

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
April 12, 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: March 8, 2016

CONSENT ITEMS:

C1. CUP 2008-15 EXT5 & SPR 2006-31 EXT5 - Comfort Suites Hotel – Time Extension

Consideration of a request for a time extension for a conditional use permit and site plan review previously approved allowing for the development of a 3-story, 80 room hotel, approximately 45,000 square feet in gross floor area. The site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive, in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-010-089)

PUBLIC HEARING ITEMS

**1. TSM 2016-01 – Varbella / DMP Development
(Staff Recommends This Item Be Pulled From Consideration – To Be Re Noticed
At A Later Date To Be Determined)**

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. For information on this project, please contact the project manager, Christopher Boyle at (559) 661-5433 or via e-mail at cboyle@cityofmadera.com.

**2. Fiscal Year 2016/17 to 2020/21 Capital Improvement Program Determination
of Conformity to the City of Madera General Plan**

A noticed public hearing to consider a resolution finding the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401. For information on this project, please contact the project manager, Christopher Boyle at (559) 661-5433 or via e-mail at cboyle@cityofmadera.com.

3. HOP 2016-02– Mojo’s Catering Services – APPEAL

A noticed public hearing to consider an appeal of a home occupation permit denied due to opposition from the surrounding community. The residential site is located at 2620 Monocott Drive in the R1 (Residential) Zone District with a LD (Low Density) General Plan land use designation (APN: 006-260-006). For information on this project, please contact the project manager, Robert Holt at (559) 661-5436 or via e-mail at rholt@cityofmadera.com.

4. CUP 2016-02 & SPR 2016-08 – Planet Fitness

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an athletic fitness center in the Bethard Square shopping center located on the northwest corner of South I Street and West Olive Avenue (333 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-204-001 and 010-202-014). A categorical exemption pursuant to California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities) will also be considered by the Planning Commission. For information on this project, please contact the project manager, Robert Holt at (559) 661-5436 or via e-mail at rholt@cityofmadera.com.

5. CUP 2016-03 & SPR 2016-09 – Liberty Baptist Church

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church to be located on the east side of South Gateway Drive (801 South Gateway Drive), south of its intersection with 12th Street, in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-151-008). A categorical exemption pursuant to the

California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities) will also be considered by the Planning Commission. For information on this project, please contact the project manager, Robert Holt at (559) 661-5436 or via e-mail at rholt@cityofmadera.com.

NON-PUBLIC HEARING ITEMS

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on May 10, 2016.

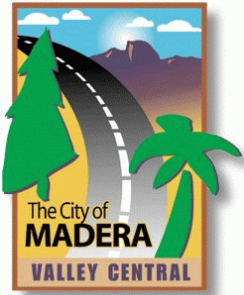
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Comfort Suites Hotel Time Extension
CUP 2008-15 EXT5 & SPR 2006-31 EXT5
Item #C1 – April 12, 2016**

PROPOSAL: Consideration of a request for a time extension for a conditional use permit and site plan review approval to allow for the development of an 80 room hotel.

APPLICANT:	Paul Singh	OWNER:	Paul Singh
ADDRESS:	Southeast Corner of Avenue 17 & Airport Drive	APN:	013-010-089
APPLICATIONS:	CUP 2008-15 EXT5 & SPR 2006-31 EXT5	CEQA:	Mitigated Negative Declaration

LOCATION: This project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive.

STREET ACCESS: The site is accessed from Airport Drive. No access will be provided to or from Avenue 17.

PARCEL SIZE: 2.02 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C-2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is located within an area designated and partially developed with a combination of commercial and industrial uses identified as the Madera Airport Business Park. To the south is a mix of industrial properties with various tenants. To the immediate west are vacant parcels, with the Hampton Inn and Suites located across Airport Drive. To the north is an Arco station, and to the east is the State Highway 99 transportation corridor.

ENVIRONMENTAL REVIEW: An initial study and mitigated negative declaration were adopted as part of the original approval.

SUMMARY & RECOMMENDATION: There have not been any significant changes to our local standards or the project that would warrant a change in the previous approvals or require additional conditions to be placed on the project. It is recommended that a one-year extension for the conditional use permit and site plan review be approved.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.405(B) Uses

MMC §10-3.1311 Use Permit Termination and Revocation

MMC §10-3.4.0114 Lapse of Site Plan Approval

Per MMC §10-3.405, a conditional use permit is required to allow for hotel to be located in the C-2 (Heavy Commercial) Zone District. Per MMC §10-3.1311, failure to utilize a conditional use permit within 12 months after approval renders a permit null and void unless a written request for extension is received prior to the expiration of the permit. The Commission, in considering the time extension request, may approve, deny or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the conditional use permit for further consideration by the Planning Commission.

PRIOR ACTION

On October 14, 2008, the Planning Commission approved Conditional Use Permit 2008-15 and Site Plan Review 2006-31, subject to conditions of approval. The approval allowed for the development of an eighty (80) room hotel on approximately 5.5 acres of land located on the southeast corner of Avenue 17 and Airport Drive.

On March 6, 2009, a modification to the site plan review for the project was approved to allow for a shift in the building footprint to avoid a previously unidentified underground high pressure natural gas line. An additional extension was granted while a study was in process to identify the ultimate interchange design concept for SR99 and Avenue 17. The Planning Commission granted a one-year time extension for the project at its March 13, 2012, April 9, 2013, April 8, 2014, and April 14, 2015 meetings.

ANALYSIS

In the past, economic conditions have driven requests for extension as the applicant sought financing for the construction of the project. This extension request would protect the existing planning entitlements for an additional year, allowing the applicant additional time to secure project financing and construct the hotel project. No changes to the previously approved site plan or additional conditions of approval are proposed, as there have not been any significant changes to the local standards or the design of the project to warrant any new conditions.

This is the fifth extension proposed for this project. The original entitlement was granted in 2008 and modified in 2009. Approval of the extension will have ultimately provided a six-year period for completion of the project. Although ordinance allows for one year extension periods, staff questions if the intent of the ordinance was for entitlements to continue indefinitely. As such, the applicant understands that this extension will be the last extension supported by staff.

The applicant also indicates that construction will occur this year.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports approval of an extension of the conditional use permit and site plan review as conditioned. It is recommended that the Commission consider this information and move to approve the application for extension, subject to the included conditions of approval.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2008-15 EXT5 and Site Plan Review 2006-31 EXT5, determining to either:

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

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 a one-year time extension from this date to March 13, 2017, for Conditional Use Permit 2008-15 and Site Plan Review 2006-31, remaining subject to the original conditions as listed below.

Findings

- Development of the site is consistent with the Madera General Plan and approval of the project will not result in any significant effects relating to traffic, noise, air quality or water quality.
- Based upon the testimony and information presented at the hearing, including the initial study and mitigated negative declaration previously adopted for the project and all evidence in the whole record pertaining to this matter, the Commission finds that there is no substantial evidence that the project will have a significant effect on the environment.
- The use is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- The use is not likely to be to be injurious to property or improvements in the neighborhood or the general welfare of the City.
- The project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- The applicant made a written request for an extension, in compliance with MMC §10-3.1311.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this conditional use permit (CUP 2008-15) and site plan review (SPR 2006-31) approval will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or a time extension is requested and approved.
2. Site development shall be consistent with the approved site plan and elevations filed with the site plan application.

3. Prior to issuance of any building permits, a fair share mitigation agreement shall be entered into between the applicant and Caltrans. This agreement shall identify and specify the amount, responsibility and timing of the payment towards the interchange and related improvements for the Freeway 99 / Avenue 17 interchange.
4. Any future proposed uses will be required to comply with the Specific Plan #1 and C-2 (Heavy Commercial) Zone District regulations and requirements.
5. The applicant shall submit an avigation easement in compliance with Specific Plan #1, as required by the Airport Master Plan, to the Community Development Department for review and approval prior to recording. The approved easement shall subsequently be recorded. Notification shall be provided, in the future, to all brokers licensed to do business in Madera County of the existence of these documents prior to recording any final subdivision map on the property.
6. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
7. In the event that 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.
8. Impact fees shall be paid at time of building permits issuance.
9. A landscape, lighting and maintenance district shall be formed for Airport Drive median landscaping subject to and as determined by Community Development Director and City Engineer.

Building Department

10. All interior spaces within the building shall meet all applicable building code requirements for their respective occupancy types before final approval for occupancy.
11. The plans submitted for building permits shall be in compliance with the herein listed conditions of approval and the building codes currently being enforced by the City Building Department, as well as, other applicable City ordinances and standards, and shall be prepared by or under the supervision of an architect or engineer licensed to practice in the State of California.
12. Prior to commencement of construction, all property corners must be located or verified to the satisfaction of the building official and no part of the structure shall encroach into the City right-of-way or onto the property of another. Property corner establishment shall also be verified prior to final occupancy. New property corners will require a record of survey to be recorded prior to any site construction or issuance of building permit.
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. Any mechanical equipment located outside of a building shall be screened in accordance with the Municipal Code. If such units are proposed, submit drawings indicating the method of screening for Planning Department review and approval before issuance of a building permit.
15. Provide a minimum of two sets of the following plans to the Building Department for the initial plan check. A complete set of plans shall be prepared by and bearing the stamp and signature of an individual licensed to practice architecture, 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. floor plan
 - c. site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
 - d. all exterior elevations
 - e. engineering plans and calculations
 - f. foundation plan
 - g. ceiling framing plan
 - h. roof framing plan
 - i. electrical plan
 - j. plumbing plan
 - k. mechanical plan
 - l. sections and details
 - m. disabled access compliance drawings
 - n. energy compliance drawings and documentation
 - o. landscape plan
 - p. landscape irrigation plan
16. In addition to the plans specified by #15 above, provide a minimum of four sets of the following plans to the Building Department for the initial plan check:
 - a. site plan bearing City approval or a plan incorporating all site related conditions
 - b. floor plan
 - c. all exterior elevations
 - d. site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
17. All walls within twenty (20') feet of property lines must be of one (1) hour fire resistive construction. All walls within five feet of property lines shall be of parapet wall construction. The use of all rooms must be identified on the construction plans.

Engineering Department

Streets

18. Site development shall conform to the traffic study dated February 16, 2007 or as directed by the City Engineer.

19. Airport Drive, easterly one-half adjacent to the project site shall be improved to comply with a 100-foot street cross section, City Standard (ST-5) or as addressed in the traffic study or as approved by the City Engineer.
20. Avenue 17, southerly one-half adjacent to the project site shall be improved to comply with a 100-foot street cross section, City Standard (ST-5) or as addressed in the traffic study or as approved by the City Engineer.
21. A signature block for Caltrans shall be added to the improvement drawings denoting their approval of the project's physical ties (street and slopes to the east along the SR 99 on ramp) to Caltrans future improvements.
22. Airport Drive entrance shall be street type openings with a minimum face of curb radius of 15-feet.
23. "No Parking" signs shall be installed along Airport Drive frontage.
24. Public Utility Easement (PUE) 10-wide shall be dedicated along Airport Drive.

