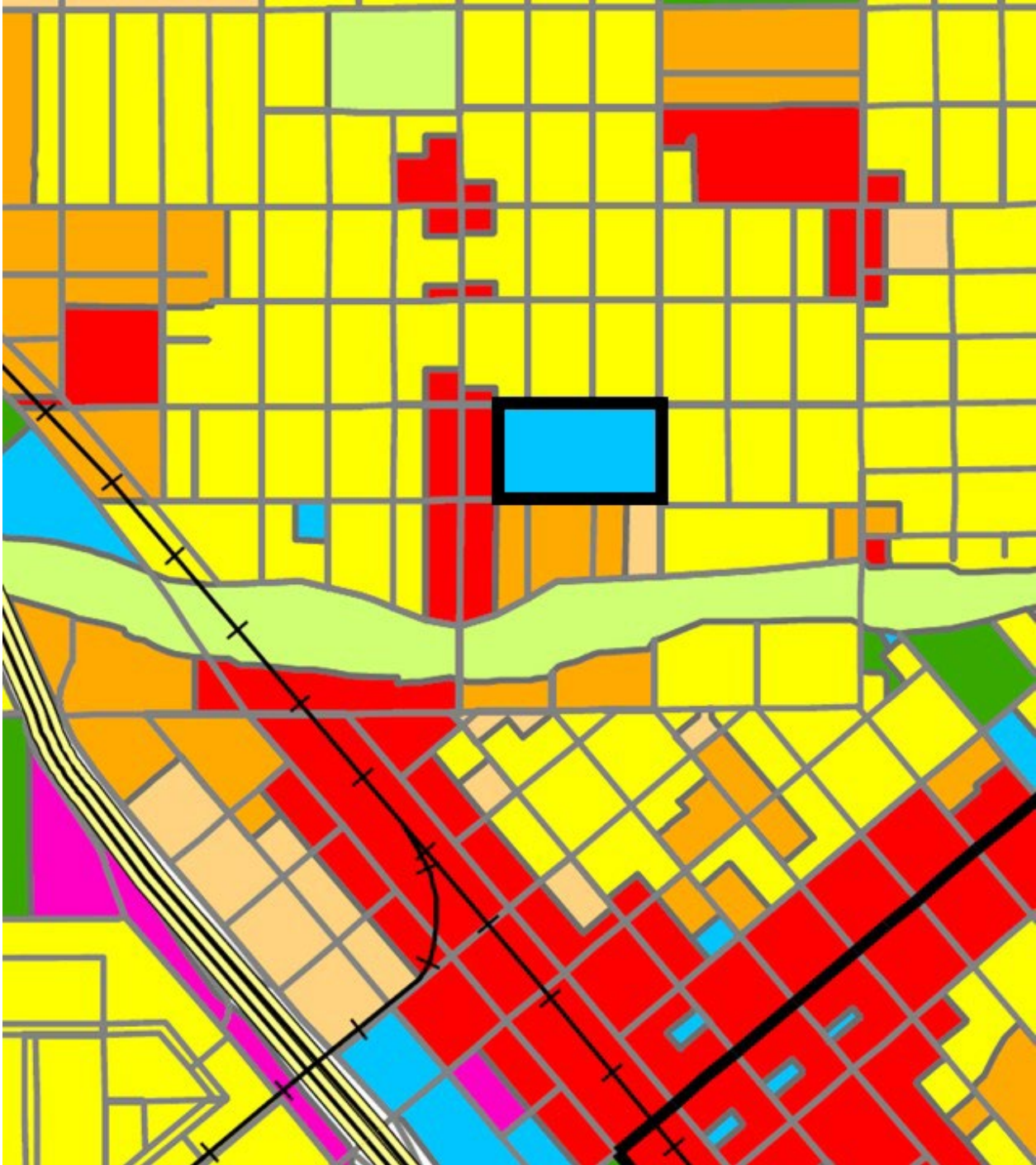
Riverside Dr

Moreno's Madera Cake

N B St

ATTACHMENT 2

General Plan Land Use Map



ATTACHMENT 3

Zoning Map



ATTACHMENT 4

Resolution

RESOLUTION NO. 1960

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
FINDING A 40-FOOT-WIDE VACATION OF AN EXISTING 60-FOOT-WIDE PUBLIC
UTILITY EASEMENT CROSSING GEORGE WASHINGTON ELEMENTARTY SCHOOL
BETWEEN EAST LINCOLN AVENUE AND EAST SOUTH STREET CONFORMS WITH
THE CITY OF MADERA GENERAL PLAN**

WHEREAS, the California Government Code Section 65402 and Streets and Highways Code Section 8313 requires the “Planning Agency” (City of Madera Planning Commission) review the disposition of any property, including public utility easement abandonment, by the City for conformity with the adopted General Plan; and

WHEREAS, the Planning Commission review is intended to assure that the public utility easement vacation is consistent with the City’s General Plan long-range objectives; and

WHEREAS, the proposed public utility easement to be vacated is to include the eastern most 20 foot wide section (8,200 square feet) and the western most 20 foot wide section (8,200 square feet) of an existing 60-foot-wide easement extending 410 linear feet located at 604 East Lincoln Avenue (APN 004-030-008) as shown in Exhibit A; and

WHEREAS, the City owns, operates and maintains a storm drain pipeline within the public utility easement; and

WHEREAS, the Madera Unified School District (MUSD) is the property owner and Forefront Power is the applicant requesting to vacate a portion of the 60-foot-wide public utility easement and is acting on behalf of the Madera Unified School District; and

WHEREAS, the vacation will cause the ownership of the vacated area to revert to MUSD; and

WHEREAS, upon recordation of the vacation, the City of Madera as well as public utility purveyors would relinquish their rights to use of the vacated portion of the easement to construct operate, maintain or replace water, sewer, drainage, gas, petroleum, electrical and communication infrastructure; and

WHEREAS, the vacation would not affect the City’s ability to operate, maintain, replace, renew, restore the City’s storm drain pipeline within the modified public utility easement; and

WHEREAS, the property is a developed school site and is occupied by the George Washington Elementary School; and

WHEREAS, the existing 60-foot-wide public utility easement is turfed and serves as a portion of the school’s overall playground area; and

WHEREAS, MUSD’s desires to construct solar arrays at the George Washington Elementary School and desires to extend the arrays in to the public utility easement areas to be vacated; and

WHEREAS, the vacation is consistent with Circulation Element Goal CI-1 (Quality infrastructure that meets the needs of the community at the time it is needed); and

WHEREAS, the abandonment is consistent with the infrastructure system identified within the General Plan Circulation and Infrastructure Element.

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein by reference.
2. CEQA: The Planning Commission recommends the City Council find that the project is exempt under CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction of Conversion of Small Structures), 15305 (Minor Alterations in Land Use Limitations), and 15314 (Minor Additions to Schools) as the project will not result in any changes in land use or density, the addition of any future solar panels by MUSD would involve a negligible expansion of existing school uses already located on the site and would constitute new and small equipment and accessory structures for the site, the vacation and construction of solar panels would not increase student capacity by more than 25% or 10 classrooms, and the portion of the public utility easement proposed to be vacated and used for solar panels is not being used for public utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Easement abandonment: The Planning Commission hereby determines that the easement abandonment of the eastern most 20-foot-wide section and western most 2- foot-wide section of an existing public utility easement located at the George Washington Elementary School is in conformance with the adopted General Plan.
4. Recommendation: The Planning Commission recommends the City Council adopt a resolution to order the summary vacation of the portion of easement described herein.
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of June 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

“Exhibit A” - Vacation Map
“Exhibit B” – Legal Description

EXHIBIT A

PARTIAL SUMMARY VACATION OF PUBLIC SERVICE EASEMENT

RESERVED PER BOOK 471 OF OFFICIAL RECORDS, PAGE 272, MADERA COUNTY RECORDS

ALL THAT PORTION OF THAT REAL PROPERTY DESCRIBED AS PARCEL 2 IN THE CITY OF MADERA RESOLUTION NUMBER 574 ORDERING VACATION OF STREETS AND ALLEYS SUBJECT TO RESERVATIONS AND RESTRICTIONS, RECORDED IN BOOK 471 OF OFFICIAL RECORDS, PAGE 272, MADERA COUNTY RECORDS, SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA AND BEING DESCRIBED THEREIN AS FOLLOWS:

BEING THE EASTERLY AND WESTERLY 20 FEET OF THAT PORTION OF NEBRASKA AVENUE, 60 FEET TOTAL WIDTH, EXTENDING FROM THE NORTH LINE OF SOUTH STREET TO THE SOUTH LINE OF LINCOLN AVENUE, AS SAID STREETS ARE SHOWN AND DESIGNATED UPON THAT CERTAIN MAP ENTITLED "AMENDED PLAT OF DWORACK'S ADDITION TO THE TOWN OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA", FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MADERA IN VOLUME 1 OF MAPS, AT PAGE 1.



3/14/2023

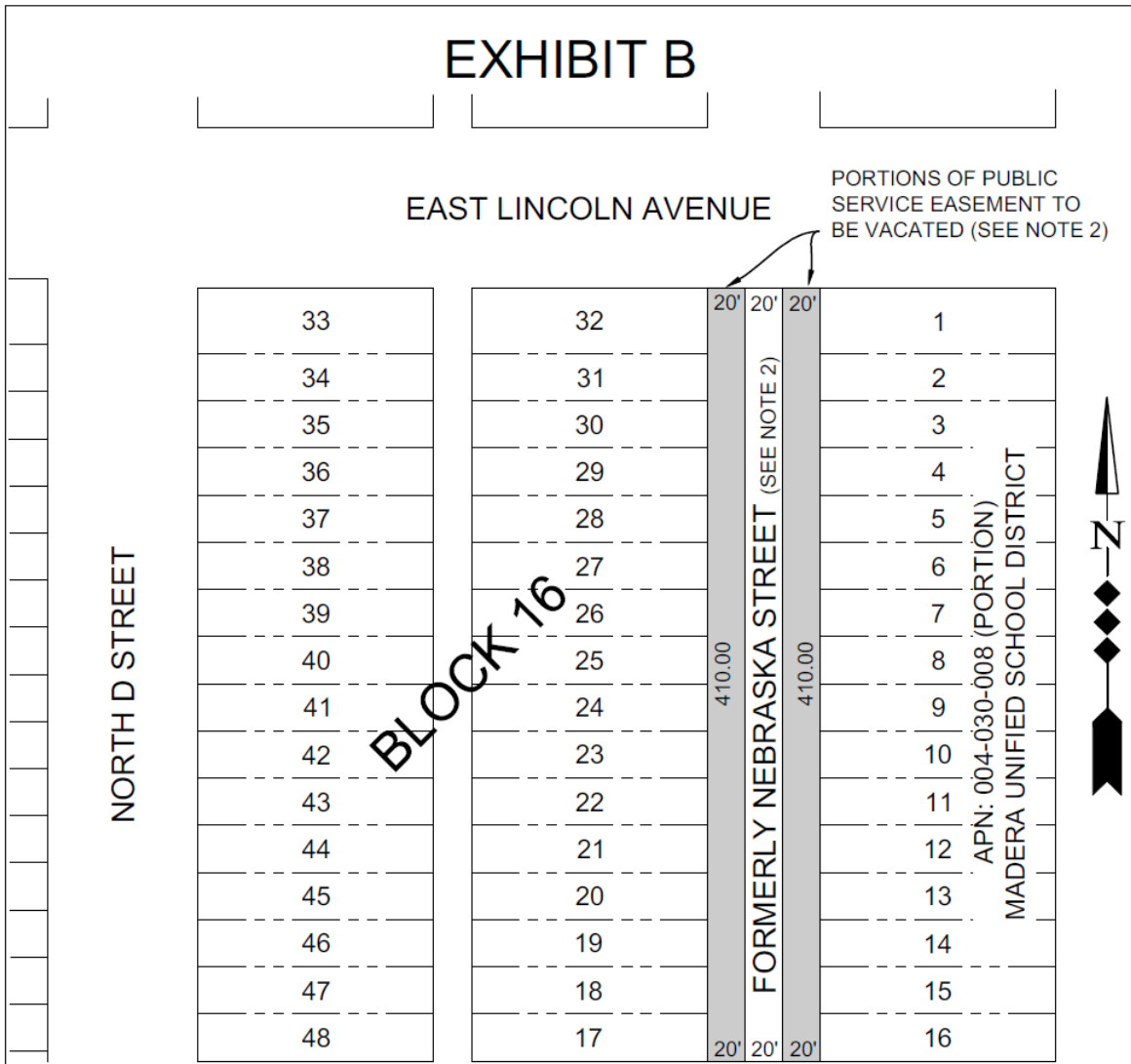


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POWER**

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100 MONTGOMERY ST. #725
SAN FRANCISCO, CA 94104
(855) 204-5083
www.ForeFrontPower.com

PROJECT NUMBER: CA-20-0342
SHEET NO.: 1 OF 1

EXHIBIT B



NOTES:

- 1) LOTS SHOWN ARE PER THE AMENDED MAP OF DWORACK'S ADDITION TO THE TOWN OF MADERA, FILED IN THE OFFICE OF THE COUNTY RECORDER ON SEPTEMBER 30, 1893, IN VOLUME 1, OF MAPS, PAGE 1, MADERA COUNTY RECORDS.
- 2) THE NEBRASKA STREET RIGHT OF WAY WAS VACATED AND A PUBLIC UTILITY EASEMENT WAS RESERVED PER PER BOOK 471 OF OFFICIAL RECORDS, PAGE 272. PORTIONS OF THAT EASEMENT ARE BEING VACATED AS DESCRIBED ON EXHIBIT "A" SHOWN HEREON



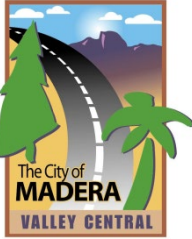
3/14/2023



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PROJECT NUMBER:	CA 20-0342
SCALE:	1" = 80'
SHEET NO.:	1 OF 1



REPORT TO THE PLANNING COMMISSION

Prepared by:

Will Tackett, Community Development Director

Meeting of: June 13, 2023

Agenda Item: Consent-2

SUBJECT:

Initiation of a Text Amendment to the Zoning Regulations of the Madera Municipal Code (MMC) to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities from the list of uses requiring a Use Permit in the C1 (Light Commercial), C2 (Heavy Commercial), and CN (Neighborhood Commercial) Zone Districts.

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a Resolution of Intention to Initiate Procedure to Amend Title X, Chapter 3 of the City Municipal Code to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities from the list of uses requiring a use permit in the C1 (Light Commercial), C2 (Heavy Commercial), and NC (Neighborhood Commercial) zone districts in accordance with the provisions of Section 10-3.1500 et seq. of the City Municipal Code.

SUMMARY:

At the regularly scheduled meeting of the City of Madera Planning Commission (Commission) held on May 9, 2023, the Commission considered and adopted Resolution No. 1957 approving a Determination of Use (DOU 2023-02), to permit uses classified as Indoor Fitness, Athletic and Recreational Facilities as uses permitted in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zone districts as a matter of right.

Approval of DOU 2023-02 allows for various types of similar indoor fitness, athletic and recreational facilities to be defined under a single classification as follows:

- **Indoor Fitness, Athletic and Recreational Facilities.** This classification includes smaller and primarily indoor facilities such as fitness centers, health clubs, and gymnasiums; various athletic instruction, training or sports club facilities; martial arts studios; ice- or roller-skating rinks; public swimming pools; bowling lanes; dance halls and dance studios; pool and billiards parlors; and amusement establishments such as arcades and bounce houses. This classification may include ancillary snack bars and other incidental food and beverage services to patrons.

In the May 9, 2023, report to the Commission for DOU 2023-02, staff noted the Determination of Use does not effectively amend pre-existing ordinance of the City. Any use which may fit within the classification herein above but which is already listed as a use only permitted subject to securing a conditional use permit in a respective zone district (e.g., billiard parlors, bowling lanes, martial arts

studios, video arcades of more than five games in respective Commercial districts), are still required to obtain/secure a use permit subject to the provisions of the CMC unless a text amendment to the Zoning Regulations is approved by the City Council through ordinance adoption.

In accordance with the provision of Section 10-3.1502 of the CMC, an amendment to the text of the Zoning Regulations may be initiated by: (A) Resolution of intention of the Council; (B) Resolution of intention of the Commission; or, (C) Verified application of one or more of the owners of the property within the area proposed to be changed.

The report to the Commission specified staff's encouragement and support for a resolution of the Commission to initiate the procedure to amend the text of the Zoning Regulations to remove uses that would fit within the proposed indoor fitness, athletic and recreational facilities classification from those uses listed as being permissible only subject to obtaining a Use Permit in the C1 (Light Commercial), C2 (Heavy Commercial) and NC (Neighborhood Commercial) zone districts in order to facilitate and fully implement the intent of DOU 2023-02.

Following the action of the Commission to adopt Resolution No. 1957 approving DOU 2023-02, staff received the direction of the Commission to bring forward a Resolution of Intention for Commission consideration and adoption at a forthcoming meeting of the Commission.

Accordingly, this item is being brought forth for consideration by the Commission at its regularly scheduled meeting on June 13, 2023. It should be noted, the proposed resolution only initiates the procedure to amend the text of the Zoning Regulations. The text of the Zoning Regulations, adopted by ordinance of the City Council, may only be amended by an ordinance of the City Council. In accordance with the procedures identified at Section 10-3.1500 et seq. of the CMC, any ordinance text amendment shall be considered by the Planning Commission at a public hearing for the purpose of providing a recommendation to the City Council. Therefore, proposed revisions to the zoning regulations and an amending ordinance resultant from said procedure will be scheduled and noticed for a future public hearing at a regularly scheduled meeting of the Planning Commission for a recommendation to the City Council.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and has determined that the project is exempt under Section 15061(b)(3) (General Rule) of the California Environmental Quality Act (CEQA) Guidelines because the activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PLANNING COMMISSION ACTION:

Staff recommends that the Commission:

1. Adopt a Resolution of Intention of the Commission in accordance with Section 10-3.1502 of the CMC, to initiate the procedure for a zoning text amendment ("ordinance") to the City Municipal Code to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities classification from the list of uses requiring a use permit in the C1 (Light Commercial), C2 (Heavy Commercial) and NC (Neighborhood Commercial) zone districts.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue consideration of the matter to the July 11, 2023, Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or additional information.
2. Move to deny the initiation.

ATTACHMENTS:

Attachment 1: Resolution

ATTACHMENT 1

Planning Commission Resolution

RESOLUTION NO. 1961

**A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA INITIATING A TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE
MADERA MUNICIPAL CODE TO REMOVE USES CLASSIFIED AS INDOOR FITNESS,
ATHLETIC AND RECREATIONAL FACILITIES FROM THE LIST OF USES REQUIRING A
USE PERMIT IN THE C1 (LIGHT COMMERCIAL), C2 (HEAVY COMMERCIAL) AND NC
(NEIGHBORHOOD COMMERCIAL) ZONE DISTRICTS**

WHEREAS, Section 10-3.1500 et seq. of the City Municipal Code (CMC) contains provisions for amending or changing the Zoning Regulations contained in Title X, Chapter 3 of the Madera Municipal Code whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, pursuant to CMC Section 10-3.1502, initiation of amendments to the Zoning Regulations in Title X, Chapter 3, may be made by the Commission by resolution and referred to the Commission for public hearing and recommendations to the Council.

WHEREAS, on May 9, 2023, the Planning Commission of the City of Madera (Commission), considered and adopted Resolution No. 1957 approving a Determination of Use (DOU 2023-02), to permit uses classified as Indoor Fitness, Athletic and Recreational Facilities as uses permitted in the C1 (Light Commercial), C2 (Heavy Commercial), and CN (Neighborhood Commercial) zone districts as a matter of right; and

WHEREAS, some uses which may be classified as Indoor Fitness, Athletic and Recreational Facilities are listed as being permissible in the C1 (Light Commercial), C2 (Heavy Commercial), and CN (Neighborhood Commercial) zone districts only subject to obtaining a Use Permit; and

WHEREAS, on May 9, 2023, Commission considered a recommendation of staff to consider adoption of a Resolution of Intention of the Commission in accordance with Section 10-3.1502 of the MMC, to initiate an amendment to the text of the Zoning Regulations to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities classification from those uses currently listed as being permissible only subject to obtaining a Use Permit in the C1 (Light Commercial), C2 (Heavy Commercial) and NC (Neighborhood Commercial) zone districts and directed staff to bring forward a Resolution of Intention for Commission consideration and adoption at a forthcoming meeting of the Commission; and

WHEREAS, City staff requests an Initiation of Procedure to amend the text of the Zoning Regulations in accordance with direction provided by Commission.

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. The recitals listed above are true and correct.
2. The Commission hereby initiates a zoning text amendment (“ordinance”) to the City Municipal Code to remove uses classified as Indoor Fitness, Athletic and Recreational Facilities classification from the list of uses requiring a use permit in the C1 (Light Commercial), C2 (Heavy Commercial) and NC (Neighborhood Commercial) zone districts.
3. The Resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of June 2023, by the following vote:

AYES:

NOES:

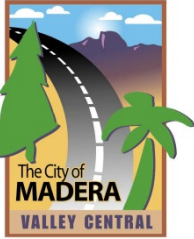
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager



REPORT TO THE PLANNING COMMISSION

Prepared by:

Will Tackett, Community Development Director

Meeting of: June 13, 2023

Agenda Number: 1

SUBJECT:

TPM 2022-05, CUP 2022-03 & SPR 2022-15 – N. Schnoor & Kennedy Development

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Finding of Categorical Exemptions from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects), and approving Tentative Parcel Map 2022-05, Conditional Use Permit 2022-13, and Site Plan Review 2022-15, subject to the findings and conditions of approval.

BACKGROUND:

This item was considered by the Planning Commission at its regularly scheduled meeting held on May 9, 2023. After a full and complete hearing, the Planning Commission continued the item to the regularly scheduled meeting to be held on June 13, 2023.

Following the May 9, 2023, meeting, City staff met again with the applicant group to further discuss the project analyses and potential options or alternatives relative to the testimony received and public improvements of concern. Staff also met with the owner of the abutting property to the north, who provided testimony at the May 9th meeting.

In addition to these meetings, the Planning Department mailed 28 letters to both property owners and business operators within the vicinity of the project. These letters provided a description of the proposed project as well as the public roadway improvement requirements determined to be warranted within the West Kennedy Street rights-of-way, east of its intersection with North Schnoor Avenue. Property owners and business operators were advised of the elimination of existing turning movements and the effects on vehicular accessibility, within the limits of the respective street segment, resultant from the required public roadway improvements; and were given notice of the June 13th Planning Commission Meeting.

Revisions have been made to the May 9th staff report to the Planning Commission to provide additional information and analyses for further consideration. Subsection titles contained within this report herein below identify those sections revised or added.

PROPOSAL:

SPR 2022-15 is an application to construct a new gas station with a fueling canopy accommodating 10 fueling positions, an approximately 5,000 square foot (sf) convenience store and 2,500 sf restaurant combined building, and an approximately 3,012 sf drive thru car wash building with an associated vacuum stall area. CUP 2022-13 authorizes the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store proposed for development on the subject site. TPM 2022-05 would split the existing 1.65-acre parcel into two parcels of approximately 0.90 acres and 0.75 acres. The subject property is a vacant site located at the northwest corner of the intersection of West Kennedy Street (Avenue 16) and North Schnoor Avenue (Assessor’s Parcel Number 013-230-005). Access is proposed to be provided by driveways along Kennedy/Avenue 16 and North Schnoor Avenue.

Table 1: Project Overview	
<i>Project Number:</i>	TPM 2022-05, CUP 2022-13, SPR 2022-15
<i>Applicant:</i>	Renu Vagarwal, SMS Construction – on behalf of Ave 16 Gas Inc.
<i>Property Owner:</i>	Ed McIntyre, et al
<i>Location:</i>	Northwest corner of West Kennedy Street (Avenue 16) and Schnoor Avenue (APN 013-230-005); Bounded by vacant land to the north, Schnoor Avenue to the east, West Kennedy Street (Avenue 16) to the south, and Donovan Automotive Diagnostic & Service to the west
<i>Project Area:</i>	Approximately 1.65 acres; Proposal for approximately 10,512 sf of new building area
<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C2 (Heavy Commercial)
<i>Site Characteristics</i>	The project is located on land that is currently vacant and undeveloped. Land surrounding the site is planned completely for Commercial use.

SUMMARY:

Renu Vagarwal, on behalf of Ave 16 Gas Inc., proposes to develop the 1.65-acre site into a gas station with a 10 fueling station canopy, a building consisting of an approximately 5,000 sf convenience store and an approximately 2,500 sf restaurant, and an approximately 3,012 sf automated car wash building with an associated vacuum stall area. As a part of the project, the site would be split into two smaller parcels under TPM 2022-05.

CUP 2022-13 would allow for the sale of tobacco and alcohol products at the proposed convenience store. The project proponent wishes to sell alcohol under a Type 20 alcohol license, allowing for the sale of beer and wine for off-site consumption. The sale of tobacco and alcohol products is subject to the acquirement of the applicable permits from the governing State agencies.

The uses proposed for the subject property as a part of this project are consistent with the General Plan land use designation of Commercial, which allows for commercial development. The uses proposed would also be consistent with the Heavy Commercial zoning district which allows for convenience stores, restaurants, service (gas) stations, and full-service car washes as independent and primary land use by-right (pursuant to Section 10-3.902[A][1] of the City Municipal Code, any use permitted in the C-1 zone is permitted in the C2 zone by-right). TPM 2022-05 would allow for the splitting of the existing parcel into

two smaller parcels. SPR 2022-15 would allow for the development of a convenience store and restaurant, the construction of a car wash and associated vacuum stall area, and other site improvements required for both parcels resulting from TPM 2022-05.

