

**REGULAR MEETING AGENDA
CITY OF MADERA
PLANNING COMMISSION**

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
March 8, 2016
6:00 pm**

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Ruben Mendoza (Vice Chairperson)
Commissioner Robert Gran, Jr.
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Jim DaSilva
Commissioner Jeff Dal Cerro

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The first fifteen 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 to identify themselves and state the subject of their comment. 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.

MINUTES: February 9, 2016

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

**1. TSM 2016-01 – Varbella / DMP Development
(Staff Recommends This Item Be Continued)**

A noticed public hearing to consider a tentative subdivision map to subdivide two parcels (APN: 012-460-001 and 006) encompassing 27.94 acres into a 120-lot single family residential subdivision. The two parcels are located at the southwest corner of Monterey Street and Gary Lane in the R1 (Low Density Residential) Zone District with an LD (Low Density Residential) General Plan land use designation. A Mitigated Negative Declaration will also be considered by the Planning Commission

2. CUP 2012-02 MOD & SPR 2016-04 – Dollar General

A noticed public hearing to consider modification of an existing conditional use permit and site plan review to allow for the sale of distilled spirits where only the sale of beer and wine is currently allowed as a component of an existing grocery store located at the southwest corner of Gary Lane and South Madera Avenue (1200 S. Madera Avenue) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 012-320-005) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

3. CUP 2016-01 & SPR 2016-06 – Chipotle Beer and Wine Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for on-site consumption at an existing restaurant located within the Commons at Madera Fair shopping center along West Cleveland Avenue, approximately 500 feet east of its intersection with North Schnoor Avenue in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 006-390-029) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

4. CUP 2000-15 MOD & SPR 2016-02 – Lake Street Valero Remodel

A noticed public hearing to consider modification of an existing conditional use permit and site plan review to allow for the sale of distilled spirits for off-site consumption, expansion of the existing convenience store structure and remodeling of the commercial site located at the southwest corner of East Cleveland Avenue and North Lake Street (1030 N. Lake Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 004-083-016) The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15303 (New Construction or Conversion of Small Structures).

NON-PUBLIC HEARING ITEMS

ADMINISTRATIVE REPORTS

Presentation of proposed report from the Planning Commission to the City Council in connection with the appeal of the Planning Commission denial of Conditional Use Permit 2015-28, Conditional Use Permit 2015-29, Variance 2015-03 and Site Plan Review 2015-32, and request for comment and direction to staff.

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on April 12, 2016.

In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

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.

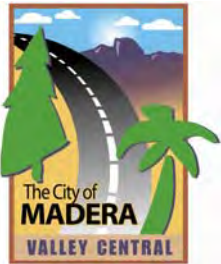
Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning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

**TSM 2016-01
Varbella / DMP Development
Item #1 – March 8, 2016**

Staff recommends that the Planning Commission make a motion to continue this item to the April 12, 2016 regular Planning Commission meeting.



CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

**Staff Report: Dollar General – CUP 2012-02 MOD, SPR 2016-04
& Environmental Determination
Item #2 - March 8, 2016**

PROPOSAL: An application for modification of an existing Conditional Use Permit and Site Plan Review to allow for the sale of distilled spirits where only the sale of beer and wine is currently allowed as a component of an existing Dollar General store.

APPLICANT:	Dolgen California, LLC #13620	OWNER:	DG Strategic II, LLC
ADDRESS:	1200 South Madera Avenue	APN:	012-320-005
APPLICATIONS:	CUP 2012-02 MOD SPR 2016-04	CEQA:	Categorical Exclusion

LOCATION: This project site is located at the southwest corner of Madera Avenue and Gary Lane.

STREET ACCESS: The site is accessed from Madera Avenue and Gary Lane.

PARCEL SIZE: 1.49 acres

GENERAL PLAN DESIGNATION: C (Community Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is developed with a 12,382 square feet Dollar General commercial development. Residential development is located immediately west of the project site. Commercial and office development is located in all other directions along the Madera Avenue business corridor. A vacant parcel is located immediately south of the site.

ENVIRONMENTAL REVIEW: This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: A Conditional Use Permit was approved for the sale of beer and wine for off-site consumption, when the Dollar General project was originally approved in April of 2012. At the time of approval, in response to opposition, the applicant stated that distilled spits would not be a component of their request. Opposition still exists to the allowance for sale of distilled spirits as a component of alcohol sales on the site. Current conditions of approval are in noncompliance.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.901 Heavy Commercial Zone
MMC § 10-3.4.0101 Site Plan Review
MMC § 10-3.1301 Use Permits

The General Plan designates the project site as C (Commercial) property. The project site is located in the C2 (Heavy Commercial) Zone District. The C2 (Heavy Commercial) Zone District allows for the sale of alcoholic beverages subject to the approval of a use permit by the Planning Commission.

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Conditional Use Permit 2012-02 and Site Plan Review 2012-02 were approved by the Planning Commission on April 10, 2012.

ANALYSIS

Operations

The current Conditional Use Permit that allows for the sale of alcoholic beverages permits the sale of beer and wine for off site consumption as part of the daily business operations of the Dollar General grocery store. The sale of beer and wine for off-site consumption is considered a Type 20 license with the State of California Department of Alcohol Beverage Control (ABC).

The Alcohol Beverage Control (ABC) uses United States Census Tracts to monitor the number and distribution of authorized Alcohol Beverage Control licenses. Based on the population of each tract, the Alcohol Beverage Control has calculated the optimal number of licenses that should be allowed in each tract. Tracts that have too many licenses are considered to be "over-concentrated," since the tract can be considered over-served by businesses with alcohol sales. The project site is located within Census Tract 5.02, where (again, based on population) the Alcohol Beverage Control identifies the optimal number of licenses to be nine (9) on-sale and nine (9) off-sale licenses. Census Tract 5.02 is not an area of over-concentration for Alcohol Beverage Control licenses for both the on-site and off-site sale and consumption of alcoholic beverages. Currently, there are four (4) on-sale and eight (8) off-sale Alcohol Beverage Control licenses in Census Tract 5.02.



Site Conditions

Staff inspected the Dollar General site to confirm compliance with existing conditions of approval. Even though the site is a relatively new commercial development, lack of maintenance and care to the site is immediately evident. Large areas of landscape were overrun with weeds or, conversely, devoid of mulch materials and absent of any of the original plantings. Trash and debris littered the property. Whereas in 2012 Dollar General represented an expertise in their commercial segment and attention to the details of retail site management, in 2016 the site did not look at all consistent with the color renderings originally proposed. Specifically, Condition No. 75, which requires maintained landscaping in an acceptable attractive appearance, and Condition No. 53, which requires the property to be free of all trash, rubbish and debris at all times, were not in compliance.

Use Permit Modification

A change in license type or other intensification or expansion of the conditionally permitted use requires that the existing Conditional Use Permit receive approval of a request for modification from the Planning Commission. The applicant has requested to modify the existing use permit (CUP 2012-02) in order to additionally allow for the sale of distilled spirits as a component of the business product mix. The current Type 20 license allows for the sale of beer and wine for off-site consumption. The proposed sale of beer, wine and distilled spirits for off-site consumption is considered a Type 21 license with the Alcohol Beverage Control.

The Dollar General store is currently not operating in compliance with the existing conditions of approval for the sale of beer and wine. Condition No. 79 states in part that the sale of beer and malt beverages shall be in quantities of not less than a six-pack. The Dollar General store is currently selling beer in packages of as little as three cans of beer.

The nearest Type 21 licenses are located within 900 feet to the south of the project site and within 1,500 feet north of the project site.

Opposition

The Madera County Office of Education (MCOE) objected to the original proposal to sell alcoholic beverages in 2012. Their letter is attached. In response to the proposal for modification, MCOE provided communication indicating their continued objection.

In response to the 2012 MCOE letter, Dollar General representatives asserted, "One thing I want to make perfectly clear is that Dollar General is not a liquor store. A small component of their revenue is attributable to the sale of beer and wine, but the vast majority of their sales are 'general merchandise' products." Based on the current request, it appears that Dollar General

wishes to alter what had been a mitigating factor in pacifying opposition to the sale of any alcoholic beverages in 2012.