Water

25. The developer shall install new connection(s) to the public 12-inch water main in Airport Drive.
26. Water meters shall read in cubic feet and be located within the city right-of-way.
27. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

Sewer

28. The developer shall install new connection(s) to the 8-inch sewer main in Airport Drive. The developer shall analyze the existing sewer main to establish the capacity of the sewer main relative to the demand of this project and other projects already proposing ties upstream.
29. Connections to street mains with a lateral larger than four (4) inches shall require manholes to be installed.
30. Existing septic tanks, if found, shall be removed under permits issued by the City of Madera Building Department.

Drainage

31. Storm runoff from this project site is planned to go to Basin 41550 to the south of this site. The developer shall either:
 - Construct new or expanded off-site storm drain facilities as necessary to convey site generated runoff to the storm drainage master plan basin. Construction of these facilities shall be developed consistent with the Storm Drainage Master Plan or as directed by the City Engineer. The developer shall excavate and remove sufficient material from Basin 41550 to accommodate storage requirements of the

site's 100-year design storm. Construction of this improvement less basin excavation is eligible for reimbursement through the impact fee program.

OR

- Construct a private temporary drainage basin and enter into a deferral agreement to construct permanent storm drainage facilities at such time as deemed necessary by the City of Madera.
32. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.
33. Construction of a private temporary drainage basin shall require a Drainage Basin Covenant.

Fire Department

34. The project is protected by the City Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for current fire protection development requirements and shall comply with such requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances or standards of the Fire Department. Fire Department requirements may be revised based on final project plans.
35. Water systems designed to meet the required fire flow of the development shall be approved by the Fire Department. Water systems shall be operational and approved by the Fire Department prior to any framing construction occurring or combustible materials delivered to the site. The required fire flow shall be determined in accordance with the Uniform Fire Code.
36. Prior to beginning any combustible construction, approved fire hydrants and pavement markers shall be installed in accordance with spacing requirements for commercial development (150 feet from last fire hydrant and/or 300 feet spacing fire hydrant to fire hydrant).
37. All uses shall be identified in detail, on construction plans to allow occupancy determinations to be made and fire safety requirements to be established.
38. All fire extinguishing systems, including automatic sprinkler systems, Classes I, II and III combined stand-pipes, halon systems, other special automatic extinguishing systems, and basement pipe inlets shall be approved by both the Fire Department and the Building Department prior to installation. Said systems shall meet the appropriate standard whether NFPA or UBC. The Fire Department shall witness all system tests and the system shall be operational prior to occupancy.
39. Any gated access which may be requested, shall comply with City standards for emergency access. A Knox Box key storage system is required and contact with the Fire Department is recommended for details. Fire extinguishers are required in accordance with Uniform Fire Code Standard 10-1. The building shall have a central station alarm per Uniform Fire Code Article 10.

40. Street addresses shall conform to City standards and must be a minimum of six (6") inches in height, have a contrasting background and shall be legible from the street in accordance with the Uniform Fire Code. They shall be internally or externally illuminated during all evening darkness hours.
41. 2A10BC-rated fire extinguishers are required on every floor level. The maximum travel distance is 75 feet. One fire extinguisher is required for each 3,000 square feet or fraction thereof. Special uses may trigger additional requirements.
42. There are fire hydrants shown on the site plan in the vicinity of the new construction. The actual placement and numbers are subject to the final design, however they should be located 40 feet away from all structures. A utility plan must be approved by the Fire Department prior to installation. The plan must contain pipe information such as size, type of materials, thrust block locations, thrust block design, size, etc. All easements for services shall be indicated on approved site plan.
43. The location of the FDC for the fire sprinkler systems must be coordinated with the locations of the fire hydrants for ease of use and should be 40 feet from buildings where possible.
44. A key box for entry is required for all new structures.
45. Fire lanes are required and must be posted in compliance with the California Fire Code and California Vehicle Code.

Planning Department

46. The applicant shall revise the elevations of the hotel to address unarticulated massing of the structure as currently depicted. This shall be accomplished by including additional architectural features to the roof and building design. Modifications shall be reviewed and approved by the Planning Director.
47. The applicant shall submit a color and materials board for the hotel identifying all proposed exterior finishes, to be reviewed and approved by the Planning Director.
48. The applicant shall revise the site plan to include a shift of the building footprint, at minimum, an additional 10 feet from the southerly property line to allow for the development of a landscape buffer between the proposed hotel and adjacent industrial uses. The buffer shall be a minimum of 10 feet wide and be located adjacent to the westerly and southerly project boundaries. The building shall be a minimum of 27 feet from the southerly property line.
49. The landscape and irrigation plans shall be revised to include the 10 foot landscape buffer. The buffer shall utilize tree species that at maturity would have a minimum canopy height of 30 feet, and be spaced and sized in such a manner to create generally solid visual screen within five to seven years. The landscape buffer area shall also include features that create an aesthetically pleasing outdoor space. In addition, a solid masonry wall shall be required at the southerly and westerly project boundaries, a minimum of seven feet in height. Modifications shall be reviewed and approved by the Planning Director.

50. Landscaping and irrigation plans shall include delineation of a landscaped ten (10) foot wide, Public Utility Easement (PUE), dedicated along Avenue 17 and Airport Drive street frontages. The plan shall be in accordance with Specific Plan #1. Any proposed modification to landscape and irrigation plans shall be reviewed and approved by the Planning Director and Parks & Community Service Director.
51. All park strips shall be landscaped and provided with an automatic irrigation system. A minimum of one City approved street tree every 30 feet shall be provided. No trees shall be planted within five feet of any fire hydrant. Five percent of the parking area shall be landscaped, with trees provided at a rate of one per every five (5) parking spaces. Landscaping and irrigation shall be installed in accordance with the Planning Department approved landscaping and irrigation plans prior to final building inspection. All plans for landscape and irrigation improvements within public right-of-way shall be reviewed and approved by Parks & Community Service Director.
52. Landscaping shall be maintained by the property owner to provide an acceptable appearance that is compatible with adjacent uses and consistent with the intent and purpose of the zone.
53. No loading dock or loading space shall be allowed in the front of the building. All loading areas shall be screened from view from public rights-of-way.
54. Any outdoor lighting fixtures shall be directed and shielded away from adjacent properties and from street traffic. All outdoor lighting shall be reviewed and approved by the Community Development Department before issuance of a building permit. The approved fixtures shall be installed before final building inspection. Nuisance lighting conditions shall be corrected at the owner's expense within (30) calendar days of notification from the City Engineer.
55. 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 issuance of a certificate of occupancy.
56. The applicant shall comply with all applicable federal, state and local laws. Material violation of any of those laws in connection with the use will be cause for revocation of this permit.
57. No occupancy, temporary or final, of any buildings within the development shall be granted until improvements within the public right-of-way are completed to the satisfaction of the City Engineer and confirmed in writing.
58. No occupancy, temporary or final, of any buildings within the development shall be granted until on-site project improvements are completed to the satisfaction of the Planning Department and confirmed in writing.

Air Quality Mitigation Measures

59. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) 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).

60. The construction grading plans shall include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.
61. Compliance with San Joaquin Valley Air Pollution Control District regulations and permitting requirements shall be required. Clearances and or permits shall be provided to the Building Department prior to issuance of any City building permits.

The requirements and conditions of approval noted above have been established based on the information submitted for site plan review. Additional and/or modified conditions may be applied at such time as final development plans (including construction drawings for building permits) are submitted or if any changes are made to the project. Please submit construction plans and final plot plans to ensure proper application of codes.

In addition to the conditions of approval listed above for Conditional Use Permit 2008-15 and Site Plan Review 2006-31, the following conditions of approval for Site Plan Review 2006-31 MOD shall be applied to the time extension:

SITE PLAN REVIEW 2006-31 MOD CONDITIONS

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this modification to a site plan review approval (SPR 2006-31 MOD) will expire one year from the 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 the expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
2. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
3. Any deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Director.
4. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review modification.
5. All conditions included in previous Planning Commission approval for conditional use permit (CUP 2008-15) and site plan review approval (SPR 2006-31), allowing for the development of a Comfort Suites Hotel shall remain effective and are not revised in any way by this approval except as modified herein (see attached).
6. 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.

Pacific Gas and Electric

7. All plans submitted for issuance of permits shall indicate the existing 20' wide PG&E easement provided for the PG&E 12" gas transmission pressure pipeline crossing the subject property.
8. Items that may be installed within the 20' PG&E easement are as follows: asphalt paving, concrete curbing, and landscaping including grass and bush-type shrubs.
9. Items that shall not be installed within the 20' easement are as follows: trees, trash enclosures, parking light poles or any structures.
10. The applicant shall provide potholes over the pipeline to determine the current pipe depths. Prior to potholing, the applicant shall contact Underground Service Alert (USA). The applicant also shall notify PG&E contact Steve Freitas at (209) 617-0006 to allow stand-by during the pothole excavations. (The excavations must be performed with hand tools.)
11. Prior to issuance of grading and or building permits, the applicant shall provide PG&E with a site plan showing the pothole locations, noting the current pipe depths. The applicant shall also indicate the proposed cover over the gas pipe at subgrade elevation. Prior to grading and/or making soil cuts for the parking area, PG&E shall be provided information indicating the minimum soil cover over the gas pipe. (PG&E will calculate the wheel loading limitations with this information.)

(OR)

Motion 2: Move to continue the consent item for the requested time extension for Conditional Use Permit 2008-15 and Site Plan Review 2006-31 to the May 10, 2016 Planning Commission meeting.

(OR)

Motion 3: Move to deny the requested time extension for Conditional Use Permit 2008-15 and Site Plan Review 2006-31 based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Plan
Elevation
Extension Request Letter

Aerial Photo



Elevation



COMFORT SUITES
MADERA, CALIFORNIA



Extension Request

DPI, LLC

5161 W. Bedford
Fresno, CA 93722

February 16, 2016

Mr. Christopher Boyle
City of Madera Planning Department
205 W. 4th Street
Madera, CA 93637

Re: CUP 2008-15 EXT & SPR 2006-31 EXT
Comfort Suites
Avenue 17 & Airport Drive, Madera, CA

Mr. Boyle,

I am writing this letter in order to request a time extension for conditional use permit CUP 2008-15 and site plan review SPR 2006-31 which allow for the development of an 80 room hotel on a portion of a 2.02 acre parcel at Avenue 17 and Airport Drive.

This request is being made due to the fact that economic conditions necessitate the request for an extension. We as the applicant are continuing to seek financing for the construction of the project.

Additionally, No changes to the previously approved site plan or additional conditions of approval are proposed.

Should you have any questions regarding this request you can contact me at (559) 260-1075.

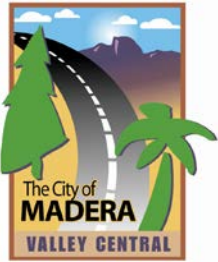
Sincerely,

Pritpal Singh, Principal

Singh-Comfort Suites- CUP Extension.Doc

**TSM 2016-01
Varbella / DMP Development
Item #1 – April 12, 2016**

Staff recommends this item be pulled from consideration. This item will be re noticed at a later date to be determined.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Consideration of a Resolution finding that
the 2016-2017 to 2020-21 Capital Improvement Program
is in Conformance with the General Plan
Item #2 – April 12, 2016**

PROPOSAL: Evaluation of the City of Madera Capital Improvement Program (CIP) for fiscal years 2016/17 through 2020/21 to determine conformity with the City of Madera General Plan.