SURROUNDING LAND USES:

The site is bordered to the north by vacant land that is planned for Commercial use, to the east by Schnoor Avenue and the Gateway Inn beyond, to the south by West Kennedy Street (Avenue 16) and Les Schwab Tire Center beyond, and to the west by Donovan Automotive Diagnostic & Service. All land immediately surrounding the site is planned for Commercial use (see Attachment 3). Land to the north of the site is zoned C-2, while land to the east and south is zoned C-1 (Light Commercial), and land to the west is zoned U (Unclassified) (see Attachment 4).

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Vacant	C – Commercial	C2 – Heavy Commercial
<i>East</i>	Gateway Inn	C – Commercial	C1 – Light Commercial
<i>South</i>	Les Schwab Tire Shop	C – Commercial	C1 – Light Commercial
<i>West</i>	Donovan Automotive Diagnostic & Service	C – Commercial	U – Unclassified

ANALYSIS:

Tentative Parcel Map 2022-05

TPM 2022-05 would result in the splitting of the existing 1.65-acre parcel into two smaller parcels (see Attachment 5). Parcel 1 created by the TPM would be approximately 0.90 acres in size and Parcel 2 would be approximately 0.75 acres in size and would contain the car wash and associated vacuum area. The project is required to complete the requirements set forth in the Engineering Department’s parcel map processing checklist.

Site Plan Review 2022-15

The City Municipal Code (CMC) establishes procedures for the review and approval of Site Plan Reviews (Section 10-3.4) and for the review and approval of Conditional Use Permits (Section 10-3.13). Section 10-3.1001 through 10-3.1004 of the CMC also establishes standards specific to development within the C-2 (Heavy Commercial) zoning district as well as other generally applicable development standards, such as parking requirements. The proposed development is consistent with the applicable standards (Table 3). The proposal is also consistent with the General Plan which includes community design, land use, circulation, and infrastructure goals.

Table 3: Zone District Development Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
<i>Front setback (Avenue 16)</i>	0 ft.	10 ft.
<i>Street side setback (Schnoor Avenue)</i>	0 ft.	30 ft.
<i>Rear setback</i>	0 ft.	57 ft.
<i>Interior side setback</i>	0 ft.	27 ft.
<i>Building height</i>	Maximum 65 ft.	29 ft. 9 in.
<i>Floor Area Ratio (FAR)</i>	0.3	0.10

<i>Parking Spaces</i>	<u>C-Store: 16 spaces</u> (1 space/300 sf of gross floor) <u>Restaurant: 36 spaces</u> (1 space/50 sf of net floor; non-fixed seating) <u>Car Wash: 24 spaces</u> (as proposed for vacuum stations; plus minimum 10-car queue for drive-through)	44 spaces (Including proposed vacuum stations and excluding fuel pumping stations)
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Compatibility with Surrounding Uses

The project would result in a new gas station, car wash, convenience store, and restaurant in an area characterized by commercial uses. Land immediately surrounding the project site is planned for Commercial use to all sides (see Attachment 3). Land abutting the site to the north is zoned C2, land to the east and south is zoned C1, and land to the west zoned as U (Unclassified) (see Attachment 4). The project would be compatible with its surrounding uses.

Site Plan and Elevations (Revised from May 9th, 2023)

The site configuration and form of development proposed under SPR 2022-15 is conditioned to be redesigned. The spacing between the point of access proposed along Schnoor Avenue and an existing driveway/curb return which appears to cross the property line shared with the adjacent property to the north is well below accepted engineering practices and therefore potentially hazardous. Potential conflicts would be anticipated to occur due to the expected vehicle turning movements between the two driveway locations as well as from cars attempting to make north-to-south U-turns along Schnoor Avenue. Adequate separation between the driveways will require relocating the proposed car wash. Therefore, the project has been conditioned to demonstrate effort to the satisfaction of the Director to reach an agreement with the adjacent property owner to the north for purposes of sharing a common driveway from Schnoor Ave. which will reduce vehicular conflicts and provide opportunity to integrate future commercial development between the Commercial planned properties between Schnoor Ave, Ellis St, and Kennedy St. The conditions of approval include sequential steps to consider alternatives should an agreement be determined to be infeasible.

- Following the May 9th meeting of the Planning Commission, the applicant group met with the owner of the abutting property to the north of the project site to discuss the potential for a shared vehicular access point between the two properties, as provided in the project conditions of approval. While it is undetermined whether an agreement relative to a shared access point may be reached, staff continues to support and encourage the concept and its potential benefits to the overall form of future development for both properties as well as the potential for avoidance of potential vehicle conflicts in the future.

Staff also continues to strongly advocate for project conditions of approval which will ensure the ability to integrate future commercial developments on adjacent commercial planned properties located between Ellis St., W. Kennedy St., and N. Schnoor Ave. Condition of Approval No. 30 has been modified to provide surety such integration may occur in the future, regardless of whether a shared access point and driveway from Schnoor Ave. may be shared between the subject property and the adjacent property to the north at the time of this development.

Staff's position and respective conditions of approval for the proposed project are consistent with the intent of Policy CI-17 of the Madea General Plan which provides, shared driveways, driveway consolidation, reciprocal access easements, and cross access easements to commercial centers shall be required along arterials and collector roads in new development projects and in the redevelopment or redesign of existing development to minimize traffic hazards associated with driveways and curb cuts.

In addition, the project has been conditioned such that the car wash tunnel shall not be located and oriented parallel to the public streets along the public street frontage. The current design has potential to create conflicts at the driveway throats where the drive-through queue entry begins as well as at the driveway location near the car wash tunnel exit. These conflicts also have potential to block entrances and back vehicle queues into the public rights-of-way which is unacceptable. In addition to potential vehicular conflicts, staff does not support the overall form of development with the drive-through at the street frontage. The Commercial Development Design Guidelines encourage buildings adjacent to the street frontage property lines with minimal setbacks to help define the street edge and promote pedestrian walkability. Alternatives to locate the non-automobile related commercial retail building adjacent to the street frontages (and closer to the intersection corner), with building connections to the public sidewalks to promote walkability, and provision of street enhancing elevations through use of storefront entryways and/or windows along the pedestrian boulevard shall be further explored. Alternative conceptual designs will be presented to the Commission at the public hearing for consideration, direction, and/or recommendations.

- At the May 9th hearing, the Planning Commission voted a preference that the form of the site be modified in substantial compliance with the Scheme "B" alternative concept design presented. Attachment 6 to this report (Exhibit B Site Plan) has been updated and revised to include a new site plan concept consistent with the Commission's direction.

Elevations are conditioned to avoid Monolithic appearances on building elevations public street frontages and entryways to the site. Architectural details and relief to break up expansive flat spaces and provide positive architectural and visual interest shall be incorporated. Buildings shall not be distinguished primarily by their color but rather by quality architecture which is enhanced by colors.

Landscaping

The applicant will be required to submit a landscaping plan based upon final approved site plan design to ensure compliance with state water efficient landscaping requirements. The interior and perimeter of the site is required to be landscaped, except where walks or accessways are proposed. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance. The landscaping installed as a part of the project will be required to adhere to the guidelines set forth in the Commercial Design and Development Guidelines. Per the conditions of approval, landscape improvements will be required to show a 50 percent shade coverage within the parking lot on the landscape plan submitted for approval.

Public Infrastructure

The project's storm runoff is planned to flow into the Airport Basin, located to the northwest of the site. The developer would be required to excavate the basin to an amount equivalent to the project's impact on the basin. Additionally, would be required to complete the arterial cross section on the west side of Schnoor Avenue, including the construction of a five-foot sidewalk, park strip, streetlights, and fire

hydrants along the project frontage. Other required site improvements include the installation and repair of ADA facilities, curb and gutter, and sidewalks, where deemed necessary by the City Engineer.

Transportation and Circulation System (Added from May 9th, 2023)

The Circulation and Infrastructure Goals of the Madera General Plan provide that a roadway system that accommodates land uses at the City's desired level of service provides multiple options for travel routes, protects residential areas from excessive traffic, coexists with other travel modes, and contributes to the quality of the City's residential, commercial, office, and industrial areas.

Multiple policies are included within the Circulation and Infrastructure Element of the Madera General Plan in support of the City of Madera's adopted goals and Circulation Master Plans. The area street plans are the product of careful planning that projects traffic capacity needs based on the densities and intensities of planned land uses anticipated at build-out of the planned area.

Level of Service (LOS) is a measure of how well a roadway is able to carry traffic. LOS is often expressed as a ratio between volume and capacity. LOS is usually designated with a letter grade A-F. LOS "A" is best; "F" is worst. Levels A-C generally represent free-flowing traffic conditions and Levels D-F representing a sequential progression toward unstable flows, operations at capacity, and ultimately forced breakdowns in traffic flow, serious delays and lockstep or jammed traffic flow at Level F. Performance on roadways is often measured based upon the volume of vehicles and experienced vehicle delay at either intersections or within specified street segments or links.

City of Madera General Plan Policy CI-22 provides that the City shall seek to maintain LOS C at all times on all roadways and intersections in Madera, except on arterial or roadways with at grade railroad crossings, that were experiencing LOS C during peak hour travel times as of the date the General Plan was adopted (where the City shall seek to maintain LOS D or better), and where exceptions are provided for freeways, private roadways, and in the Downtown District. In addition, Policy CI-23 of the General Plan provides that projects contributing traffic to roadways exceeding the desired level of service per Policy CI-22 may be required to fund system wide traffic improvements, including cumulative traffic mitigation at off-site locations (as applicable), and to assist in promoting non-vehicular transportation as a condition of project approval.

The purpose of these goals, policies and plans within the Circulation and Infrastructure Element of the General Plan is to provide adequate access to, and recognize the traffic generating characteristics of, individual properties and, at the same time, afford the community an adequate and efficient circulation system. These goals and policies are also referenced with action items determined to provide mitigation within the Environmental Impact Report (EIR) prepared for purposes of adoption of the General Plan.

For purposes of implementation, development projects are required to provide funding or to construct roadway/intersection improvement to implement the City's Circulation Master Plan and development projects are reviewed with Caltrans to facilitate the acquisition of right of way for ultimate improvements and to avoid and/or minimize potential traffic conflicts between State facilities, city streets, and private drives.

A Traffic Impact Study (TIS) dated February 10, 2023, was prepared by VRPA Technologies, Inc., to assess the impacts of the new development on existing and planned streets combined with future projects for cumulative considerations (see Attachment 9 to this report). This assessment evaluated the impacts of

the project by analyzing the following three study intersections in the vicinity of the project during the AM and PM peak hours for the four traffic analysis scenarios required by the City of Madera. These scenarios include: (1) Existing Conditions; (2) Cumulative Opening Year 2023 With Project; (3) Horizon Year 2043 Without Project; and (4) Horizon Year 2043 With Project.

Study Intersections:

1. Kennedy St (Ave 16)/Project Driveway
2. Kennedy St (Ave 16)/Schnoor Avenue
3. Kennedy St (Ave 16)/State Route 99 Southbound Ramps

The Level of Service Analysis contained in the project TIS included an intersection capacity and queuing analysis based upon lane geometry and anticipated traffic conditions based upon modeling methodologies.

The Madera General Plan designates North Schnoor Avenue and West Kennedy Street as Arterial streets across the project frontages and within the immediate vicinity of the proposed project site. Based upon the information, analyses and/or recommendations of the project TIS, the proposed project conditions of approval will require construction of public improvements along both street frontages as well as off-site public improvements at the intersection of Kennedy St and Schnoor Ave. and within the Kennedy St. segment east of its intersection with Schnoor Ave. Improvement obligations always include dedication or acquisition of rights-of-way, as necessary, to accommodate required improvements.

The conclusions drawn from review of the TIS and its recommendations reveal that increases in storage are necessary to accommodate the project impact alone; without consideration of cumulative impact contributions based upon the Opening Year 2023 With Project study scenario. The TIS recommends and the City agrees, construction/restriping for dual westbound left turn lanes at the intersection of Kennedy St (Ave 16) and Schnoor Ave is needed to expand storage at this leg of the intersection. The TIS provides the westbound left has approximately 50 feet of available storage existing but that existing conditions (without the proposed project) require 176 feet of available storage based upon existing PM peak hour queues. This represents an inadequate condition based upon existing traffic volumes and characteristics. With the proposed project's trip generation and characteristics added to the existing condition (the Cumulative Opening Year 2023 With Project Scenario), the TIS provides the available storage length for the westbound left turning movements would be required to be extended an additional 186 feet (from the existing condition) to a total 236 feet in length (i.e., an additional 186 feet of storage length needs to be added between the dual westbound left turn lanes at the intersection beyond the existing condition).

A private intersection to the east of the intersection of Kennedy St. with Schnoor Ave. currently accommodates a left turn movement providing access for eastbound traffic on Kennedy St. to the properties and businesses located at the northeast corner of the intersection of Kennedy St. (Ave 16) and Schnoor Ave. (i.e., Gateway Inn, Farnesi's, Valero, etc.). Policy CI-16 of the General Plan provides, proposals to allow left turn lanes from collector and arterial streets shall be evaluated on a case-by-case basis, and allowed only where an engineering analysis confirms that traffic operations and safety conditions are not negatively impacted. Due to the necessary extension of storage length identified in the TIS for the westbound dual left turns on Kennedy St at the intersection with Schnoor Ave, improvements will also need to be constructed (in the form of a street median/divider), which will prohibit the left turn movements currently affording access to the properties at the northeast corner of the Kennedy/Schnoor intersection for eastbound traffic on Kennedy St. Westbound traffic on Kennedy St. will still be permitted to make a left turn to access the properties south of Kennedy St. and east of Schnoor Ave (i.e., Holiday

Inn, Starbucks, Home Depot, etc.). This left-turn movement reduces the number of vehicles traveling westbound on Kennedy St. which would otherwise be required to make a left turn at the intersection with Schnoor Ave; thereby increasing the required left turn storage capacity and length.

Without the specific increase in storage, it is likely the level of service at the intersection will be below that presented in the TIS and possibly not compliant with City acceptable LOS standards. In addition, and perhaps more importantly due to the safety concerns associated with it, insufficient storage or improvement designs may not adequately serve the purpose of avoiding and/or minimizing potential traffic conflicts between State facilities, city streets, in accordance with the policies of the General Plan vis-a-vis the attached comments received from Caltrans dated March 7, 2023.

Conditional Use Permit 2022-13

Tobacco and Alcohol Sales:

CUP 2022-13 would allow the sale of Tobacco and Alcohol products within the proposed convenience store. The property owner would be required to possess a Cigarette and Tobacco Retailer's License from the Department of Tax and Fee Administration, and an alcohol license from the Department of Alcoholic Beverage Control. The project proponent wishes to sell beer and wine products for off-site consumption under a Type 20 alcohol license. The City requires that establishments selling tobacco and alcohol products be located at least 600 feet from schools. The site is located approximately 2,500 feet northwest of the nearest school (Learn4Life Madera – Crescent View South II).

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt under Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development) of the State CEQA Guidelines. The Class 15 Exemption applies because the project: involves a proposed subdivision of property in an urbanized area into four or fewer parcels and is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access to the proposed parcels to local standards are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel does not have an average slope of greater than 20%. The Class 32 Exemption applies as the project is: conditioned for consistency with the general plan designation and applicable policies as well as with applicable zoning regulations; located in an area that is substantially urbanized within the city limits; would be less than five acres in size; would not have any value to an at-risk plant or animal species; and would not result in any potential environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

COMMISSION ACTION:

The Commission will be acting on TPM 2022-05, CUP 2022-13, and SPR 2022-15. Staff recommends that the Commission:

1. Adopt a resolution adopting a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects), and approving Tentative Parcel Map 2022-05, Conditional Use Permit 2022-13, and Site Plan Review 2022-15, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the July 11, 2023, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval).
2. Move to continue the public hearing to the July 11, 2023, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS:

Attachment 1: Vicinity Map

Attachment 2: Aerial Photo

Attachment 3: General Plan Land Use Map

Attachment 4: Zoning Map

Attachment 5: Tentative Parcel Map 2022-05

Attachment 6: Site Plan

Attachment 7: Floor Plan

Attachment 8: Elevations

Attachment 9: Traffic Impact Study dated February 10, 2023

Attachment 10: Planning Commission Resolution

“Exhibit A” - CUP 2022-13 & SPR 2022-15 Conditions of Approval

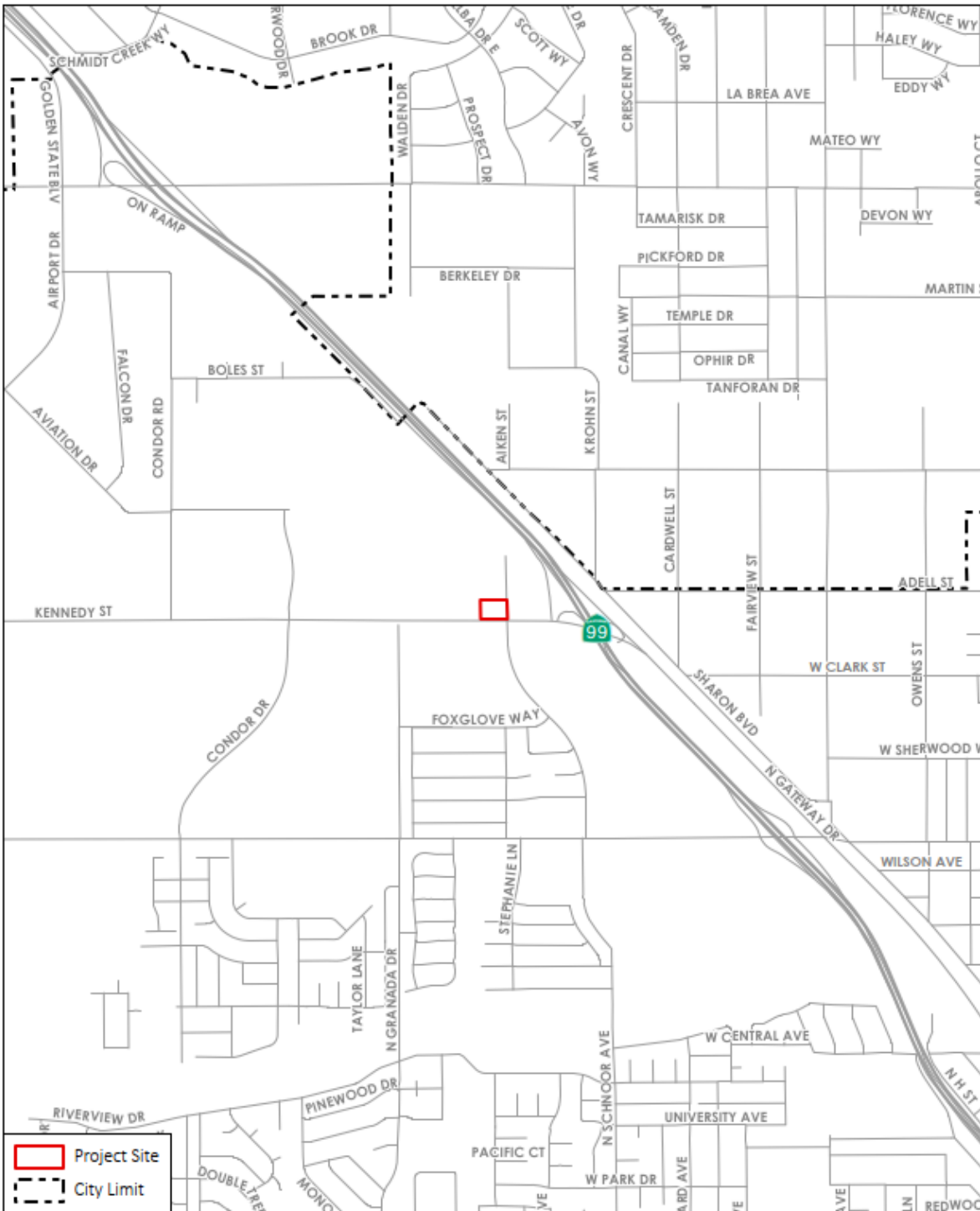
“Exhibit B” - TPM 2022-05 Conditions of Approval

ATTACHMENT 10

Planning Commission Resolution

ATTACHMENT 1

Vicinity Map



Schnoor Ave/Kennedy St Gas Station
Vicinity Map



**PROVOST &
PRITCHARD**

ATTACHMENT 2

Aerial Photo



Project Site is not a legal boundary.

-  Project Site
-  City Limit



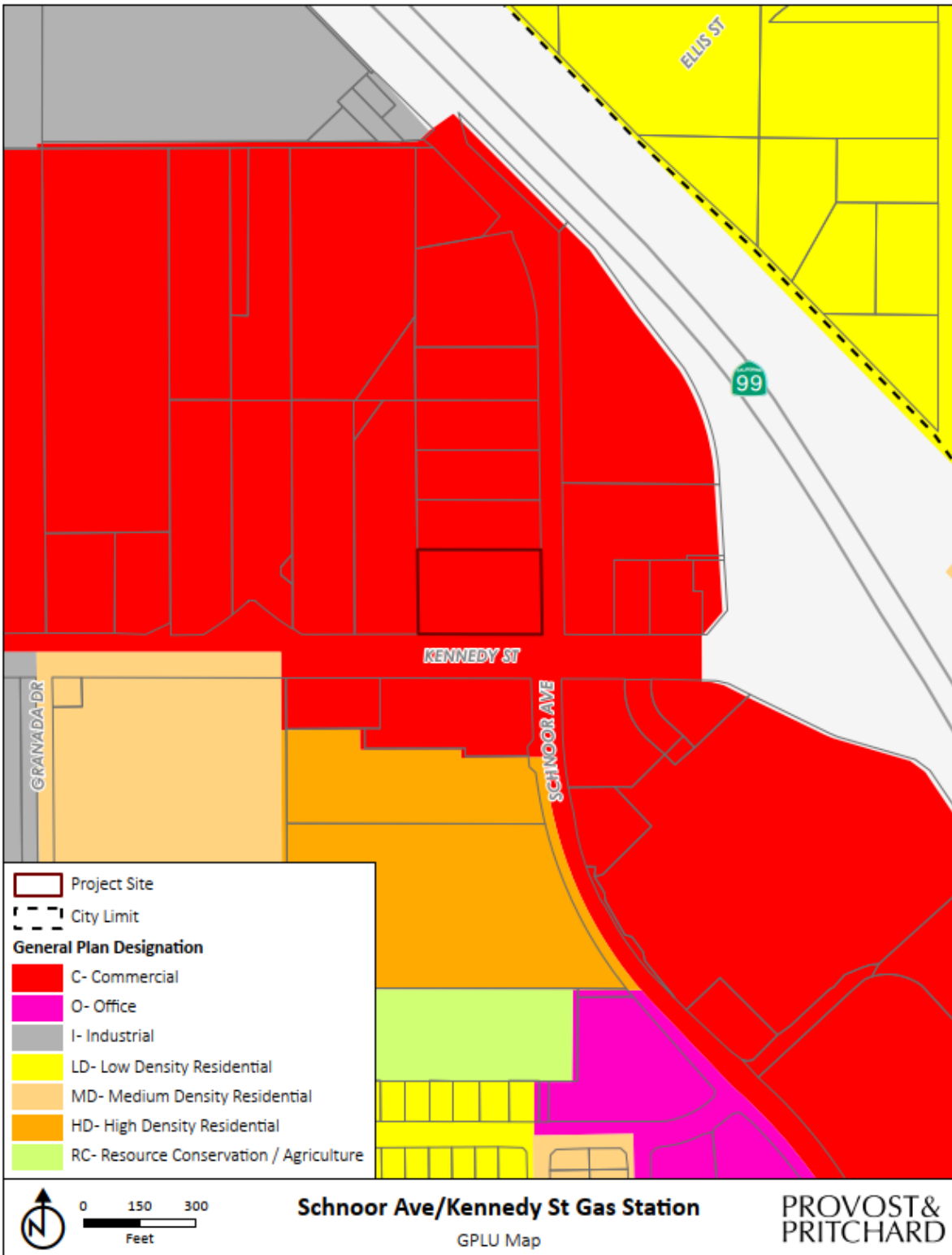
Schnoor Ave/Kennedy St Gas Station
Aerial Map

PROVOST & PRITCHARD

© Modesto City of 10/27/10 1021 Modesto On-Call Planning 10/27/10 1021 Modesto On-Call Planning 10/27/10 1021 Modesto On-Call Planning 10/27/10 1021 Modesto On-Call Planning 10/27/10 1021