Analysis

There does not appear to be sufficient evidence that would lead to support of the Conditional Use Permit. There is not a demonstrable need for additional stores providing distilled spirits as a part of their product mix. There are two general sale (Type 21) licenses in proximity to Dollar General that currently serve the distilled spirits needs of the surrounding community. The general performance of the Dollar General store has not been exemplary. The store site exhibits a lack of maintenance that places the existing permit in non-compliance. The store currently sells alcoholic beverage products that are not allowed per the existing use permit. There continues to be opposition to the sale of alcoholic beverages in close proximity to MCOE facilities. In the past, representatives of the applicant, in an effort to appease opposition, have stated on the record that no liquor would be a component of sales. Cumulatively, the applicant has not been able to adequately justify the expansion of the sale of alcoholic beverages or the allowance for modification of Conditional Use Permit 2012-02.

The applicant has instead demonstrated that the Dollar General store is operating in noncompliance with the approved conditions of approval. Staff recommends that Dollar General review the current conditions of approval and make the appropriate corrections.

This proposed Site Plan Review application and Conditional Use Permit were reviewed by various city departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

RECOMMENDATION

It is recommended that the Planning Commission deny the Conditional Use Permit modification request to expand alcohol sales to include distilled spirits at the existing Dollar General store located at 1200 South Madera Avenue (Motion 3).

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the Conditional Use Permit and Site Plan Review.

Motion 1: Move to approve Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04 based on and subject to the findings (include findings) and existing conditions of approval. For reference, the existing conditions of approval are included as an attachment.

(OR)

Motion 2: Move to continue the public hearing on Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04 to the April 12, 2016 Planning Commission meeting, to allow for the following information to be provided or for the following reason(s) (specify):

(OR)

Motion 3: Move to deny Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04, with the following finding:

Findings

- The expansion of alcohol sales at a Dollar General store to include the sale of beer, wine and distilled spirits as a component of the business, in this case is not consistent

with the purposes of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District, and no modification of the use permit which allows for the sale of beer and wine should be allowed.

- The Dollar General store is currently not in compliance with the conditions of approval for Conditional Use Permit 2012-02, and corrections should be made immediately in order to provide compliance with the existing permit and avoid potential revocation of the existing use permit.
- The Dollar General store is in close proximity to an educational facility and expansion of the sale of alcoholic beverages to include distilled spirits is not warranted.
- As conditioned, the establishment, maintenance or operation of the Dollar General store under the circumstances of this particular case, will 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.