APPLICANT:	City of Madera	OWNER:	N/A
ADDRESS:	Multiple	APN:	Multiple
APPLICATION:	N/A	CEQA:	Exempt

SITE CHARACTERISTICS: The projects included in the Capital Improvement Program (CIP) are located within the urbanized area of the City of Madera. Surrounding land uses vary depending upon the individual project, but are typically commercial, residential or industrial in nature.

ENVIRONMENTAL REVIEW: The proposed project is a finding of conformance and supporting resolution regarding the Capital Improvement Program (CIP) for fiscal years 2016/17 through 2020/21. The CIP identifies proposed capital improvements and preliminary budgets for capital improvements throughout the City. Projects in the Plan include a range of public works and infrastructure projects to improve the quality of life for local residents and visitors alike. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if “the activity is covered by the general rule that the 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 subject to the CEQA.” The resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment. The individual projects, proposed within the CIP are subject to CEQA analysis individually, on a project by project basis.

SUMMARY & RECOMMENDATION: The City Council of the City of Madera has reviewed the active and proposed projects in the Capital Improvement Program and forwards the CIP to the Planning Commission for determination of conformance with the City General Plan pursuant to Government Code Section 65401. It is recommended that the Planning Commission adopt a resolution finding the Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.

ANALYSIS

Under the terms of Section 65401 of the Government Code, the Planning Commission of each city or county is required to review any Capital Improvement Program (CIP) and the projects contained therein, within that jurisdiction as to conformance with that agency's General Plan.

The proposed projects are for new major infrastructure improvements and reconstruction of existing facilities. The projects are divided into the following categories:

Airport Operations	10	Projects
Community Development	1	Projects
Alley Improvements	2	Projects
Traffic Signal/Improvements	5	Projects
Streets & Bridges	28	Projects
Park Development	11	Projects
Water System Utility	27	Projects
Sewer System Utility	6	Projects
Drainage System Operations	6	Projects
Fire Department	3	Projects
Successor Agency	3	Projects
Transit System	4	Projects

A brief description of the projects in each category is listed below:

Airport Operations – Reconstruct runway and taxiway pavements, and construct new aprons and Tee Hangers.

Community Development – The future relocation of City Hall.

Streets & Roads – Improvements include widening existing streets, adding landscaped medians, installing sidewalks, installing traffic signals and other safety improvements. Reconstruction and rehabilitation includes major repairs and rehabilitation of existing streets to extend useful life and pavement resurfacing. All street projects take place on arterials and collectors as designated by the General Plan Circulation Element.

Park Development – Construction projects include new trails, bike paths and improvements to various Parks and Recreation facilities. Proposed projects are consistent with the City's approved Bicycle Transportation Plan and the Park and Recreation Element of the General Plan.

Water System – Construct new water wells, major replacement of water distribution systems components and replace or rehabilitate water mains.

Sewer System – Construct trunk sewer pipelines, replace and up-grade sewer main pipelines and rehabilitate sewer lift stations.

Drainage System – Construct storm drain pipelines and drainage basins and make enhancements to the existing drainage system.

Fire Department – Construct a Fire Station in the northwest quadrant of the City.

Successor Agency – Construct Adel Street improvements.

Transit System – Construct Transit and Public Works Maintenance and Administration Facility.

A Capital Improvement Program summary is attached to this report. The full Capital Improvement Program (CIP), including a detail sheet for each project, is available for review at the City Engineering Department (205 W. 4th Street, Madera) during normal business hours. The full Capital Improvement Program can also be reviewed on the City's web-site at the following: Capital Improvement Plan (CIP) Fiscal Year 2016/17 to 2020/21.

GENERAL PLAN CONFORMITY

If a project identified in the proposed Capital Improvement Program (CIP) would implement or generally support attainment of a General Plan goal, policy or action item, staff recommends that a finding of conformance be made. Where the linkage between the General Plan and a Capital Improvement Plan is less direct, a finding of conformance is recommended to the extent that no conflicts are identified and the project will not obstruct attainment of General Plan goals, policies and action items. If adopted policies do not support a project, or the project prevents attainment of an adopted policy, a conformity determination should not be made.

A screening level analysis was completed for each Capital Improvement Program (CIP) project against the goals, policies and action items in all ten elements of the General Plan. No conflicts were identified between any proposed project and any feature of the adopted General Plan. In general, capital projects identified in the CIP are consistent with the General Plan's intent to provide adequate circulation and utilities, and to support enhanced transit, walkability and recreational opportunities. Airport related projects are consistent with the General Plan policy supporting the Airport in its role as an important part of the local commercial economy.

The Commission's finding that a proposed Capital Improvement Program (CIP) item conforms with the General Plan does not necessarily mean that the Commission or the City endorses the project in a particular form. Individual capital projects must undergo environmental review and receive approval prior to being carried out. As projects proceed from concept to final design and construction, individual projects are commonly modified. Where the General Plan points to specific features that affect design, these features will be incorporated. The City Council will continue to have full discretion in deciding to move forward with CIP items.

If the Planning Commission finds that the projects are in conformance with the General Plan, the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program (CIP) will be forwarded on to the City Council for final adoption during its consideration of the Fiscal Year 2016/17 Budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Consistent with Action 126 and Action 132 of Vision 2025, the projects support the strategy for providing clean attractive streets that are safe and aesthetically pleasing, and connecting Madera's neighborhoods through streets, trails and walkways that promote community interaction. The requested action is for the improvement of infrastructure and is not in conflict with any of the actions or goals contained in the plan.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports adoption of a resolution finding the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program (CIP) in conformance with the General Plan and Specific Plans of the City of Madera.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the adoption of a resolution, included herein as an attachment.

ATTACHMENTS

CIP Summary

Resolution

City of Madera, California

Capital Plan

'16/'17 thru '20/'21

PROJECTS BY DEPARTMENT

Department	Project#	Priority	'16/'17	'17/'18	'18/'19	'19/'20	'20/'21	Total
Airport								
Tee Hangar Design Phase I	AIP 25	1	89,000					89,000
Tee Hangar Taxiway & Apron Construction Phase I	AIP 28	1			70,000	547,000		617,000
Tee Hangar Development Construction Phase II	AIP 29	1				68,750	637,000	705,750
Apron Reconstruction Phase II	AIP 30	1	1,570,000					1,570,000
Apron & Taxiway Drainage	AIP 31	1			55,000	526,000		581,000
Runway, Taxiway & Apron Crack Seal	AIP 33	1		488,000				488,000
Extend Commercial Hangar Development - Phase III	AIP 34	1				166,000	1,537,500	1,703,500
Extend & Rehab Runway 12-30, Extend Taxiway P	AIP 35	1					620,000	620,000
Airport Gate Security Update	AIP 36	1		26,250	353,000			379,250
AGIS Survey & Obstruction Mitigation Plan	AIP 37	1		125,000				125,000
Airport Total			1,659,000	639,250	478,000	1,307,750	2,794,500	6,878,500
Community Development								
City Hall Relocation & Expansion	Misc-1	1					19,863,000	19,863,000
Community Development Total							19,863,000	19,863,000
Engineering								
Torres Wy. Alley Paving	ALY-01	1		15,000		170,000		185,000
Alley Paving	ALY-02	1		50,000	630,000			680,000
Westberry Bridge Construction	B-2	3				500,000	500,000	1,000,000
BPMP List of City Bridges	B-3	1	1,800					1,800
BPMP Rehab/Repair of 3 Bridges	B-4	1	20,000	83,500				103,500
Sharon Blvd. Plan, Ellis St. to Avenue 17	CDD-1D-ST	1	45,000					45,000
CNG Compressor	CNG11-1	1	20,000					20,000
Micro-Paver Distress Survey	Misc-4	1	10,000	5,000		5,000	60,000	80,000
Master Utility Plan Update, II	MP Update II	1					500,000	500,000
Olive Ave. Widening - Gateway to e/o Roosevelt	R-10	1	2,440,000	3,530,000				5,970,000
Fourth St. Tree Replacement - Pine to K	R-25 EX	1	125,000					125,000
Contingency / Project Administration	R-31	1	130,000	130,000	130,000	130,000	130,000	650,000
UPRR Crossing - Street Approach	R-32	1	100,000	50,000	50,000	50,000	50,000	300,000
Raymond Rd. Shoulder n/o Cleveland Ave.	R-37	1	30,000	272,000				302,000
Gateway/Central/3rd/E St. Sidewalks	R-38	1	305,000					305,000
Concrete Projects - Share Program	R-41	1	51,000	20,000	20,000	20,000	30,000	141,000
Lake St. Widening - Fourth St. to Cleveland Ave.	R-46	1	230,000	420,000	2,770,000			3,420,000
Olive Ave. Concept Plan	R-49	1	12,000					12,000
Pine St. Reconstruction - Howard to Fourth St.	R-50	1			518,000			518,000
Thomas Jefferson/John Adams Sidewalks	R-51	1	305,000					305,000
Cleveland Ave. Improvements - Schnoor Ave. to SR99	R-54	1	100,000	100,000	100,000			300,000
Fourth St. Median Landscaping	R-56	1	5,000					5,000
Fourth/Lake/Central Intersection	R-57	1	60,000	505,000				565,000
Schnoor Ave. Sidewalks	R-58	1		22,000	128,000			150,000
Storey Rd. Shoulder Paving	R-60	1		31,000	270,000			301,000
Pedestrian Facilities/Schools & Commercial Areas	R-62	n/a	272,000					272,000
Riverwalk Dr. Improvements	R-63	1	110,000					110,000