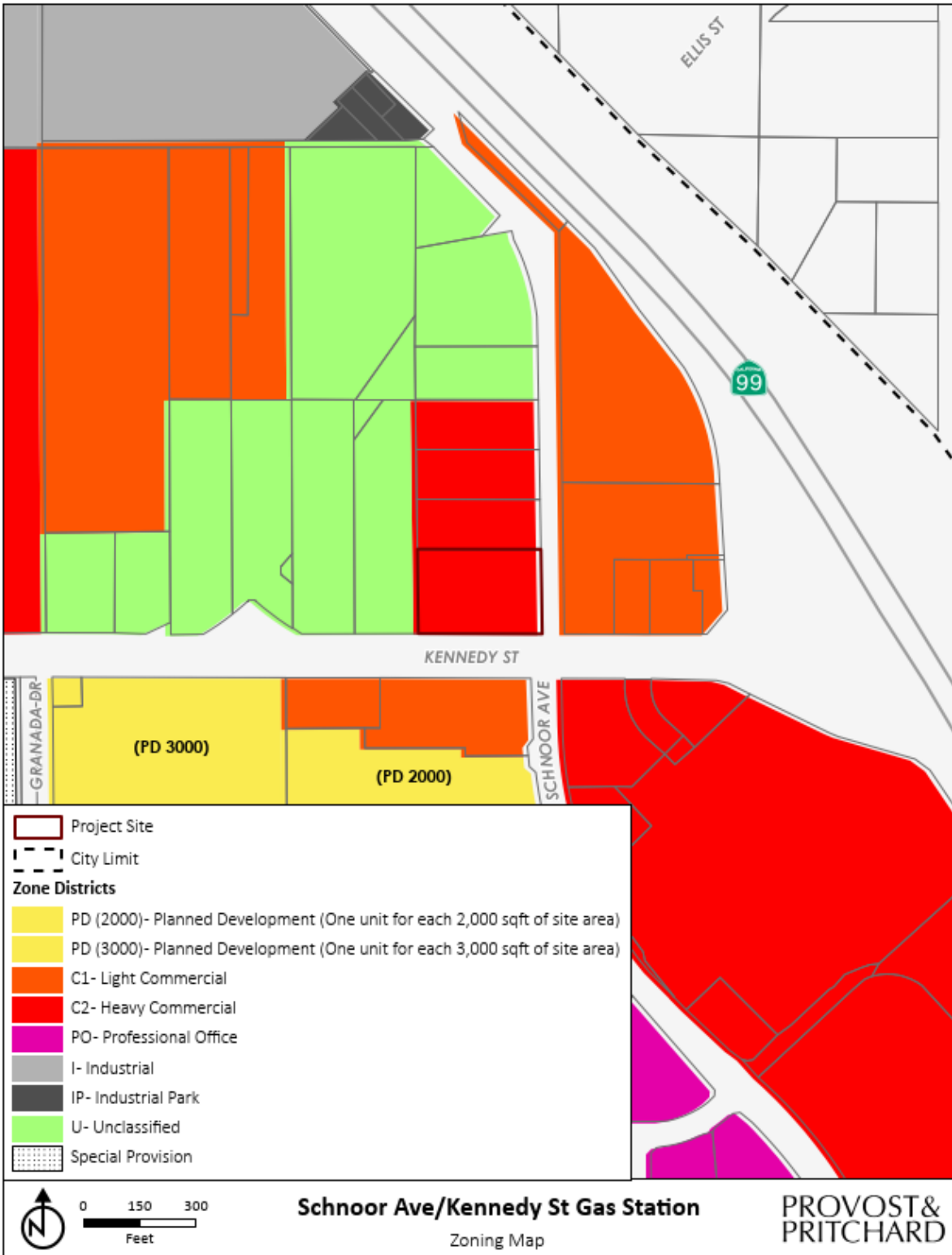
ATTACHMENT 3

General Plan Land Use Map



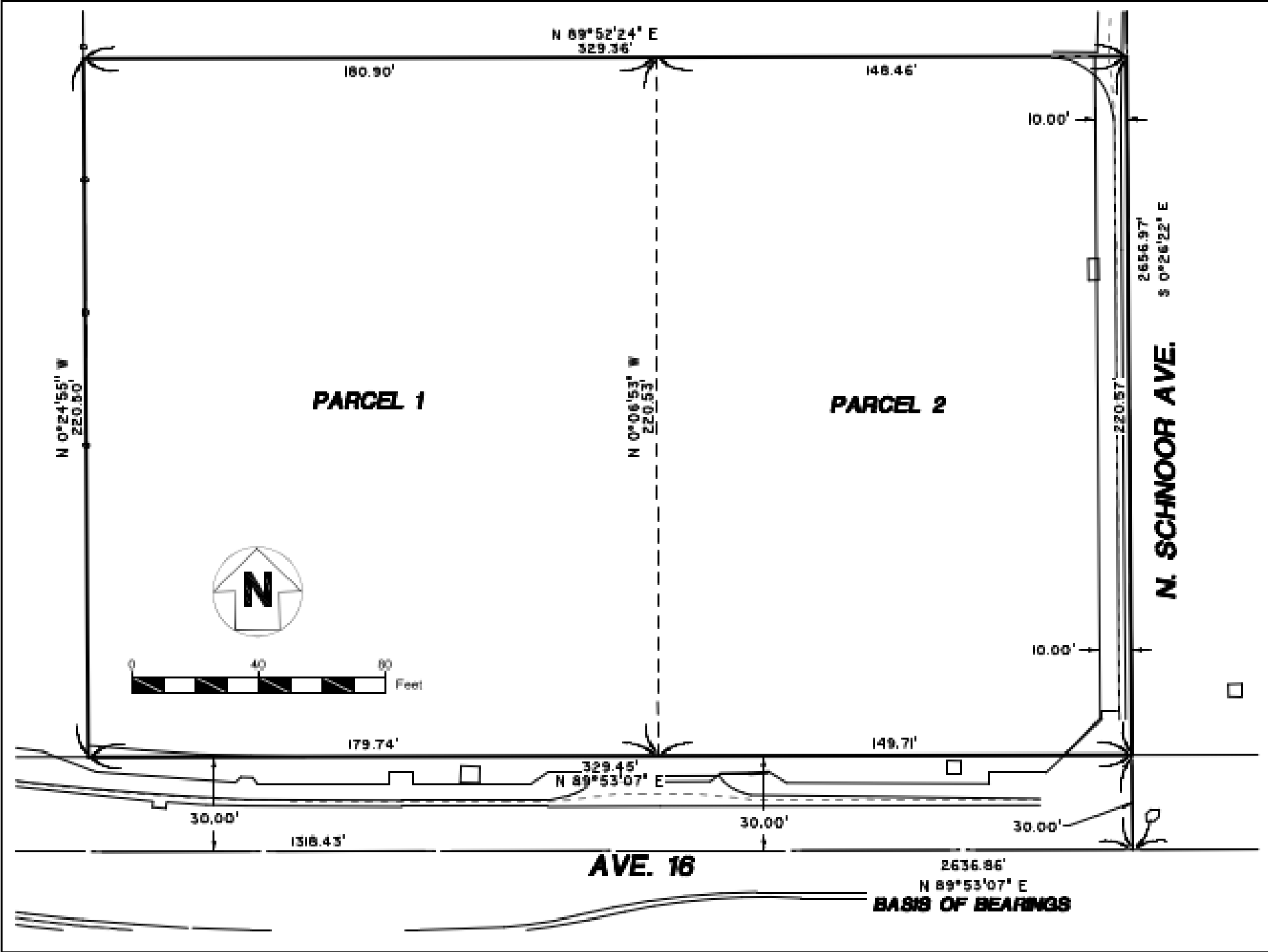
ATTACHMENT 4

Zoning Map



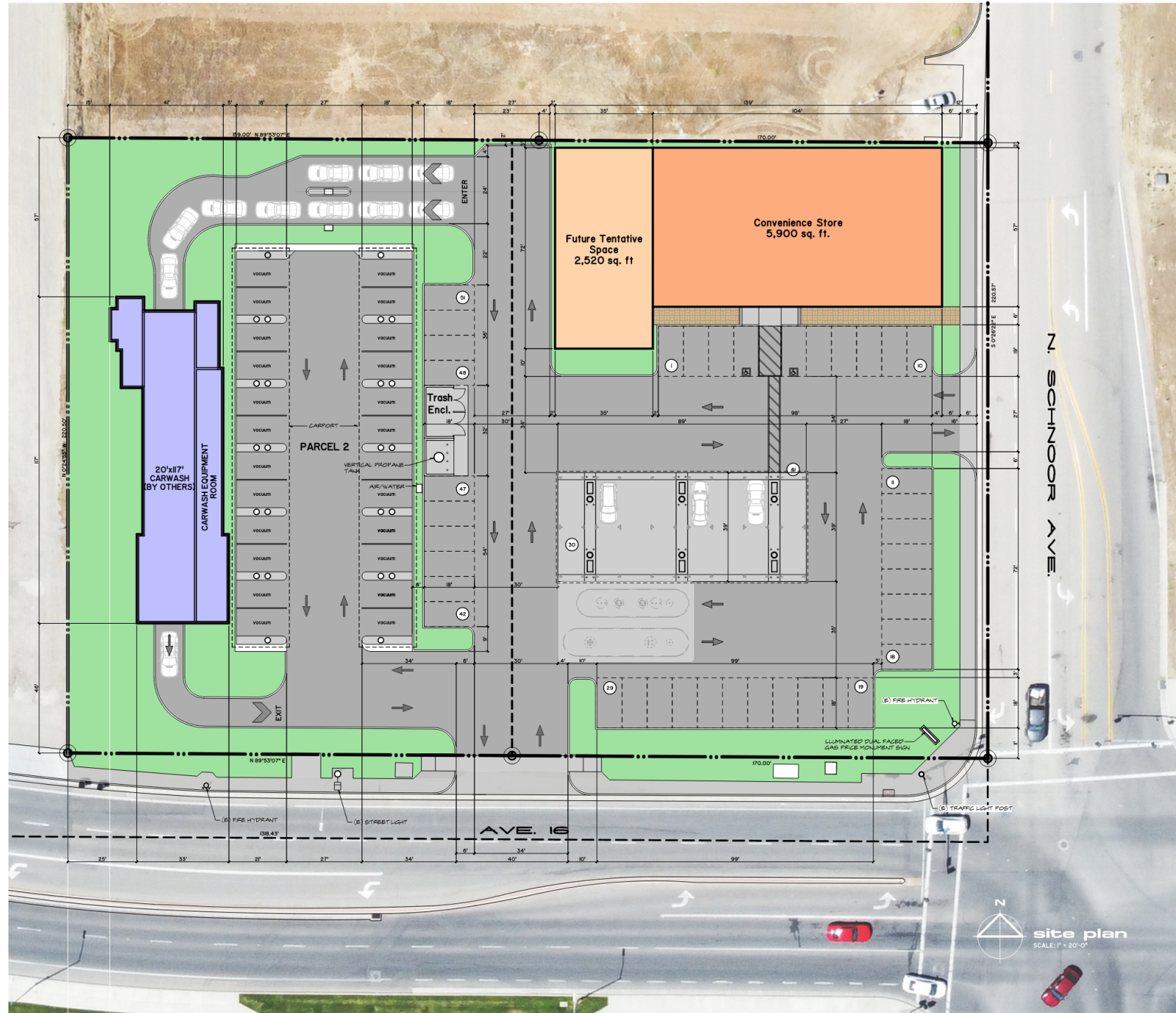
ATTACHMENT 5

Tentative Parcel Map 2022-05



ATTACHMENT 6

Site Plan



SITE PLAN NOTES:

1. ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA.
2. REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT PRIOR TO OCCUPANCY.
3. TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILTY EASEMENTS, ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA) CALL 800-485-5844.
4. DEED (D) OR EASEMENT (E) FOR THE REQUIRED DEDICATION (D) SHALL BE PREPARED BY THE OWNER / DEVELOPER'S ENGINEER AND SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO ISSUANCE OF BUILDING PERMIT.
5. ALL DEVELOPMENT SHALL TAKE PLACE IN ACCORDANCE WITH ALL THE CITY/COUNTY LAWS AND REGULATIONS.
6. PROVIDE A MINIMUM PATH OF TRAVEL ALONG THE PUBLIC SIDEWALK DIRECTLY IN FRONT OF PROPERTY, AS REQUIRED BY THE CALIFORNIA ADMINISTRATION CODE (TITLE 24). A PEDESTRIAN EASEMENT MAY BE REQUIRED IF REQUIREMENTS ARE NOT MET.
7. THE PERFORMANCE OF ANY WORK WITHIN THE PUBLIC STREET/AVENUE REQUIRES A STREET WORK PERMIT FROM THE CITY/COUNTY. ALL STREET IMPROVEMENTS MUST BE COMPLETED AND ACCEPTED BY THE CITY/COUNTY PRIOR TO OCCUPANCY.
8. ANY WORK DONE WITHIN THE COUNTY ROAD RIGHT-OF-WAY TO CONSTRUCT A NEW DRIVEWAY OR IMPROVE AN EXISTING DRIVEWAY WILL REQUIRE AN ENCROACHMENT PERMIT FROM THE ROAD MAINTENANCE AND OPERATIONS DIVISION.
9. OFF-STREET PARKING FACILITIES AND DRIVEWAYS SHALL CONFORM TO THE CITY OF MADERA PUBLIC WORKS DEPARTMENT STANDARDS AND SPECIFICATIONS.
10. SUBMIT STREET LIGHTING PLANS TO PUBLIC WORKS DEPARTMENT, TRAFFIC AND ENGINEERING SERVICES.
11. NO USES OF LAND, BUILDING, OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED.
12. FUTURE PHASES SHALL BE REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
13. IF ARCHAEOLOGICAL AND/OR ANIMAL TOSSIBLE MATERIALS IS ENCOUNTERED DURING THE PROJECT SURVEYING, GRADING, EXCAVATING, OR CONSTRUCTION, WORK SHALL STOP IMMEDIATELY.
14. IF THERE ARE SUSPECTED HUMAN REMAINS, THE COUNTY OF MADERA SHALL BE IMMEDIATELY CONTACTED. IF THE REMAINS OR OTHER ARCHAEOLOGICAL MATERIAL IS POSSIBLY NATIVE AMERICAN IN ORIGIN, THE NATIVE AMERICAN HERITAGE COMMISSION PHONE (916) 899-9888 SHALL BE CONTACTED TO OBTAIN A REFERRAL LIST OF REGISTERED ARCHAEOLOGISTS. AN ARCHAEOLOGICAL ASSESSMENT SHALL BE CONDUCTED FOR THE PROJECT. THE SITE SHALL BE FORMALLY RECORDED, AND RECOMMENDATIONS MADE TO THE CITY/COUNTY AS TO ANY OTHER FURTHER SITE INVESTIGATION OR SITE AVOIDANCE / PRESERVATION.
15. IF ANIMAL TOSSIBLE ARE UNCOVERED, THE MUSEUM OF PALEONTOLOGICAL HERITAGE SHALL BE CONTACTED TO OBTAIN A REFERRAL LIST OF REGISTERED PALEONTOLOGISTS. AN ASSESSMENT SHALL BE CONDUCTED BY A PALEONTOLOGIST, AND IF THE PALEONTOLOGIST DETERMINES THE MATERIAL TO BE SIGNIFICANT, IT SHALL BE PRESERVED.
16. NO STRUCTURES OF ANY KIND (INCLUDING SIGNS AND/OR FENCES) MAY BE INSTALLED OR MAINTAINED WITHIN THE LANDSCAPED AREAS. NO EXPOSED UTILITY BOXES, TRANSFORMERS, METERS, PIPING (EXCEPTING THE BACKFLOW PREVENTION DEVICES), ETC. SHALL BE LOCATED IN THE LANDSCAPE AREAS OR SETBACKS OR ON THE STREET FRONTAGE OF THE BUILDING. ALL TRANSFORMERS, AND ETC. SHALL BE SHOWN ON THE SITE PLAN. THE BACKFLOW PREVENTION DEVICE SHALL BE SCREENED BY LANDSCAPING OR SUCH OTHER MEANS AS MAY BE APPROVED.
17. PROVIDE A 2% SLOPE AWAY FROM THE PROPOSED BUILDING(S) FOR A MINIMUM OF 5'-0". FINISHED FLOOR ELEVATION IS TO BE ABOVE THE CROWN OF THE STREET.

GRAL. FIRE PROTECTION NOTES:

1. IF APPLICABLE, AN ALL-WEATHER FIRE APPARATUS ROAD TO A POINT NO FURTHER AWAY THAN 30 FEET FROM THE FRONT POINT OF THE STRUCTURE.
2. ALL EXISTING SIDEWALKS IN EXCESS OF 2" MAXIMUM CROSS SLOPE MUST BE BROUGHT INTO COMPLIANCE PRIOR TO ACCEPTANCE BY PUBLIC WORKS. THESE SHALL BE 2" HIGH TALL STREET ADDRESS NUMBERS. IF ONE ADDRESS IS UTILIZED FOR THE ENTIRE PROPERTY, THEN ALSO ADDRESS 4" HIGH TALL BUILDING LETTER IDENTIFIERS TO EACH BUILDING.
3. PROVIDE A MINIMUM PATH OF TRAVEL ALONG THE PUBLIC SIDEWALK DIRECTLY IN FRONT OF PROPERTY, AS REQUIRED BY THE CALIFORNIA ADMINISTRATION CODE (TITLE 24). A PEDESTRIAN EASEMENT MAY BE REQUIRED IF REQUIREMENTS ARE NOT MET.
4. IN BUILDINGS IN OCCUPANCY GROUP A HAVING AN OCCUPANCY LOAD OF 500 OR LESS, GROUP B, AND C, AND IN PLACES OF RESCUABLE WORKERS, THE MAIN DOOR OR DOORS ARE PERMITTED TO BE EQUIPPED WITH AUTOMATICALLY OPERATING LOCKING DEVICES FROM THE BUSINESS SIDE PROVIDED THE 2019 IBC SECTION 1010.1.1:
 - a) THE LOCKING DEVICES IS READILY DISTINGUISHABLE AS LOCKED
 - b) A READILY VISIBLE DURABLE SIGN POSTED ON THE BUSINESS SIDE OR ADJACENT TO THE DOOR STATE THAT THE DOOR IS NORMALLY UNLOCKED WHEN THE SPACE IS OCCUPIED. THE SIGN SHALL BE IN LETTERS 1" HIGH OR LARGER AND BE PERMANENT.
 - c) THE USE OF THE KEY OPERATED LOCKING DEVICE IS REMOVABLE BY THE FIRE CODE OFFICIAL FOR PUBLIC USE.

cadesign
 299 N. HANEY AVE.
 REEDLEY, CA 93654
 PH (559) 643-7036
 codesign76@gmail.com

SHEET NAME:
SITE PLAN
5-24-2023 - SCHEME
A

DATE:	PROJECT No.	CD215
REVISION:		DATE:
1		
2		
3		
4		
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6		

PROJECT NAME:
NEW CONVENIENCE STORE, GAS
STATION AND CARWASH FOR:
AVE 16 GAS, INC.
 SITE ADDRESS:
 MADERA, CA 93653

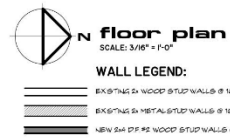
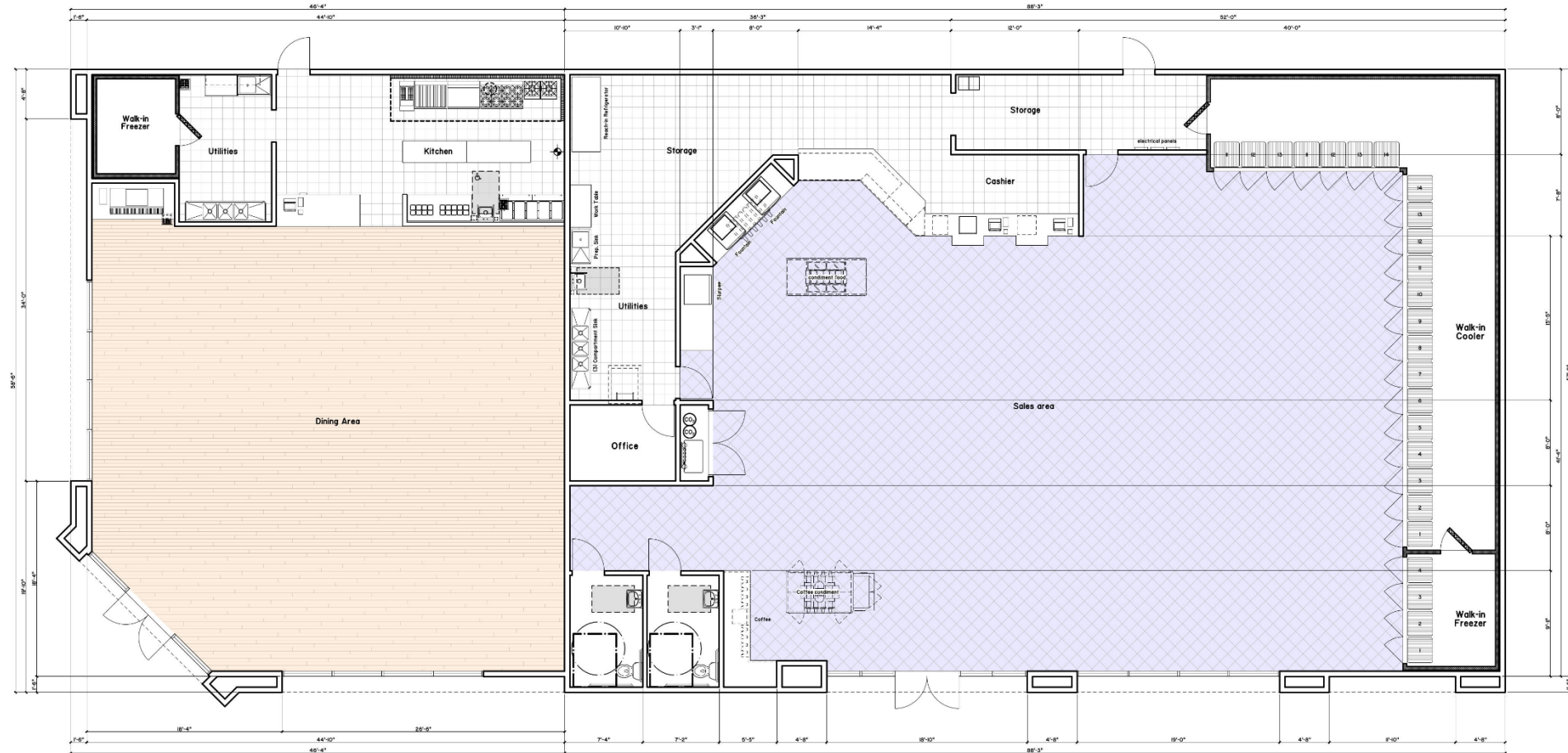
DRAWN BY:
aroo

DRAWING:

A1

ATTACHMENT 7

Floor Plan



GENERAL FLOOR PLAN NOTES:

1. FOR A SIGN ABOVE THE MAIN EXIT DOOR AT THE DOOR THRESHOLD (ALSO) WHEN THE SPACE IS OCCUPIED PER SDC SECTION 101.1.5 THE SIGN SHALL BE IN LETTERS OR NUMBERS ON A CONTRASTING BACKGROUND.
2. THE MATERIALS OF ANY DOOR OR LEAF SHALL NOT REQUIRE MORE THAN ONE OPERATION TO BE OPENED.
3. EXITS ARE TO HAVE PANIC LEVER OR LEVER WITH THUMB TURN OR KEYS CYLINDER DEAD BOLT WITH RECOGNIZED HANDSOME SDC SECTION 101.1.5.
4. NO HAND LOCKS OR HAND KEYS OR DEAD BOLTS ARE ALLOWED ON ANY DOOR UNLESS OPERATED BY A SINGLE ACTION WITH A RELEASE OF THE HANDLE OF THE AREA PER SDC SECTION 101.1.5.
5. EXTERIOR DOORS, SERVICE DOORS, AND RESTROOM DOORS SHALL BE EQUIPPED WITH SELF-CLOSING PRESSURE-OPERATED SECTION 101.1.5.
6. PROVIDE EMERGENCY LIGHTING THROUGHOUT WITH A BATTERY BACKUP OR AN APPROVED ALTERNATE METHOD OF EMERGENCY LIGHTING REQUIRED. CALL FOR DETAILS FROM TOPICAL SPECIFICATIONS. LIGHTS SHALL BE BY TRACKING HEADS.
7. PROVIDE ILLUMINATED EXIT SIGNS AT ALL EXTERIOR EXIT DOORS WITH A BATTERY BACKUP OR AN APPROVED ALTERNATE PROVIDE ILLUMINATED EXIT SIGNS ABOVE MAIN EXIT DOORS ARE REQUIRED OR NO UNOBSTRUCTED DIRECT ACCESS TO DESIGNATED EXIT DOORS.
8. CONCRETE WITH A GREATER THICKNESS THAN 2 INCHES SUBJECT TO CONSTRUCTION MUST BE INSPECTED BY APPROVED INDEPENDENT INSPECTORS WHO SHALL BE RETAINED BY THE OWNER. NOTES FOR CONCRETE SHALL BE PROVIDED TO THE INSPECTOR. (SDC SECTION 101.1.5)
9. FINISH CONTROL JOINTS IN STRUCTURAL WALLS (BEAMS OR SHEAR) SHALL BE APPROVED AND ARE NOT ALLOWED AT HOLDUP LOCATIONS.
10. PROVIDE THE FOLLOWING FOR FLOORS AND WALLS IN WATER CLOSET COMPARTMENTS AND LOCATIONS:
 - A) FLOORS: FLOOR FLOORS SHALL HAVE A SMOOTH, HARD NONABSORBENT SURFACE SUCH AS POLISHED CONCRETE, GRANITE, OR OTHER APPROVED MATERIAL THAT EXTENDS UPWARD ON THE WALLS NOT LESS THAN 4 FEET ABOVE THE FINISH FLOOR TO PREVENT MOISTURE FROM PENETRATING WALLS.
 - B) WALLS: WALLS WITHIN 6" OF THE FRONT AND REAR OF SINKS & WATER CLOSETS SHALL HAVE SMOOTH, HARD NONABSORBENT SURFACES OF POLISHED CONCRETE, GRANITE, OR OTHER SMOOTH, HARD NONABSORBENT SURFACES TO A HEIGHT OF 4 FEET ABOVE FINISH FLOOR. WALLS WITHIN 6" OF A TUB SHALL BE SMOOTH, HARD NONABSORBENT SURFACES TO A HEIGHT OF 4 FEET ABOVE FINISH FLOOR.
 - C) ALL FINISHED MATERIALS, LAMINATES, SEALANTS, GROUTS, PAINTS, CARPETS, RESILIENT FLOORING, CONCRETE WOOD FLOORING SHALL COMPLY WITH CLASSIFIED SDC'S.
 11. WATER SUPPLY & DRAIN PIPES SHALL BE INSULATED OR OTHERWISE CONFIGURED TO PROTECT AGAINST CONTACT THERE SHALL BE NO SHARP OR ABRASIVE SURFACES UNDER LANS OR UNDER FLOORS.
 12. EXITS ARE TO HAVE PANIC LEVER OR LEVER WITH THUMB TURN OR KEYS CYLINDER DEAD BOLT WITH RECOGNIZED HANDSOME SDC SECTION 101.1.5.
 13. PROVIDE WALL MOUNTED LIQUID SOAP & PAPER TOWEL DISPENSER AT NEW RESTROOM PER DETAIL 101.1.5.
 14. OBJECTS WITH LEADING EDGES MORE THAN 1/4" & NO MORE THAN 1/4" AFFX OR GROUP SHALL BE REMOVED OR PROTECTED TO THE CEILING ON FUTURE SDC 101.1.5.
 15. PROVIDE ILLUMINATED EMERGENCY LIGHTS PER SDC SECTION 101.1.5.
 16. PROVIDE ILLUMINATED EMERGENCY LIGHTS PER SDC SECTION 101.1.5.
 17. PROVIDE ILLUMINATED EMERGENCY LIGHTS PER SDC SECTION 101.1.5.
 18. PROVIDE ILLUMINATED EMERGENCY LIGHTS PER SDC SECTION 101.1.5.
 19. PROVIDE ILLUMINATED EMERGENCY LIGHTS PER SDC SECTION 101.1.5.
 20. PROVIDE ILLUMINATED EMERGENCY LIGHTS PER SDC SECTION 101.1.5.