ATTACHMENTS

Aerial Photo

Site Plan

Elevations

Color Rendering

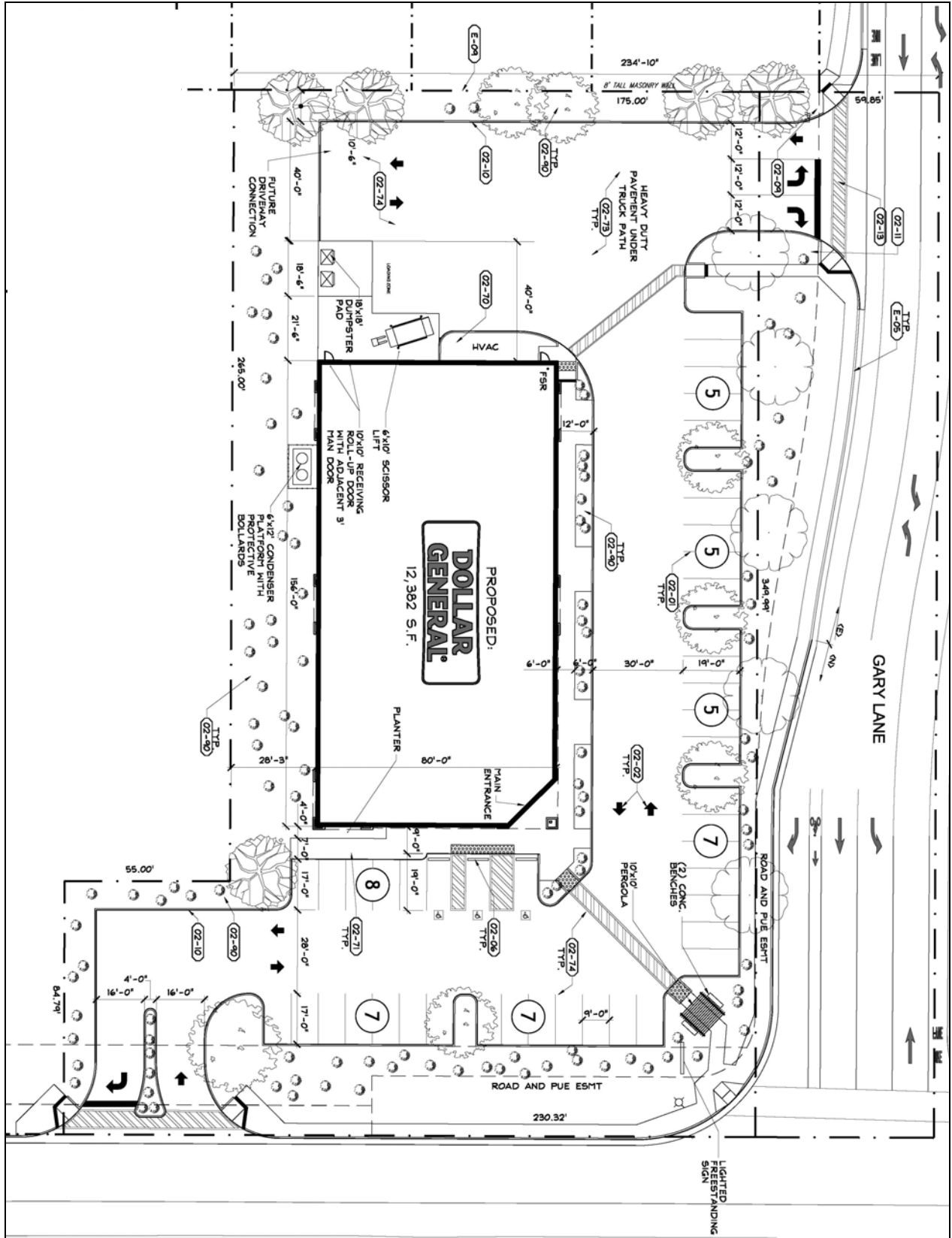
Comment Letters

Original Conditions of Approval – CUP 2012-02

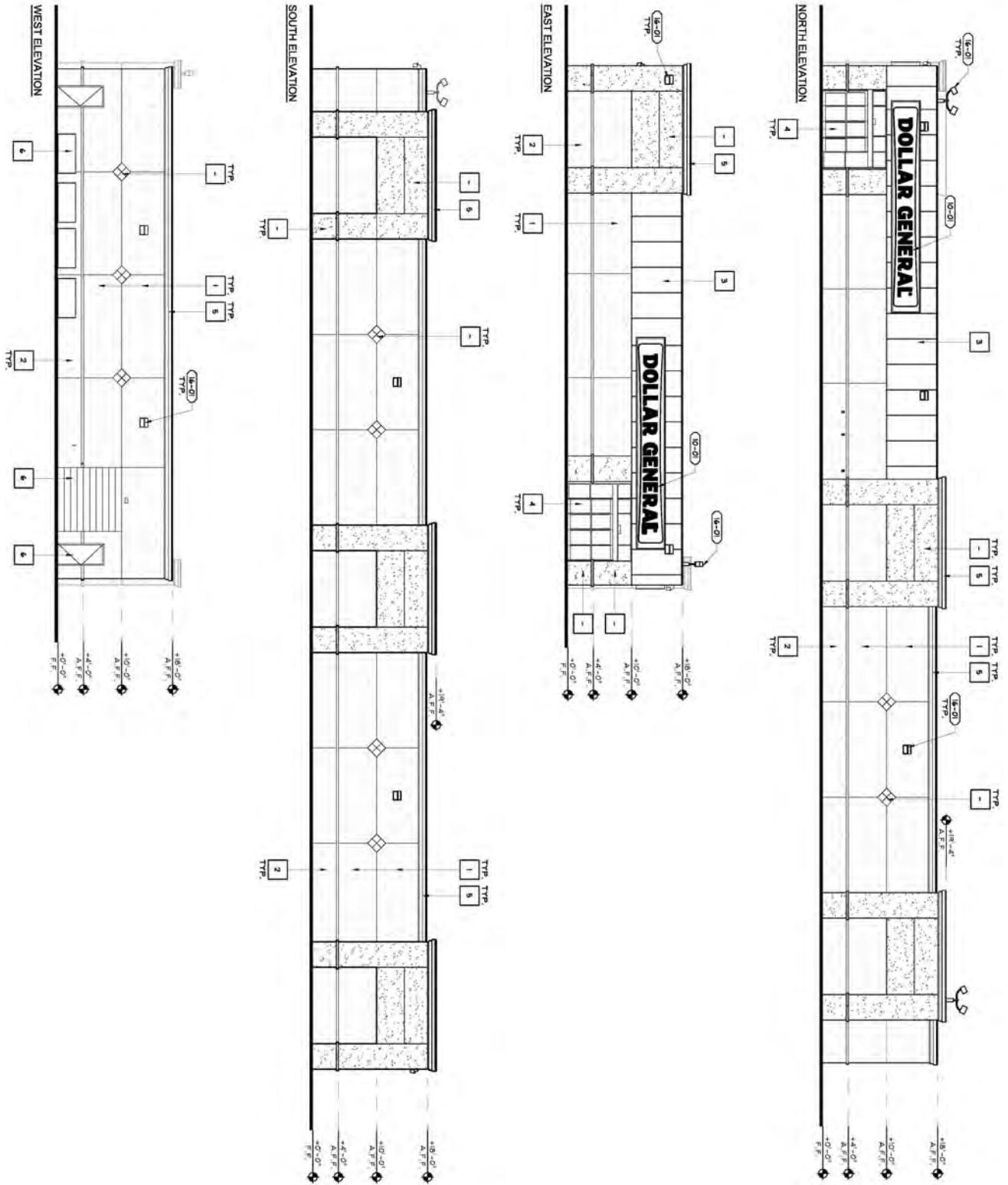
Aerial Image



Site Plan



Elevations

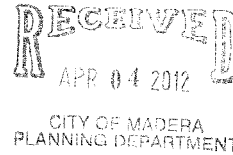


Color Rendering



April 3, 2011

City of Madera
Steven Greer
205 West Fourth Street
Madera, CA. 93637



RE: CUP2012-02 & SPR 2012-02 – Dollar General

Dear Mr. Greer,

It has come to the attention of the Madera County Office of Education that Dollar General is in the process of planning to build a store on the southwest corner of Gary Lane and Madera Avenue. As you are aware, Pioneer Technical Center is located at 1025 South Madera Avenue, and MCOE's instructional support center is also in its construction stage.

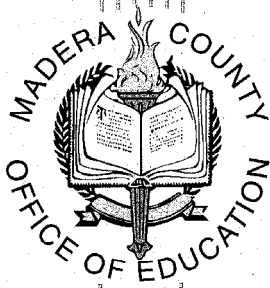
Although we do not oppose the construction of a Dollar General in Madera, we do however respectfully ask that the City reconsider allowing the sale of alcoholic beverages at a site that is caddy-corner to a school facility. I have also cited ABC's Section 23789 Rule 61.4 which states: ABC may deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)

Please feel free to call with any questions you may have. 559-673-6051 ext. 236

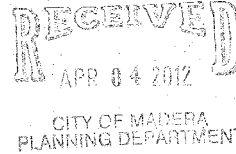
Sincerely,

Opie Riar
Facilities Manager
Madera County Office of Education



Cecilia A. Massetti, Ed.D.
Superintendent

April 3, 2012



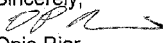
City of Madera
Dave Tooley
205 West Fourth Street
Madera, CA. 93637

RE: CUP2012-02 & SPR 2012-02 – Dollar General

Dear Mr. Tooley,

It has come to the attention of the Madera County Office of Education that Dollar General is in the process of planning to build a store on the southwest corner of Gary Lane and Madera Avenue. As you are aware, Pioneer Technical Center is located at 1025 South Madera Avenue, and MCOE's instructional support center is also in its construction stage.

Although we do not oppose the construction of a Dollar General in Madera, we do however respectfully ask that the City reconsider allowing the sale of alcoholic beverages at a site that is caddy-corner to a school facility.

Sincerely,

Opie Riar
Facilities Manager
Madera County Office of Education

28123 Avenue 14 • Madera, CA 93638 • (559) 673-6051 • FAX (559) 673-5569
www.maderacoe.k12.ca.us



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April 4, 2012

VIA OVERNIGHT DELIVERY

Cecilia A. Massetti, Ed.D.
Madera County Superintendent of Schools
Madera County Office of Education
28123 Avenue 14
Madera, CA 93638
(559) 673-6051

Re: Proposed Dollar General Store, SWC Gary & Madera, Madera, CA

Dear Ms. Massetti:

I received a copy of the enclosed letter from Opie Riar expressing concerns regarding my company's plans to construct a new Dollar General store on the southwest corner of Gary Ln and Madera Ave (Hwy 145) in Madera, CA.

I had a good conversation with Mr. Riar this afternoon, explaining who Dollar General is, what they are, and, perhaps more importantly, what they are not. One thing I want to make perfectly clear is that Dollar General is not a liquor store. A small component of their revenue is attributable to the sale of beer and wine, but the vast majority of their sales are "general merchandise" products.

Respecting the busy schedule that a person in your position must have, I hope you can find a moment to thumb through the enclosed brochure, and I invite you to call me if there are any questions I can answer. I would also like to better understand your plans for the school near our store and discuss how we might mitigate any potential conflicts before they arise.

I can be reached at any time at (602) 567-7129. Thank you for your time.

Sincerely,

Russell Perkins
Evergreen Devco, Inc.

enclosure

Arizona
2390 E. Camelback Rd., Suite 410, Phoenix, AZ 85016
Phone: 602-808-8600 Fax: 602-808-9100

California
200 N. Maryland Ave., Suite 201, Glendale, CA 91206
Phone: 818-240-8727 Fax: 818-240-1823

Colorado
12460 1st St., P.O. Box 247, Eastlake, CO 80614-0247
Phone: 303-552-8160 Fax: 303-280-2978

ORIGINAL CONDITIONS OF APPROVAL – CUP 2012-02

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. SPR 2012-02 will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. This conditional use permit will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
6. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Director.
8. Prior to submittal for plan check, the applicant shall make application for tentative parcel map to begin the process of subdividing the 1.5 acre project site from the overall 8.2 acre project parcel. Prior to issuance of building permit the applicant shall have completed the process of subdividing the 1.5 acre project site from the overall 8.2 acre project parcel.
9. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
10. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

11. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
12. Provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and includes the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan
 - d) All exterior elevations
 - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
13. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
14. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified after reviews are completed. Any item not in conformance with current codes and ordinances must be corrected.

Engineering Department

General:

15. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
16. Impact fees shall be paid at time of building permit issuance.
17. The improvement plans for the project shall include the most recent version of the City's General Notes.

Streets:

18. The final design of all project-related street improvements shall be determined by Caltrans and the City Engineer on the basis of the technical evaluation being completed for the project by TJKM Transportation Consultants. The requirements outlined in the conditions below may be modified as necessary to implement the final design.
19. A Public Utility Easement (PUE) 10-foot wide shall be dedicated along Gary Lane.
20. Due to the level of development constructed to old City standards to the west, the southern half of Gary Lane from center line along the entire frontage shall be improved to a modified collector street standard which includes one center left turn lane, one through lane, a bike lane and a right turn pocket.
21. A Public Utility Easement (PUE) 10-foot wide shall be dedicated along Madera Avenue.