Department	Project#	Priority	'16/'17	'17/'18	'18/'19	'19/'20	'20/'21	Total
ADA Walkability Sidewalks, 2016-2017	R-64	1	242,000	58,000	96,000	101,000	128,000	625,000
Surface Seals and AC Overlays, 2016-2017	R-65	1	600,000	30,000	570,000	30,000	570,000	1,800,000
Sunset Ave. Sidewalks	R-66	1	30,000	315,100				345,100
Pecan Ave. Shoulder Paving	R-67	1		146,000	519,000			665,000
Golden State Blvd. Shoulder Paving	R-68	1		12,000	113,000			125,000
Schnoor Ave. Trunk Sewer System	S-12 (S-5)	1	70,000	1,115,000				1,185,000
Southeast Quadrant Sewer Improvements	S-996	4				106,200	100,000	206,200
San Sebastian Basin Overflow Pipeline	SD-12	1		68,000				68,000
Various Retention Basins	SD-13-PX	1	50,000	50,000	50,000	50,000		200,000
Granada Dr./Avenue 12 1/2 Retention Basin	SD-14-P11	1	95,000					95,000
Ellis St./Krohn St. Retention Basin	SD-15-P07	1	95,000					95,000
Replace Sewer Main - Wessmith Wy.	SS-1	2	46,000					46,000
Replace Sewer Main - Sherwood Wy.	SS-2	2	40,000	423,000				463,000
Fairgrounds Liftstation	SS-6	n/a	450,000					450,000
Yosemite Ave. & Elm St. Traffic Signal	TS-09	1	130,000					130,000
Granada Dr. & Howard Rd. Traffic Signal	TS-17	1	65,000	275,000				340,000
Howard Rd./Westberry Blvd. Traffic Signal	TS-19	3	405,000					405,000
Sunrise Ave. & Tozer St. Traffic Signal	TS-20	1		25,000	160,000			185,000
HOPYQ Intersections	TS-23	1		15,000	120,000			135,000
Water Main Upgrades - Locations 1-12	W-03	1		100,000	750,000			850,000
Water Main Upgrades - Locations 13-23	W-04	1		120,000	1,380,000			1,500,000
Water Main Upgrades - H St.	W-06	1			10,000	255,000		265,000
Water Main Upgrades - 10th St.	W-08	1			10,000	770,000		780,000
River Crossing Water Main Gateway Dr./Riverside Dr	W-09	1	205,000					205,000
Well No. 27 Pipeline Outfall Extension	W-17	1	45,000	530,000				575,000
Well #28 Pumps Replacement	W-20	1		500,000				500,000
Commercial Water Meters	W-23	1	130,000					130,000
Water Tower Demolition	W-26	1	15,000	285,000				300,000
Sycamore St. Water Main - Lake St. to Clinton St.	W-28	1	75,000					75,000
Maple St. Water Pipe - Pine St. to Noble St.	W-FF-1	3	54,000					54,000
Rotan Ave. Water Pipe - Howard Rd. to Plumas St.	W-FF-2	3	40,000					40,000
Plumas St. Water Pipe - Rotan Ave. to 330 ft. West	W-FF-3	3	18,000					18,000
Olive Ave. Water Pipe - Pine St. to Noble St.	W-FF-4	3	54,000					54,000
Water Well No. 37 - Pump & Electrical	W-GW-1	3	992,000					992,000
Water Well No. 35, Ellis St 970 ft w/o Chapin St	W-GW-2	4					2,011,000	2,011,000
Water Well No. 36, Hwy 145 and Indigo Dr	W-GW-3	4		121,000				121,000
Lake St. Water Pipe - Ellis St. to Avenue 17	W-PNE-4	2		60,000	25,000	615,000		700,000
Aviation Dr. Water Pipe - Airport Dr. to 12" Line	W-PNW-29	3					6,700	6,700
Aviation Dr. Water Pipe - Aviation Dr./Falcon Dr.	W-PNW-30	3					13,000	13,000
Pump Station for Tank at Ave. 17 & Lake St.	W-PS-1	2	201,000	158,000	103,000	377,000	5,893,000	6,732,000
Pecan Ave. Water Pipe - Madera to e/o Madera	W-PSE-3	3				5,000	51,000	56,000
Almond Ave. Water Pipe - Pine St. to Stadium Rd	W-PSW-45	3					88,000	88,000
Pecan Ave. Water Pipe, Monterey to w/o Monterey	W-PSW-50	3	35,300					35,300
Water Storage Tank Installation	W-T-1	2	290,000	225,000	148,000		9,000,000	9,663,000
Engineering Total			8,844,100	9,864,600	8,670,000	3,184,200	19,130,700	49,693,600

Fire Department

Fire Station 7 - Parking Lot Paving	FD-01	1	67,000					67,000
Fire Station, Northwest	FD-02	1				3,425,000		3,425,000
Fire Station 6 Parking Lot	FD-03	1		70,000				70,000
Fire Department Total			67,000	70,000		3,425,000		3,562,000

Parks & Community Services

Bike Lane Projects - Various Locations	PK-01	1	32,600	32,000	33,000	34,000	35,000	166,600
FRT - Gateway & UPRR Undercrossing	PK-08	1	983,000					983,000

Department	Project#	Priority	'16/'17	'17/'18	'18/'19	'19/'20	'20/'21	Total
Laurel Bike Path - Sunset Ave. to FRT	PK-12	1	5,000					5,000
Sunrise Rotary Sports Complex Improvements	PK-13	1	351,000					351,000
Tulare/Cleveland/Raymond Bike Path	PK-48	1		10,000	315,000			325,000
FRT- Schnoor Bridge - North Undercrossing	PK-54	1	20,000	330,000				350,000
Bike/Ped Path - FRT to Cleveland Ave.	PK-56	1	54,000	300,000				354,000
FRT - MID to Schnoor, North Bank	PK-57	1	23,000	229,000				252,000
FRT - Granada to MID, North Bank	PK-58	1	36,000	113,000				149,000
Knox Park Rehabilitation	PK-59	1	98,000					98,000
Centennial Park Playground	PK-61	1	503,000					503,000
Parks & Community Services Total			2,105,600	1,014,000	348,000	34,000	35,000	3,536,600
Public Works								
Sewer Main, Manhole Covers	S-07	1	10,000	65,000				75,000
Northwest Quadrant Storm Drain Improvements	SD-14	4	100,000	100,000	500,000	1,000,000	2,000,000	3,700,000
Southeast Quadrant Storm Drain Improvements	SD-15	4	100,000	500,000	1,000,000	2,000,000	13,900,000	17,500,000
Water Tower Recoating	W-22	1	10,000	1,490,000				1,500,000
Downtown Valve Replacement	W-29	1	130,000					130,000
Public Works Total			350,000	2,155,000	1,500,000	3,000,000	15,900,000	22,905,000
RDA Successor Agency								
Adel St. Improvement Project	RDA 16-01	1	2,500,000					2,500,000
Riverside Villas of Madera	RDA 16-02	1	160,000					160,000
Riverwalk Dr. Improvements Project	RDA ST10-03	1	120,000					120,000
RDA Successor Agency Total			2,780,000					2,780,000
Transit Program								
Transit & Public Works Maintenance/Admin Facility	Trans-1	1	2,090,000					2,090,000
Transit Security & Passenger Enhancements	Trans-6	1	459,000					459,000
Transit Security & Passenger Enhancements, B	Trans-7	1	12,000	189,000				201,000
Transit Security & Passenger Enhancements, C	Trans-8	1			12,000	150,000		162,000
Transit Program Total			2,561,000	189,000	12,000	150,000		2,912,000
GRAND TOTAL			18,366,700	13,931,850	11,008,000	11,100,950	57,723,200	112,130,700

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA FINDING THAT THE PROPOSED 2016/17 TO 2020/21 CAPITAL IMPROVEMENT PROGRAM (CIP) IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPECIFIC PLANS OF THE CITY OF MADERA AS REQUIRED BY SECTION 65401 OF THE GOVERNMENT CODE.

WHEREAS, Section 65401 of the Government Code requires the Planning Commission of cities and counties to review any Capital Improvement Program (CIP) in its jurisdiction for conformance with the agency's adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera reviewed the active and proposed projects in the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program at their meetings on February 3, 2016; and

WHEREAS, the proposed projects reflect the major need for airport, streets, public utilities, parks and other community facilities during the next five years in concert with the provisions in the adopted General Plan and Specific Plans; and

WHEREAS, The City Council of the City of Madera has forwarded the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program to the Planning Commission for determination of conformance with the City General Plan and Specific Plans pursuant to Government Code Section 65401; and

WHEREAS, The resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment and has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA when "the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment; and

WHEREAS, The Planning Commission has completed its review of the Staff Report, evaluated all attached supporting documents, and considered testimony received as part of the public hearing process.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The Planning Commission hereby finds the Fiscal Year 2016/17 to 2020/21 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.
3. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 12th day of April, 2016, by the following vote:

AYES:

NOES:

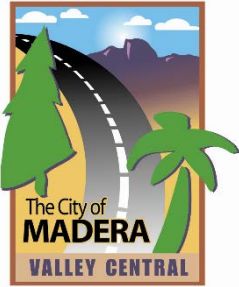
ABSTENTIONS:

ABSENT:

Kenneth Hutchings, Chairperson
City Planning Commission

Attest:

Christopher Boyle
Planning Manager



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Mojo's Catering Services
HOP 2016-02 Appeal & Categorical Exemption
Item # 3 April 12, 2016**

PROPOSAL: An appeal of a catering service, home occupation in a residential area. The Home Occupation Permit (HOP) was denied due to opposition from the surrounding neighborhood.

APPLICANT:	Mone'shay Platt	OWNER:	Ron Dutrow
ADDRESS:	2620 Monocott Drive	APN:	006-260-006
APPLICATION:	HOP 2016-02	CEQA:	Categorical Exemption

LOCATION: The property is located on the west side of Monocott Drive.

STREET ACCESS: The site has access to Monocott Drive.

PARCEL SIZE: 7,121 square feet

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: R1 (Residential)

SITE CHARACTERISTICS: The 7,121 square foot residential site is located in an R1 (Low-Density Residential) Zone District with an LD (Low-Density Residential) General Plan land use designation. The site is surrounded by residential properties.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15378, in that the action will not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The action is not a project subject to review under CEQA.

SUMMARY: The proposed catering service home occupation received one letter of objection signed by two surrounding neighbors. Per City Resolution No. 1733 (Amended Criteria and Administrative Guidelines for Home Occupations), the presence of an objection caused an automatic denial of the application.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.201 Definition of Home Occupancy

MMC § 10-3.405 (H) Uses

Resolution No. 1733 Amended Criteria and Administrative Guidelines for Home Occupations

The City's Zoning Ordinance defines "Home Occupation" as the conduct of a business that is clearly incidental and secondary to the use of the structure as a dwelling in a residential district. By Resolution, a Home Occupation is further defined as a business where no customers or clients come to the residence. The general intent of Home Occupation regulations is to allow the conduct of very limited, low impact, business operations in a Residential Zone without changing the nature or character of the neighborhood.

If the Commission cannot make the appropriate findings, the home occupation permit should be denied. Conditions may be attached to the approval of the home occupation permit to ensure compatibility. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Upon receipt of the application and fee for the catering service home occupation, the Planning Department notified residents within 150 feet of the subject property of the intended home occupation. The notice identified the type of business proposed and the criteria that must be satisfied. The notice invited residents to respond within 10 days with any concerns. Resolution No. 1733 (5) (e) states, "At the conclusion of the ten day period, a home occupation permit may be issued if there have been no objections from area residents. In the event of an objection(s) to the home occupation, no permit shall be issued." The Planning Department received one letter of objection signed by two surrounding neighbors, resulting in its denial.

ANALYSIS

The letter of objection included multiple issues with the catering service home occupation. Those issues are:

- Not wanting a business in a residential neighborhood
- Excess traffic moving in and out of property
- Excess traffic parked along the street
- Trailer used for catering service
- Catering service in business prior to submission of home occupation
- Preparation of food for catering service occurring inside home

Staff inspected the residential site in response to the aforementioned complaints within the letter of objection.

Staff did not observe any excess cars parked along the street at the residential site. There were three (3) cars parked and one small trailer in the driveway.

The applicant did not indicate the use of a small trailer within any application submittals for the catering service home occupation permit. Staff contacted the applicant in regards to the small trailer, and the applicant decided to sell the trailer and remove it from the premises. The applicant plans to use just her personal vehicle for the delivery service, which has been approved by the Environmental Health Department.

The applicant plans to use The Vineyard restaurant, located at 605 South I Street, as her commissary for all food preparation and delivery. Staff contacted the restaurant's business owner, Chris Mariscotti, to confirm that his restaurant is being used as the applicant's commissary for her home occupation. Mr. Mariscotti confirmed that all food will be prepared and delivered from the restaurant.

Staff cannot make any determination on whether the catering service has been in business prior to the submission of the home occupation permit.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although the amendment of the home occupation resolution is not specifically addressed in the Vision Madera 2025 Plan, the request is consistent with the Vision of 'A Well-Planned City' recognizing the need for balancing residential and commercial needs.