codesign
 299 N. HANEY AVE.
 REEDLEY, CA 93654
 PH: 508-648-7158
 codesign76@gmail.com

SHEET NAME:
FLOOR PLAN

DATE:
 PROJECT No.: C0215
 REVISION: DATE:

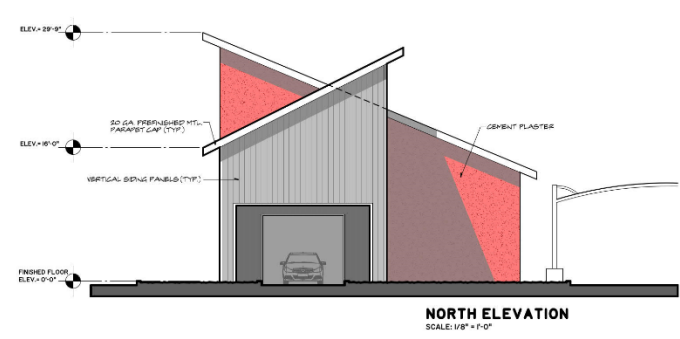
PROJECT NAME:
**NEW CONVENIENCE STORE, GAS
 STATION AND CARWASH FOR:
 AVE 16 GAS, INC.**
 2115 AUBURN
 MADISON, GA 30651

DRAWN BY:
aroo

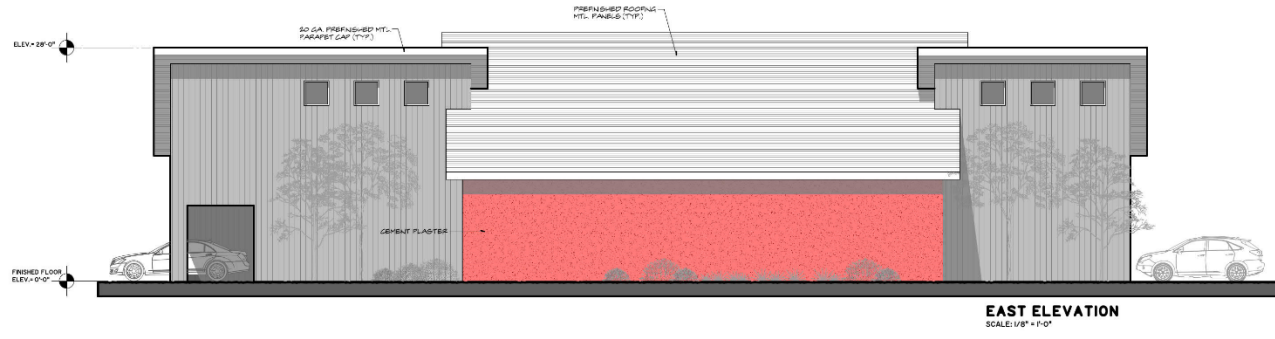
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ATTACHMENT 8

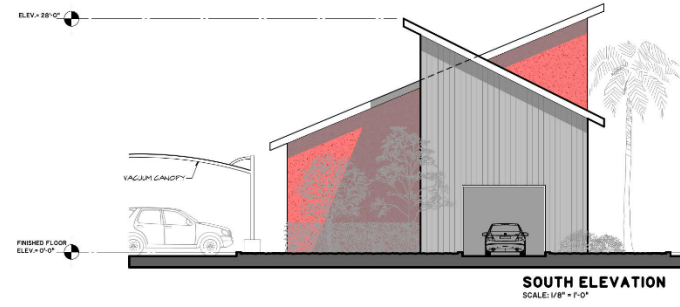
Elevations



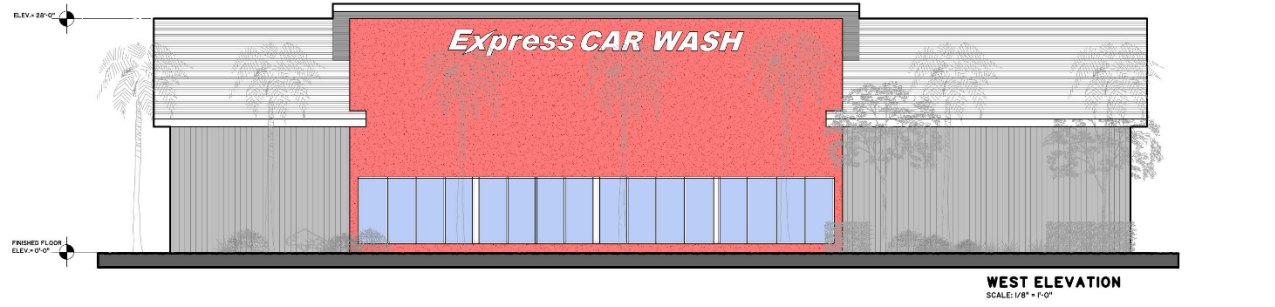
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"

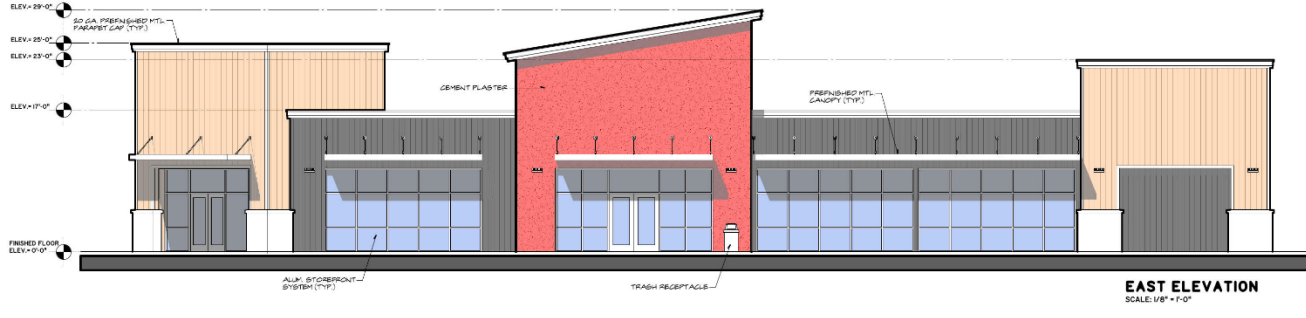


SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

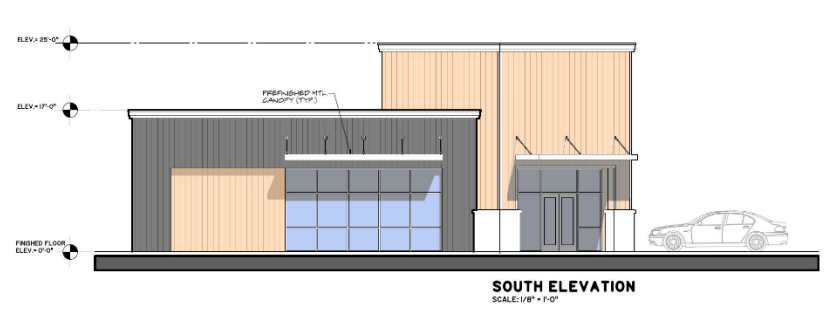


WEST ELEVATION
SCALE: 1/8" = 1'-0"

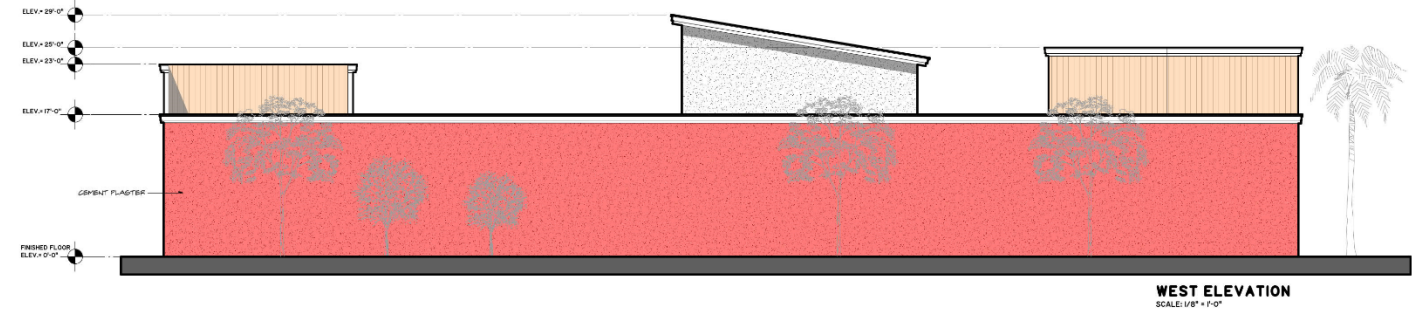
car wash



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

convenience store /restaurant

cad
229 N. HANEY AVE.
REDELY, CA 95654
PH: (925) 943-7006
codeign76@gmail.com

SHEET NAME:
EXTERIOR ELEVATIONS

DATE:	PROJECT NO.:	CO215
REVISION:	DATE:	
1		
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6		

PROJECT NAME:
NEW CONVENIENCE STORE, GAS STATION AND CARWASH FOR: AVE 16 GAS, INC.
2200 N. HANEY AVE. REDELY, CA 95654

DRAWN BY:
afuo

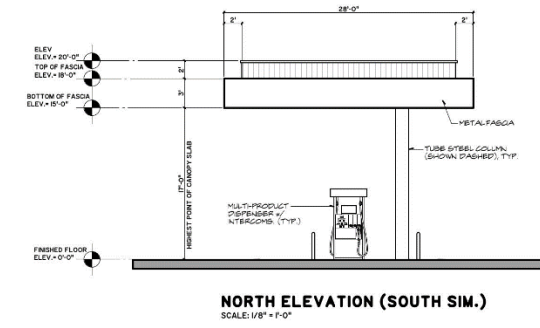
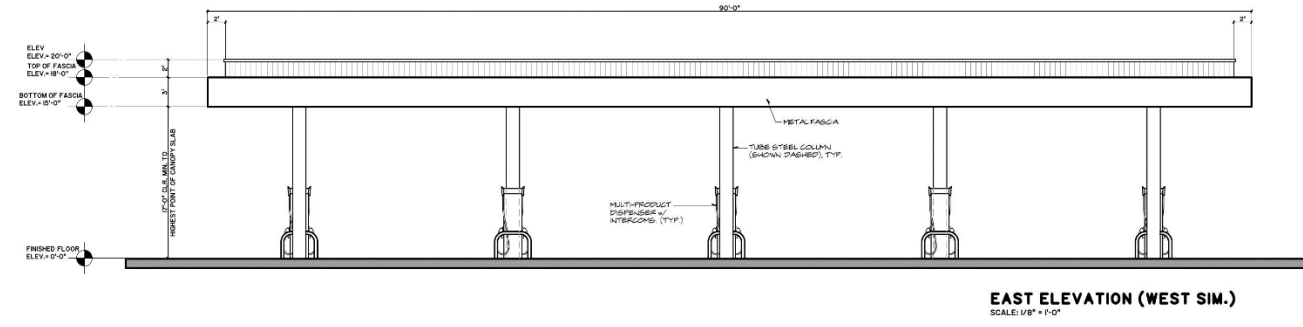
DRAWING:



299 N. HANEY AVE.
REDELY, CA 90654
PH (559) 643-7336
coseign170@gmail.com

SHEET NAME:
CANOPY ELEVATIONS

DATE:	
PROJECT No.:	CD215
REVISION:	DATE:
1	
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canopy

PROJECT NAME:
NEW CONVENIENCE STORE, GAS STATION AND CARWASH FOR: AVE16 GAS, INC.
SITE ADDRESS:
MARIETTA, CA 95555

DRAWN BY:
zbro

DRAWING:
A3

ATTACHMENT 9

Traffic Impact Study dated February 10, 2023

The Traffic Study for the N. Schnoor & Kennedy project can be found on the City's website by using the link below.

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

RESOLUTION NO. 1958

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING TENTATIVE PARCEL MAP 2022-05, CONDITIONAL USE PERMIT
2022-13 AND SITE PLAN REVIEW 2022-15
(NORTH SCHNOOR & KENNEDY DEVELOPMENT)**

WHEREAS, Ed McIntyre, et al., (“Owner”) owns APN: 013-230-005 in Madera, California (“site”);
and

WHEREAS, the approximately 1.65 site is vacant and is located at the northwest corner of West Kennedy Street (Avenue 16) and Schnoor Avenue; and

WHEREAS, the site is planned Commercial and zoned C2 (Heavy Commercial) for commercial land uses; and

WHEREAS, the Owner has authorized submittal of Conditional Use Permit (CUP) 2022-13 to authorize the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store proposed for development on the subject site; and

WHEREAS, the Owner has submitted Site Plan Review (SPR) 2022-15 proposing to develop the subject site with a gas station with a 10 fueling station canopy, a building consisting of an approximately 5,000 sf convenience store and an approximately 2,500 sf restaurant, and an approximately 3,012 sf automated car wash building with an associated vacuum stall area; and

WHEREAS, the Owner has submitted Tentative Parcel Map (TPM) 2022-05 proposing to subdivide the approximately 1.65 acre site into two smaller parcels of approximately 0.90 acres (Parcel 1) and 0.75 acres (Parcel 2) in size; and

WHEREAS, the City prepared a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Class 15/Minor Land Divisions) and 15332 (Class 32/In-fill Development Projects); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews, conditional use permits, and tentative parcel maps on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law; and

WHEREAS, the Planning Commission received and reviewed CUP 2022-13, SPR 2022-15, and TPM 2022-05 at a duly noticed meeting on May 9, 2023 and June 13, 2023; and

WHEREAS, at the May 9, 2023 and June 13, 2023, Planning Commission hearings, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to approve CUP 2022-13, SPR 2022-15, and TPM 2022-05, with conditions and adopt a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects).

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: That a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects) is valid and that none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings for CUP 2022-13, SPR 2022-15 and TPM 2022-05: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-13, SPR 2022-15, and TPM 2022-05, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits), Section 10-3.4.01 (Site Plan Review), and Chapter 2 of Title X (Subdivisions). The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Findings to Approve a Conditional Use Permit

Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2022-13 would authorize the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store approved for development on the subject site, which is conditionally permitted within the C2 zone district. CUP 2022-13, subject to the conditions of approval, is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

Finding b: The proposed use will be compatible with the surrounding properties.

The project site is suited for commercial uses and the operation of convenience store with tobacco and alcohol sales. The project site is located within a planned commercial development area and is bordered to the north by vacant land that is planned for Commercial use, to the east by Schnoor Avenue and the Gateway Inn beyond, to the south by West Kennedy Street (Avenue 16) and Les Schwab Tire Center beyond, and to the west by Donovan Automotive Diagnostic & Service. All land immediately surrounding the site is planned for Commercial use. Land to the north of the site is zoned C-2, while land to the east and south is zoned C-1 (Light Commercial), and land to the west is zoned U (Unclassified). As conditioned, the operation of a convenience store with tobacco and alcohol sales will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed use will result in the operation of a convenience store with tobacco and alcohol sales on the project site. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). SPR 2022-15, as conditioned, is consistent with the purpose and intent of the C2 zone district and will not conflict with City standards or other provisions of the Code.

Finding b: The proposal is consistent with any applicable specific plans.

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). SPR 2022-15, as conditioned, is consistent with the purpose and intent of the C2 zone district and will not conflict with City standards or other provisions of the Code.

Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

Site Plan Review 2022-15 has been reviewed and is consistent with surrounding uses. The project includes a gas station with a 10 fueling station canopy, a building consisting of an approximately 5,000 sf convenience store and an approximately 2,500 sf restaurant, and an approximately 3,012 sf automated car wash building with an associated vacuum stall area. The project has been conditioned for compliance with all the requirements of the Zoning Ordinance. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, or traffic.

Finding d: The proposed project is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.

Site Plan Review 2022-15, as conditioned, will require roadway improvements along West Kennedy Street (Avenue 16) and Schnoor Avenue, including public improvements constructed to City and ADA standards. Additional improvements have been required in accordance with the review of the traffic impact study and recommendations of the City Engineer to ensure consistency with the City of Madera level of service standards. As conditioned, the project will not have a significant impact on traffic or the environment.

Findings to Approve a Tentative Parcel Map

Finding a: The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated C-2 (Heavy Commercial) zone district and Commercial General Plan designations.

Finding b: The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map Act.

The proposed parcel map and required supporting documents are consistent with the requirements of the City Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

4. Approval of and CUP 2022-13, SPR 2022-15, and TPM 2022-05: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-13, SPR 2022-15, and TPM 2022-05 as conditioned as set forth in the Conditions of Approval attached as Exhibits "A" & "B."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13thth day of June 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A": Conditions of Approval for CUP 2022-13 and SPR 2022-15
Exhibit "B": Conditions of Approval for TPM 2022-05

EXHIBIT "A"
CONDITIONAL USE PERMIT (CUP 2022-13); AND,
SITE PLAN REVIEW (SPR 2022-15)
CONDITIONS OF APPROVAL
June 13, 2023

Notice to Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for this project will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Director. In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Director failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit.

GENERAL CONDITIONS

1. The project approval is conditioned upon acceptance of these conditions contained herein within 30 calendar days, as evidenced by the applicant's signature on a required acknowledgment form.
 - a. In accordance with MMC Section 10-3.1311 (Termination and Revocation), all use permits which have been granted as provided in this chapter may be revoked by the Commission after a hearing as set forth below in the event the user of such permit, or his or its successor in interest to the real property in favor of which the permit was granted, breaches or fails to abide by any of the conditions designated in such permit, or conducts any use or activity on such property contrary to the provisions of this City Municipal Code (CMC).
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action to approve the project entitlements.**
3. Approval of CUP 2022-13 and SPR 2022-15 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").
 - a. The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

- b. Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record.
 - c. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.
- 4. The project approval authorizes the development of the improvements as specified on a final approved site plan, floor plan, landscape and irrigation plan, and building elevations subject to the revisions and clarifications required in these conditions of approval below. All standard permits and approvals required for the improvements, including, but not limited to building permits, grading permits, and construction permits, shall be obtained prior to commencing construction. Modifications to building sizes may be authorized by the Community Development Director prior to the issuance of building permits. Such changes may not substantively change the nature of the site plan or building elevations or have the potential to result in significant impacts, which were not previously analyzed, pursuant to the California Environmental Quality Act (CEQA).
- 5. Any changes to the site plan required after, or because of, the preparation of grading plans, final on and off-site utility plans, or other changes made by the developer will require the approval of the Community Development Director. Substantive changes to the site plan, as determined by the Community Development Director, may require the completion of an amended site plan review process.
- 6. These project entitlements shall expire 12 months from date of approval.
 - a. Failure to utilize the use permit within such 12 months period shall render the use permit null and void unless a written request for extension has been submitted to the Planning Commission prior to the expiration of the use permit (CMC Section 10-3.1311, Termination and Revocation).
 - b. A site plan approval shall be void one year following the date on which approval by the Community Development Director, Planning Commission, or City Council became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for one year periods of time, upon written application to the Director before expiration of the approval.

TOBACCO AND ALCOHOL SALES (CUP 2022-13)

7. Conditional Use Permit CUP 2022-13 authorizes the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store approved for development on the subject site.
 - a. A Type 20 ABC license from the Department of Alcoholic Beverage Control must be obtained prior to the sale of beer or wine on the subject site. The applicant, its operators and successors shall comply with all applicable City, State and Federal requirements and standards.
 - i. The use of the subject site as authorized by CUP 2022-13, must comply with any license requirements of the Alcoholic Beverage Control at all times.
8. Hours of business operation for the convenience store shall be limited to the hours between 5:00 a.m. and 12:00 a.m. on all days of the week in accordance with the project operational statement.
9. No open alcoholic beverage containers or loitering shall be allowed on the premises.
10. All employees shall be trained to report emergencies to law enforcement and to the manager on duty.
11. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
12. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
13. The applicant shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
14. The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location, and stating that no loitering will be tolerated.
15. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco-related products shall be utilized in any way.
16. The applicant shall post "No Smoking" signage to the extent required by law.
17. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be sold.

18. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in a digital format of no less than thirty (30) days. Footage will be shared with law enforcement upon request.
19. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
20. The sale of beer shall occur in packs of six or greater. However, 24-ounce bottled imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
21. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
22. The sale of wine coolers shall occur in no less than packs of four (4).
23. The sale of wine shall not be sold in containers less than 750 ml.
24. No malt liquor or fortified wine products shall be sold.
25. No display of alcohol shall be made from an ice tub, barrel or similar container.
26. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
27. Any proposed change to the ABC license type or hours of operation or changes to operational conditions will require submittal of an application to the Planning Department for a modification to the CUP and consideration by the Planning Commission for action.
28. In accordance with CMC Section 10-3.1311 (Termination and Revocation), use permits which have been granted for purposes of authorizing the sale of alcoholic beverages for consumption on [or off] the premises shall be subject to annual review for a determination of compliance with all of the terms and conditions of the issuance of the permit and to determine the existence of conditions or occurrences that are or may contribute to the detriment of the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the use or detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

SITE PLAN REVIEW (SPR 2022-15)

Planning Department

29. The location of the driveway for the subject site along Schnoor Avenue should be shared with the adjacent Commercial planned and zoned property to the north (APN: 013-230-004) at the location of the existing driveway/curb return in order to reduce street congestion, avoid traffic conflicts and promote the public health, safety and welfare.
 - a. Prior to approval of the final site plan, the applicant shall demonstrate to the Development Director due diligence and a good-faith effort to reach an agreement with

the property owner of the parcel to the north (APN: 013-230-004) to either acquire and/or execute a mutual easement and reciprocal use agreement to construct and utilize a shared access drive at the location of the existing driveway/curb return on Schnoor Avenue.

- b. If the negotiations with the property owner to the north are not successful and determined to be infeasible by the Development Director, then the location of the proposed driveway for the subject site along Schnoor Avenue shall be placed a minimum of 50 feet edge of driveway to edge of driveway.
 - i. The existing driveway curb return appears to cross the property line. Modification of this return is not determined to be appropriate at this time. If any modification is proposed, such modifications shall only occur upon approval of the City, and with consent of the adjacent property owner.
 - c. Dependent upon timing, these conditions will be made the same for any proposed development on the property to the north (APN: 013-230-004). All costs associated with the construction of a shared driveway approach shall be the burden of the property which develops first unless an alternative agreement is made between property owners.
30. The site design and configuration of the parking lot shall provide opportunity for future cross access to, and site integration with, the adjacent Commercial planned and zoned property to the north (APN: 013-230-004).
- a. If a mutual easement and reciprocal use agreement for cross access with the adjacent property to the north is not executed as a result of this project, upon request of the City in conjunction with future development of the adjacent property to the north the applicant/property owner shall provide a mutual easement and reciprocal use agreement for cross access (including pedestrian and vehicular traffic) with the property to the north and consents to recordation of the same subject to the following:
 - i. Any future obligation for the provision of cross-access shall be limited to the area(s) identified on the final approved site plan.
 - ii. Any mutual easement and reciprocal use agreement to be executed in accordance with this condition shall be in a form approved by the City of Madera.
 - iii. This condition shall be binding on each/any successive owner of the subject property regardless of any subdivision or adjustment of lot lines which may occur in the future.

31. The proposed car wash tunnel shall not be located and oriented parallel to the public streets along the public street frontages. An alternative design shall be explored which locates the commercial

retail building adjacent to the street frontage property lines with minimal setbacks (except to accommodate outdoor dining space) to help define the street edge and promote pedestrian walkability in accordance with the Commercial Development Design Guidelines.

- a. Alternative designs which locate the commercial retail building on the easterly proposed parcel may be considered by the Planning Department, subject to approval by the Development Director, if a location of the commercial retail building immediately adjacent to the street frontage is determined infeasible.
 - b. All alternative designs shall demonstrate compliance with the provisions of the Commercial Development Design Guidelines, including but not limited to providing building connections to the street and providing enhancement of street facing elevations through the use of storefront entryways and/or windows along the pedestrian boulevard.
 - c. Monolithic appearances on building elevations shall be avoided along public street frontages and entryways to the site. Architectural details and relief to break up expansive flat spaces and provide positive architectural and visual interest shall be incorporated. Buildings shall not be distinguished primarily by their color but rather by quality architecture which is enhanced by colors.
32. Alternative designs shall be submitted to the Planning Department for review and approval based upon substantial compliance with these conditions of approval and development standards of the CMC. The Development Director shall have discretion in determining whether to administratively approve or refer alternative designs back to the Commission for further consideration.
33. On-site vandalism and graffiti shall be corrected per the CMC.
34. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.
35. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties pursuant to the provisions of the CMC.
36. Outdoor storage shall not be permitted without first obtaining a use permit pursuant to the provisions of the CMC.
37. Adequate access shall be maintained for fire protection at all times.

Car Wash

38. The drive-through car wash shall have a reclamation or recycling water system.

39. The vacuum stations associated with the drive-through car wash shall incorporate three or fewer complementary colors to the car wash building and/or signage.