22. The City recommends that the western half of Madera Avenue from center line along the entire parcel frontage be improved to an arterial street standard which includes center median, two southbound through lanes and a bike lane. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. The extent of improvements on Madera Avenue shall be determined by Caltrans as Madera Avenue is a State highway.
23. The existing wheelchair ramp on the southwest corner of Gary Lane and Madera Avenue shall be reconstructed or modified to meet current ADA standards.
24. The proposed driveway approaches on Madera Avenue and Gary Lane shall be street type approaches with a minimum face of curb radius of 15 feet and handicap ramps per City and ADA standards.
25. Gary Lane shall be limited to one driveway, to be located at the extreme west boundary of the parcel.
26. The Madera Avenue frontage of the original 8.2-acre parcel shall be limited to two driveways. The first driveway, associated with the Dollar General site shall be located a minimum of 150 feet from Gary Lane. The Dollar General site shall be developed in such a way that access and circulation is readily shared with all future development on the parcel to the south. Additional comments addressing driveway spacing that supersede these may be received from Caltrans as Madera Avenue is a State highway.
27. "No Parking" signs shall be installed along Madera Avenue and Gary Lane frontages.
28. Dependent on location of existing street lights, the developer may be required to install street lights along Madera Avenue and Gary Lane frontages in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal accordance with City of Madera standards.
29. Property corners shall be located or reinstalled by record of survey or replaced by corner record prior to first request inspection.
30. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
31. Phasing or construction of only those improvements that front the proposed Dollar General site and deferral of other parcel frontage improvements to such time as future development occurs is acceptable. This option is subject to the recordation of a parcel map to create a separate parcel for the Dollar General site.

Water:

32. The developer shall connect to existing 12 inch water main located in Madera Avenue or 8 inch water main located in Gary Lane.
33. Water service connections shall be constructed to current city standards including Automatic Read water meters located within city right-of-way and shall read in cubic feet and backflow prevention device located within private property.
34. A separate water meter and backflow prevention device will be required for landscape area.

35. Existing wells if any shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
36. The developer shall reimburse the City for ½ the cost of an 8 inch water main located in Gary Lane along the entire project frontage. Estimated reimbursement due is in the amount of \$4,620. Actual amount shall be determined and paid when encroachment permit is issued.
37. Developer shall reimburse the City for ½ the cost of an 8 inch component of a 12 inch water main located in Madera Avenue along the entire project frontage. Estimated reimbursement due is in the amount of \$5,262.50. Actual amount shall be determined and paid when encroachment permit is issued. Developer may choose to defer a portion of the reimbursement to a later date when remaining portion of parcel develops.

Sewer:

38. The developer shall connect to existing 8 inch sewer main in Madera Avenue.
39. The sewer service connection shall be constructed to current city standards.
40. Sewer connections larger than 4 inches shall require construction of a manhole.
41. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.
42. Developer shall reimburse City for ½ the cost of an 8 inch sewer main located in Madera Avenue along the entire project frontage. Estimated reimbursement due is in the amount of \$4,785. Actual amount shall be determined and paid when encroachment permit is issued. Developer may choose to defer a portion of the reimbursement to a later date when remaining portion of parcel develops.

Drainage:

43. Storm runoff from this project site is planned to go to the Basin 164050 located to the southwest this site. The basin is located approximately 2100 feet south of Pecan Avenue and 740 east of Stadium Road. The developer shall be required to construct sufficient facilities necessary to convey runoff to Basin 164050 or as directed by the City Engineer. Basin 164050 shall be excavated to an amount equivalent to runoff generated from the project site. In-lieu of constructing permanent improvements, the developer may construct temporary on-site retention with provisions to ultimately direct runoff to Gary Lane. The applicant has proposed the construction of a subsurface storm drainage retention system between the Dollar General structure and the proposed southern property line. Details of the subsurface storm drainage retention system shall be included as a component of civil improvement plan check.
44. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.

Fire Department

45. A Knox Box is required.

46. One 2A10BC-rated portable fire extinguisher is required for each 3000 sq ft of enclosed building or fraction thereof. The maximum travel distance to reach a portable fire extinguisher shall not exceed 75 feet. A minimum of five (5) are required.
47. The plan provides a notation (02-12 on Sheet A100) for a proposed fire hydrant that is not shown. The project will require one or more fire hydrants depending upon the type of construction. Information as to the number and location of fire hydrants must be provided at the time of submittal for plan check and must be approved prior to issuance of building permit.
48. A fire sprinkler system is required.
49. A fire sprinkler supervisory alarm is required. A manual evacuation fire alarm system may be required based upon the final design of the building.
50. Storage racks 8 feet or taller in height require a building permit for their installation.
51. The south wall may be required to be constructed of 1-hour fire resistive construction depending upon the type of construction. This information shall be provided as part of the submittal for plan check.

Planning Department

Site Data

- Building Area: 12,382 square feet
- Retail Commercial Allowed Use per Zoning Ordinance
- Sale of Alcoholic Beverages - Use Allowed with approval of CUP
- Minimum Parking Requirements: 42 spaces
- Parking Provided: 44 spaces (includes 3 accessible spaces)
- Loading Spaces Required: 1
- Loading Spaces Provided: 1

52. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
53. 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 owned by the property owner.
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 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles.
55. On-site parking shall be provided at all times in conformance with the 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 modifications in the approved parking layout shall require approval by the Planning Department.
56. No wheel stops shall be incorporated into the parking field/parking stall layout.

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

HVAC and PG&E Utility Placement Considerations/Screening Requirements

58. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
- The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
59. Where feasible electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service rooms. Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be sufficiently screened and/or integrated into building architecture.
60. 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 enclosure constructed so as to match the primary color and material of the structure.
61. Natural gas meter placement shall be screened from public view per Planning Department approval.
62. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact David Vandergriff of PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
63. Roof access ladders shall be located within the interior of the building or out of public view.
64. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
65. 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 matt black or with a color better suited to minimize their appearance.
66. 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.

Building Colors, Materials and Lighting Considerations

67. The construction of buildings approved as part of site plan review shall be consistent with the approved color 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.

68. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
69. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
70. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification. The developer shall contact the Planning Department when all site lighting is operational. At this time, additional light screening may be required.

Signage

71. Signage shall be in accordance with City Standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
72. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Landscaping

73. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
74. The architectural feature proposed at the intersection of Gary Lane and Madera Avenue shall anchor the associated pedestrian path of travel to the project. Shade structures integrated into the path of travel shall add both architectural enhancements and create functional areas of repose. The specific design of these features shall be reviewed and approved by the Planning Department prior to issuance of building permits.
75. On-site landscaping shall be maintained by the property owner to provide an acceptable attractive appearance.
76. The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City approved street tree every 30 feet shall be provided, along with root guards. No trees shall be planted within five (5) feet of any fire hydrant. Each street tree shall be planted with a City approved root barrier. Detailed landscape and irrigation plan shall have been submitted as part of plan check and approved by the Parks and Community Services Director prior to issuance of building permits. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense. Landscaping water meter (if applicable) shall be connected after the backflow device. The property owner shall maintain the landscaping in an acceptable appearance.
77. A detailed landscaping and irrigation plan shall be submitted to the Planning Department for review and approval prior to issuance of building permits, and shall include:
 - Landscaping areas throughout the project shall be planted so as to provide a minimum of 70% vegetative cover.

- Landscaped areas shall be developed along all street frontages and within parking fields.
- Landscaped areas shall be developed between the frontages of building and the parking areas.
- On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.
- Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces. This condition shall be partially satisfied by one shade tree being planted in each landscape peninsula within the parking field.
- Three foot high vertical landscaping screens shall be developed between the street frontages and parking areas.
- The landscape plan shall include a no-less-than two-foot high hedge wherever parking stalls face the public right-of-way to reduce headlight glare onto public streets.
- Landscaped areas are to be provided with permanent automatic irrigation systems.
- A detailed planting list for landscaping, with the number, size and specie of all plantings shall be included as part of the approved plan.

