



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

APRIL 17, 2019

CALL TO ORDER:

The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Murphy III presiding.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Chairperson Murphy III.

INVOCATION: *The Invocation was given by Police Chaplain McClellan.*

ROLL CALL:

Present: *Commissioners Bergman, Mead, Vice Chairperson Daugherty, Chairperson Murphy III*
Absent: *McWatters, Krotik*
Staff Present: *Deputy City Attorney Hallinan, General Services Manager/Chief Building Official Pereida, VVH Senior Planner Thompson, Police Chief Salvador, CAL FIRE Battalion Chief Slate, CAL FIRE Captain Suarez, Deputy City Clerk/Executive to the City Manager Martin*

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: *Vice Chairperson Daugherty moved to approve the agenda as posted. The motion was seconded by Commissioner Mead and the vote was: Ayes: Bergman, Mead, Daugherty, Murphy III; Noes: None; Absent: McWatters, Krotik. The motion passed.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke on behalf of "One Plant" a potential new cannabis business looking to locate in the City of Atwater. He raised concerns for the cannabis businesses rising above the threshold of \$40,000 per month. He suggested establishing a simple 5% of gross income per month.

PETITIONS AND COMMUNICATIONS:

Request from CAL FIRE/ Atwater City Fire Department to hold MDA (Muscular Dystrophy Association) "Boot Drive".

CAL FIRE Battalion Chief Slate provided an overview of the "Boot Drive" event requested to be held in Atwater and a summary of the program's past successes.

MOTION: Vice Chairman Daugherty moved to recommend that the City Council approve the request from CAL FIRE to hold their annual Muscular Dystrophy Association "Boot Drive" from 7:00 AM to 2:00 PM on Saturday, May 25, 2017. The motion was seconded by Commissioner Mead and the vote was: Ayes: Daugherty, Mead, Bergman, Murphy III; Noes: None; Absent: McWatters, Krotik. The motion passed.

PUBLIC HEARINGS:

Resolution making the finding that the project is categorically exempt under CEQA and approving Aegle Commodities Inc.'s Conditional Use Permit No. 561-19 and Site Plan No. 716-19; Project Description: Cannabis Manufacturing Facility located at 240 Air Park Road, Atwater (APN: 056-400-017)

VVH Senior Planner provided a summary Power Point presentation of the request for a Conditional Use Permit and Site Plan. He noted that all required documents have been completed and the Development Agreement has been executed.

Chairman Murphy III opened the Public Hearing.

One person spoke against approval of the project and raised questions regarding security and odor issues. Police Chief Salvador responded that measures are in place to address the security concerns including barriers, cameras and onsite security patrol; and that odor control is addressed through the Atwater Municipal Code.

Chairman Murphy III closed the Public Hearing.

MOTION: Vice Chairman Daugherty moved to adopt Resolution No. CDRC 090-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemptions and approving Conditional Use Permit No. 561-19 and Site Plan No. 716-19. The motion was seconded by Commissioner Mead and the vote was: Ayes: Bergman, Daugherty, Mead, Murphy III; Noes: None; Absent: McWatters, Krotik. The motion passed.

Resolution making the finding that the project is categorically exempt under CEQA and approving Bang Mingo's Conditional Use Permit No. 562-19 and Site Plan No. 717-19; Project Description: Cannabis Manufacturing Facility located at 1780 Bell Lane, Atwater (APN: 001-260-001)

Chairman Murphy III opened the Public Hearing. No one came forward to speak at this time. Chairman Murphy III closed the Public Hearing.

VVH Senior Planner provided a summary Power Point presentation of the request for a Conditional Use Permit and Site Plan. He noted that all required documents have been completed and the Development Agreement has been executed.

MOTION: Chairman Murphy III moved to adopt Resolution No. CDRC 095-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemptions and approving Conditional Use Permit No. 562-19 and Site Plan No. 717-19. The motion was seconded by Vice Chairman Daugherty and the vote was: Ayes: Mead, Daugherty, Murphy III; Noes: Bergman; Absent: McWatters, Krotik. The motion failed for lack of majority votes required by a seven member commission.

Resolution making the finding that the project is categorically exempt under CEQA and approving Green Education Foundation's Conditional Use Permit No. 559-18; Project Description: Neighborhood Donation located at 1701 Bellevue Road, Atwater (APN: 150-160-013)

Chairman Murphy III announced that this item has been continued to the next Community Development and Resources Commission meeting, however, Public Hearing testimony will be taken for the record.

Chairman Murphy III opened the Public Hearing. No one came forward to speak at this time. Chairman Murphy III closed the Public Hearing.

MOTION: Commissioner Bergman moved to continue Resolution No. CDRC 077-18 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and approve Conditional Use Permit No. 559-18; or deny the permit request to the Community Development and Resources Commission meeting of May 15, 2019. The motion was seconded by Vice Chairman Daugherty and the vote was: Ayes: Mead, Bergman, Daugherty, Murphy III; Noes: None; Absent: McWatters, Krotik. The motion passed.

COMMISSIONER MATTERS:

Commissioner Mead asked for an update regarding the status of food truck sales at the Atwater Flea Market having business licenses. General Services Manager/Chief Building Official Pereida responded that the food trucks currently operate under an umbrella business license from the Flea Market and Merced County Health Department regulates their licensing.

Commissioner Bergman had no comments.

Chairman Murphy III commented that speed limit signs are missing from Avenue One and Avenue Two and it is an issue that needs attention. He also asked about progress on the Winton Way and Juniper Avenue projects. General Services Manager/Chief Building Official Pereida responded the City Engineer will be presenting an update on all projects currently in process at a future meeting. Chairman Murphy also asked about the status of the Old Creamery building. General Services Manager/Chief Building Official Pereida responded that the Building Permit is active and that the church is continuing structural repairs to the building in a phased plan.


Vice Chairman Daugherty raised concerns about traffic signaling around the city. General Services Manager/Chief Building Official Pereida responded that an inter connection project is in the works and signals will be addressed beginning at Bell Drive and ending at Olive Avenue. He also confirmed that synchronization issues will be addressed.

Deputy City Clerk Hallinan announced that the Community Development and Resources Commission is a seven member body and that with regard to item number three on the agenda, four votes are required to pass the motion. In this case the motion would fail and the applicant can appeal the decision directly to the City Council.

VVH Senior Planner Thompson advised that the applicant will be contacted and advised of the appeal process if they desire to appeal the decision.

ADJOURNMENT:

Chairman Murphy III adjourned the meeting at 6:44 PM.


James Murphy III, Chairperson

By: Lesa Rasmussen,
P-M Transcription Services