Building Colors, Materials and Lighting Considerations

40. The construction of buildings approved as part of Site Plan Review 2022-15 shall be consistent with the approved colors and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Commission. Any alteration shall require Planning Commission approval.
41. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
42. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

43. Prior to the issuance of building permits, the applicant is to identify on the site plan the following information for Planning Department review and approval:
 - a. The location of all natural gas and electrical utility meter locations.
 - b. The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - c. The location of all compressor equipment, and mechanical and electrical equipment.
44. All electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within an electrical/mechanical service room(s) and/or area(s). Transformers may be mounted on pads, per the approval and direction of the Planning Manager.
45. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six foot (6') enclosure constructed so as to match the primary color and material of the structure.
46. Natural gas meter placement shall be screened from public view per Planning Department approval.
47. Roof access ladders shall be located within the interior of the building.
48. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to Site Plan Review SPR 2022-15.
49. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street.

Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matte black or with a color better suited to minimize their appearance.

50. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Fences and Walls

51. Any/all proposed fences or walls shall comply with the provisions of the City Municipal Code and shall be depicted on the final approved site plan.

Landscaping

52. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - a. Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance.
 - b. Landscaped areas shall be developed along all street frontages, in undeveloped areas of the property and within the parking field.
 - c. On-site landscaping shall meet the minimum standards of five percent (5%) of the parking lot in permanent landscaping.
 - d. Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces or as necessary to achieve 50 percent shade coverage and tree maturity.
 - e. Anti-graffiti landscaping shall be incorporated adjacent to any walls accessible to the public.
 - f. Landscaped areas are to be provided with permanent automatic irrigation systems.
 - g. Landscaped areas shall be protected by raised six-inch (6") concrete curbing, except where a reduced standard is allowed by the Planning Manager.
 - h. A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
53. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.

Parking

54. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by nineteen feet (19') deep, or seventeen (17') feet deep when abutting a landscape planter with a minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle is twenty-six (26') feet for primary drive aisles.

55. On-site parking shall be provided at all times in conformance with the City Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any proposed modifications in the approved parking layout subsequent to final approval shall require amendment of Site Plan Review 2022-15.

56. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Signage

57. All on-building signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

Solid Waste

58. State law will require trash, recycling, and organic waste services. Mid-Valley Disposal recommends 2 x 3-yard trash containers, 1 x 3-yard recycle, and 1 x 2-yard organics bins. A 2-yard organic bin may be substituted for 3 x 96 gal carts.

❖ NOTE: Bin sizes are found on the Mid-Valley Disposal web site at <https://www.midvalleydisposal.com/bin-services/>

59. The developer shall construct a new trash enclosure(s) in conjunction with the construction of the mini-mart, quick serve restaurant and drive-through car wash, with sufficient space for the required separate containers and in accordance with City Standards. The trash enclosure shall be constructed of a stucco exterior and painted to match the primary structure. The location of the trash enclosure shall be consistent with the approved site plan.

Building Department

60. A building permit is required for all improvements. All structures and improvements must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.

- a. Current State of California and federal disability requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.
- b. Building permits are required for all proposed improvements. Separate permits are required in accordance with City of Madera Standards for separate buildings, structures and systems such as the carwash, fueling canopy, fueling system, trash enclosure.
- c. The Buildings shall comply with the Currently Adopted version of the CBC in place at the time of submittal of a complete set of plans.

- d. Two means of egress may be required from both the convenience store and the restaurant. However, there is insufficient detail confirm at this time.
- e. Fire extinguishers are required in accordance with the CFC.
- f. Fuel dispensers, vapor recovery, signage, shutoffs etc. shall comply with the CFC and Fuel Gas code.
- g. Addresses shall be properly posted.
- h. Fire access lanes shall be properly posted.
- i. A flow test of the “existing fire hydrant” at the western end of the property must be tested to ensure adequate fire flow is available.

Engineering Department

General

- 61. Deferrals are not permitted for any condition included herein, unless otherwise stated.
- 62. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 63. Development Impact fees shall be paid at time of building permit issuance.
- 64. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
- 65. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
- 66. The improvement plans for the project shall include the most recent version of the City’s General Notes.
- 67. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
- 68. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
- 69. All off-site improvements shall be completed prior to issuance of final occupancy.
- 70. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

71. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. Each parcel shall have a separate domestic water service.
72. A separate water meter and backflow prevention device will be required for landscape area.
73. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
74. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
75. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entirety of each project frontage as follows:
 - a. Parcel 1 - Avenue 16
 - b. Parcel 2 - Schnoor Avenue

Sewer

76. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
77. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
78. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
79. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.
80. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entirety of each project as follows:
 - a. Parcel 1 - Avenue 16
 - b. Parcel 2 - Schnoor Avenue

Storm Drain

81. Storm runoff from this project is planned to go to the Airport Basin located south of this project. Runoff volume calculations shall be provided, and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin. Dirt shall be stockpiled in a location designated by the Madera Irrigation District (MID). MID shall be contacted prior to contractor securing permission to enter basin. Water runoff from the site must be cleaned prior to entering

the existing City owned storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.

82. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
83. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.
84. All Best Management Practices (BMP) implemented for the purpose of limiting or treating runoff shall be included in a Maintenance Agreement intended to guarantee those measures are protected and maintained by the developer/owner in perpetuity. A \$368 fee or the fee in effect at that time to prepare a covenant shall be paid to the Engineering Department.

Streets

85. Developer shall comply with the following conditions in response to the Traffic Study submitted for the proposed project:
 - a. A physical median a minimum of 1-foot wide shall be constructed between the limit line at Avenue 13 and the south edge of the existing driveway to the north of the site. Actual termination on the north end should be based on turning movement analysis. To the degree necessary, the median shall be placed to physically prohibit U-turn movements as U-turn movements could result in confusion by drivers making a right turn to exit movement from the existing driveway north of the property line.
 - b. Additional review may be required at the discretion of the City Engineer with regard to queue requirements on the north leg of the intersection of Avenue 16 and Schnoor and the probable overlap of those requirements for both the south to east left turn at the intersection and the north to west left turn into the site. Based on review of the existing and future queue requirements, the preliminary conclusion is that left turn movements (enter and exit) must be prohibited at the proposed project driveway on Schnoor. The restriction will be made through construction of a median between the limit line and the existing driveway.
 - c. Construct dual westbound left turn lanes at the intersection of Avenue 16 and Schnoor – Note – this will require review of intersection geometry and probable reconstruction of a portion of the southbound departure lanes based on turning movement analysis using turning templates as well as possible traffic signal modifications.
 - d. Construct improvements necessary to maximize storage on the westbound approach though the modification of the private intersection to the east that serves the Home Depot parking lot and other uses north of the intersection. The private intersection, when completed, shall accommodate:

- a. Eastbound through and right (left is prohibited),
- b. Westbound left, through and right,
- c. Northbound left, through and right, and
- d. Southbound left, through and right

The design shall be done in such a way that should other movements (such as northbound through and left as well as southbound through and left) need to be restricted, the median can easily be expanded.

- e. The City will defer to Caltrans comments relative to ramp intersections.
86. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
 87. Curb ramps shall be constructed at all curb returns in accordance with City and ADA standards.
 88. The developer shall complete the arterial cross section on the west side of Schnoor Avenue through the installation of a five-foot sidewalk, parkstrip, streetlights, and fire hydrants along the project frontage in accordance with City and ADA standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera Standards.
 89. The proposed driveway approach on Schnoor Avenue shall be constructed to a street-type entrance with a minimum face of curb radius of 15 feet and be constructed to current City and ADA standards.
 90. The existing drive approach on Kennedy Street shall be reconstructed to current City and ADA standards.
 91. The driveway approaches shall have a minimum throat length of thirty (30) feet from face of curb on Avenue 16 and Schnoor Avenue to eliminate the possibility of vehicles queuing into the City right-of-way.
 92. "No Parking" signs shall be installed along Schnoor Avenue and Avenue 16 project frontages per City standards.
 93. Bike lane striping shall be refreshed as necessary along Avenue 16 project frontage per City standards.
 94. The developer shall record a Reciprocal Easement Agreement for ingress/egress at a minimum and utility, drainage, access for emergency services, and parking easements, as may be necessary, for the two newly proposed parcels in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall be responsible for paying all associated fees to the Engineering Department.
 95. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Schnoor Avenue and Avenue 16. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

96. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 2 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

Dry Utilities

97. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.

Caltrans

98. The developer shall comply with all requirements included within the attached memorandum from the California Department of Transportation (Caltrans) dated March 7, 2023.

PG&E

99. PG&E's does not consent to use any portion of PG&E's land rights for any purpose not previously conveyed or represented within the subject applications.
100. The developer shall comply with all recommendations and requirements included within the attached memorandum from PG&E dated September 26, 2022.

Air Quality Control Requirements

101. The developer shall comply with Regulation VII (Fugitive PM10 Prohibitions) of the San Joaquin Valley Air Pollution Control District concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

EXHIBIT "B"
TENTATIVE PARCEL MAP
(TPM 2022-05)
CONDITIONS OF APPROVAL
June 13, 2023

Notice to Applicant

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through tentative parcel map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for this project will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Development Review Committee. In the event you wish to appeal the Development Review Committee's decision or discretionary conditions of approval for the entitlement, you may do so by filing a written appeal with the Secretary of the Planning Commission. The appeal shall state the grounds for the appeal and wherein the Committee failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this parcel map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this parcel map.

Conditions of Approval

General Conditions

1. Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property.

2. Approval of this tentative parcel map may become null and void in the event that the parcel map or conditions of the site is not completed in accordance with all the conditions and requirements imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the parcel map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.
3. These conditions are applicable to any person or entity making use of this tentative parcel map, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative parcel map.
4. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
5. This tentative parcel map approval shall expire twenty-four (24) months from the effective date, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City’s attorneys’ fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record.

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

Engineering Department

Parcel Map

7. The developer shall pay all required fees for processing the parcel map and completion of project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
8. A final parcel map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
9. Future subdivision of parcels created shall comply with the Subdivision Map Act.
10. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
11. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
12. Any and all public or private easements on the property identified on the title report shall be shown on the parcel map with recording data.
13. Prior to recording of the parcel map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
14. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.
15. Structures or any facility encroaching onto adjacent new parcel shall be removed prior to recording of the parcel map. Structure modification shall comply with building codes and setbacks.
16. A title report dated no more than 30 days prior to recording date of parcel map shall be submitted to the City Engineer for review prior to parcel map recordation.
17. Each newly created parcel shall have a separate water service. Any new or existing connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. A separate water meter and backflow prevention device will be required for landscape areas for each newly created parcel. Existing cross lot connections shall be severed.

18. Each newly created parcel shall have a separate sewer service. Any new or existing connection(s) shall be constructed or upgraded to current City standards. Existing cross lot connections shall be severed.
19. The developer shall record a Mutual Easement and Reciprocal Use Agreement for ingress/egress, utility, drainage, access for emergency services, parking easements, and shared facilities in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The agreement shall reflect the language included in the Covenant, Conditions, Easements, and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the Mutual Easement Reciprocal Use Agreement should provide a responsible party and method in which said responsibility is conveyed to future successors. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.
 - a. The developer shall confirm that the newly created parcels can be serviced by the existing refuse enclosures and containers or construct additional refuse enclosures as required. Shared refuse enclosures shall require recordation of an easement that provides mutual right of access and use of the refuse enclosures to all parcels. If necessary, this item will be included in the Reciprocal Easement Agreement referenced in the previous condition.

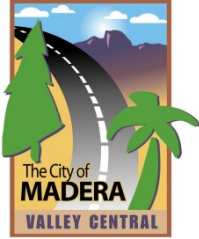
Dry Utilities

22. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

Building / Fire Comments

23. Parcel map shall identify size and use/occupancy classification of each existing building.
24. Parcel map shall identify building setbacks are consistent with the California Building Code (CBC) for non-rated exterior walls and openings or show how buildings will be made to comply.
25. Provide cross access agreement for all parcels to show adequate street access will be maintained for emergency services.

-END OF CONDITIONS-



REPORT TO THE PLANNING COMMISSION

Prepared by:

James Troyer, Contract Senior Planner

Meeting of: June 13, 2023

Agenda Item: 2

SUBJECT

Conditional Use Permit 2023-03 – Country Club Chevron & Commercial Center

RECOMMENDATION

Conduct a public hearing and:

1. Adopt a Resolution approving Conditional Use Permit 2023-03, subject to the findings and conditions of approval.

PROPOSAL

An application for a Conditional Use Permit (CUP 2023-03) to allow for the sale of beer and wine beverages and tobacco products within a previously planned and conditionally approved Chevron service station convenience store, and to allow for the establishment and operation of a coffee shop with a drive-thru lane in a previously planned and conditionally approved retail building separate from the convenience store on the southeast corner of Country Club Drive and Adell Street (Assessor's Parcel Number (APN) 003-250-026) (refer to Attachments 1 and 2). Neither the convenience store nor the retail building have been constructed at this time.

The applicant, JGJM Investments, is applying for a use permit for the purpose of securing a Type 20 (Off-Sale Beer & Wine) California Department of Alcoholic Beverage Control (ABC) license to sell beer and wine beverages for off-site consumption. The Type 20 ABC license would specifically limit the sales of beer and wine beverages to within the previously conditionally approved Chevron convenience store.

SITE CHARACTERISTICS

The project site is a vacant, undeveloped parcel devoid of trees or shrubs located at the southeast corner of Country Club Drive and Adell Street (refer to Attachment 1). The property appears to be disced regularly to control on-site vegetation. Surrounding uses include existing large-lot rural residential development to the north across Adell Street, vacant land to the east, existing commercial development (Tractor Supply Company) to the south, and large-lot rural residential development to the east across Country Club Drive. Utility poles extend along the northern property line of the site and the City Limits form the northern property line of the project site.

Tables 1 and 2 below provide an overview of the project site location and ownership, site characteristics, and the project site and surrounding property General Plan land use designations and zoning districts.

Table 1: Project Overview	
<i>Project Number:</i>	Conditional Use Permit 2023-03
<i>Applicant:</i>	JGJM Investments
<i>Property Owner:</i>	JGJM Investments
<i>Location:</i>	Southeast corner of Country Club Drive and Adell Street (APN 003-250-026). Suite 101, West Cleveland Avenue.
<i>Project Area:</i>	Approximately 1.73 acres
<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C-1 (Light Commercial)
<i>Site Characteristics</i>	Vacant undeveloped site.

Table 2: Existing Uses, General Plan Designations and Zoning Districts of Surrounding Properties			
<i>Direction from Project Site</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
North	Rural Residential	Low Density Residential	County
East	Vacant	Commercial	C1
South	Retail	Commercial	C1
West	Rural Residential	Commercial	C1
County – Outside City Limits subject to County Zoning			
C1 – (Light Commercial)			

In the immediate vicinity of the project site, Country Club Drive is a designated 4-lane arterial roadway with a shared 2-way left turn lane used for vehicles entering the existing commercial development immediately south and adjacent to the site. A raised median is present beginning at the north end of the driveway and extending approximately 260 feet south. Country Club Drive improvements include an existing monolithic curb, gutter, sidewalk along the project site frontage and an Americans with Disabilities Act (ADA) access ramp on the northwestern corner of the property. There are no marked crosswalks present at the Country Club Drive / Adell Street intersection. Adell Street is a designated collector roadway with no improvements other than 2 lanes of pavement paralleling the project site. The intersection of Country Club Drive and Adell Street is a minor leg stop controlled tee intersection – vehicle traffic on Adell Street must yield to through traffic on Country Club Drive.

BACKGROUND

A previous applicant, Lion Builders, Inc., on behalf of the property owner and current applicant, JGJM Investments, applied for a use permit (CUP 2021-02) and site plan review (SPR 2019-25) to develop the southeast corner of Country Club Drive and Adell Street (SPR 2019-25) with a new Chevron service station composed of a 40 foot by 82 foot canopied fueling station inclusive of 6 fuel islands totaling 12 self-service pumps and a new 4,000 sf convenience store. In addition, Lion Builders, Inc. proposed to construct a new 5,800-sf retail center on the eastern side of the property of which a 2,200-sf building would be developed as a coffee shop with a drive-through lane and window plus a 3,600-sf building pad for one or more future retail uses (refer to Attachments 2, 3 and 4). CUP 2021-02 addressed the allowance to sell beer and wine beverages and tobacco products within the planned Chevron service station convenience store, and to allow for the establishment and operation of a coffee shop with a drive-thru lane.

On December 14, 2021, the Planning Commission (Commission) adopted a Negative Declaration and conditionally approved CUP 2021-02 and SPR 2019-25 to allow the development of a commercial service station (Chevron) with pump islands and convenience store, and the 5,800-sf retail center to support a 2,200-sf drive-thru coffee shop and a 3,600-sf building pad for one or more future retail uses. The size of the Chevron 4,000-sf convenience store was conditioned to be reduced in size to not exceed a maximum floor area of 3,600 sf.

Pursuant to Condition No. 6 of the approved 2021 CUP 2021-02 and SPR 2019-25 Conditions of Approval, CUP 2021-02 would effectively become null and void (expire) if the use permit was not utilized within 12 months following its effective date (December 14, 2021) unless a timely written request for extension was submitted to the Commission prior to the permit's expiration date. No written request for an extension was received by the City prior to the permit's expiration date and thus CUP 2021-02 has lapsed.

Condition No. 6 also stipulated SPR 2019-25 would expire one year from its effective date (December 14, 2021), unless a building permit was issued by the City Building Official and construction commenced, or the required action is taken to extend the approval prior to the expiration date pursuant to Section 10-3.4.0114 of the Madera Municipal Code (MMC). Pursuant to MMC Section 3.4.0114, site plan review approvals may be extended for one-year periods of time upon written application to the Community Development Director before the expiration of the site plan review approval.

The Planning Department received a request for an extension of SPR 2019-25. On January 18, 2023, the request was approved granting a one-year extension for SPR 2019-25 to December 14, 2023. The SPR 2019-25 extension approval letter stipulated the one-year extension did not pertain to CUP 2021-02, which authorized the sale of alcoholic beverages and tobacco at the proposed convenience store or the development and operation of drive-thru (refer to Attachment 5).

APPLICABLE CODES AND PROCEDURES

Conditional Use Permit

MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits

Establishment of alcohol and/or tobacco sales as a component of a site development require the approval of a use permit per MMC §10-3.802(C)(16). No building permit shall be issued for development where a use permit is required unless and until that use permit has been granted by the Commission or Council. Use permits can be revocable, conditions, or valid for a specified period for any purpose or use which is permitted within that Zone District. The Commission makes an action after investigation by staff and presentation in the form of findings that the establishment of the use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City and persons living and/or working in the area of the proposed use.

ANALYSIS

Drive-Through

The approved site plan review (SPR 2019-25) has the coffee shop drive-through stacking lane running parallel and adjacent to Adell Street public right-of-way. With this arrangement, there exists potential for headlights to impact the vision of cars traveling along Adell Street. The project was conditioned to provide the placement of a three-foot high block wall along the exterior perimeter of the drive-through lane to effectively screen issues of headlight glare into the public right-of-way as required by City's Design and Development Guidelines for Commercial Development. In conjunction with the block wall, there was a

requirement for a screen hedge along the exterior of the block wall to aid in aesthetics of the appearance to the public.

Drive-through stacking lanes per the Design and Development Guidelines for Commercial Development require a minimum of 10 vehicle spaces, measured at length of 20 per vehicle, for queueing. The project, as proposed, the drive-through stacking lane provides capacity for 12 vehicles. Being that drive-through coffee shops have proven to be very popular in recent years, an overflow queuing traffic management plan is required as a condition for this project. The traffic management plan will need to demonstrate how the tenant business will maintain sufficient traffic flow in the parking area, if and when queueing conditions exceed the capacity of the stacking lane.

Alcohol Sales

The applicant proposes to sell alcohol at the convenience store for the purpose of off-site consumption. MMC §10-3.802(C)(16) requires a use permit for the sale of packaged alcohol. ABC requires approval of any required City permits prior to issuing an alcohol license to the site. The specific type of license being applied for with the ABC is a Type 20 Liquor License. A Type 20 Liquor License allows for the sale of beer and wine for off-site consumption.

In January of 1998, Section 23817.5 of the State of California Business and Professional Code was amended to permanently establish a moratorium on the issuance of Type 20 Licenses in cities and counties where the ratio of Type 20 Licenses exceeds one license for each 2,500 inhabitants. The moratorium as of January 30, 2017, includes all of Madera County. The moratorium specifically prohibits the purchase of a new Type 20 License or transfer of a Type 20 License from any city or county outside Madera County. The moratorium does not apply to transferred licenses from within Madera County.

The project site is within Census Tract 6.04 which currently has 5,252 inhabitants. As such, Census Tract 6.04 allows for the maximum of five Type 20 Licenses. There is presently one active Type 20 License within Census Tract 6.04. The active Type 20 License (License No. 463343) is for the Food Fair Market located at 1100 North D Street, Suite D. If approved, there would not be an over-concentration of Type 20 Licenses in the Census Tract. Conditions of approval will ensure the sale of beer and wine for off-site consumption in conjunction with the proposed convenience store will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the project site.

ABC also considers whether there are schools within 1,000 linear feet (0.19 mile) of the proposed location of alcohol sales. There are no public or private school facilities within 1,000 linear feet of the proposed convenience store. The nearest school facility (Sherman Thomas STEM Academy / Sherman Thomas Charter School) is 1,584 linear feet (0.3 mile) northeast from the proposed convenience store.

Tobacco Sales

Determination of Use (DOU) 2015-01 approved by the Commission in September 2015 requires the approval of a use permit for an establishment to sell tobacco or tobacco products. The Commission acknowledged concerns that tobacco sales be located sensibly within commercial areas of the City, mindful of surrounding land uses. Schools are a primary land use that is negatively affected by the sale of tobacco. Schools within one-half mile of the project site include Sherman Thomas STEM Academy / Sherman Charter School (0.3 mile) School, Ezequiel Tafoya Alvarado Academy (0.4 mile) and Matilda

Torres High School (0.5 mile). The City, however, has not adopted an ordinance which specifies the length of distance a tobacco retailer should be from any school or other sensitive use.

Staff recommends the applicant be limited to only the sale of cigarettes and tobacco only, consistent with the recommended conditions of approval. Specific tobacco products specifically prohibited from being sold include vape products, including vape juices, hookah products, including hookah tobacco and charcoal, e-cigarettes, and pipes and pipe tobacco.

DEPARTMENT AND AGENCY COMMENTS

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been previously reviewed for compliance with CEQA. The City prepared an initial study for the proposed actions as part of the previous use permit request (CUP 2021-02) and site plan review (SPR 2019-25) and determined that the project will not have a significant effect on the environment, and that a Negative Declaration is appropriate for this project (refer to Attachment 6). The Negative Declaration was adopted by the Commission on December 14, 2023. This project remains consistent within the scope of the original environmental evaluation. Circumstances on the site have not changed, and there is no new substantial information of significant importance that would alter the outcome of the adopted Negative Declaration. Therefore, the adopted Negative Declaration is sufficient pursuant to State CEQA Guidelines Section 16162, which identifies the requirements for which subsequent analysis is warranted, no further environmental review under CEQA is required. Furthermore, the mere approval of CUP 2023-03 is a procedural matter that does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect change.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The Madera Vision 2025 plan does not mention sales of alcohol or tobacco. However, overall, the project does support Action 115.2 of the Vision Madera 2025 Plan, which states, “As a component of the General Plan Update, increase retail outlets and promote Shop Madera...” Also, the project supports one of the four visions for the City: Good Jobs and Economic Opportunities. Following this principle, it is recognized the need to provide additional employment opportunities within the City.

PLANNING COMMISSION ACTION

The Commission will be acting on the Conditional Use Permit 2023-03. Staff recommends that the Commission:

1. Move to adopt a Resolution approving Conditional Use Permit 2023-02 subject to the findings and conditions of approval.

ALTERNATIVES

1. Move to continue the public hearing to the July 11, 2023, Planning Commission meeting.
2. Move to deny the request based on specific: (Planning Commission to articulate reasons for denial).