Walls and Fences

78. The trash enclosure shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure.

Police Department

79. The sale of beer, wine, and distilled spirits shall be allowed consistent with the following requirements:
- Sales of beer and malt beverages shall be in quantities of not less than a six-pack.
 - Sales of wine shall be in containers of at least seven hundred fifty (750) ml.
 - Wine coolers, whether made from wine or malt products, shall not be sold in quantities of less than factory packs of four.
 - Distilled spirits shall be sold in containers of at least two hundred (200) ml.
 - No wine shall be sold with an alcohol content greater than fifteen (15) percent by volume.

San Joaquin Valley Air Pollution Control District

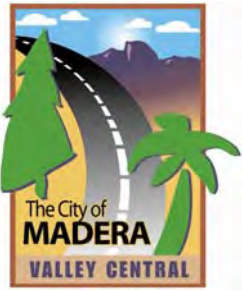
80. The applicant shall address the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project. The applicant shall comply with the comments and conditions as noted in the attached San Joaquin Valley Air Pollution Control District dated January 26, 2012.

California Department of Transportation

81. The applicant shall secure a California Department of Transportation (Caltrans) encroachment permit in advance of performing any work in the Madera Avenue (State Route 145) right-of-way. The applicant shall be responsible for all improvements, impact fees and/or mitigation fees identified by Caltrans at the time of issuance of an encroachment permit.

Madera Irrigation District

82. The applicant shall address the comments and conditions as noted in the Madera Irrigation District letter dated January 27, 2012.



CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

**Staff Report: Chipotle - CUP 2016-01 & SPR 2016-06
On-Sale Beer and Wine ABC License
Item #3 – March 8, 2016**

PROPOSAL: An application for a conditional use permit and site plan review to allow for an on-sale beer and wine ABC license at an existing restaurant within The Commons at Madera Fair shopping center.

APPLICANT:	Chipotle Mexican Grill, Inc.	OWNER:	Newman Development of Madera, LLC
ADDRESS:	2180 W. Cleveland Avenue	APN:	006-390-029
APPLICATION:	CUP 2016-01 & SPR 2016-06	CEQA:	Categorical Exemption

LOCATION: The property is located on the south side of West Cleveland Avenue approximately 500 feet east of its intersection with North Schnoor Avenue.

STREET ACCESS: The site has access to West Cleveland Avenue.

PARCEL SIZE: 1.86 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The surrounding area is developed with commercial and office uses. The nearest residential uses are located approximately 1,500 feet southwest of the site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: The sale of beer and wine as part of the daily operations of an existing Chipotle restaurant is a normal component of their business model. Although Census Tract 7 is over-concentrated, the site is developed to accommodate the use and no adverse conditions will be created by the allowance.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 Heavy Commercial Zones

MMC § 10-3.405 Uses

MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

City Council adopted Resolution No. 07-236, certifying the Environmental Impact Report (EIR) prepared for The Commons at Madera Fair shopping center development and approved a General Plan Amendment, Specific Plan Amendment, Rezoning, Site Plan Review and various other applications allowing for the development of the retail center on August 1, 2007. This included approval of conditional use permits for the sale of alcoholic beverages in specific locations. The proposed restaurant location was not included in the original approvals allowing for alcoholic beverage sales and therefore, requires a use permit.

ANALYSIS

Operations

The applicant wishes to sell beer and wine as a component of their daily restaurant operations. The existing restaurant (Chipotle) operates from 10:30 am to 10:00 pm. The sale of beer and wine would be ancillary to the restaurant use. There will not be a bar or club use associated with the restaurant. Food and beverages are ordered and served at a counter (no table service).

The current population of Census Tract 7 only allows for ten (10) on-sale and ten (10) off-sale Alcoholic Beverage Control (ABC) licenses. The project site is located within Census Tract 7, which currently has thirteen (13) on-sale and ten (10) off-sale ABC licenses, resulting in an over-concentrated census tract.

The past policy of the City Council was to not allow the issuance of additional ABC licenses within over-concentrated census tracts. The only exception to this policy had been the allowance of on-site beer and wine use permits in association with an eating establishment. The City Council reviewed the aforementioned policy of no additional ABC licenses in over-concentrated census tracts as part of an administrative report on April 20, 2011. From the report and subsequent discussion, the City Council directed staff to review each application for a conditional use permit for the sale and/or consumption of alcoholic beverages within areas of over-concentration on an individual case-by-case basis and weigh each application on its specific merits.

Although the project site is in an over-concentrated census tract, it is expected that the sale of beer and wine in association with a Chipotle restaurant will not impact the surrounding businesses. The use is a restaurant and does not include a bar or club component. Similar businesses are located in the same building pad with ample parking and pedestrian features. This site is developed to accommodate the use and no adverse impacts have been associated with the existing businesses.

This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of sales of alcoholic beverages are not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...;*

RECOMMENDATIONS

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-01 and Site Plan Review 2016-06 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit.

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to approve Conditional Use Permit 2016-01 and Site Plan Review 2016-06, based on and subject to the findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed sale of alcoholic beverages.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not 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. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. This conditional use permit will expire if the use is discontinued for a twelve-month period.
4. Conditions of approval for entitlements approving The Commons at Madera Fair shopping center, allowing the construction of the subject tenant space, shall remain in force. This conditional use permit does not alter, modify nor supersedes any conditions of approval set forth in the previous entitlements, with the exception of the allowance for beer and wine sales at this location.

Planning Department

5. Conditional Use Permit 2016-01 allows for the sale of beer and wine in association with the operation of a bona fide eating establishment. This entitlement requires the issuance of a Type 41 ABC license. Modification of the license type requires amendment of this use permit.
6. The project shall be developed in accordance with the conditions of approval of the use permit.
7. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
8. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.
9. The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control. The applicants, its operators and successors, shall comply with all applicable city, state and federal requirements and standards.
10. The use shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff shall schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
11. No outdoor display of merchandise shall be allowed.

12. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed.
13. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
14. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.
15. Hours of operation shall be from as early as 10:00 am until as late as 10:00 pm, seven (7) days a week.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2016-01 and Site Plan Review 2016-06 to the April 12, 2016 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2016-01 and Site Plan Review 2016-06 based on and subject to the following findings (specify):