RECOMMENDATION

Planning staff recommends that after considering all the information and testimony presented prior to or at this hearing, the Planning Commission take appropriate action on the request. Because the proposed home occupation appears to comply with all of the criteria specified by the City for such uses, staff has no objection to the use and recommends that the appeal be granted.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the home occupation permit.

Motion 1: Move to approve the appeal application for Home Occupation Permit 2016-02 to allow for the establishment of a Catering Services business at 2620 Monocott Drive in the R1 (Residential) Zone District, based on the following findings:

Findings

- The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15378, in that the action will not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, the action is not a project subject to review under CEQA.
- The use can be permitted in the Residential Zone with approval of a home occupation permit.
- With the limitations and restrictions imposed per Planning Commission Resolution No. 1733, there will be no significant impact on the residential neighborhood.

Conditions

1. The home occupation shall be conducted within a house or garage by an inhabitant thereof and shall be clearly incidental to the use of the structure as a house or garage.
2. The home occupation shall be confined to one room or garage.
3. No preparation and/or delivery of food in association with the home occupation shall occur at the residential property (2620 Monocott Drive).

4. There shall be no use of material or mechanical equipment not recognized as being a part of a normal household or hobby.
5. In no way shall the appearance of the house or garage be so altered or the conduct of the occupation within the house or garage be such that the structure may reasonably be recognized as serving the non- residential use.
6. No signs shall be allowed.
7. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.
8. A home occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.
9. A home occupation shall not involve the use of commercial vehicles for delivery of home occupation materials to or from the premises, with the following exceptions:
 - (a) normal residential delivery services (e.g. UPS); and
 - (b) a vehicle, not to exceed one (1) ton capacity, owned by the operator of the home occupation.
10. There shall be no customers, clients or visitors coming to the residence for purposes of the business.
11. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.
12. There shall be no outdoor storage associated with the home occupation.
13. The home occupation shall not affect or reduce the parking spaces required by the Madera Municipal Code.
14. Home occupations shall not involve the use or storage of chemicals and/or other hazardous materials on-site beyond that normally associated with residential uses. Home occupations shall be subject to Fire Department approval or conditional approval.
15. A business license shall be obtained pursuant to Madera Municipal Code, Title 6.
16. One small commercial vehicle and/or one specialized piece of equipment on one vehicle or a small trailer shall be allowed to be parked at the residence if the following criteria are met:
 - (a) The vehicle or trailer is not visible from adjacent properties or detectable by noise, odors or any other factors.
 - (b) The vehicle or trailer shall not utilize the required covered or uncovered parking for the residence.
 - (c) The vehicle or trailer shall be stored in a garage or screened by other site features.
 - (d) No structures or devices for screening shall be employed if they are not aesthetically consistent with the existing structures and the aesthetic values of the surrounding neighborhood.
 - (e) If placed in a rear yard, the storage shall not result in a reduction of usable rear open space to less than 150 square feet with a minimum of ten (10) feet in width.
 - (f) No vehicle or trailer shall be allowed access via an alley if its loaded weight exceeds 10,000 lbs; and

(g) The overall impact of the storage at the site does not detract from the aesthetic value of the area.

(OR)

Motion 2: Move to deny the appeal application for Home Occupation Permit 2016-02 to allow for the establishment of a Catering Services business at 2620 Monocott Drive in the R1 (Residential) Zone District, based on the following findings:

Findings

(To be specified by the Planning Commission)

ATTACHMENTS

Aerial Photo
Exhibits
Operational Statement
Letter of Objection
Appeal Form
Letters of Support
Resolution #1733 – Amended Criteria and Administrative Guidelines for Home Occupations

Aerial Photo



Exhibits



364651

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 3/23/16
----------------------	------------	--------------

NAME Mone'shay Platt
ADDRESS 2620 Monocott Drive
CITY, STATE, ZIP MADERA CA 93637

SOLD BY	CASH X	C.O.D.	CHARGE	ON. ACCT.	MDSE. RETD.	PAID OUT
---------	-----------	--------	--------	-----------	-------------	----------

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1			
2	Elijah Lyons		
3			
4	Purchased the		
5			
6	Black and white		
7	Trailer	300 ⁰⁰	
8			
9			
10		Cash	
11	Elijah Lyons bought		
12			
13	AS IS. no Refunds	Elijah Lyons	
14			
15	XPLP Lym		
16			
17	x HP Mone'shay Platt		3/23/16
18			

RECEIVED BY

A-5805
T-46320/46350

KEEP THIS SLIP FOR REFERENCE

01-11

Operational Statement



PLANNING DEPARTMENT OPERATIONAL STATEMENT CHECKLIST

It is important that the operational statement provides for a complete understanding of your proposal. The statements that you submit **must address all** of the following that apply to your proposal.

Your operational statement **must be typed** or written in a **legible** manner in the spaces provided. Answer all statements that apply to your business. **Those that do not apply, enter "N/A"**. Use additional sheets if necessary.

Mojo's Catering Services Business Name 21020 Monocott Drive Business Address

APN: _____ **(For your APN, Please call the Madera County Assessor's Office at (559) 675-7710.)

1. Nature of the operation – What do you propose to do? **PLEASE DESCRIBE IN DETAIL**

I will be documenting all invoices for food services.
I will also be brainstorming food ideas to better
serve my business as a caterer.

2. What products will be produced by the operation? Computer, Fax, paper, desk, printer

3. What is the existing use of your property? As of now it's a family home.

4. What are the surrounding land uses on the North, South, East and West? residential

5. List the hours of operation: Varies (possible 8 hrs.) Number of Days per Week: 7 days per week

If Seasonal, list the months of operation: N/A

6. Number of Customers or Visitors per day: Varies Maximum per Day: Varies (no more than 5)

During what hours will customers visit your property? N/A

7. Number of current employees (including self): 1 Future employees (not counting current): _____

Will any live on site (including self)? YES / NO (Just me) moneshay platt

8. Are any goods to be sold on site? YES / NO
 If yes, are these goods grown or produced on site or at some other location? _____
 Describe products being offered for sale: Food products will only be offered for sale. Including soft drinks. Example: Chicken, Teri-Ter steak & vegetables w/ Diner Rolls and Punch, Tea, or water.
9. Number and type of service or delivery vehicles: no commercial vehicle. My 2011 XB Scion. only one car.
10. What equipment is used? If appropriate, provide pictures or a brochure. my personal car will be used to transport food.
11. Will the operation or equipment used generate noise above existing levels in the area? YES / NO
 If yes, explain N/A
12. Describe the supplies or materials used and how they will be stored: All food will be greatly insulated by approved equipment. I will store all foods at the vineyard restaurant. That is my commissary. Everything is commercialized.
13. Will hazardous materials or waste be produced as part of this business? YES / NO
 If yes, explain N/A
14. Will the existing buildings be used or will a new building be constructed? An Existing building will be used. The Vineyard Restaurant / owner Chris Mariscotti has agreed & signed Commissary Paperwork, but my office is residential.
15. Explain which building(s) or what portion of the building(s) will be used in your operation: The kitchen will be used as well as the sinks & wash areas. But not for my office. Office is totally separate from Vineyard Restaurant.
16. Please include any other information that will provide a clear understanding of your business or operation:

Separate paper.
Attached!


 Applicant's Signature

2/18/16
 Date

Hello, my name is Moneshay Platt. I am the owner of MoJo's Catering Services. My office is at my home. The address is 2620 Monocott Drive Madera, Ca 93703. I will be marketing, drawing up invoices, making contracts for potential clients and taking phone calls. I shall keep all documents in my filing cabinets. My hours for running my office will vary (at the most 8hrs, 8am-4pm; Sunday-Saturday no client may come over to my place of residence at any time to conduct business. My office is my home). I understand that no cooking or prepping is allowed at my home. Nothing will be sold on site. I have a fax machine, printer, desk top computer to operate my business. I will not have a business sign near or on my property. My car is used in my catering business to transport food, drinks and equipment (such as serving utensils, etc.). My car is fully insured. I have food insulators to keep food hot at the appropriate temperatures. I do not specialize in minimum dishes to choose from. All my cooking will be done at the Vineyard Restaurant. Christopher Mariscotti, the owner, has agreed and signed the legal document for commissary kitchen. I will be allowed to use his prep stations, hand washing areas, walk-in fridges, etc. I have done my inspection through the Environmental Health Department on Feb 11, 2016. All food will be bought from Environmental Health stores or distributing warehouses. Again, my residential office is totally separate from Vineyard Restaurant. If you have any questions or concerns, please call me.

Respectfully,

Moneshay Platt

Letter of Objection

February 22, 2016

City of Madera
205 W Fourth St
Madera, CA 93637

Attn: Robert Holt, Assistant Planner

Ref: 2620 Monocott Dr. – Home Occupation for Mojo’s Catering Service Business

We would like to file an objection to this application that has been submitted for a Home Occupation Permit. It is to establish an office in the home in which they already are running the catering business out of.

We bought our homes in a residential neighborhood not a commercial zoned area. We do not want to have a business set up next door, across the street or anywhere in our neighborhood. The owner of that property who doesn’t live here also doesn’t have to put up with what he is allowing to happen on the property he owns. The owner should be held responsible to uphold what a residential neighborhood is and not rent to someone who wants to turn it into a business area. The owner should be the one to get any fines for the violations happening on this said property.

As for it being a home office. They have been running the catering business for some time out of this house and the one across the street which they occupied prior to this location. So why now do they want a permit to do it legally. The renter in the house applying for this permit already has excess traffic going in and out of the property, has excess cars parked up and down the street, and also has a trailer sitting in the driveway which is used for the catering business. It is also to my understanding some of the cooking is being done at the house, you see thing being loaded up and taken away in trays.

So we are saying NO do not issue the permit we don’t like what has been going on at this location or the house they did have across the street prior. We certainly do not want them to have a permit to continue. If they want to run a business they should have rented in a commercially zoned area or rent a building somewhere to run their business. Do not let them bring a business into our neighborhood.

OWNERS OF OUR PROPERTY:

Michael & Sarah Lincher
Tony Nelson

2701 Monocott Dr
2619 Monocott Dr.

Appeal Letter

To Whom It May Concern:

My name is Moneshay Platt. I have lived at 2620 Monocott Drive since November 12, 2015. I have lived in this neighborhood since February 14, 2009 at 2615 Monocott Drive. Since the very first day I have been a friendly neighbor. I respect all my neighbors. I have currently 2 jobs. The first job I work at the Residential Home for Elderly with Mental Disabilities. My second job is a server at the respectable Vineyard Restaurant in Madera. I have not had a day off since October 2015.

This letter is in response to the February 22nd letter signed by the property owners of 2701 and 2619 Monocott Drive, objecting to my home business application for Mojo's Catering Service. In this letter I am responding to the objections stated in the third paragraph:

1. the false statement that I have been running a catering business out of my home
2. the reason there are multiple vehicles at my home
3. the trailer on my property that the letter incorrectly states is used in my catering business
4. the false statement that the food I have been transporting is related to my business.

Regarding the first point, I do not cook for anyone for pay out of my home. I have transported food free of charge for friends' parties and potlucks. This was personal, not business.