ATTACHMENTS

Attachment 1: Vicinity Map

Attachment 2: Site Plan

Attachment 3: Floor Plans

Attachment 4: Elevations

Attachment 5: SPR 2019-25 One-Year Extension Approval Letter

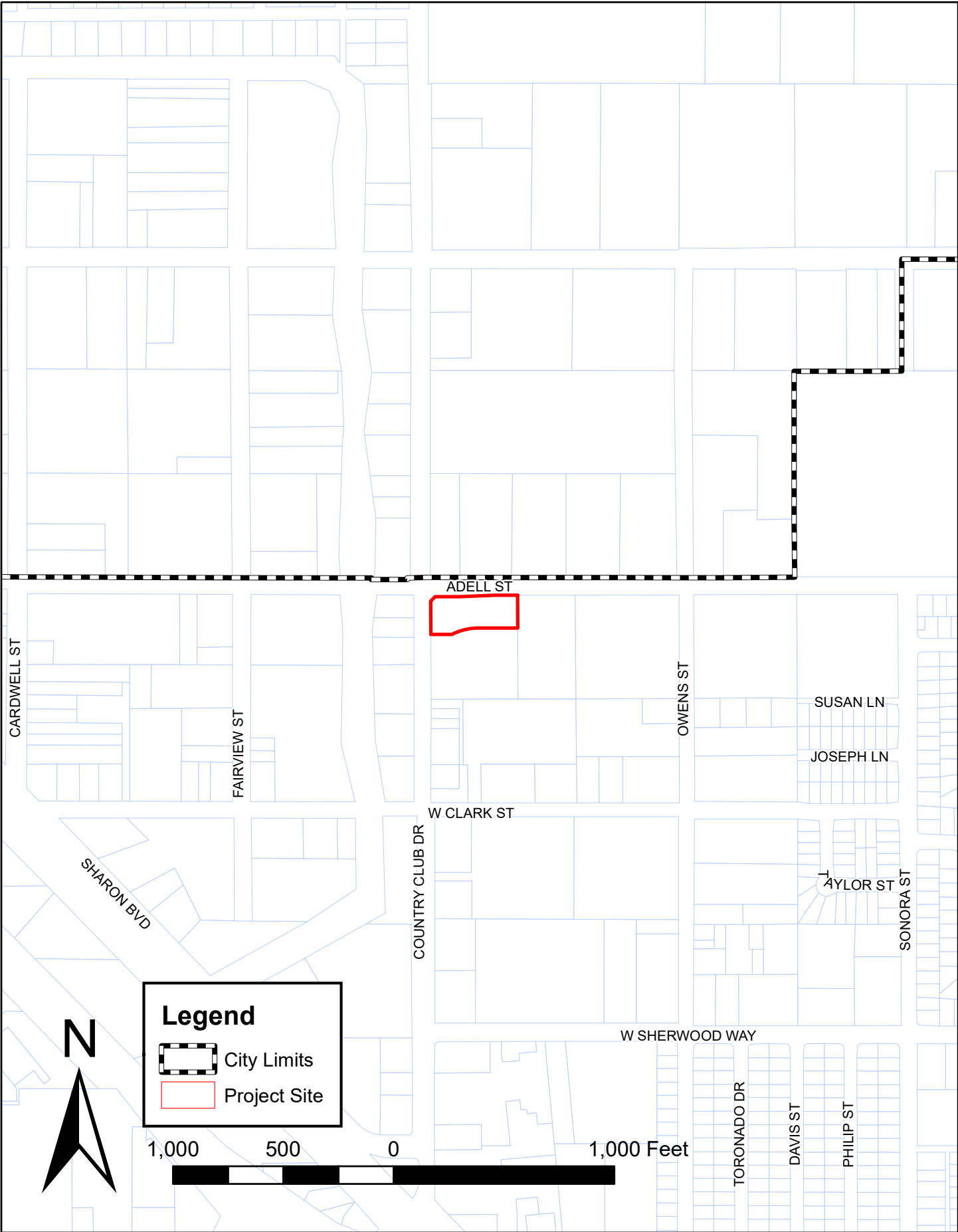
Attachment 6: Initial Study and Negative Declaration

Attachment 7: Planning Commission Resolution

Exhibit A - Conditions of Approval

ATTACHMENT 1

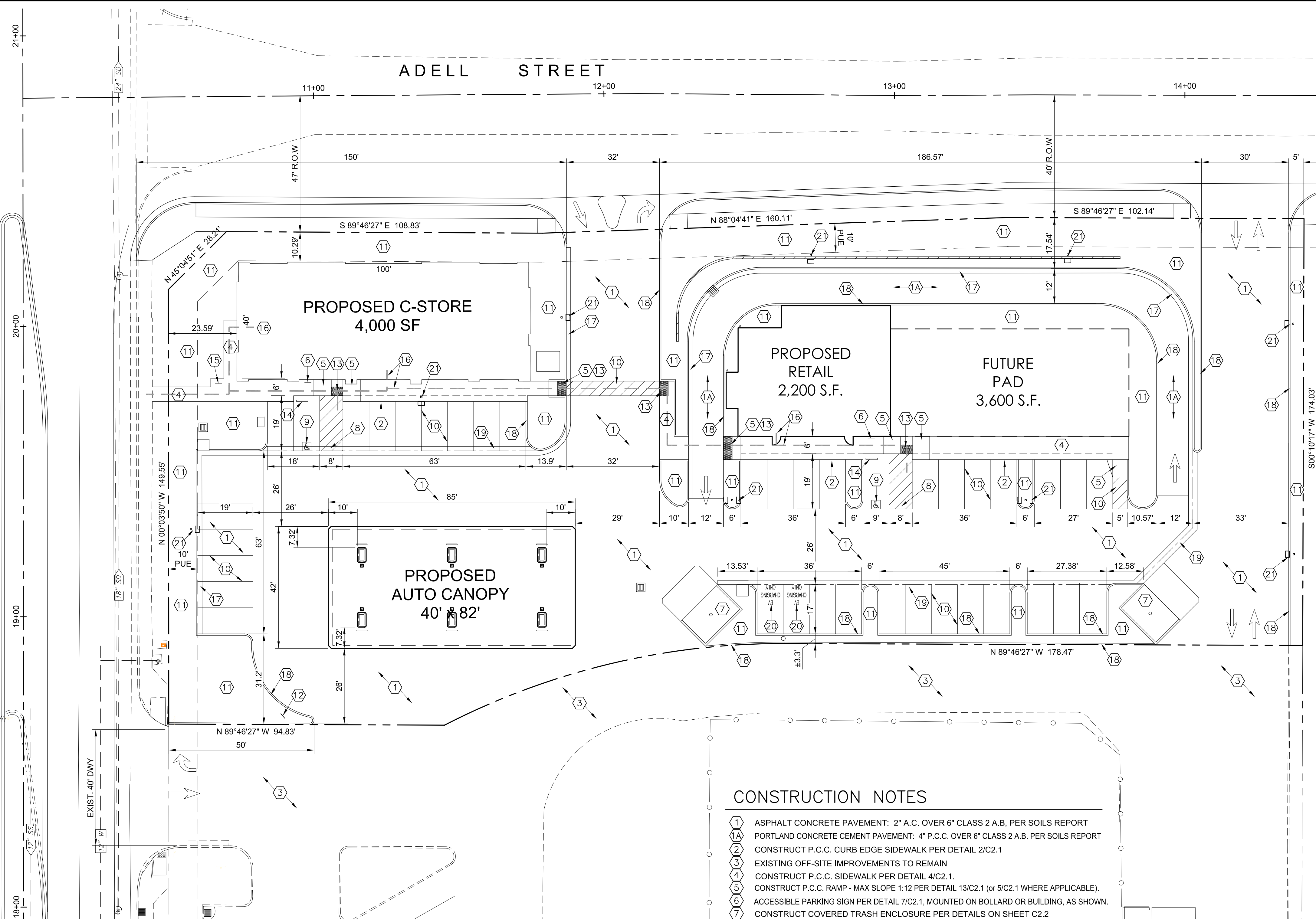
Vicinity Map



ATTACHMENT 2

Site Plan

COUNTRY CLUB DRIVE



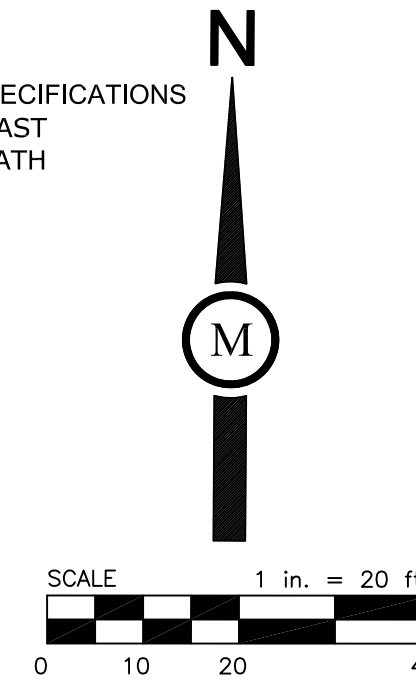
FIRE LANE / SIGNAGE NOTES

- FIRE APPARATUS ACCESS ROAD
 - MINIMUM 20 FEET CLEAR WIDTH
 - MINIMUM 13 1/2 FEET CLEAR HEIGHT
 - INTERIOR TURN RADIUS = 25'; EXTERIOR TURN RADIUS = 50'

- NOTES:
- NO PARKING IN DRIVEWAY SIGNS.
A SIGN OF A SIZE, TYPE AND DESIGN APPROVED BY THE FIRE CODE OFFICIAL SHALL BE LOCATED ON THE RIGHT SIDE OF THE FIRE LANE WITHIN THE FIRST 25 FEET (7620 MM) OF ENTRY INTO DRIVEWAYS OF APPROVED FIRE APPARATUS ACCESS ROADS. THE SIGN SHALL BE PERMANENTLY MOUNTED WITH THE BOTTOM OF THE SIGN TO BE AT LEAST 6 FEET (1828.8 MM) ABOVE GRADE BUT NOT GREATER THAN 10 FEET (3048 MM) ABOVE GRADE.
 - NO PARKING - FIRE LANE IDENTIFICATION.
WHEN REQUIRED BY THE FIRE CODE OFFICIAL, ONE OR MORE OF THE FOLLOWING METHODS SHALL BE USED TO IDENTIFY FIRE APPARATUS ACCESS ROADS AND PROHIBIT THEIR OBSTRUCTION:
 - THE ENTIRE LENGTH OF THE FIRE APPARATUS ACCESS ROAD SHALL BE MARKED BY APPROVED SIGNS POSTED CONSPICUOUSLY AT INTERVALS NO GREATER THAN 50 FEET (15240 MM) THAT IDENTIFY THE ROAD AS A "FIRE LANE" AND STATE THE PROHIBITION OF PARKING THEREIN. "NO PARKING - FIRE LANE". SUCH SIGNS SHALL BE POSTED IN A PERMANENT MANNER AT A HEIGHT NO GREATER THAN 10 FEET (3048 MM) AND NO LESS THAN 6 FEET (1828.8 MM) ABOVE GRADE. SIGNS SHALL BE 12" X 18" IN SIZE WITH LETTERS NOT LESS THAN ONE INCH IN HEIGHT AND MEET THE STATE OF CALIFORNIA SPECIFICATIONS FOR REFLECTIVITY.
 - THE ENTIRE LENGTH OF STANDARD CURBS BORDERING FIRE APPARATUS ACCESS ROADS SHALL BE PAINTED TRAFFIC RED AND SHALL HAVE THE WORDS "NO PARKING - FIRE LANE" STENCILED UPON THEIR HORIZONTAL AND VERTICAL SURFACES AT INTERVALS OF NOT MORE THAN 50 FEET (15240 MM). LETTERS SHALL BE OF BLOCK STYLE, MINIMUM FIVE (5) INCHES IN HEIGHT WITH A STROKE OF NOT LESS THAN 3/4 INCH, AND SHALL BE PAINTED WHITE ON A TRAFFIC RED BACKGROUND.

CONSTRUCTION NOTES

- ASPHALT CONCRETE PAVEMENT: 2" A.C. OVER 6" CLASS 2 A.B. PER SOILS REPORT
- PORTLAND CONCRETE CEMENT PAVEMENT: 4" P.C.C. OVER 6" CLASS 2 A.B. PER SOILS REPORT
- CONSTRUCT P.C.C. CURB EDGE SIDEWALK PER DETAIL 2/C2.1
- EXISTING OFF-SITE IMPROVEMENTS TO REMAIN
- CONSTRUCT P.C.C. SIDEWALK PER DETAIL 4/C2.1
- CONSTRUCT P.C.C. RAMP - MAX SLOPE 1:12 PER DETAIL 13/C2.1 (OR 5/C2.1 WHERE APPLICABLE).
- ACCESSIBLE PARKING SIGN PER DETAIL 7/C2.1, MOUNTED ON BOLLARD OR BUILDING, AS SHOWN.
- CONSTRUCT COVERED TRASH ENCLOSURE PER DETAILS ON SHEET C2.2
- ACCESS AISLE MUST BE IDENTIFIED WITH WORDS "NO PARKING" IN 12" TALL CONTRASTING COLOR LETTERS PER CBC 1129B.4.2.
- PAINT ACCESSIBILITY SYMBOL - WHITE ON BLUE BACKGROUND PER DETAIL 10/C2.1
- PAINT 4" WIDE SOLID STRIPE - WHITE.
- LANDSCAPE AREA. SEE LANDSCAPE PLANS
- INSTALL TOW AWAY SIGN PER DETAIL 8/C2.1
- INSTALL TRUNCATED DOMES 3 FT. WIDE (MINIMUM) BY WIDTH OF WALK PER CBC STDS. 1127B.5 AND 1133B.8.5. SEE DETAIL 15/C2.1.
- INSTALL WHEEL STOP PER DETAIL 14/C2.1.
- INSTALL BIKE RACK APPROVED BY PLANNING MANAGER AS TO NUMBER AND LOCATION
- ACCESSIBLE PATH OF TRAVEL
- CONSTRUCT P.C.C. CURB AND GUTTER PER DETAIL 12/C2.1
- CONSTRUCT P.C.C. CURB PER DETAIL 1/C2.1
- CONSTRUCT P.C.C. SWALE PER DETAIL 2/C2.1
- ELECTRIC VEHICLE CHARGING STATION PER ELECTRICAL PLANS AND MFR'S SPECIFICATIONS
- PAINT THE FOLLOWING CHARACTERS SUCH THAT THE LOWER EDGE OF THE LAST WORD ALIGNS WITH THE END OF THE SMALL STRIPING AND IS VISIBLE BENEATH THE PARKED VEHICLE: EV CHARGING ONLY
- INSTALL SITE LIGHTING, REFER TO ELECTRICAL SITE PLAN
- INSTALL ±172 LF OF 3 FT HIGH SPLIT-FACE CMU SCREENWALL WITH CAPSTONE. SEE DETAIL ON C2.3 AND LANDSCAPE PLANS



GENERAL NOTES

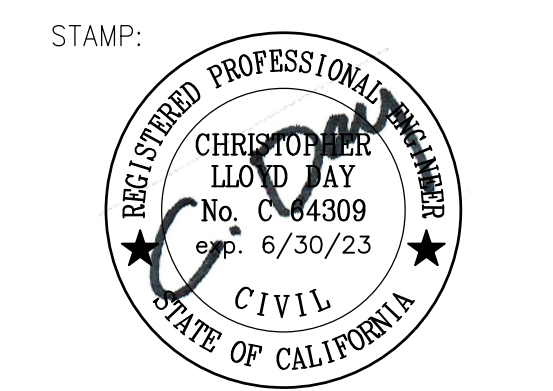
- PRIOR TO STARTING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS APPROVED BY ALL OF THE PERMITTING AUTHORITIES.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY. THE SOILS REPORT, IF AVAILABLE, AND RECOMMENDATIONS SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS.
- SITE GRADING SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND THE RECOMMENDATIONS SET FORTH IN THE SOILS REPORT REFERENCED IN THIS PLAN SET.
- THE LOCATIONS OF UNDERGROUND FACILITIES SHOWN ON THESE PLANS ARE BASED ON LOCAL UTILITY COMPANY RECORDS. IT SHALL BE THE CONTRACTOR'S FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES TO LOCATE THEIR FACILITIES PRIOR TO STARTING CONSTRUCTION. NO ADDITIONAL COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR DAMAGE AND REPAIR TO THESE FACILITIES CAUSED BY HIS WORK FORCE.
- ALL DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN OR GRADE CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
- WATER SERVICE MATERIALS SHALL BE PER CITY STD DWG W-9A - 9B. DIAMETER SHALL BE AS NOTED ON THESE PLANS AND SHALL BE INSTALLED WITH 24" MINIMUM COVER OR BELOW FROSTLINE WHICH EVER IS GREATER. CONTRACTORS PRICE FOR WATER SERVICE SHALL INCLUDE ALL FEES AND APPURTANANCES REQUIRED BY THE UTILITY TO PROVIDE A COMPLETE WORK SERVICE.
- NOT USED
- SEE SHEET C4 FOR FIRE SUPPRESSION NOTES.
- AN ENCROACHMENT PERMIT WILL BE REQUIRED TO DO WORK IN CITY RIGHT-OF-WAY.
- NO ENCROACHMENTS WILL BE ALLOWED IN ANY NEW IMPROVEMENTS - INCLUDING FOOTINGS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN ON PLAN.
- REFER TO SHELL PLANS FOR ALL BUILDING DIMENSIONS.
- REFER TO SHEET C1 FOR GENERAL NOTES
- SITE TO BE KEPT CLEAN AND FREE OF DEBRIS.
- AS REQUIRED BY THE PROFESSIONAL LAND SURVEYORS' ACT (BUSINESS AND PROFESSIONAL CODE SUB-SECTION 8700-8805) SECTION 8771; PRIOR TO START OF CONSTRUCTION, ALL SURVEY MONUMENTS, WITHIN THE PROJECT LIMITS THAT HAVE THE POSSIBILITY OF BEING DAMAGED OR DESTROYED DURING CONSTRUCTION, MUST BE LOCATED, AND REFERENCED BY A LICENSED LAND SURVEYOR, AND A CORNER OF RECORD OR RECORD OF SURVEY SHALL BE FILED WITH THE COUNTY SURVEYOR. IF ANY OF THESE SURVEY MONUMENTS ARE DESTROYED, DAMAGED OR COVERED OVER DURING THE COURSE OF CONSTRUCTION, A NEW MONUMENT AND MONUMENT BOX MUST THEN BE SET IN ITS PLACE, AT THE ORIGINAL LOCATION, BY A LICENSED LAND SURVEYOR, AND ANOTHER CORNER OF RECORD OR RECORD OF SURVEY FILED WITH THE COUNTY SURVEYOR.
- SUBSTANDARD AND DAMAGED SIDEWALK, CURB, GUTTER ALONG THE PROJECT PARCEL FRONTAGE SHALL BE REMOVED AND REPLACED PER CITY STDS. LIMITS OF REPAIRS SHALL BE ESTABLISHED BY THE CITY ENGINEERING INSPECTOR.

1000 LINCOLN ROAD, SUITE H202
YUBA CITY, CALIFORNIA 95991

TEL: 530-755-4700
FAX: 530-755-4567

JULIO J. TINAJERO
LEAD DESIGNER

CHRISTOPHER L. DAY, P.E.
PROJECT ENGINEER



SUBMITTAL DATE

PLANNING DEPT: 12-09-22
BUILDING DEPT: 12-09-22
ENGINEERING: 12-09-22
SURVEY: 12-09-22

REVISIONS		
No.	Description	Date
1		
2		
3		

SITE PLAN

PROPOSED COUNTRY CLUB COMMERCIAL CENTER
SEC COUNTRY CLUB DRIVE AT ADELL STREET
MADERA, CA 93638
A.P.N. 003-250-026

DATE: 12-09-22

SCALE: 1" = 20'

JOB CAPTAIN: STAFF

JOB NUMBER: 19-014

SHEET: C2

COUNTRY CLUB COMMERCIAL CENTER
SITE PLAN

SHEET 3 OF 9 SHEETS

CITY OF MADERA
ENGINEERING DEPARTMENT
205 WEST 4TH STREET
MADERA, CA 93637

APPROVED BY:	DATE
CITY ENGINEER	
REVIEWED BY:	
PUBLIC WORKS:	
FIRE DEPARTMENT:	
PARKS DEPARTMENT:	
DESIGNED BY:	CHECKED BY:
DRAWN BY:	INSPECTED BY:
CONSTRUCTION DATES:	DATE STARTED: DATE COMPLETED:
CONTRACTOR:	
PROJECT No.:	

PLAN REVISION

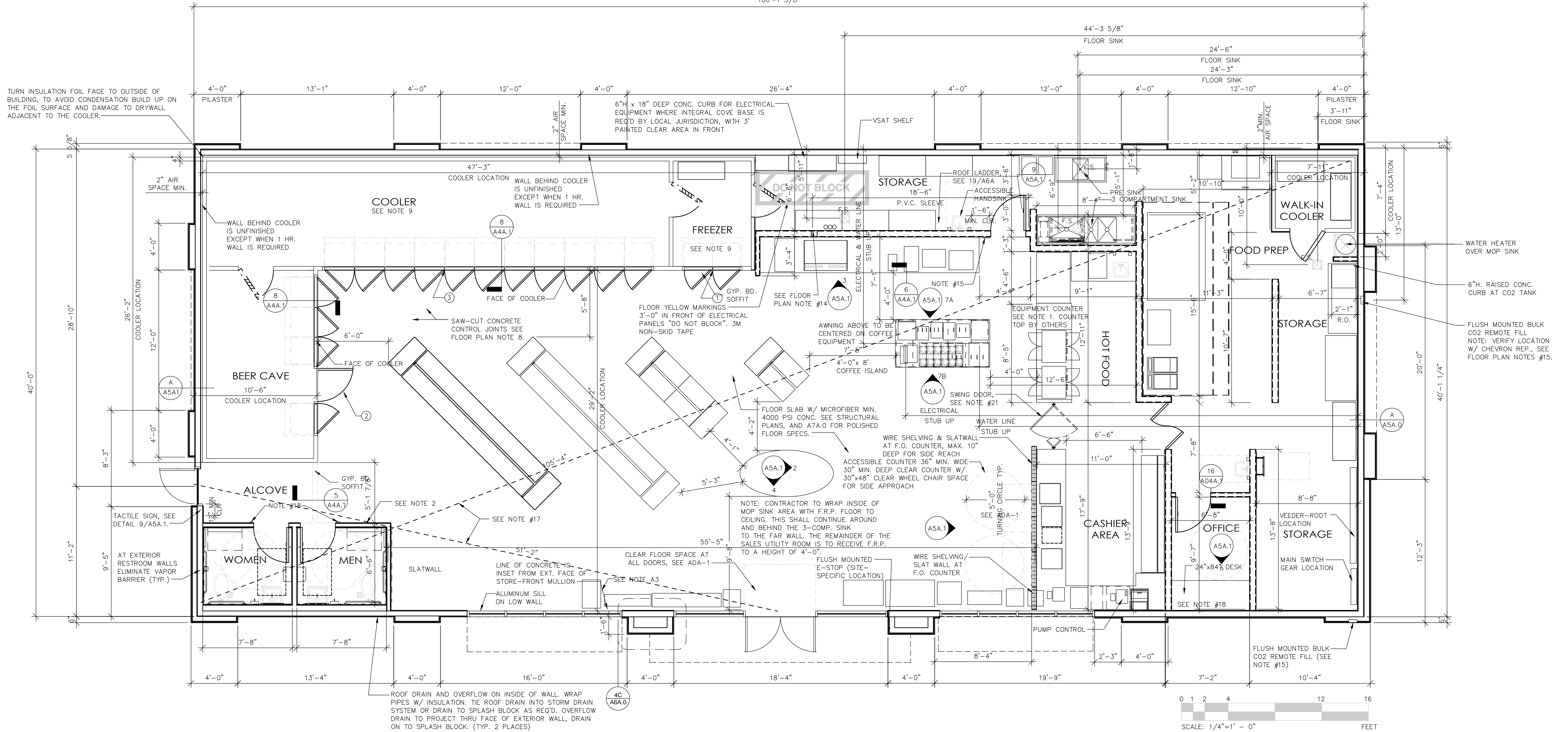
INITIAL	ISSUE DATE	CHANGE	DATE	APPROVAL
REV.				
REV.				
REV.				
REV.				
REV.				
REV.				