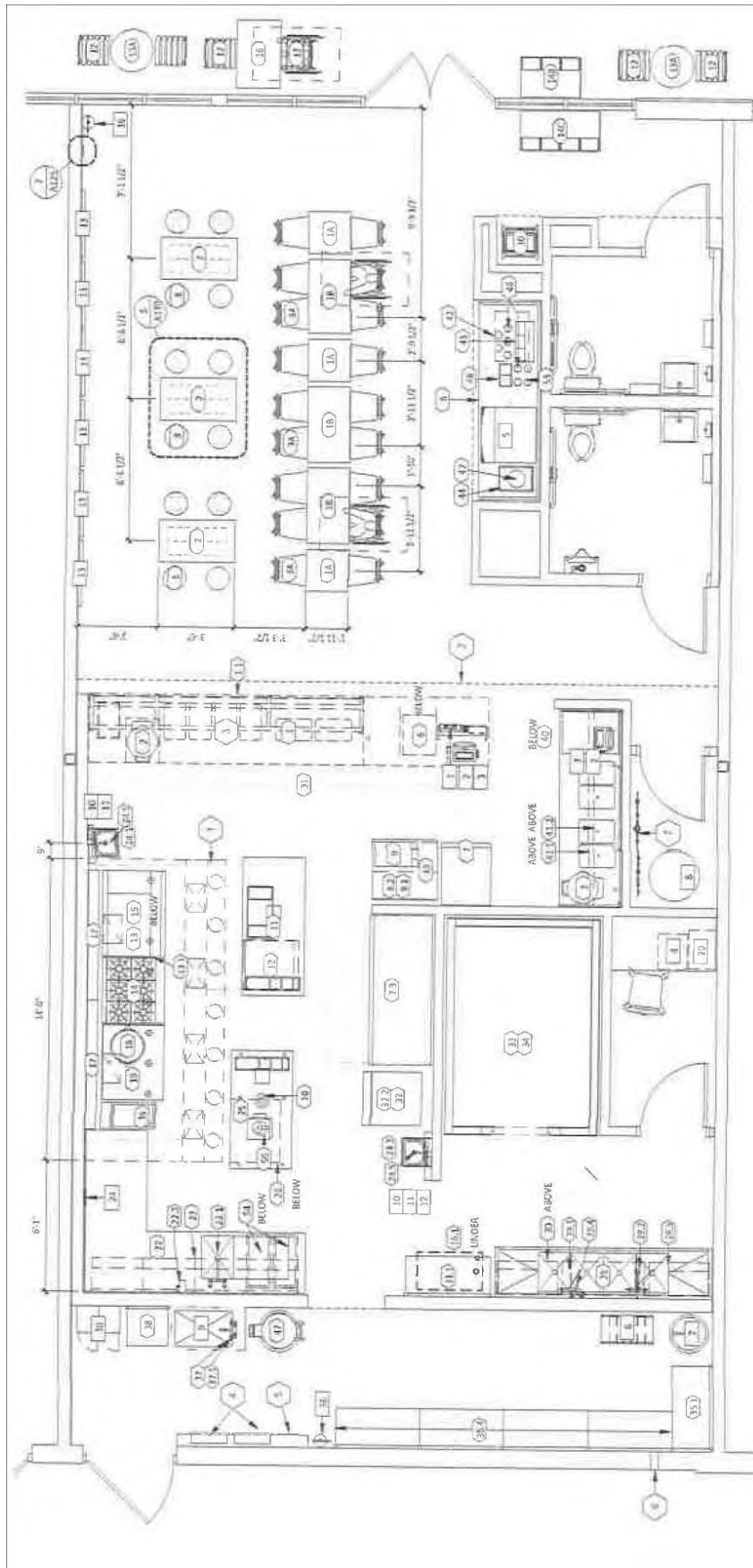
ATTACHMENTS

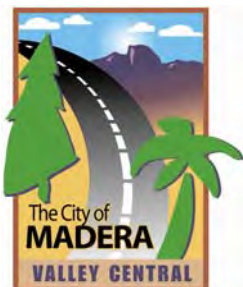
Aerial Photo
Site Plan

Aerial Photo



Site Plan





CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

**Staff Report: Lake Street Valero Remodel & Alcohol Sales
CUP 2000-15 MOD, SPR 2016-02 and Environmental Determination
Item #4 – March 8, 2016**

PROPOSAL: An application for modification of an existing Conditional Use Permit that allows for the sale of distilled spirits for off-site consumption and a Site Plan Review to allow for the expansion of the existing convenience store structure and remodel of the commercial site.

APPLICANT:	Balwinder Singh	OWNER:	Kaur Parminder et al
ADDRESS:	1030 North Lake Street	APN:	004-083-016
APPLICATION:	CUP 2000-15 MOD & SPR 2016-02	CEQA:	Categorical Exemption

LOCATION: The property is located on the southwest corner of East Cleveland Avenue and North Lake Street.

STREET ACCESS: The site has access to East Cleveland Avenue and North Lake Street.

PARCEL SIZE: Approximately 14,145 square feet (0.32 acres)

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The 0.32 acre site is a developed commercial property that includes a convenience store structure and fuel islands. Residential development surrounds the project site in every direction, with exception to commercial development at each corner of the intersection at North Lake Street and East Cleveland Avenue.

ENVIRONMENTAL REVIEW: This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures).

SUMMARY: An amendment to the existing Conditional use Permit for alcohol sales is required to memorialize the Type 21 Alcohol Beverage Control (ABC) license that allows for the sale of alcoholic beverages for off-site consumption. The proposed remodel and expansion of the commercial site and existing structure provides ample parking, attractive landscaping, and architectural features that are consistent with the goals and policies of the General Plan's Community Design element.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.802 Light Commercial Zone
MMC § 10-3.1201 Parking General Requirements
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

In 2000, the Planning Commission approved a Conditional Use Permit (CUP 2000-15) for this site to allow for the issuance of Type 20 (Off Sale Beer & Wine for a Package Store) and Type 41 (On Sale Beer & Wine for a Restaurant) Alcoholic Beverage Control (ABC) licenses for the existing convenience store/pizza eatery.

ANALYSIS

Conditional Use Permit Modification

In 2000, the Planning Commission approved two separate allowances for the sale of alcoholic beverages. The first allowance provided for the sale of beer and wine for off-site consumption in association with a convenience store (Type 20). The second allowance provided for the sale of beer and wine for on-site consumption in association with a pizza parlor (Type 41). The Type 20 license was transferred in 2004 and the Type 41 license was cancelled in 2011.

In 2008, without the knowledge or approval of the Planning Commission, the Alcohol Beverage Control (ABC) issued a license to allow for the sale of beer, wine and distilled spirits at the convenience store (Type 21). Although the existing Conditional Use Permit allows for the on- and off-site consumption of beer and wine, it does not allow for the sale of distilled spirits, thus intensifying the use. An amendment to the existing Conditional Use Permit is required to allow for the off-site consumption of distilled spirits. Additionally, the on-site consumption of alcoholic beverages should be disallowed as there is no longer a restaurant/eatery on the site.

General Plan Conformance

In 2009, after an extensive visioning process and public comment, the City adopted an updated General Plan which "represents the product of years of efforts on the part of residents and businesses in the community working to maintain and improve Madera's quality of life and implement the community's shared vision for the future." As a component of the new General Plan, individual project proposals "must be consistent with the goals and policies in this General Plan." Some of these goals mandated in the Community Design element of the General Plan are:

- Goals:**
- CD-1** High quality urban design throughout Madera.
 - CD-2** Retain a sense of community in Madera and enhance Madera's small city character.
 - CD-4** Attractive streetscapes in all areas of Madera.
 - CD-11** Design commercial development to enhance the pedestrian environment.
 - CD-12** Aesthetically pleasing commercial development.

Supporting policies provide direction in the implementation of the General Plan's goals. Some of those policies are:

- CD-47** Commercial projects shall be designed to minimize the intrusion of parked vehicles on the streetscape. Parking areas, driveways, and drive-through lanes should not be located between buildings and the sidewalk.
- CD-48** Buildings and building entrances shall be oriented to the pedestrian environment.
- CD-49** Buildings shall include human-scale details such as windows facing the street, awnings, and architectural features that create a visually interesting pedestrian environment.
- CD-50** Parking lots shall be landscaped, including shade trees, to create an attractive pedestrian environment and reduce the impact of heat islands.
- CD-51** Safe and well-defined pedestrian connections from buildings to parking areas, from buildings to the adjoining street(s), and among buildings on the same site shall be provided. Pedestrian connections between commercial development and surrounding residential neighborhoods shall also be provided. Enhanced paving materials or other techniques shall be used to identify pedestrian connections.
- CD-53** Unarticulated, boxy structures shall be broken up by creating horizontal emphasis through the use of trim, varying surfaces, awnings, eaves, or other ornamentation, and by using a combination of complementary colors.
- CD-55** Loading facilities for uses requiring delivery from large trucks shall be screened from public view and located away from residential uses.
- CD-57** Where possible, parking lots shall be located behind or on the side of buildings to reduce their visual impact.
- CD-58** Parking lots shall be screened and separated into smaller units with landscaping or low walls.

These and other goals and policies are the standards that all new development in the City is measured by. Combined, they implement the principles of the Community Design element of the General Plan.

Architecture

The new building elevations submitted in conjunction with the proposed expansion and remodel provide an attractive, contemporary commercial architecture. The structure includes architectural articulations that break up the mass of the structure, augmented with stone veneers, false windows enclosed by wrought iron detail, wall indents along the front and sides of the structure, and multiple colors which cumulatively provide architectural value.

