

# CITY OF ATWATER

## COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

### AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, CA 95301

**July 19, 2017**

CALL TO ORDER: (Council Chambers)

6:00 PM



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

ROLL CALL:

**Dash**\_\_\_\_, **Daugherty**\_\_\_\_, **McWatters** \_\_\_\_, **Murphy III**\_\_\_\_, **Reed**\_\_\_\_,  
**Warchol**\_\_\_\_, **Brice**\_\_\_\_

SUBSEQUENT NEED ITEMS: (The Recording Secretary shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the Commission present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AMENDED: (This is the time for the Commission to remove items from the agenda or to change the order of the agenda.)

CEREMONIAL MATTERS: None

COMMENTS FROM THE PUBLIC:

#### NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda, that is within the jurisdiction of the Community Development and Resources Commission. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is on the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

**Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.**

APPROVAL OF MINUTES:

1. Regular Meeting of May 17, 2017

**Staff's Recommendation:** Motion to approve minutes as listed.

PUBLIC HEARINGS:

2. Resolution No. CDRC 039-17 Recommending the Atwater City Council approve Planned Development Final Development Plan No. 03-3, Amendment No. 3 by adopting City Council Resolution No. 2974-17

**Staff's Recommendation:** Open the Public Hearing and take any testimony given and adopt Resolution CDRC No. 039-17 recommending the Atwater City Council approve Planned Development Plan No. 03-3, Amendment No. 3 by adopting City Council Resolution No. 2974-17.

REPORTS AND PRESENTATIONS FROM STAFF:

3. Complaint regarding a Condition of Approval for the First Church of God located at 2100 Fruitland Avenue.

**Staff's Recommendation:** Review the complaint regarding the Condition of Approval and take any action as needed.

COMMISSIONER MATTERS:

4. Community Development and Resources Commissioners Comments

ADJOURNMENT:

CERTIFICATION:

I, Lori Waterman, Community Development and Resources Recording Secretary, do hereby certify that a copy of the foregoing Agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



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LORI WATERMAN  
RECORDING SECRETARY

SB 343 NOTICE

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.*

*If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.*



*In compliance with the Federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission, or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at 357-6205. You may also send the request by email to [lwaterman@atwater.org](mailto:lwaterman@atwater.org).*



## COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

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### ACTION MINUTES

**May 17, 2017**

CALL TO ORDER:

*The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:06 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chair Brice presiding.*

PLEDGE OF ALLEGIANCE:

*The pledge of allegiance was led by Chair Brice.*

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

ROLL CALL:

**Present:** Commissioners Dash, McWatters, Murphy III, Reed Chair Brice  
**Absent:** Commissioner Daugherty  
**Staff Present:** Community Development Director McBride, Recreation Supervisor Rahn, Recording Secretary Waterman

SUBSEQUENT NEED ITEMS:

*Recording Secretary Waterman announced a request to amend the agenda to add two (2) subsequent need items from Atwater School District Nutrition Services Department and Radio Restaurazion 107.7 FM. These items were presented after the posting of the agenda.*

**MOTION:** *Commissioner Dash moved to amend the agenda to ad subsequent need items from Atwater School District Nutrition Services Department and Radio Restaurazion 107.7 FM. The motion was seconded by Commissioner McWatters and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion carried.*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

***MOTION:*** Commissioner Dash moved to approve the agenda as amended. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

CEREMONIAL MATTERS:

Selection of Community Development and Resources Commission Chairperson

***MOTION:*** Commissioner Murphy III moved to appoint Commissioner Brice to serve as Chairperson of the Community Development and Resources Commission for the calendar year 2017. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

Selection of Community Development and Resources Commission Vice Chairperson

***MOTION:*** Commissioner Dash moved to appoint Commissioner Murphy III to serve as Vice Chairperson of the Community Development and Resources Commission for the calendar year 2017. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

PUBLIC COMMENT:

***Notice to the public was read.***

***No one came forward to speak at this time.***

PETITIONS AND COMMUNICATIONS:

Request to hold Seamless Summer Feeding Program for Summer 2017 (Atwater School District Food Service Supervisor Lisa Ludwig)