Regarding the second objection in the letter about multiple vehicles are my home: With the time I do have, I invite my family, friends and neighbors for get-togethers. When I have time I do family night. I am a big family and friend person. As of December 2015 my dad, Earl Tibbs, a 79 yr old man got sick. Being that I am the only child near by and his Power of Attorney I felt it was time he move in with me. With taking care of my dad he has additional help with in home care with Physical Therapy twice a week, nurses to take his showers and get him dressed. Also I have an Occupational Nurse to take his vitals and evaluate his progress twice a week on different days. I have a babysitter who is here Tuesday-Friday. She is here at my home from 2:45pm-10pm. My dad has a green car which he cant drive at the moment due to his medical issues so its parked. My husband has his car which stay on our property or on the curb on our property. My widowed

grandmother comes quite frequently to come see or hang out with me. She has no family or friends here in Madera. I also have my lawn guy come every 2 weeks as well as my pool guy. All, that I have mentioned is all PERSONAL not business.

Regarding the third point in the letter, I do not use a trailer for catering. I fully bought a trailer February 10, 2016. I had a payment agreement with the seller on January 25, 2016. I can not use it because i don't have the tools to move it anywhere. Its not for my business at the moment and I'm not even sure if at all. Last year I had a friends and family small one day trip to Bass Lake and trying to fit everything possible into our cars was kind of difficult. I had contacted a contractor to remodel it to make it look more decent from the inside on February 20, 2016. Unfortunately he had an emergency on March 1, 2016 and we had to reschedule. It's not on anyone's premises or over looking anyone's fence or trees.

Regarding the fourth objection in the letter. I do not transport food from my home for business. I do transport food to friends homes for parties and potlucks for no charge.

Please reconsider this negative letter that was sent to your office. I have worked really hard for what I have accomplished so far. I cannot afford to ruin my business by these false assumptions. No one has ever approached me with issues. I've gotten along with all my neighbors. This is very disappointing. I'm an open book. I have been known to answer any questions that might help people understand my life style or why I do things. I have gotten multiple calls telling me congratulations for trying to have my own business from my neighbors when they received your letter in the mail. I have invested so much time and money and restless nights trying to establish what I'd call my Empire. I want to be able to quit all my jobs and spend more time with my kids and husband. I have been sacrificing so much of my energy to build a better future for us so I can be with them more. I am asking you to throw out those false objections and give me a business license so I can build that better future for my family.

Thank you for your time.

Sincerely,



Moneshay Platt

Letters of Support

March 7, 2016

To Whom It May Concern:

I have a neighbor whose name is Moneshay Platt who lives at 2620 Monocott Drive. We are fully aware of her wanting to run a Home Office at her residence for her newly established Catering Business. We Have not seen her running a catering business out of her home or her transporting food out of a black and white trailer. She has never given me any problems. When she has parties or get togethers at her home it has never been a problem to me. I have also never seen Moneshay charge people or neighbors for food for her Catering Business. I am fully aware Moneshay has taken the responsibility to care for her elderly sick father who lives with her ,which is part of excess traffic in her home due to nurses. I do not mind delivery trucks coming to drop off her mail. I do not see excess parking that cause problems for myself or others around her residence. By signing this Pétition I fully support Moneshay Platt of having her office in our neighborhood. Good Luck Moneshay!!

Name:

Address:

Signature:

Arila Espinoza 2704 Monocott Dr. ⁹³⁶³⁷ Arila Espino

Katrina Stefferson 2615 Monocott Dr. ⁹³⁶³⁷ Katrina Stefferson

Dustia Stefferson 2615 Monocott Dr. ⁹³⁶³⁷ Dustia Stefferson

Dolly Rubalcaba 2612 Monocott Dr. Dolly Rubalcaba

Anita Damiano 2616 Monocott Dr. Anita Damiano

Nicholas Lorance 2611 Monocott Dr. Nich. Lorance

Lucian James 2638 Marie Dr. Lucian James

Megan Garcia 224 Monocott Dr. Megan Garcia

3-5-16

To whom it may concern:

My name is Jason P. Nathan and I have known Mrs. Platt now for almost six years now. Since I have known Mrs. Platt, she has always put together functions at her home to entertain family and friends. She is an excellent cook and never charged anyone a dime to enjoy her food. Actually, she cooked so much we always end up taking food home for later. Mrs. Platt would also bring me any left-over food from previous functions I could not attend. I also lived with Mrs. Platt for a couple months and I never seen her run any type of catering business out her home. Myself and all of her other friends and associates has agreed that Moneshay Platt is capable in running a catering business out of her home office while understanding the parameters of catering to people and events.

If more information is required, you can reach me on my cell (337-335-5381)

3/7/2016

Print

Subject: [No Subject]
From: Agie Zambrano (angiezambrano1@yahoo.com)
To: moenjoel2005@yahoo.com;
Date: Saturday, March 5, 2016 11:23 AM

To whom may concern,

I am writing this letter on behalf of my ex-neighbor and dear friend Moe. Moe always been there for my family and I when needed. We lived next door to Moe for 2yrs and in that time she would have us over for family gatherings and birthday parties where she would prepare the food. She would prepare meals and take them to her families house for gatherings and potlucks. Not once would she ever charge for any of it. I personally don't see any problem with her having her own catering business, cooking is her passion.

Angle Zambrano

To whom this may concern,

I Flor Yniguez have witnessed Moneshay Platt host events for family, friends, and neighbors in her home. Moneshay has also hosted kid's day at her home and invited kids from the neighborhood to come over and eat without charging anyone. For these events she does have neighbors and friends help her keep food heated in their homes. Moneshay has never cooked food in her home that was intended for a catered event. In all of these events I have attended I have never seen or heard of Moneshay using a trailer to transport any type of food. If you have any questions feel free to contact me.

Thank You,

A handwritten signature in black ink, appearing to read 'Flor J. Yniguez', written in a cursive style.

Flor J. Yniguez

(559) 718-9173

3/7/2016

Print

Subject: Letter

From: aarond_garcia@yahoo.com (aarond_garcia@yahoo.com)

To: moenjoel2005@yahoo.com;

Date: Monday, March 7, 2016 8:25 AM

To whom it may concern,

We Veronica And Aaron Garcia, friends of Moneshey Robinson have personally visited her home on several occasions as invited guest. She has never asked us to pay for any meals that she provided to us during these visits. We have many mutual friends who have also attended her gatherings and we never heard of any one ever having to pay for their meal. She has also attended gatherings at our home to which she offered to bring food. We have never offered to pay for the food she brought nor did she ask us to. She was providing as a friend. Moneshey is a great friend and a great person that has passion for her cooking and she has always wanted to share it with her family and friends. If you have any other questions feel free to call me at 559-917-3262.

Thank You!

Aaron and Veronica Garcia

Sent from my iPhone

RESOLUTION NO. 1733

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA ADOPTING OF AMENDED CRITERIA AND ADMINISTRATIVE GUIDELINES FOR HOME OCCUPATIONS PURSUANT TO THE PROVISIONS OF THE MADERA MUNICIPAL CODE.

WHEREAS, Section 10-3.201 of Article 2 of Chapter 3 of Title 10 of the Madera Municipal Code adopted February 20, 1961, as amended, defines home occupations; and

WHEREAS, Section 10-3.405 of Article 4 of Chapter 3 of Title 10 of the Madera Municipal Code, adopted February 20, 1961, as amended, specifies that the scope of the use of property pursuant to said definition shall be established by resolution of the Planning Commission.

WHEREAS, there is a need to modify the criteria set forth in Planning Commission Resolution No. 1530 relative to limited storage of vehicles and small equipment on trailers.

WHEREAS, there is a need to allow the Planning Director to make modifications to the Home Occupation criteria or add conditions as needed to protect the residential character of the area.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. Home occupations shall be conducted in accordance with the following criteria.

(a) The home occupation shall be conducted within a house or garage by an inhabitant thereof and shall be clearly incidental to the use of the structure as a house or garage.

(b) The home occupation shall be confined to one room or garage.

(c) There shall be no use of material or mechanical equipment not recognized as being a part of a normal household or hobby.

(d) In no way shall the appearance of the house or garage be so altered or the conduct of the occupation within the house or garage be such that the structure may reasonably be recognized as serving the non- residential use.

(e) No signs shall be allowed.

(f) No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.

(g) A home occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.

(h) A home occupation shall not involve the use of commercial vehicles for delivery of home occupation materials to or from the premises, with the following exceptions: 1) normal residential delivery services (e.g. UPS); and 2) a vehicle, not to exceed one (1) ton capacity, owned by the operator of the home occupation.

(i) There shall be no customers, clients or visitors coming to the residence for purposes of the business.

(j) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the district.

(k) There shall be no outdoor storage associated with the home occupation.

(l) The home occupation shall not affect or reduce the parking spaces required by the Madera Municipal Code.

(m) Home occupations shall not involve the use or storage of chemicals and/or other hazardous materials on-site beyond that normally associated with residential uses. Home occupations shall be subject to Fire Department approval or conditional approval.

(n) A business license shall be obtained pursuant to Madera Municipal Code, Title 6.

(o) One small commercial vehicle and/or one specialized piece of equipment on one vehicle or a small trailer shall be allowed to be parked at the residence if the following criteria are met: 1) The presence of the vehicle or trailer is not visible from adjacent properties or detectable by noise, odors or any other factors. 2) The vehicle or trailer shall not utilize the required covered or uncovered parking for the residence. 3) The vehicle or trailer shall be stored in a garage or screened by other site features. 4) No structures or devices for screening shall be employed if they are not aesthetically consistent with the existing structures and the aesthetic values of the surrounding neighborhood. 5) If placed in a rear yard, the storage shall not result in a reduction of usable rear open space to less than 150 square feet with a minimum of ten (10) feet in width. 6) No vehicle or trailer shall be allowed

access via an alley if its loaded weight exceeds 10,000 lbs; and 7) The overall impact of the storage at the site does not detract from the aesthetic value of the area.

2. The Planning Director is hereby authorized and directed to modify the home occupation criteria and/or add conditions to home occupations as needed to protect the residential character of the area.

3. The following uses are specifically prohibited as home occupations:

- (a) Auto and other vehicle repair.
- (b) Beauty salons and barber shops.
- (c) Sale of furniture, appliances and other bulky merchandise which involves on-site

storage.

4. The Planning Director is hereby authorized and directed to investigate, if necessary, the manner of use of all property being used for home occupation purposes to ascertain that such operation is being conducted within the limitations established by the Madera Municipal Code and this resolution. If the Planning Director determines that a home occupation use is not operating within the limitations of the Madera Municipal Code and this resolution, (s)he shall advise the applicant and property owner of any violation or violations and require that such violations cease and desist within a reasonable time after notice thereof, said reasonable time not to exceed thirty (30) days, and that upon failure to cease and desist as directed, the person or persons conducting such use shall be subject to the penalties provided for violations of the Madera Municipal Code.

5. The following procedures are hereby established for issuance of a home occupation permit:

(a) Review of criteria and prohibited uses: Each applicant for a home occupation shall be provided with a list of the criteria for home occupations and prohibited uses. Each proposed home occupation shall be reviewed to determine compliance. Applicants may be referred to the Fire Department for verification of compliance with criteria 1(m). Applicants meeting the criteria may proceed to formally submit an application for a home occupation permit. Others shall be advised of their right to appeal the determination of the Planning Department to the Planning Commission.