SCALE 1" = 20'

1

ATTACHMENT 3

Floor Plans



FLOOR PLAN NOTES

1. ALL CABINETS SHOWN ARE OF METAL CONSTRUCTION, N.S.F. APPROVED, W/ REMOVABLE ACCESS TO FLOOR SINKS MOUNTED ON 6" HIGH METAL LEGS. CABINETS, CONDIMENT BAR, AND MAGAZINE RACK SUPPLIED AND INSTALLED BY SUPPLIER. SEE SHEET Y01.
2. 3 1/2" MIN. ACOUSTIC BATT INSULATION REQUIRED IN ALL RESTROOM WALLS AND CEILING. ALL INSULATION FACINGS SHALL COMPLY WITH 2019 CBC 720.
3. EXTERIOR WALL DIMENSIONS ARE TO FACE OF CONCRETE FOUNDATION, OR CMU. U.O.N. FLOOR SINK DIMENSIONS ARE FROM FACE OF CONCRETE FOUNDATION U.O.N. INTERIOR WALL DIMS ARE TO FACE OF STUD U.O.N. ALL MIN. AND CLEAR DIMENSIONS ARE TO AND FROM FACE OF FINISH. DIMENSIONAL TOLERANCE FOR FORMWORK AND FINISHED CONCRETE INSTALLATION SHALL BE 1/4" IN 10'-0" FOR PLAN DIMENSIONS AND ELEVATIONS.
4. ACCESSIBILITY DESIGN STANDARD: A.D.A. ACCESSIBILITY GUIDELINES, 2019 CBC/ 2010 ADA. FOR EQUIPMENT SCHEDULE AND MERCHANDISING LAYOUT SEE ADA SHEETS.
5. ALL SEALANT TO BE PAINTABLE. SEAL PERIMETER OF ALL WALL OPENINGS AND JOINTS WHERE MOVEMENT OF SURFACES WILL ADMIT AIR OR WATER INTO BUILDING. SEAL ALL CONDUIT PENETRATIONS TO BUILDING.
6. SEE SHEET A0A7 & STRUCTURAL FOR NOTES CONCERNING LAYOUT OF SLAB SAWCUT CONTROL JOINTS WITH OR WITHOUT FLOOR TILE.
7. ALIGN EXTERIOR FACE OF PLYWOOD WITH FACE OF CONCRETE FOUNDATION (TYP.).
8. FOR WALK-IN COOLER SPECIFICATIONS, SEE SHEET Y02.
9. ALL H.M. DOORS, DOOR FRAMES AND HARDWARE ARE AVAILABLE FROM UNIVERSAL MANUFACTURING CO. FRAMES TO BE 16 GAUGE COLD ROLLED STEEL, MITERED, FITTED AND CONTINUOUSLY WELDED ON THE BACKSIDE WITH ALL WELDS GROUND SMOOTH. PROVIDE THREE ANCHORS PER JAMB.
10. ALL WOOD FRAMING MEMBERS IN CONTACT WITH CONCRETE OR CMU SHALL BE PRESSURE TREATED DOUGLAS FIR U.O.N. TYP.
11. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE AND INSTALL ALL WOOD BLOCKING, FURRING STRIPS, OR GROUNDS DETAILED OR REQUIRED TO PROVIDE ANCHORAGE FOR ALL FINISHES, ACCESSORIES, FIXTURES, ETC. AS REQUIRED TO COMPLETE ALL WORK. ALL BLOCKING AND OR/BACKING SHALL BE SECURELY BOLTED OR OTHERWISE ANCHORED IN PLACE.
12. REMOTE CO2 FILL LOCATION SHALL BE VERIFIED AND APPROVED BY THE CHEVRON PROJECT MANAGER BASED ON SITE / BUILDING ORIENTATION. CONSIDER HOSE FOR FILL LOCATION VS. PLANTERS, ETC.
13. GC TO INSTALL A 6" PVC SLEEVE THROUGH WALL FOR BAG-IN-BOX SYRUP LINES. BOTTOM OF SLEEVE TO BE LOCATED @ 12" A.F.F. EDGES OF SLEEVE TO BE SANDED SMOOTH TO AVOID DAMAGE TO SYRUP LINES.
14. FRONT APPROACHES TO PUSH SIDE OF SWINGING DOOR, IF NOT EQUIPPED WITH LATCH AND CLOSER SHALL HAVE MANEUVERING SPACE THAT IS THE SAME WIDTH AS DOOR OPENING AND EXTENDS 48 INCHES MINIMUM PERPENDICULAR TO THE DOORWAY. [CBC 11B-404.2.4.1] [ADA 4.13.6 FIGURE 25a].
15. DIMENSION TO INSIDE OF OFFICE WALL TO ALLOW UNDERGROUND ROUGH IN OF TELEPHONE MAIN POINT OF ENTRY CONDUIT FOR TTB BEFORE SLAB IS POURED.
16. 2019 CBC 1007.1.1, WHEN 2 EXITS ARE REQUIRED, THEY SHALL BE PLACED A DISTANCE APART EQUAL TO NOT LESS THAN ONE-HALF OF THE LENGTH OF THE MAXIMUM OVERALL DIAGONAL DIMENSION OF THE BUILDING TO BE SERVED MEASURED IN A STRAIGHT LINE BETWEEN THEM. DIAGONAL DISTANCE = 106'-3", 106'-3"/2 = 53'-0". 51'-3" < 53'-0" DISTANCE BETWEEN EXITS, ALMOST EQUAL DISTANCE SO O.K.
17. SEE ADA-1 SHEET FOR ACCESSIBLE RESTROOM DOOR SIGNAGE
18. CONTRACTOR TO WRAP INSIDE IF MOP SINK AREA WITH F.R.P. FLOOR TO CEILING. THIS SHALL CONTINUE AROUND AND BEHIND THE 3-COMP. SINK TO THE FAR WALL. THE REMAINDER OF THE SALES UTILITY ROOM IS TO RECEIVE F.R.P. TO A HEIGHT OF 4'-0"
19. IN CAR WASH, ALL WOOD IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED.
20. INSTALL SWING DOOR, HEIGHT TO MATCH ADJACENT COUNTER, WITH DOUBLE-ACTION SPRING DOOR HINGES. ADD "EMPLOYEES ONLY" SIGN TO DOOR

NET AREA AND EXITING CALCULATIONS

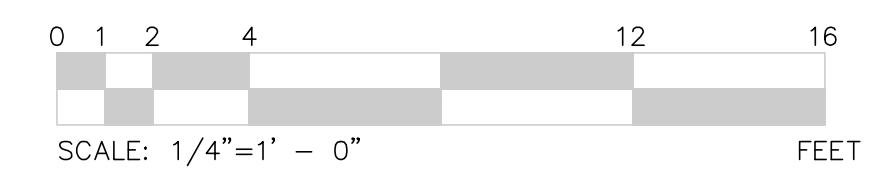
MERCHANDISING AREA	1950	@ 1/30 =	65
ALCOVE	50	@ 1/30 =	2
CASHIER	154	@ 1/30 =	5
WALK IN COOLER	385	@ 1/300 =	1
WALK IN BEER CAVE	159	@ 1/300 =	1
WALK IN FREEZER	70	@ 1/300 =	1
WALK IN COOLER	46	@ 1/300 =	1
FOOD PREP	361	@ 1/200 =	2
STORAGE	373	@ 1/300 =	1
OFFICE	64	@ 1/100 =	1
TOTAL			80

WALL LEGEND

- 2x6 EXTERIOR STUD WALL WITH PLYWOOD SHEATHING. (SEE SHEET A03 NOTE 11)
- 2x4 WALLS W/ 5/8" GYP. BD. ON EACH FACE U.O.N.
- 4" INSULATED COOLER WALLS W/ 5/8" GYP. BD. @ MERCH. AREA
- 2x6 PLUMBING WALL

SYMBOL LEGEND

- DOOR TYPES, SEE SHEET A01.1 FOR MORE INFORMATION.
- WINDOW TYPES, SEE SHEET A01.1 FOR MORE INFORMATION.



IS THE CURRENT DRAWING SET REVISION NUMBER	OWNER:	Paramjit Mander
		JGMJ Investments
		2364 S Highland Ave.
		Sanger, CA 95657
		(559) 709-3680



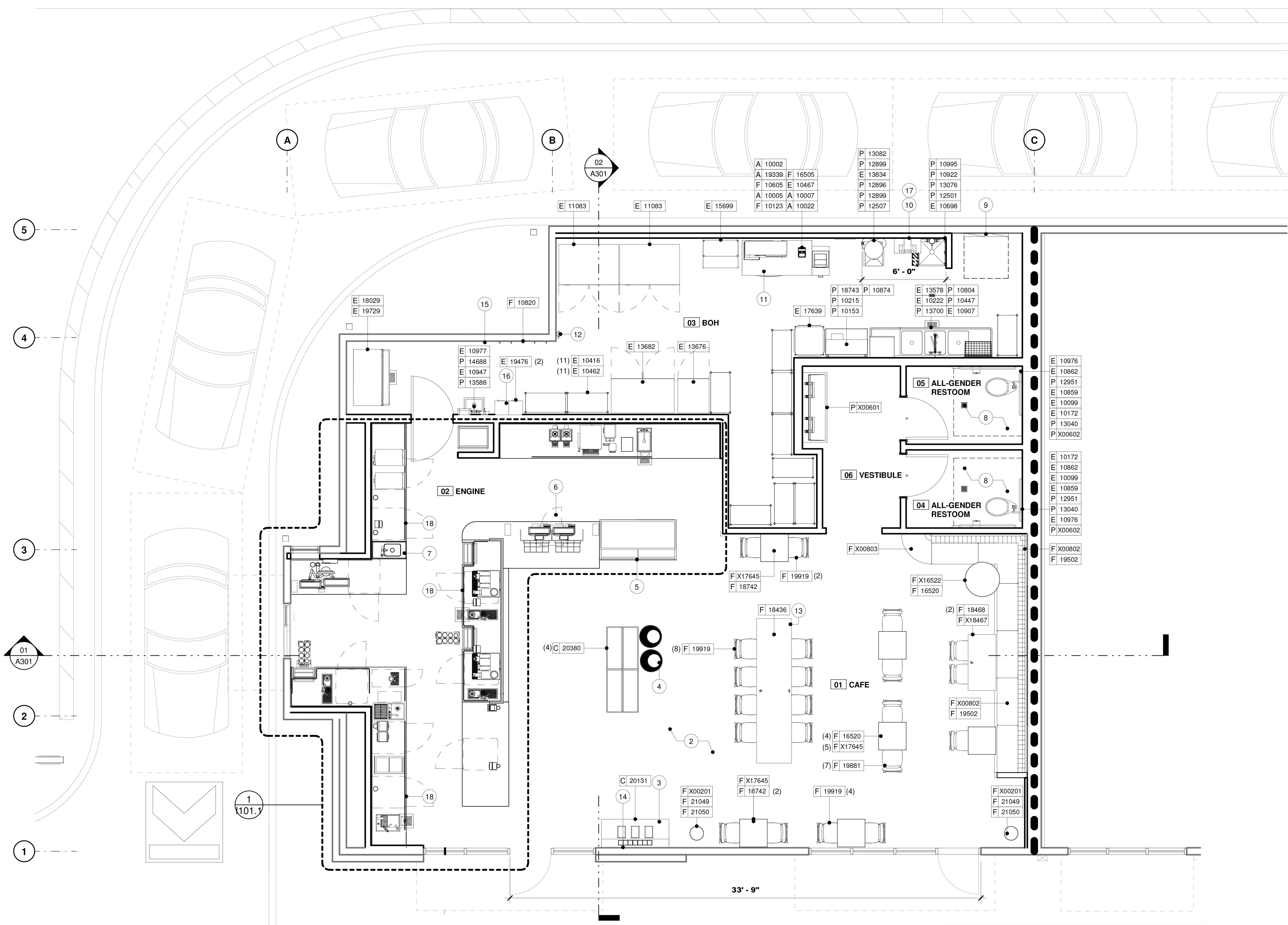
MILESTONE ASSOCIATES
1000 LINCOLN RD., STE H202, YUBA CITY, CA 95991
(530) 755-4700

STAMP:	MILESTONES
	PROJECT PHASE
	ISSUED FOR PERMIT
	ISSUED FOR BID
	ISSUED FOR CONSTRUCTION

PROJECT:
PROPOSED CONVENIENCE STORE
COUNTRY CLUB COMMERCIAL CENTER
SOUTHEAST COUNTRY CLUB DRIVE
AND ADELL STREET MADERA, CA 93638

FLOOR PLAN LEGEND AND NOTES

DATE	INITIALS	STORE	SHEET
	JT	FACILITY:	A1A.0
	JT	LAYOUT: NON-STD	
		JOB# 19-014.1	
		SCALE:	



SHEET NOTES

- A. GENERAL CONTRACTOR TO SCHEDULE WITH LOCAL REFRIGERATION CONTRACTOR TO CONDUCT INITIAL FOOD CASE START-UP AND TESTING. FOR LIST OF APPROVED START UP CONTRACTORS, CONTACT PROJECT CONSTRUCTION REPRESENTATIVE.
- B. THE SITE IS SERVED BY THE MUNICIPAL WATER AND SEWER SYSTEM UNLESS OTHERWISE NOTED.
- C. ALL FOOD STORAGE SHALL BE 6" (150mm) A.F.F.
- D. ALL WOOD SURFACES (DOORS, TRIM, SHELVES, CABINETS) SHALL BE SEALED.
- E. ALL EQUIPMENT AND INSTALLATION WILL MEET NATIONAL SANITATION FOUNDATION STANDARDS OR EQUIVALENT.
- F. ALL EQUIPMENT AND CABINETS WILL BE FLUSH MOUNTED TO COUNTERTOPS, WALLS OR FLOORS, OR BE RAISED TO ALLOW FOR CLEANING.
- G. CONFIRM ALL NECESSARY EQUIPMENT CLEARANCES PER PRODUCT CUT SHEET (E.G. ICE MACHINE).
- H. FOR LOCATION OF COUNTERTOP EQUIPMENT, REFER TO CASEWORK ELECTRICAL DETAILS.
- I. EQUIPMENT UNITS SHALL CONTAIN NO EXPOSED THREADS, EMBELLISHMENTS OR OVERHANGING EDGES THAT SERVE AS PLACES FOR ACCUMULATION OF DUST, DIRT AND DEBRIS.
- J. WARMING OVEN(S) SHOWN FOR PERMITTING PURPOSES. INSTALLATION AT STORE OPENING TO BE VERIFIED BY STARBUCKS CONSTRUCTION REPRESENTATIVE.
- K. EACH HAND WASHING SINK WILL HAVE A SINGLE SERVICE TOWEL AND SOAP DISPENSER, AND ALL HAND SINKS TO HAVE A COMBINATION FAUCET OR PREMIXING FAUCET.
- L. FOR PLUMBING FIXTURES, REFER TO THE PLUMBING DESIGN PLAN. FOR DATA DEVICE SCHEDULE, REFER TO THE ELECTRICAL DESIGN PLAN.
- M. SEE ELEVATIONS FOR DISTRIBUTION OF CUP DISPENSERS.
- N. PROVIDE FIRE EXTINGUISHERS AS NOTED ON THE APPROVED PLANS FROM THE LOCAL JURISDICTION.

KEYED NOTES

- 1. INSTALL EXTERIOR FURNITURE THROUGHOUT AS SHOWN.
- 2. INSTALL CAFE FURNITURE THROUGHOUT AS SHOWN.
- 3. CONDIMENT CART. SEE INTERIOR FINISH ELEVATIONS.
- 4. PLACE MERCHANDISE FIXTURES AND RETAIL FLOOR BASKETS PER PLAN. STORE OPERATORS TO ORDER RETAIL FLOOR BASKETS.
- 5. DO NOT BLOCK FOOD CASE INTAKE/EXHAUST.
- 6. SAFE LOCATED AT POS CABINET. SEE ELECTRICAL FOR ADDITIONAL INFORMATION.
- 7. HAND SINK W/ INTEGRAL SPLASH GUARD.
- 8. REFER TO ENLARGED RESTROOM PLANS AND ELEVATIONS (SHEET I401) FOR FIXTURE LOCATIONS AND MOUNTING HEIGHTS.
- 9. LOCATION OF ELECTRICAL PANELS. DO NOT OBSTRUCT 3'-0" MINIMUM, BY CODE.
- 10. WATER HEATER LOCATED ABOVE. SEE PLUMBING DRAWINGS.
- 11. MANAGERS DESK. SEE MANAGER'S DESK/EQUIPMENT RACK ELECTRICAL DETAIL 01/I540 FOR ADDITIONAL INF.
- 12. LOCATION OF FIRE EXTINGUISHER.
- 13. COMMUNITY TABLE. SEE FURNITURE SCHEDULE.
- 14. COMMUNITY BOARD. SEE INTERIOR FINISH ELEVATIONS.
- 15. LOCATION OF LIGHT SWITCH AND THERMOSTAT CONTROLS.
- 16. SECURE LOCKERS TO WALL.
- 17. VENDOR TO INSTALL WATER FILTRATION SYSTEM PER MANUFACTURER'S REQUIREMENTS. G.C. TO PROVIDE PLUMBING AND ELECTRICAL REQUIREMENTS.
- 18. G.C. TO REVERSE HINGE ON U.C. REFRIGERATOR TO LEFT HAND SWING AS SHOWN.
- 19. PATIO RAILING BY LL

IS THE CURRENT DRAWING SET REVISION NUMBER 16-11-21 PLANNING COMMENTS JT		OWNER:
		MANDER TRUCKING INC (559) 442-0500
PROJECT: Chevron COUNTRY CLUB CENTER COUNTRY CLUB DRIVE @ ADELL STREET MADERA, CA 93638 APN 003-250-026		PROJECT:
MILESTONE ASSOCIATES 1000 LINCOLN RD., STE H202, YUBA CITY, CA 95991 (530) 755-4700		FLOOR PLAN
MILESTONES PROJECT PHASE DATE INITIALS STORE: . ISSUED FOR PLANNING FACILITY: ISSUED FOR PERMIT LAYOUT: NON-STD ISSUED FOR BID JOB# 19-014 ISSUED FOR CONSTRUCTION SCALE:		
		DD5

ATTACHMENT 4

Elevations

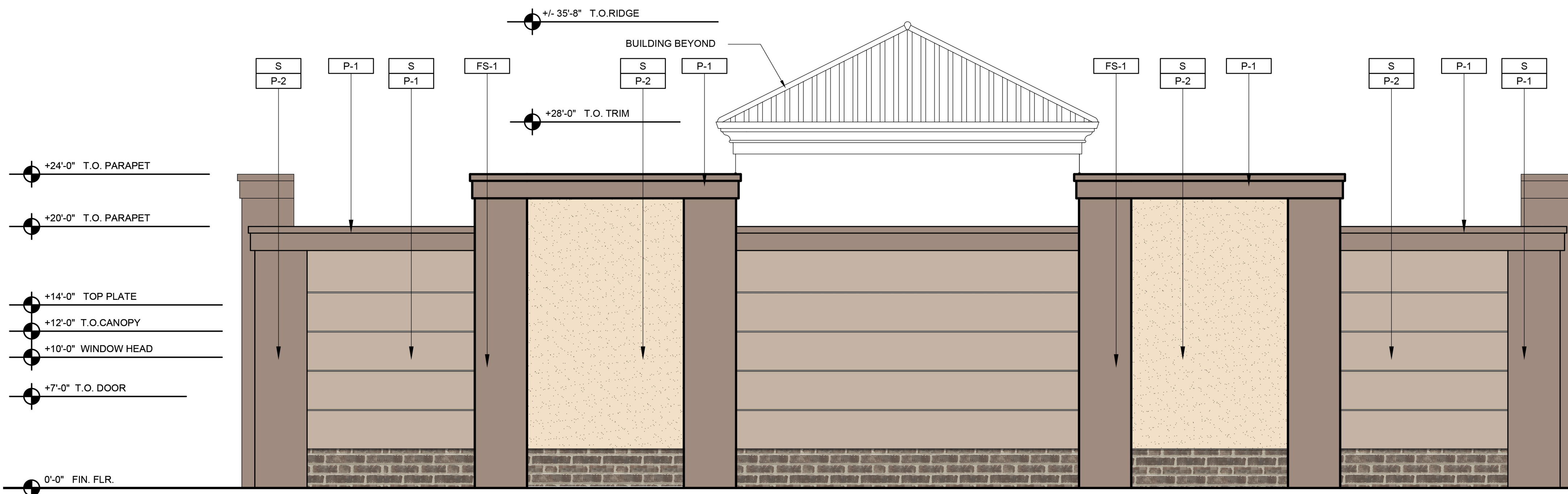


SOUTH ELEVATION

3/16" = 1'-0"

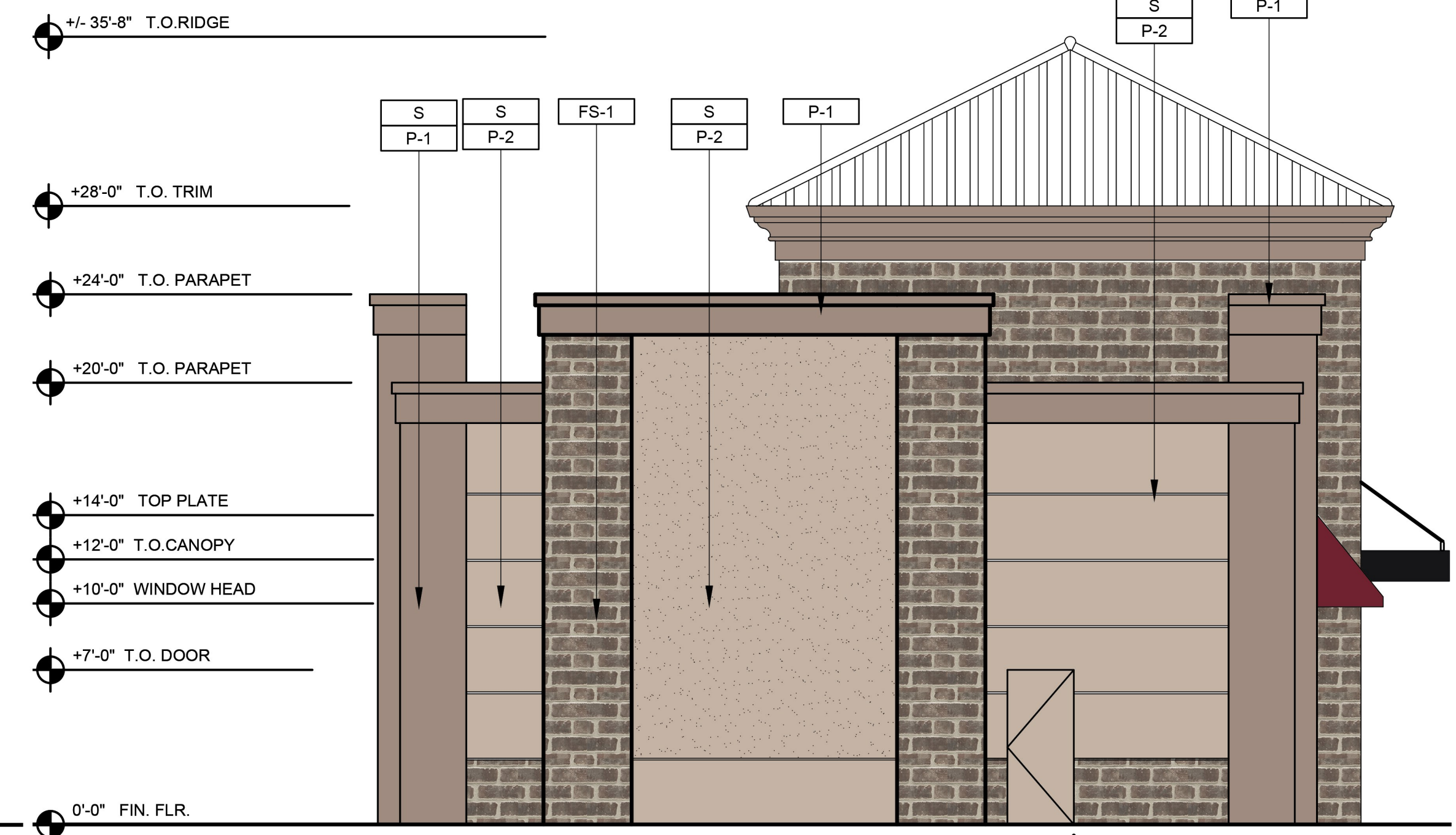
EAST ELEVATION

3/16" = 1'-0"



NORTH ELEVATION

3/16" = 1'-0"



WEST ELEVATION

3/16" = 1'-0"

GENERAL NOTES:

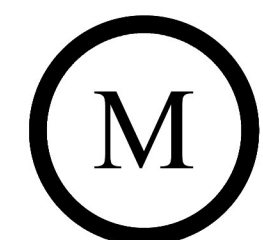
- A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

COLOR LEGEND:

<p>P-1 JONES BLAIR CHEVRON EXTRA MILE COLOR: MOCHA</p> <p>P-2 JONES BLAIR CHEVRON EXTRA MILE COLOR: NUTMEG</p> <p>P-3 JONES BLAIR CHEVRON EXTRA MILE COLOR: CAFE AU LAIT</p> <p>P-4 JONES BLAIR CHEVRON EXTRA MILE COLOR: CHILLED WINE</p>	<p>FS-1 NICHIHA VINTAGE BRICK COLOR: WHITE WASH</p> <p>MTL TO MATCH BERRIDGE MATTE BLACK</p>
--	--

MATERIAL LEGEND:

C	PRE ENGINEERED METAL CANOPY
S	STUCCO; 7/8" CEMENT PLASTER
T	TRIM AND CORNICE
SF	STOREFRONT
R	STANDING SEAM METAL ROOF
AW	AWNING



Milestone Associates Imengineering, Inc.
 1000 Lincoln Road, Suite H202, Yuba City, CA 95991
 (530) 755-4700

COUNTRY CLUB DRIVE
ADEL STREET, MADERA, CALIFORNIA 93638

EXTERIOR ELEVATIONS

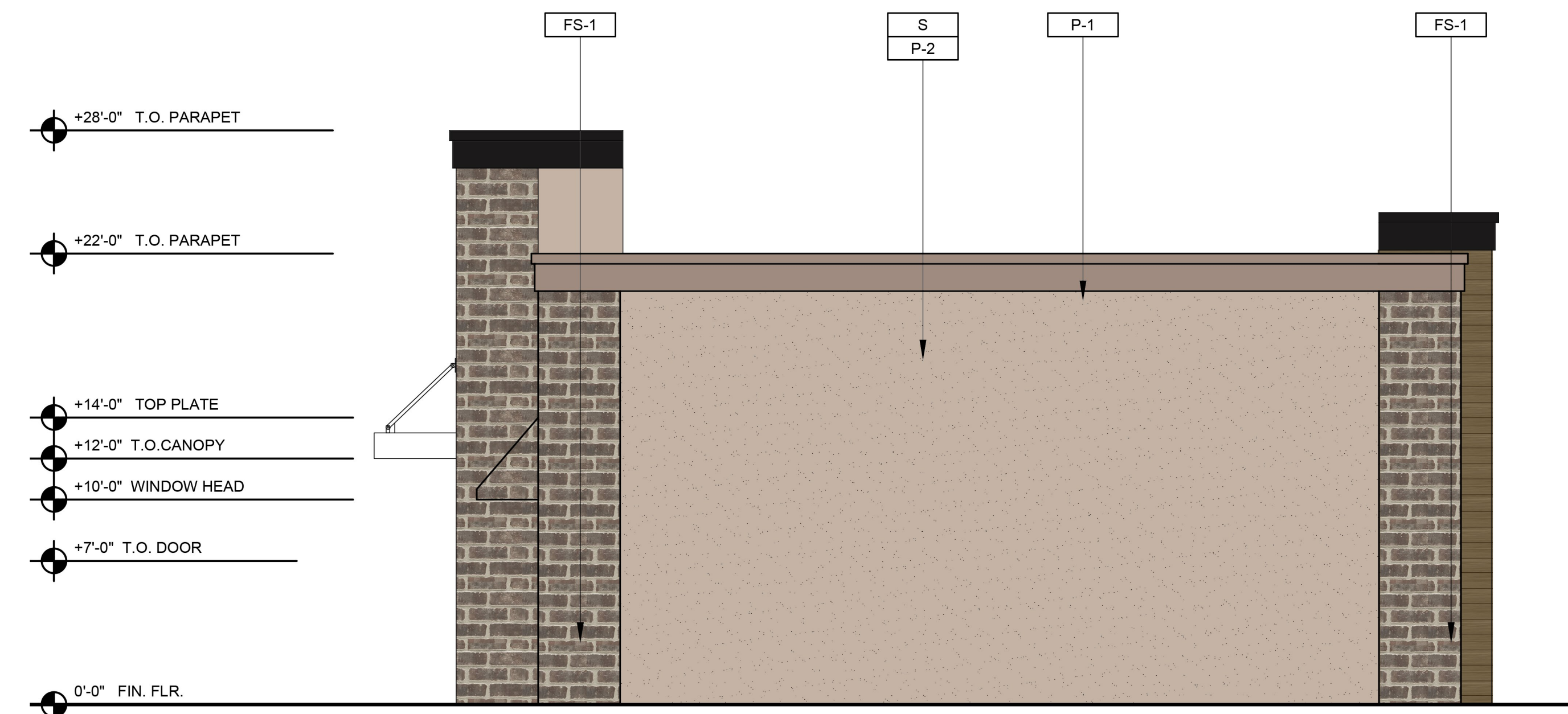
3

9-26-22



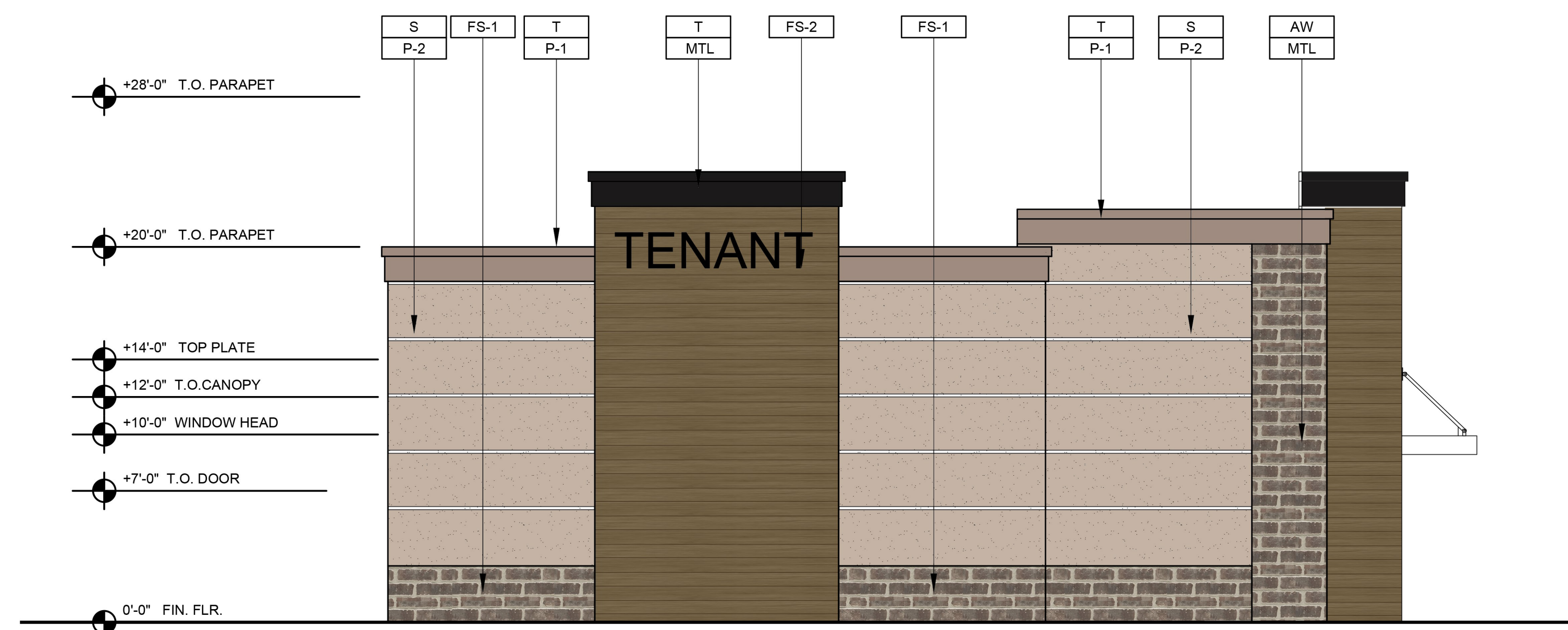
SOUTH ELEVATION

3/16" = 1'-0"