***MOTION:*** Commissioner Reed moved to authorize request from Atwater School District Nutrition Services Department to hold Seamless Summer Feeding Program for Summer 2017. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

Request to hold Community Outreach Event (Maria Cruz, Radio Restaurazion 107.7 FM)

***MOTION:*** Commissioner Dash moved to authorize request from Radio Restaurazion 107.7 FM to hold Community Outreach. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

APPROVAL OF MINUTES:

Regular Meeting of January 18, 2017

***MOTION:*** Commissioner Reed moved to approve minutes as listed. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

Regular Meeting of February 15, 2017

***MOTION:*** Commissioner Murphy III moved to approve minutes as listed. The motion was seconded by Chair Brice, and the vote was: Ayes: Dash, McWatters, Murphy III, Warchol, Brice; Noes: None; Abstain: Reed; Absent: Daugherty. The motion passed.

PUBLIC HEARINGS:

The City of Atwater 2014-2023 5<sup>th</sup> Cycle Amended Housing Element Update

***RICHARD JAMES, representing EMC Planning Group spoke regarding the proposed changes to the 5<sup>th</sup> Cycle Amended Housing Element Update.***

***Chair Brice opened the Public Hearing for this item.***

***No one came forward to speak and Chair Brice closed the Public Hearing.***

***MOTION:*** Commissioner Reed moved to adopt CDRC Resolution No. 037-17 recommending approval of the amended 5<sup>th</sup> Cycle Housing Element to the City Council. The motion was seconded by Commissioner McWatters, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.

Ordinance No. CS 982; An Ordinance of the City Council of the City of Atwater: (1) Amending Title 8, Chapter 8.52, Pertaining to Medical Marijuana; (2) Amending the Definitions Section of Title 17, Chapter 17.06, to address Commercial Marijuana Operations in the Context of Crop Cultivation and Industry, Industrial Operation; and (3) Amending Title 17, Chapter 17.75, of the City's Development Code to Add a New Section 17.75.120 pertaining to the Standards for Commercial Marijuana Operations in the City.

***Chair Brice opened the Public Hearing for this item.***

***ZACK DRIVON, Attorney, Stockton, focusing on the Cannabis Industry, spoke in favor of amending the Ordinance. Main priorities are establishing regulations to protect the safety of the public and creating a local regulatory and licensing structure that will all the businesses as well as the City to thrive. It is his recommendation that the City allow dispensaries in Atwater, which will benefit the city with tax revenue. If the city does not allow dispensaries, this will open up a black market for it. The licensing structure and the proposed changes in the Ordinance should address the concerns about opening up these facilities to the***

**general public. He suggested staggering the timing of the tax payments to allow the businesses a chance to become operational and grow.**

**SISTER KATE, representing Sisters of the Valley run a farm close to Atwater at a private undisclosed location. They ship medicinal cannabis products (non psycho active) around the world and have been operating for 2 years and in our area for 1 year. She spoke in favor of retail sales, and stated that banning retail sales and prohibiting sales does not work. You are deciding whether you want them regulated and want the profit. She urged the City to create jobs, and be cannabis friendly, only stopping "legal" retail sales, not all retail sales. She also spoke regarding tying dispensaries to growers and real commerce encourages best of product. She invited the Commission to visit their local farm. Harbor Side, Jaden's Journey and their Farm.**

**ERIC LEE, Atwater, read a letter to the Merced Sun Star Editor written by Robert Mitchell. Atwater on verge of big things, speaking about Ferrari Ranch and proposed Cannabis Ordinance, if pass will provide financial and job boom to the city. Prop 64 allows City's to regulate cannabis businesses and will generate millions of tax dollars with long needed projects being beneficiaries. He spoke personally about educating himself about cannabis, and stated it is an opportunity for the City to make some tax dollars and benefit from. If Atwater does not take the opportunity, it will move down the road to another city.**

**DWIGHT LARKS, Gustine, spoke regarding the cannabis industry and municipalities. Cannabis is safe, not a single report of death on a death certificate. By allowing dispensaries you are taking resources that are in the black market now that you are not earning anything from and spending money to stop. Allowing dispensaries can be used to educate people using cannabis. He urged the Commission to adopt the Ordinance and end anti marijuana laws and discrimination and bring the revenue from the black market to the City.**