(b) Application submittal: Upon determination that the home occupation is a permitted use and will meet the criteria, the applicant shall formally submit an application for a home occupation permit. Said application shall include the signature of the property owner and shall include the applicant's signature verifying (s)he will comply with the established criteria and any conditions as may be required by the Fire Department. Said application shall be accompanied by a fee as established by Resolution of the City Council.

(c) Notification of area residents: Upon receipt of the application and fee, the Planning Department shall mail a notice of the intended home occupation to each residence within 150 feet of the subject property; except that when the subject property or a property within the 150 foot distance is developed with five or more units, notification need only be sent to the property owner of such property(s) as shown on the latest equalized assessment roll and those parcels shall be posted as required by the Planning Director or notices shall be delivered to each unit. Such notice shall identify the type of business proposed and the criteria that must be complied with. The notice shall also invite residents to respond to the proposed use within ten (10) days.

(e) Issuance of the Home Occupation Permit: At the conclusion of the ten day period, a home occupation permit may be issued if there have been no objections from area residents. In the event of an objection(s) to the home occupation, no permit shall be issued. The Finance Department shall be advised of the issuance of the home occupation permit.

(f) Appeal Procedure: 1) Any applicant denied a permit due to objection from an area resident shall have the right of appeal to the Planning Commission. Such appeal shall be made in writing specifying the details of the proposed home occupation and the reason for the appeal and shall be filed within 15 days of the date of the letter advising the applicant of the denial of the permit. The appeal letter shall be submitted to the Planning Department. Upon receipt of the appeal, the Planning Department shall schedule the matter for public hearing, giving notice of hearing by newspaper publication and notification of the property owners within 150 feet of the subject property. 2) Where it is determined that a proposed home occupation is not permitted or a home occupation does not meet the established criteria, the applicant may submit an appeal. Such appeal shall consist of an application,

an appeal fee as established by Resolution of the City Council and an appeal letter. Upon submittal of said appeal, the matter shall be scheduled for public hearing as described above.

The Planning Commission shall hear the appeal at a public hearing and make its determination to grant the appeal, conditionally grant the appeal or deny it.

This Resolution is effective immediately upon adoption.

* * * * *

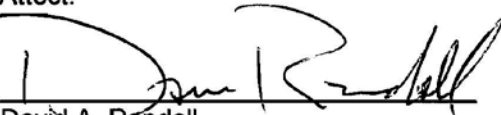
Passed and adopted by the Planning Commission of the City of Madera this 10th day of June, 2008, by the following vote:

AYES: Gran, Medellin, Driggs, Peralas, Thornton
NOES: None
ABSTENTIONS: None
ABSENT: Seybold, Talley

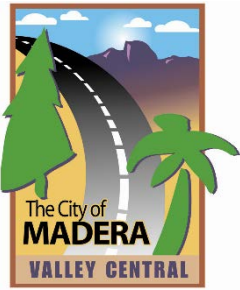


Bob Gran Jr, Chairperson
City Planning Commission

Attest:



David A. Randall
Planning Director



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Planet Fitness Remodel
CUP 2016-02, SPR 2016-08 and Environmental Determination
Item # 4 April 12, 2016**

PROPOSAL: An application for a conditional use permit and site plan review that allows for the establishment of a Planet Fitness athletic fitness center in the former Mi Rancho Supermarket.

APPLICANT:	David Bidwell	OWNER:	Shawn Bidsal
ADDRESS:	313 West Olive Avenue	APN:	010-204-001
APPLICATION:	CUP 2016-02 & SPR 2016-08	CEQA:	Categorical Exemption

LOCATION: The property is located on the northwest corner of the intersection of West Olive Avenue and South I Street in the Bethard Square shopping center.

STREET ACCESS: The site has access to West Olive Avenue and South I Street.

PARCEL SIZE: Approximately 3.90 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The 3.90 acre property is a part of the overall Bethard Square shopping center that currently includes four active businesses and multiple vacant tenant suites. Commercial properties surround the site to the east, south and west. Residential properties surround the site to the north.

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

SUMMARY: The proposed conditional use permit and site plan review cumulatively provide for the establishment of a twenty-four hour-a-day athletic fitness center. Conditions of approval guide the operations of the athletic fitness center and associated tenant improvements. Although the overall redevelopment and remodel of the Bethard Square shopping center is a separate entitlement, the site plan review that directs the remodel of the shopping center and its relationship to the Planet Fitness use permit request is discussed.

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. The completion of a site plan review is mandated by ordinance as a component of the conditional use permit application.

PRIOR ACTION

The shopping center was developed from 1967 through 1968. The original tenant in the proposed Planet Fitness suite was the Mayfair Market. Conditional Use Permit 1974-11 and Site Plan Review 1974-38 allowed for a Fotomat drive-through photo use. Conditional Use Permit 1995-17 and Conditional Use Permit 1996-19 allowed for outdoor sales activities at Thrifty Drug Store (now Rite Aid). Conditional Use Permit 1997-19 allowed for the establishment of the Burrito King restaurant. Conditional Use Permit 1999-19 allowed for the construction of an accessory parking lot, which included 33 additional parking stalls. Site Plan Review 1998-04 allowed for the construction of a Kragen (currently O'Riley's) auto parts store.

ANALYSIS

Operations

The proposed athletic fitness center (Planet Fitness) will utilize the former Mi Rancho Supermarket building located at the southwest corner of the Bethard Square shopping center. The athletic fitness center will occupy approximately 21,050 square feet of gross floor area. The fitness center will include cardiovascular fitness and muscle strength equipment, tanning and massage chairs and locker rooms for fitness club members. Planet Fitness proposes to operate the business 24 hours per day, seven (7) days per week. Because the shopping center is located within a commercially zoned area in close proximity to the State Route 99 corridor, the use is expected to be compatible within the immediate shopping center and the neighborhood as a whole.

General Plan Conformance

Multiple entitlements are currently being completed as part of the redevelopment of the Bethard Square shopping center. Whereas the Planet Fitness project currently under the Commission's review and discretion requires the approval of a conditional use permit and site plan review, because of the multiple properties involved and the overall scope of rehabilitating a long-languished commercial property, a separate site plan review, Site Plan Review (SPR) 2015-41, has been completed so as to guide the redevelopment of the overall shopping center site.

Conditions of approval specific to the shopping center as a whole are included within the ministerial site plan review entitlement.

Site Plan Review 2015-41 includes conditions of approval which provide certainty that the overall rehabilitation, and its individual project proposals, are consistent with the goals policies in the 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-11 Design commercial development to enhance the pedestrian environment.
CD-12 Aesthetically pleasing commercial development.

The overall site plan for the center directs architecture and landscaping, parking and accessibility, and infrastructure and utilities on the project site as a whole.

Parking

The overall shopping center site is served by a total of 462 parking stalls. The parking ordinance requires that fitness centers provide one stall for each 200 square feet of gross floor area, resulting in a requirement of no less than 105 parking stalls for a fitness center use. With all current tenants and available vacant lease space accounted for, a total of no less than 398 parking stalls are required. Although the actual number of required stalls could change as the vacant lease areas are occupied, there is sufficient parking on site to serve the use at this time.

Landscaping

As a component of the overall redevelopment of the project site, landscaping within the parking field will be updated so as to provide consistency with the 2009 General Plan. Landscaping is proposed to be added throughout the parking lot, with new landscape peninsulas added where necessary to achieve sufficient shade coverage. Within that update, the goals and policies of the Community Design element related to landscaping and parking will be implemented. Those policies include:

- CD-50** Parking lots shall be landscaped, including shade trees, to create an attractive pedestrian environment and reduce the impact of heat islands.
CD-58 Parking lots shall be screened and separated into smaller units with landscaping or low walls.

Architecture

The Bethard Square shopping center, including Planet Fitness, has had the same architectural character for an extended period of time. With new ownership and new tenants, such as Planet Fitness, come new improvements to the shopping center. The new ownership proposes a new tri-color earth-tone paint scheme with stacked stone accents on the center's breezeway pilasters. Some components of the shopping center will also see revisions to the stucco façade, and new black-metal and glass store fronts will be installed as new tenants occupy the individual suites in the center. The Planet Fitness structure will receive generous stone treatments on both sides of the new store front so as to tie the Planet Fitness structure to the remainder of the center and its stacked stone breezeway pilasters.

With the architectural updates, the goals and policies of the Community Design element related to architecture will be cumulatively satisfied. Those policies include:

- CD-3** Madera will strive to continuously improve the architectural quality of public and private projects. Developers proposing to rely on the use of “standard designs” or “corporate architecture” will be required to improve their designs as necessary to meet the City’s overall standards for quality.
- 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-52** When more than one structure is on a site, they should be linked visually through architectural style, colors and materials, signage, landscaping, design details such as light fixtures, and the use of arcades, trellises, or other open structures.
- 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.

Utilities

The shopping center owner has been installing new utilities in preparation for re-tenanting the center. New heating, ventilation and air conditioning systems are proposed. Electrical and mechanical infrastructure is required to be installed in the interior of structures.

New trash enclosures are also required as a component of the rehabilitation of the shopping center property.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although approval of the establishment of an athletic fitness center is 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 ...*”

RECOMMENDATION

The conditions of approval for the Planet Fitness tenant suite, as well as the conditions of approval for Site Plan Review 2015-41 which guides the overall rehabilitation of the Bethard Square shopping center, are consistent with the goals and policies of the General Plan. The information presented in this report supports conditional approval of the use permit request.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2016-02 and Site Plan Review 2016-08, 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 2016-02 and Site Plan Review 2016-08 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).
- The establishment of an athletic fitness center is consistent with the C1 (Light Commercial) Zone District, subject to the approval of a Conditional Use Permit by the Planning Commission.
- The remodel of the commercial structure is consistent with the goals and policies of the General Plan and the Municipal Code.
- 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.

CONDITIONS OF APPROVAL

General Conditions

1. Conditional Use Permit 2016-02 and Site Plan Review 2016-08 allow for the establishment of an athletic fitness center (Planet Fitness), consistent with the conditions of approval listed herein.
2. All conditions of approval within Site Plan Review 2015-41 applicable to the overall rehabilitation of the Bethard Square shopping center shall remain effective and are not revised in any way by this approval except as modified herein.
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. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review. Minor modifications to the site plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.
7. This conditional use permit will expire if the use is discontinued for a twelve-month period.
8. Site Plan Review 2016-08 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).

9. 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

10. 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.
11. The applicant shall 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 shall include 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.
12. 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 the permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

13. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
14. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
15. Where parcel lines divide an existing structure where no walls exist or are planned, those parcels shall be merged into a single parcel.
16. Where physical improvements are required as a component of Engineering Department conditions of approval, said improvements shall be completed and inspected by the Engineering Department prior to building permit final inspections and issuance of a business license.

Water

17. Existing or new water service connections shall be upgraded or constructed to current city standards including water meter located within City right-of-way and shall read in cubic feet and a backflow prevention device located within private property.
18. A separate water meter and backflow prevention device will be required for landscape areas.