It is recommended that utilities (switch boxes and other utility appendages) be brought into an interior mechanical room wherever possible. If utilities cannot be brought into the interior, exterior placement should be allowed only on the southern or western elevation of the structure, and then only when sufficiently screened and/or integrated into the building architecture. The placement of any roof ladder should be located within the interior of the structure.

Parking

This commercial site was developed with eleven (11) parking spaces serving 2,850 square feet of floor area within the existing convenience store. These accommodations equated to a parking ratio of one (1) stall per 259 square feet of lease area. Uses typical of this type of commercial development require one parking space per 250 square feet of floor area.

The proposed expansion and remodel of the convenience store encompasses 3,070 square feet of floor space. At one (1) parking space per 250 square feet of lease area, the convenience store would require twelve (12) parking spaces. Although the proposed number of parking spaces does not meet the required minimum number of parking spaces on the project site, the Madera Municipal Code provides an exception to this issue. If the number of parking spaces prior to a remodel does not exceed the required number of parking spaces after completion of a remodel and/or structural alteration by at least 10% or by five spaces, whichever is greater, no additional parking space needs to be provided. With this exception, there is sufficient parking to accommodate the request.

Landscaping

Landscaping is proposed throughout the site. The extra setback from street frontages allows for enhanced landscaping along the public right of way. Landscape peninsulas are proposed as integral components of site design, providing greater shade for vehicles and better segregation of the parking field while enhancing site aesthetics. It is recommended that the landscape and irrigation plan satisfy the purpose and intent of the City Design and Development Guidelines and the State of California's Model Water Efficient Landscaping ordinance. A landscape and irrigation plan will be required at the time of submission for a building permit. The landscaping and irrigation plan should, at a minimum:

- Provide landscaping that is attractive, functional and water efficient.
- Provide landscaped areas between building and street, and within the area of any required setbacks.
- Provide landscape opportunities that help define the main entrance into the building for pedestrians.
- Provide shade trees throughout the parking lot, with a minimum of one tree per three parking spaces. This shall be partially satisfied by one shade tree being planted in each landscape peninsula within the parking field.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although approval of sales of alcoholic beverages are not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*

RECOMMENDATIONS

The information presented in this report supports conditional approval of the use permit request. The site plan review, providing for the remodeling of the existing commercial site, is consistent with the goals and policies of the General Plan.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2000-15 MOD and Site Plan Review 2016-02, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to approve the requested Conditional Use Permit 2000-15 MOD and Site Plan Review 2016-02 based on and subject to the findings and conditions of approval as listed below.

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The off-site consumption of distilled spirits is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the amendment of the existing Conditional Use Permit.
- There is sufficient parking and site features to allow for the proposed off-site consumption of distilled spirits.
- The remodel of the commercial site is consistent with the General Plan Community Design goals and policies.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this 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.

REVISED CONDITIONS OF APPROVAL

General Conditions

1. These conditions of approval supersede and replace those included within the original approval of Conditional Use Permit 2000-15, on July 11, 2000.
2. Conditional Use Permit 2000-15 MOD allows for the off-site consumption of beer, wine, and distilled spirits as a component of the operation of a convenience store, consistent with the stated conditions of approval. Any change in Alcohol Beverage Control licensure shall require the approval of an amendment to this use permit.
3. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

4. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the Conditional Use Permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. The use permit may be made null and void without any additional public notice or hearing at any time both the benefactors of the use permit and owners of the property voluntarily submitting to the city a written request to permanently extinguish the Conditional Use Permit.
6. This Conditional Use Permit will expire if the use is discontinued for a twelve-month period.
7. Site Plan Review 2016-02 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
8. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

Building Department

9. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
10. Provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and includes the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan
 - d) All exterior elevations
 - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
11. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
12. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified after reviews are completed. Any item not in conformance with current codes and ordinances must be corrected.

Fire Department

13. A building permit is required for interior work. All work shall comply with codes in effect at the time of permit issuance.
14. Portable fire extinguishers are required. A minimum of one 2A10BC-rated fire extinguisher is required for each 3,000 square feet of floor area or fraction thereof. An additional K-class fire extinguisher is required for protection of the cooking equipment.
15. A key box is required for Fire Department operational access to the site and structure.
16. A suppression system is required for operation of the commercial cooking equipment.
17. If on-site dining is proposed, it must be clearly identified on the plans.

Engineering Department

18. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
19. Improvements within the city right-of-way require an Encroachment Permit from the Engineering Department.
20. The developer shall pay all required fees for completion of project. Fees due include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
21. The existing water service connection shall be upgraded to current city standards including Automatic Meter Read water meter located within city right-of-way and shall read in cubic feet and a backflow prevention device located within private property.
22. A separate water meter and backflow prevention device will be required for landscape consumption.
23. The existing sewer service connection shall be upgraded to current city standards with sewer clean out.
24. The existing handicap access ramp at the corner of West Olive Avenue and Martin Street shall be upgraded to meet current City and ADA standards.
25. The existing driveway approach located on East Cleveland Avenue shall be relocated to accommodate the relocation of the existing trash enclosure. The driveway approach shall be street type entrance with a minimum face of curb radius of fifteen (15) feet and shall be limited to a width of 35 feet.
26. The south end of the existing driveway approach located on Lake Street shall be reconstructed approximately eight (8) feet to the north to provide sufficient cover to the existing parking stalls.

Planning Department

27. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
28. No outdoor display of merchandise shall be allowed.

29. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed.
30. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
31. 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 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles.
32. On-site parking shall be provided at all times in conformance with the 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 modifications in the approved parking layout shall require amendment of the site plan review.
33. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
34. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
35. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

36. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
 - The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
37. Where feasible electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service rooms. Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be sufficiently screened and/or integrated into building architecture.
38. 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 enclosure constructed so as to match the primary color and material of the structure.
39. Natural gas meter placement shall be screened from public view per Planning Department approval.

40. Roof access ladders shall be located within the interior of the building or out of public view.
41. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
42. 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 matt black or with a color better suited to minimize their appearance.
43. 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.

Building Colors, Materials and Lighting Considerations

44. The construction of buildings approved as part of site plan review shall be consistent with the approved color 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.
45. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
46. 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 will not be permitted.

Signage

47. Signage shall be in accordance with city standards and shall be pan channel letter or better quality, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit, which will be required by the Building Department.
48. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Landscaping

49. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at the developer's expense.
50. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plantings.
51. A minimum of one city approved street tree every thirty (30) feet shall be provided, along with root guards. No trees shall be planted within five (5) feet of any fire hydrant. Each

street tree shall be planted with a City approved root barrier. Detailed landscape and irrigation plans shall have been submitted as part of plan check and approved by the Parks and Community Services Director prior to issuance of building permits. Any deviation shall require prior written request and approval. Removal or modification shall be at the developer's expense. Landscaping water meter (if applicable) shall be connected after the backflow device. The property owner shall maintain the landscaping in an acceptable appearance.