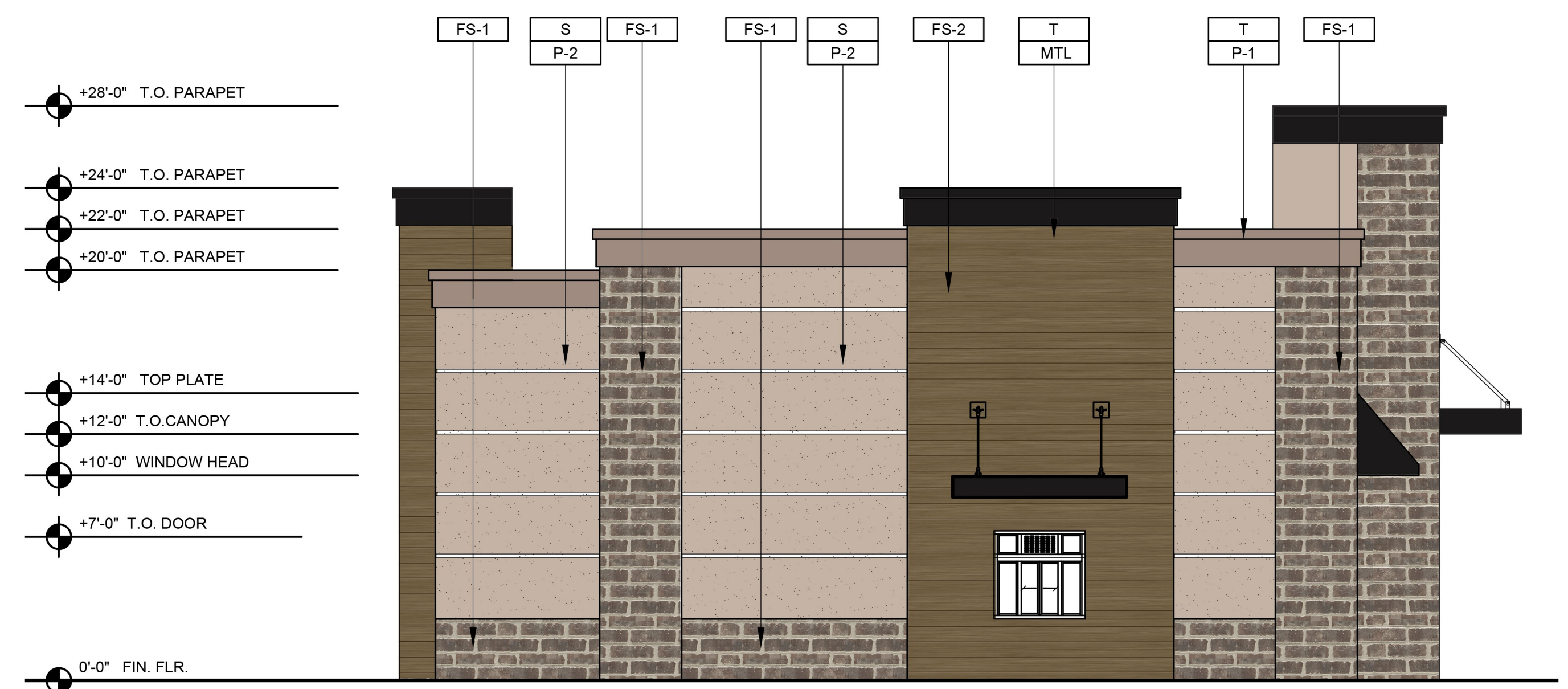
EAST ELEVATION

3/16" = 1'-0"



NORTH ELEVATION

3/16" = 1'-0"



WEST ELEVATION

3/16" = 1'-0"

GENERAL NOTES:

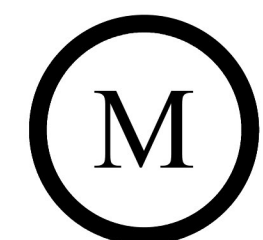
- A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE TO ELEVATIONS.

COLOR LEGEND:

<p>P-1 JONES BLAIR CHEVRON EXTRA MILE COLOR: MOCHA</p> <p>P-2 JONES BLAIR CHEVRON EXTRA MILE COLOR: NUTMEG</p>	<p>FS-1 NICHIHA VINTAGE BRICK COLOR: WHITE WASH</p> <p>FS-2 NICHIHA VINTAGE WOOD COLOR: CEDAR</p> <p>MTL TO MATCH BERRIDGE MATTE BLACK</p>
--	---

MATERIAL LEGEND:

C	PRE ENGINEERED METAL CANOPY
S	STUCCO; 7/8" CEMENT PLASTER
T	TRIM AND CORNICE
SF	STOREFRONT
AW	AWNING



Milestone Associates Imengineering, Inc.
1000 Lincoln Road, Suite H202, Yuba City, CA 95991
(530) 755-4700

COUNTRY CLUB DRIVE
ADEL STREET, MADERA, CALIFORNIA 93638

**RETAIL EXTERIOR
ELEVATIONS**

4

9-26-22

ATTACHMENT 5

SPR 2019-25 One-Year Extension Approval Letter



NOTICE OF EXTENSION

Will Tackett, Community Development Director

January 18, 2023

Julio J. Tinajero
President/Lead Designer
Milestone Associates Imagineering, Inc.
1000 Lincoln Road, Suite H202
Yuba City, CA 95991

To Whom It May Concern:

Our office has considered your request for an extension of Site Plan Review Application No. SPR 2019-25 pertaining to approximately 1.37 acres of property located at the southeast corner of the intersection of Country Club Drive and Adell Street (APN: 003-250-026).

An extension of Site Plan Review Application No. SPR 2019-25 is approved and granted until **December 14, 2023; subject to the following:**

1. The project developer shall comply with all conditions of approval dated December 14, 2021, as set forth and attached as Exhibit "A" to Resolution No. 1900 of the City of Madera Planning Commission; and, the following:
 - a. Any requested or proposed modifications or revisions to the conditions of approval adopted by the Planning Commission will require submittal of a separate entitlement application and payment of all applicable fees to the Planning Department for purposes of processing the separate entitlement application and to facilitate review and approval by the Planning Commission.

This extension does not pertain to accompanying Conditional Use Permit Application No. CUP 2021-02, which authorized the sale of alcoholic beverages and tobacco at the proposed convenience store as well as the development and operation of a vehicular drive-through. CUP 2021-02 is determined to be expired. A new Conditional Use Permit application will need to be filed with the Planning Department and will require action by the Planning Commission, in accordance with Section 10-3.1300 et seq. of the City

Notice of Extension
SPR 2019-25
January 18, 2023

Municipal Code, prior to any business operations involving the sale of alcohol or tobacco, or operation of a vehicular drive-through, occurring on the subject property.

Should you have any questions, or if our office can be of further assistance, please contact me at (559) 661-5451 or via-email at wtackett@madera.gov

Thank you,



Will Tackett
Community Development Director
City of Madera

ATTACHMENT 6a

Initial Study / Negative Declaration

The Initial Study and Environmental Review for the Country Club Chevron Project can be found on the City's website by using the link below.

<https://www.madera.gov/home/departments/planning/#tr-approved-projects-environmental-review-243608>

ATTACHMENT 6b

San Joaquin Valley Air Pollution Control District Comments

October 29, 2021

Gary Conte
City of Madera
Planning Department
205 W. 4th Street
Madera, CA, 93637

Project: Country Club Commercial Center Site Plan Review 2019-25, Conditional Use Permit 2019-19, 2019-20 & 2021-02, Negative Declaration

District CEQA Reference No: 20211145

Dear Mr. Conte:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Negative Declaration for the project referenced above from the City of Madera (City). The project consists of the construction of a convenience store and an accompanying gas station as well as the construction of a coffee shop with a drive through on a 1.37 acre parcel. The Project is located at the south east corner of Country Club Drive and Adell Street, in Madera, CA (APN 003-250-026). The District offers the following comments:

1) Reducing Air Quality Impacts from Construction Activities

The Negative Declaration determined that the construction emissions would have a less than significant impacts. Although Project construction emissions are less than significant, the District recommends that the City advise that the project proponent further reduce impacts from construction-related diesel exhaust emissions by utilizing clean off-road construction equipment, including the latest tier equipment as feasible.

2) Vegetative Barriers and Urban Greening

The Project is located in a rural area in Madera and is surrounded by mix land use development. More specifically, there are single family residential units and a Tractor Supply Co. store immediately to the south. The District suggests the City consider the

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (861) 392-5500 FAX: (861) 392-5585

feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (i.e. church and school).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought resistant low maintenance greenery.

3) Clean Lawn and Garden Equipment in the Community

Since the Project consists of commercial development, gas-powered commercial lawn and garden equipment have the potential to result in an increase of NO_x and PM_{2.5} emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment.

More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

4) Under-fired Charbroilers

The proposed development project includes retail use on the ground floor, which may potentially be occupied by restaurants. Should restaurants with under-fired charbroilers move in, the charbroilers may pose the potential for immediate health risk, particularly when located in densely developed locations near sensitive receptors. Since the cooking of meat can release carcinogenic PM_{2.5} species like polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. As mentioned above, the Project is located in an urban area with commercial and office buildings immediately adjacent to the Project. A church and a high school is located northwest and south of the Project. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM2.5 standards and associated health benefits in the Valley. Therefore, the District recommends that if the Project includes the installation of an under-fired charbroiler, a measure should be included requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for the Project. The District is available to assist the City with this assessment. Additionally, to ease the financial burden for Valley businesses, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system for up to two years. Please contact the District at (559) 230-5800 or technology@valleyair.org for more information.

5) Solar Deployment in the Community

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the Project proponent consider the feasibility of incorporating solar power systems, as an emission reduction strategy for this Project.

6) Charge Up! Electric Vehicle Charger

To support further installation of electric vehicle charging equipment and development of such infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of this incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District suggests that the City and Project proponent consider the feasibility of installing electric vehicle chargers for this Project.

Please visit www.valleyair.org/grants/chargeup.htm for more information.

7) District Rules and Regulation

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of examples, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District

rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888

7a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits.

Prior to commencing construction on any permit-required equipment or process, a finalized Authority to Construct (ATC) must be issued to the Project proponent by the District. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888

7b) District Rule 9510 (Indirect Source Review)

The purpose of District Rule 9510 (Indirect Source Review) is to reduce the growth in both NO_x and PM₁₀ emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into the development project. In case the proposed project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 2,000 square feet of commercial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at:
<http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at:
<http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

7c) Other District Rules and Regulations

The Project may also be subject to the following District rules: (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

8) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Matt Crow by e-mail at Matt.Crow@valleyair.org or by phone at (559) 230-5931.

Sincerely,

Brian Clements
Director of Permit Services



For Mark Montelongo
Program Manager

ATTACHMENT 7

Planning Commission Resolution

EXHIBIT "A"
CUP 2023-03
COUNTRY CLUB CHEVRON AND COMMERCIAL CENTER
CONDITIONS OF APPROVAL
June 13, 2023

Notice to Applicant

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site plan, conditional use permit review, and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for CUP 2023-03 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit and/or conditional use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit or the zoning ordinance, and all City standards and specifications. This use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the, use permit review process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

Conditions of Approval

- ❖ The sale of beer and wine for off-site consumption pursuant to CUP 2023-03 is subject to conditions of approval 1 through 24.
- ❖ Sale of tobacco products excluding vapor devices and flavored products used in vapor devices pursuant to CUP 2023-03 is subject to conditions of approval 1 through 7, and conditions of approval 25 through 30.
- ❖ The establishment and operation of a drive-through coffee shop pursuant to CUP 2023-03 is subject to conditions of approval 1 through 7 and conditions of approval 31 through 38.

General Conditions

1. Approval of Use Permit 2023-03 (CUP 2023-03) shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of the Conditional Use Permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on either this conditional use permit, previously approved Site Plan Review (SPR 2019-25), or the zoning ordinance, and all City standards and specifications. This conditional use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this conditional use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit and / or site plan review is required if the operation is found to be out of conformance with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon CUP 2023-03 and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. Please note the Conditional Use Permit approval (CUP 2023-03) is conditioned upon the privileges granted being utilized within 12 months after the effective date thereof. Failure to utilize such permit within such 12-month period shall render the permit null and void unless a timely written request for extension is submitted to the Planning Commission prior to the expiration of this permit.

5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record.

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

7. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the building or issuance of a business license unless otherwise noted.

Beer and Wine Sales

8. Conditional Use Permit 2023-03 allows for the sale of beer and wine for off-site consumption in conjunction with the convenience store. This entitlement requires a Type 20 License from the California Department of Alcoholic Beverage Control (ABC) to be obtained and maintained at all times.
9. The sale of alcoholic beverages in conjunction with the convenience store shall be restricted to off-site consumption only. No sale of alcoholic beverages for on-site consumption shall be allowed in or occur as a component of the store.
10. There shall be no exterior advertisement or signs of any kind or type placed on the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall be located at least five (5) feet away from the store entrance.
11. The business owner/manager shall regularly monitor the area under its control to prevent loitering of persons about the premise.

12. The business owner/manager shall post signs in the area under its control prohibiting open containers and loitering at the location and stating that no loitering will be tolerated.
13. No promotional signage and/or displays promoting alcohol products shall be utilized in any way on the exterior of the convenience store or premise.
14. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be allowed to be viewed or sold.
15. Digital security cameras shall be installed to monitor the interior and exterior of the premises. The footage shall be maintained in a digital format for no less than thirty (30) days. Footage shall be shared with law enforcement upon request.
16. Cooler doors for alcoholic beverage products shall be locked during hours when alcoholic beverages may not be sold.
17. The sale of beer shall occur in packs of six (6) or greater. However, 24-ounce bottled imported and/or specialty craft beer not normally sold in multi-package containers may be sold individually or in packs of four (4).
18. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
19. The sale of wine coolers shall occur in no less than packs of four (4).
20. The sale of wine shall not be sold in containers less than 750 ml.
21. No malt liquor or fortified wine products shall be sold.
22. No display of alcohol shall be made from an ice tub, barrel or similar container.
23. No sale or distribution of alcoholic beverages shall be made from a drive-through or walk-up window.
24. The applicant and/or successors-in-interest shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause of revocation of this permit.

Tobacco Sales

25. Conditional Use Permit 2023-03 allows for the sale of cigarettes in either single packs or cartons of ten or fewer. Other tobacco and tobacco-related products allowed for sale at the convenience store shall be as follows:
 - a. Smokeless tobacco
 - b. Roll-your-own pouched/canned tobacco
 - c. Cigars and cigarillos (except for any flavored products such as, but not limited to, grape, watermelon, bubble gum and fruit punch flavored products)
 - d. Rolling papers
26. Conditional Use Permit 2023-03 prohibits the following tobacco and tobacco related products:
 - a. Vape products, including juices
 - b. Hookah products, including hookah tobacco/charcoal
 - c. E-cigarettes

d. Pipes and pipe tobacco

27. Drug related paraphernalia such as bongs, pipes and other products meant for the use with non-tobacco substances as determined by the Planning Manager, is strictly prohibited.
28. All tobacco and tobacco-related products shall be secured behind a counter or other fixture, unavailable to the public except with the assistance of a store employee.
29. There shall be no exterior display of signage promoting or advertising the sale of cigarettes, cigars, tobacco and/or tobacco-related products on the project site.
30. The property/business owner shall post "No Smoking" signage to the extent required by law.

Drive-Through Coffee Shop

31. Conditional Use Permit 2023-03 allows for the construction and operation of a 2,200 square foot coffee shop with a drive-through window. Any alterations to the site plan, use permit, or building shall require Planning Commission approval.
32. Business hours shall be limited to 5:00 a.m. through 11:00 p.m., seven (7) days a week.
33. Delivery of stock foods, drinks, supplies, etc. shall be received by 6:00 a.m.
34. The drive-through stacking lane shall be developed consistent with the final site plan designed to queue no less than twelve (12) vehicles between the drive-through entry lane and the length of the drive aisle and no less than seven (7) vehicles between the drive-through menu order board and the pick-up window. No vehicle spillover of the drive-through lane is to be permitted into public right-of-way or on-site parking area.
35. A split-face masonry wall measuring three feet in height with cap stone shall be constructed along the exterior perimeter of stacking lane of the drive-through sufficient to screen headlight glare into the public right-of-way and shall be setback a minimum of two (2) feet from the back edge of the public right-of-way. The decorative wall shall be reviewed and approved by the Planning Manager prior to issuance of a building permit.
36. The applicant/owner/tenant of the coffee shop shall submit a traffic management plan detailing how overflow traffic will be directed in the event the drive-through vehicles in que exceeds stacking lane capacity. The plan shall be submitted to the Planning Department for approval prior to occupancy of the building.
37. The drive-through shall be allowed a maximum of one (1) preview board, one (1) menu board, and one (1) digital ordering screen, all subject to the approval of Sign Permit. No additional freestanding signage shall be allowed as a component of the drive through coffee shop.
38. Preview and menu boards and digital ordering screen placed within ten (10) of the building shall not measure more than sixty (60) inches in width and forty-eight (48) inches in height with the base not reaching higher than seventy-two (72) inches. Preview and menu boards, or digital ordering screen placed more than ten (10) feet from the building shall not measure more than forty-eight (48) inches in width and thirty-six (36) inches in height and must not exceed 60 inches in total height. The reverse side of menu/preview boards positioned in a manner viewable to the public shall be obscured from the public via a landscape screen.

-END OF CONDITIONS-

RESOLUTION NO. 1959

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2023-03 (COUNTRY CLUB CHEVRON
AND COMMERCIAL CENTER)**

WHEREAS, the project site is a vacant 1.37-acre property located at the southeast corner of Country Club Drive and Adell Street; and

WHEREAS, the property is owned by JGJM Investments; and

WHEREAS, a previous applicant, Lion Builders, Inc, on the behalf of the property owner applied for a use permit (CUP 2021-02) and site plan review (SPR 2019-25) to develop the southeast corner of Country Club Drive and Adell Street as service station composed of a canopied fueling station, convenience store. In addition, Lion Builders, Inc. proposed to develop retail center on the eastern side of the property of which included a coffee shop with a drive-through lane and window building pad for one or more future retail uses; and

WHEREAS, CUP 2021-02 sought the allowance to sell beer and wine beverages and tobacco products within the planned service station convenience store, and establishment and operation of a drive-through coffee shop; and

WHEREAS, the City prepared an Initial Study and Negative Declaration for CUP 2021-02 and SPR 2019-25 and determined that the proposed actions will not have a significant effect on the environment; and

WHEREAS, the Planning Commission at a duly noticed public hearing adopted the Negative Declaration and conditionally approved CUP 2021-02 and SPR 2019-25 on December 14, 2021; and

WHEREAS, Condition No. 6 of 2021 CUP 2021-02 and SPR 2019-25 Conditions of Approval specified CUP 2021-02 would effectively become null and void (expire) if the use permit was not utilized within 12 months following its effective date (December 14, 2021) unless a timely written request for extension was submitted to the Commission prior to the permit's expiration date. SPR 2019-25 would expire one year from its effective date (December 14, 2021), unless a building permit was issued by the City Building Official and construction commenced, or the required action is taken to extend the approval prior to the expiration date pursuant to Section 10-3.4.0114 of the Madera Municipal Code (MMC); and

WHEREAS, as the Planning Department received a timely request for a one-year time extension of SPR 2019-25 and the Community Development Director approved granting a one-year extension for SPR 2019-25; and

WHEREAS, CUP 2021-02 expired on December 14, 2022, absent a timely written request for an extension prior to the expiration date of the CUP 2021-02; and

WHEREAS, the December 14, 2021, CUP 2021-02 and SPR 2019-25 conditions of approval specific to CUP 2021-02 were nullified upon the expiration of CUP 2021-02; and

WHEREAS, JGJM Investments, is now requesting a use permit (CUP 2023-03) to allow the sale of alcohol (beer and wine beverages) for off-site consumption and the sale of tobacco products in conjunction with the previously approved service station convenience store, and to establish and

operate a coffee shop with drive-through lane and window as part of the previously approved retail center; and

WHEREAS, CUP 2023-03 remains consistent with the scope of the original environmental evaluation and adopted Negative Declaration. The circumstances on the project site have not changed, and there is no new substantial information of significant importance that would alter the outcome of the adopted Negative Declaration; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve, use permits and on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law; and

WHEREAS, the Planning Commission received and reviewed CUP 2023-03 at a duly noticed meeting on June 13, 2023; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to approve CUP 2023-03 with conditions, and find the project is consistent with a previous Negative Declaration for the project.

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds that the adopted Negative Declaration adopted by the Commission on December 14, 2021, is the Environmental Document of record for CUP 2023-03. This CUP is consistent with that previous environmental finding and no further environmental review under CEQA is required based on the following:
 - a. No substantial changes are proposed in the project which will require major revisions of the previous negative declaration ("ND") due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, CUP 2023-03 maintains the same density, intensity and is otherwise consistent with the development originally proposed for the subject site as contemplated by the ND for CUP 2021-02. Alcohol and tobacco will also be permitted to be sold on the site, which is not a substantial change as these were already allowed as a use for CUP 2021-02 as assessed by the ND. As such, no further environmental review is necessary or required.
 - b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, CUP 2023-03 is consistent with the originally approved CUP 2021-02 that was assessed by the ND and there are no new substantial changes in the physical environment that were not anticipated in the ND.
 - c. There is no new information, which was not known and could not have been known at the time of the previous ND that the project will have significant effect

not discussed in the ND. The project will not have any more significant effects than that already discussed and assessed in the ND. As a negative declaration was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documents is required for CUP 2023-03.

3. Findings for CUP 2023-03: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2023-03 as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposal is consistent with the General Plan and Zoning Ordinance.

Basis for Finding: The property is zoned C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). As conditioned, the project is consistent with the purpose and intent of the C-1 zone district and does not conflict with City standards or other provisions of the Code. Therefore, the project is consistent with the General Plan and Zoning Ordinance of the City of Madera.

- b. The proposed use will be compatible with the surrounding properties.

Basis for Finding: The project site is suited and planned for commercial uses and businesses. The review of the site plan has ensured that the project will not be harmful to or incompatible with surrounding uses. The project site is located near and adjacent to commercial businesses and as proposed would be a compatible use for the site.

- c. The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

Basis for Finding: As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The establishment of the convenience store with alcohol and tobacco sales, a fueling station, coffee shop, and future retail will not be detrimental to the overall well-being of neighborhood or City. The project, as conditioned, will provide for business opportunities within the City and more retail options to serve residents.

Approval of and CUP 2023-03: Given that all findings can be made, the Planning Commission hereby approves CUP 2021-02 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of June 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for CUP 2023-03

REZ 2022-08, CUP 2022-34 & SPR 2022-4

Mammoth Oxygen, Inc.

Staff is requesting this item be continued to the July 11th, 2023, Planning Commission meeting.