Sewer

19. Existing or new sewer service connections shall be upgraded or constructed to current city standards.
20. Existing or new sewer service connections shall have upgraded sewer cleanouts or be constructed per current city standards.
21. Sewer main connections six (6") inches and larger in diameter shall require manhole installation.
22. Prior to occupancy of the Planet Fitness tenant suite, the property owner shall offer an easement for purposes of maintenance of the existing sewer line. The maintenance easement shall provide for entrance onto the property for any maintenance that may require physical repair or replacement of said lines, and removal or modification of existing structures. The agreement shall also indemnify the City relative to any damages caused by said encroachments and provide for the relocation of said lines if so required by the City Engineer.

Storm Drain

23. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site must be cleaned before entering the existing storm water system to the satisfaction of the Madera Irrigation District though the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.

Streets

24. The developer shall remove existing driveway approach immediately west of the bus shelter on West Olive Avenue and construct concrete sidewalk, curb and gutter per City standards in its place.

Fire Department

25. A complete fire alarm system is required for tenant evacuation.
26. Fire sprinklers will require permits for all modifications.
27. 2A10BC-rated portable fire extinguishers are required. A minimum of one is required for each 3,000 square feet or fraction thereof. The fire extinguishers must be mounted between three to five (3-5) feet above the floor in visible and accessible locations.
28. A key box is required for Fire Department operational access to the site and structure.
29. Interior finishes must comply with California Code of Regulations (CCR) Title 19 and Chapter of the California Building Code (CBC).

Planning Department

30. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
31. The Planet Fitness athletic fitness center use is approved to operate 24 hours per day, seven days a week.
32. On-site parking shall be provided at all times in conformance with the Municipal Code. Further intensification or expansion of the use or additional or accessory uses may 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.
33. No outdoor display of merchandise or sales activities shall be allowed.
34. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
35. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be sufficient cause for revocation of this permit.

Tenant Improvements

36. Prior to the issuance of building permits, applicant is 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. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service room(s). 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.

Signage

44. 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.

45. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2016-02 and Site Plan Review 2016-08 to the May 10, 2016 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 2016-02 and Site Plan Review 2016-08 based on the following findings (specify):

ATTACHMENTS

Aerial Photo
Exhibits

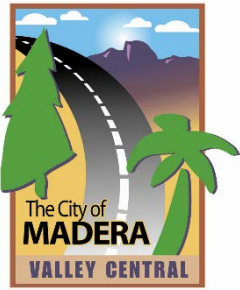
Aerial Photo



Exhibits







CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Liberty Baptist Church
CUP 2016-03, SPR 2016-09 & Environmental Determination
Item # 5 April 12, 2016**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a church.

APPLICANT:	David Rasnake	OWNER:	Harjeet Singh
ADDRESS:	801 South Gateway Drive	APN:	011-151-008
APPLICATION:	CUP 2016-03 & SPR 2016-09	CEQA:	Categorical Exemption

LOCATION: The property is located along the east side of South Gateway Drive and southeast of its intersection with 12th Street (801 S. Gateway Drive).

STREET ACCESS: The site has access to South Gateway Drive.

PARCEL SIZE: 0.34 acre industrial parcel, of which the church suite is a part thereof.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The light industrial property is developed with a 6,000 square foot structure that currently houses three automotive repair businesses. Liberty Baptist Church would be located in the office suite at the front of the parcel with parking provided on-site as a component of the center overall. The site is generally surrounded by commercial and industrial development located along the South Gateway Drive heavy commercial/light industrial corridor.

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 church is an ancillary use in the light industrial complex and would not adversely affect the character of the industrial complex or the activities therein. The office suite can accommodate the assembly activities of the church and there is ample on-site parking for the church. The church will only open when all other businesses in the complex are closed.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1001 Industrial Zone
MMC § 10-3.405 Uses
MMC § 10-3.1202 Parking Regulations
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

A church may be allowed in any zone subject to the approval of a conditional 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 permit 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

Site Plan Review 1985-01 allowed for the construction of the building. Site Plan Review 1986-12 and Site Plan Review 1987-19 were completed to allow for changes to the site to bring it to its current state of development. Conditional Use Permit 2015-27 and Site Plan Review 2015-31 allowed for the establishment of a heavy industrial automobile repair use in the light industrial site.

ANALYSIS

Background

Churches are allowed in any zone in the City with the approval of a use permit. The industrial complex site is occupied by automotive repair businesses.

Operations

The Liberty Baptist Church is proposed in a 1,200 square foot tenant suite. The floorplan includes an assembly room/sanctuary with seating for approximately 30 people. The church tenant space also includes a class room, break room, restroom and janitorial closet. Services and bible study will be held on Sundays from between 10:00 am and 1:00 pm and 5:00 pm to 7:00 pm as well as Wednesdays and Thursdays between 6:00 pm and 9:00 pm.

The use should be compatible with other businesses currently occupying the building as the majority is automotive uses with business hours that do not coincide with church service times. It should be noted, however, that the site's existing zoning allows for a range of industrial uses that would not require discretionary approval. As such, the applicant should be aware of the possibility that future tenants in the immediate vicinity may be of a nature that might not be considered complimentary to the church.

This use permit proposes to allow for up to three special event or fundraising activities per calendar year. A temporary use permit must be applied for at least three weeks prior to the event/activity so that staff can determine compatibility of proposed activities and apply appropriate conditions of approval.

Parking

The industrial complex was developed with fourteen (14) parking spaces serving 6,000 square feet of floor area. These accommodations equate to a parking ratio of one stall per each 416 square feet of lease area. Uses typical of this type of industrial development require one parking stall per each 400 square feet of gross floor area, plus one parking stall for each two employees.

CURRENT TENANT	GROSS FLOOR AREA	DAYTIME REQUIREMENTS	NIGHT/SUNDAY REQUIREMENTS
Frank's Auto Repair	1,600	5	-
Mufflers, Cats and Radiators by Sylvestre	800	3	-
Madera Smog & Repair	2,400	7	-
Liberty Baptist Church	1,200	-	8
TOTAL	6,000	15	8

The City of Madera parking ordinance allows parking stalls to serve as "joint use" stalls in some cases. In the case of a church, up to 100% of required parking can be supplied by uses primarily considered to be daytime uses such as service shops. On this site, all of the parking requirements of the automotive repair tenants can be considered daytime uses. Although the church does propose a Sunday morning bible study, it would not meaningfully impact the operations of the other tenants as it is during the weekend. Typically, no more than thirty (30) individuals could be expected to attend any church activity.

Considering all factors, there is sufficient parking on site to serve the use.

Site Improvements

The repurposing of the office so as to accommodate a church changes the building occupancy classification to an "A" Assembly type occupancy. Conditions of approval are focused upon improvements to the structure necessary to provide for the assembly occupancy.

This proposed conditional use permit was 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.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a church is not specifically addressed in the vision or action plans, the overall project does indirectly support Strategy 336 which encourages cooperation and continued collaboration with the church community.

RECOMMENDATION

The light industrial complex can easily accommodate a church within the office suite. The suite will need to make certain improvements necessary for the church, which changes the occupancy classification of the structure to an assembly occupancy. With these improvements in place, staff recommends conditional approval of Conditional Use Permit 2016-03 and Site Plan Review 2016-09.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2016-03 and Site Plan Review 2016-09, 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 2016-03 and Site Plan Review 2016-09 based on and subject to the findings and conditions of approval as listed.

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 operation of a church is consistent with the purposes of the C (Commercial) General Plan designation and the I (Industrial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking on site to allow for the proposed church.
- As conditioned, the development will be compatible with surrounding properties.
- 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.

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. Conditional Use Permit 2016-03 allows for the establishment of a church, consistent with the stated conditions of approval.
3. 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.
4. 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.

5. This conditional use permit will expire if the use is discontinued for a twelve-month period.
6. Site Plan Review 2016-09 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
7. 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

8. A building permit is required for all improvements. The tenant space must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act within 90 days of this approval.
9. 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 and shall be confirmed at final inspection.

Engineering Department

General

10. Nuisance on-site lighting shall be redirected as requested by the City Engineer, within 48 hours of notification.
11. Improvements within the City right-of-way requires an Encroachment Permit from the Engineering Division.
12. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing, improvement inspection fees, and grant deed acceptance fee.

Water

13. Existing or new water service connections shall be upgraded or constructed to current City standards including water meters located within the City right-of-way and backflow prevention devices located within private property.
14. A separate water meter and backflow prevention device will be required for landscape area.

Sewer

15. Existing or new sewer service connection shall be upgraded or constructed to current City standards.

16. Existing or new sewer service connections shall have a sewer cleanout upgraded or constructed to current City standards.

Streets

17. Project driveway approach on Gateway Drive shall be improved to current City standards including the American Disabilities Act (ADA) path of travel.
18. "No Parking" signs shall be installed along project frontage on Gateway Drive per City standards at such time as Gateway Drive is widened for two travel lanes in each direction. No project is currently scheduled for change.
19. An Irrevocable Offer of Dedication shall be made to dedicate a ten (10) foot right-of-way along the entire project frontage to provide fifty (50) feet of right-of-way along Gateway Drive, east of the center line at such time as Gateway Drive is widened for two travel lanes in each direction. No project is currently scheduled for change.

Fire Department

20. 2A10BC-rated portable fire extinguishers are required. A minimum of one is required, which must be mounted between 3-5 feet above the floor in a visible and accessible location.
21. The address must be posted and visible from the street.
22. Architectural plans must be submitted and a building permit issued for any changes to the structure, except as specifically exempted in the California Building Code/California Fire Code.

Planning Department

23. This use permit allows for the establishment of a church within an approximately 1,200 square foot office space. The site includes no less than fourteen (14) on-site parking stalls to serve the 6,000 square foot light industrial complex.
24. The church shall operate consistent with the approved floor plan and operational statement. Alterations to the approved floor plan and/or the approved operation statement shall require amendment of Conditional Use Permit 2016-03.
25. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
26. Up to three (3) special events and/or fundraising activities may be permitted each year with the approval of a temporary use permit in each case. In no case shall any special event/fundraising activity cause a reduction in parking below the number of stalls required to serve the site. Special events shall only occur during daytime hours, when ample parking is available to serve the site.
27. No nursery facility shall be developed as a component of the lease space without prior approval of the Building Official.
28. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.

29. A new trash enclosure with a finish and color similar to the primary structure shall be built to City standards to hold two bins. The location of the trash enclosure shall be approved by the Planning Manager.
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/refuse containers belonging to the subject property.
31. 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.
32. All required parking shall be permanently maintained with all parking spaces as shown on the required site plan submittal. Any modifications in the approved parking layout shall require approval by the Planning Manager.
33. Prior to occupancy, the applicant shall submit a detailed landscaping and irrigation plan to the Planning Department for review and approval. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. Any deviation from the plan shall require prior written request and approval. Removal or modification shall be at the developer's expense. The plan shall be submitted to the Planning Department within thirty (30) days of this approval. All landscaping shall be installed within ninety (90) days after the Planning Department approval.
34. 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.
35. Church staff and parishioners shall only utilize parking stalls provided onsite. Neighboring properties shall not be adversely impacted by church activities.
36. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved sign permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit 20156-03 and Site Plan Review 2016-09 to the May 10, 2016 Planning Commission meeting: (specify)

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2016-03 and Site Plan Review 2016-09 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Photos
Site Plan

Aerial Photo



Site Photos





Site Plan