52. A detailed landscaping and irrigation plan shall be submitted to the Planning Department for review and approval as a component of building permit plan check submittals. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. The landscape and irrigation plan shall include:
- Landscaped areas shall be developed along all street frontages and within parking fields.
 - Landscaped areas shall be developed between the frontages of building and the parking areas.
 - On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per three parking spaces.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - A detailed planting list for landscaping, with the number, size and specie of all plantings shall be included as part of the approved plan.
 - On-site landscaping shall be protected by six-inch (6") raised concrete curb.
53. The trash enclosure shall be constructed of masonry block consistent with city standards with a stucco finish and color to match the primary structure. As an alternative, stacked stone may be allowed with the approval of the Planning Manager.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2000-15 MOD and Site Plan Review 2016-02 to the April 14, 2015 Planning Commission hearing for the following reasons or in order for the following information to be provided (specify):

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2000-15 MOD and Site Plan Review 2016-02 based on the following findings (specify):

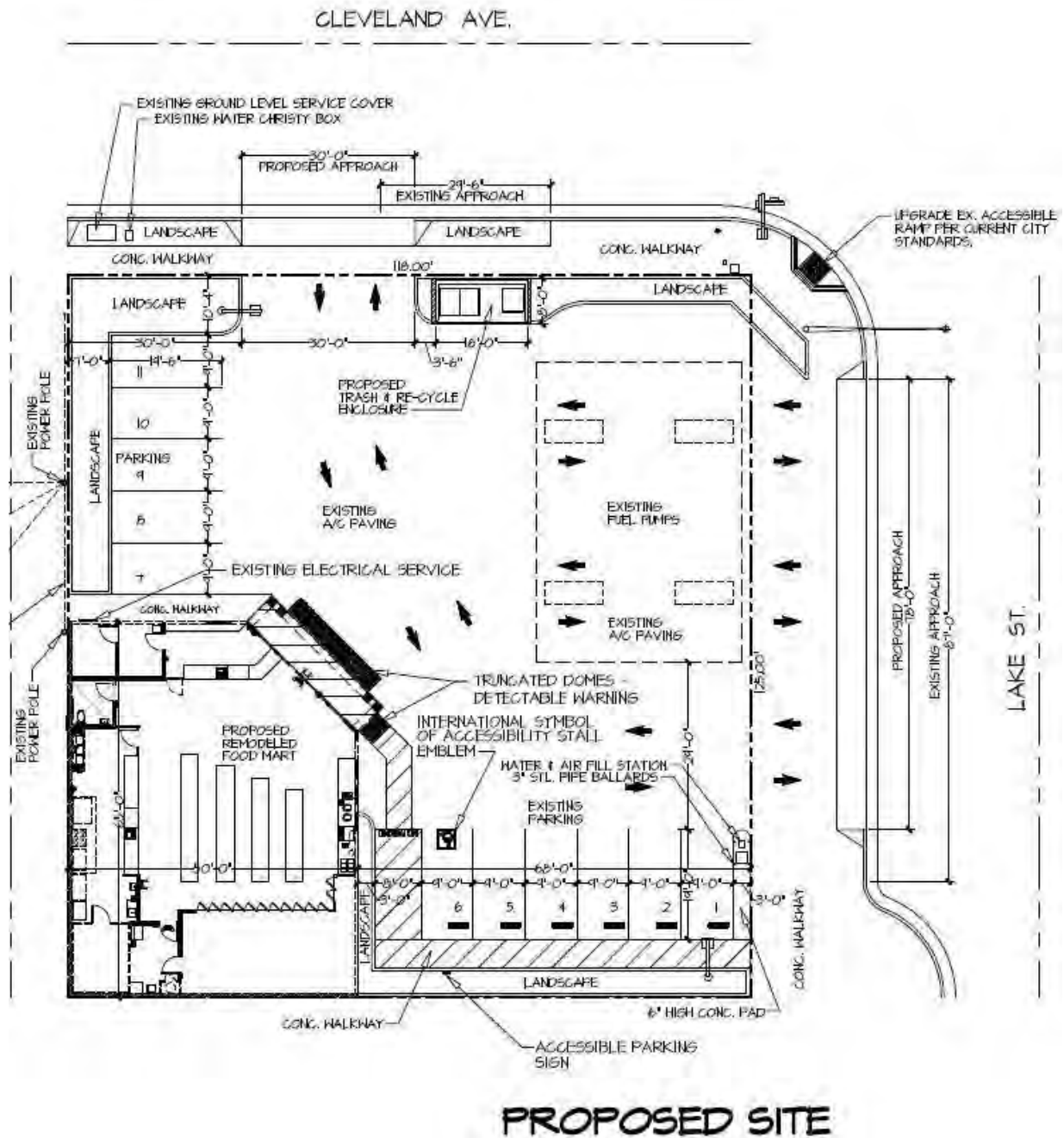
ATTACHMENTS

Aerial Photo
Site Plan
Elevations

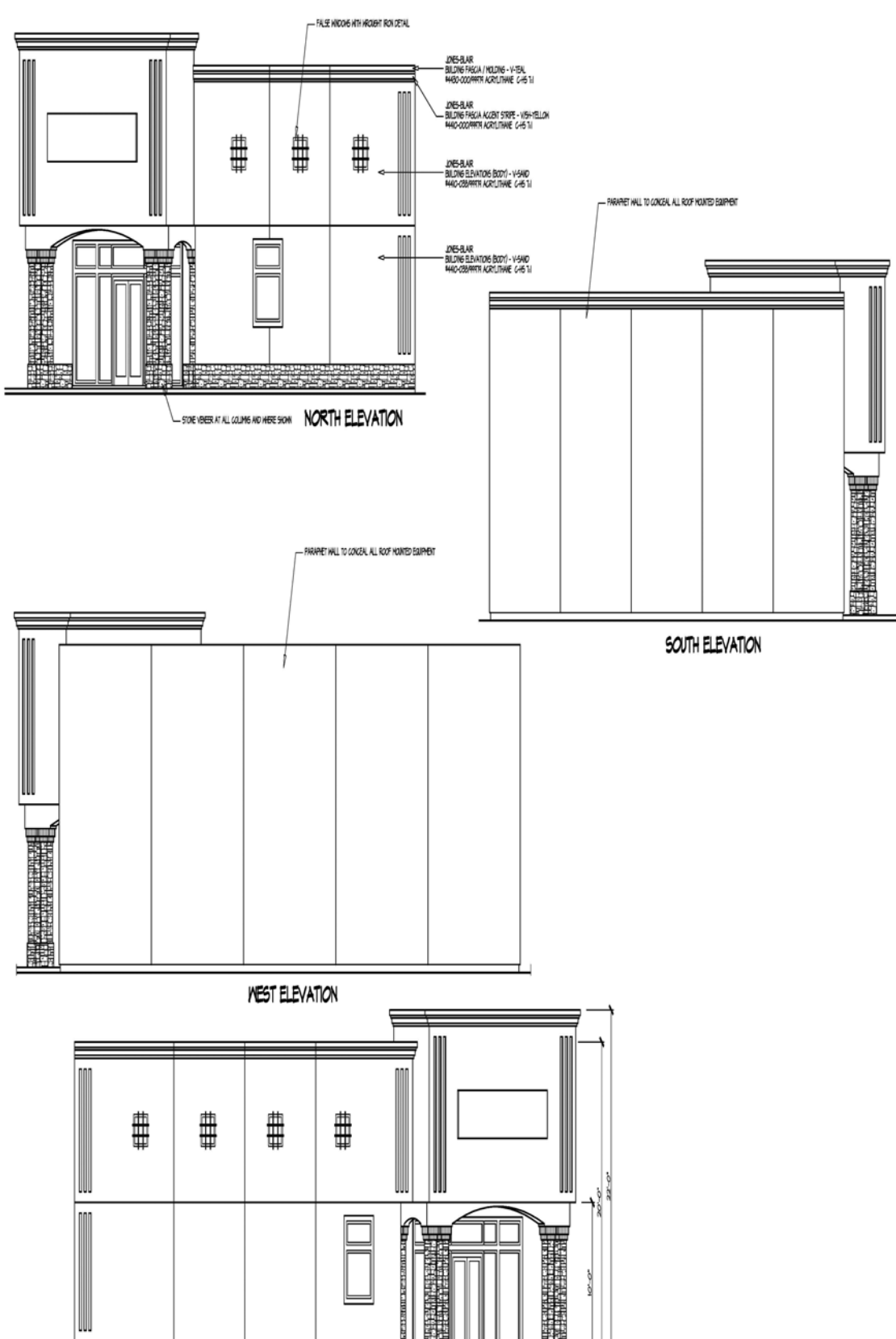
Aerial Photo



Site Plan



Elevations



Gary A. Rogers - Architect
 BALWINDER SINGH - MADERA SELF SERVE
 1090 N. LAKE STREET