**No one else came forward to speak and Chair Brice closed the Public Hearing and this item will be re-advertised for June 21, 2017.**

**MOTION: Commissioner Reed moved to continue this item and re-advertise the public hearing to June 21, 2017. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: Daugherty. The motion passed.**

**REPORTS AND PRESENTATIONS FROM STAFF: None**

**COMMISSIONER MATTERS:**

Comments from Community Development and Resources Commissioners

**Commissioner Reed asked if the Marijuana Ordinance could be placed as a possible Closed Session item for discussion.**

**Commissioner Murphy III commented on Atwater Boulevard landscaping and the overgrowth of weeds in that area.**

***Commissioner McWatters had no comments.***

***Commissioner had no comments.***

***Commissioner Dash asked about the Garage Sale Ordinance, and if a section of the General Plan could be discussed at each Community Development Resources Commission meeting.***

**ADJOURNMENT:**

***Commissioner Dash moved to adjourn the meeting. The motion was seconded by Commissioner McWatters, and the vote was unanimous.***

***The meeting adjourned at 7:15 PM.***

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Gary Brice, Chairperson

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Lori Waterman, CMC  
Recording Secretary



Chairperson and Members  
the Community Development  
and Resources Commission

CD&R Commission meeting of  
of July 19, 2017

**RECOMMENDATION THAT THE COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION OPEN THE PUBLIC HEARING  
AND ACCEPT ANY PUBLIC COMMENTS; ADOPT RESOLUTION  
039-17 RECOMMENDING THAT THE ATWATER CITY COUNCIL  
APPROVE PLANNED DEVELOPMENT FINAL DEVELOPMENT  
PLAN NO. 03-3 AMENDMENT NO. 3 BY ADOPTION OF CC  
RESOLUTION NO. 2974-17.**

**RECOMMENDATION:**

It is recommended that the Community Development and Resources Commission take the following actions:

1. Open the Hearing to obtain testimony from the public; and,
2. Adopt CDRC Resolution No. 039-17 recommending that the Atwater City Council approves Planned Development Plan No. 03-3 Amendment No. 3 by adoption of CC Resolution No. 2974-17.

**BACKGROUND:**

Chapter 17.44 is the Planned Development District section of the Atwater Municipal Code. As stated the purpose is to provide zone flexibility to implement the General Plan and achieve a higher standard of quality of development than typically found in conventional zones.

The PD Code has been amended several times over the past few years. One of the more recent amendments addressed the issue where subdivision improvements were completed but the approved Master Plan and Final Development Plan had expired. Prior to the code amendment the Master Plan and Final Development Plan would have to be resubmitted and approved before homes or other improvements could be constructed. With the recent amendment it allowed both the Master Plan and Final Development Plan to exist with no expiration provided that construction had begun on the project. This has helped expedite new housing construction.

Previously minor modifications to the Final Development Plan could be accomplished administratively. The amendments had to be minor in nature and that the modifications were compatible with the intent of the PD Zone. This section had been used in the past to address building elevation changes and minor building changes. Examples include Target changing their operations to a Super Target and Wal-Mart amending the previously approved Home Depot plans.

The provisions that allowed for administrative modifications were removed from the PD ordinance and the section is now reserved when Ordinance CS 913 was adopted in 2010. Now any change to the approved Master Plan requires a new application, if the plan has expired, or a Planned Development Final Development Plan Amendment, if the Master Plan and Final Development Plan are still valid. Both a new application and an amendment require a public hearing at the Community Development and Resources Commission with a recommendation to the City Council and a separate public hearing and approval by the City Council.

**ANALYSIS:**

The originally approved Planned Development Final Development Plan (PDFDP) No. 03-3 was submitted by Steiner Development. Steiner Development sold the subdivision to Pacific Union Homes who developed the southern portion of the subdivision. Pacific Union Homes then sold the northern portion of the subdivision to Syncon Homes. Pacific Union Homes built homes on 145 of the 151 lots which they owned. Syncon Homes built 109 of the 131 lots that they had owned. Pacific Union Homes and Syncon Homes have no further financial interest in this project.

Planned Development Final Development Plan No. 03-3 Amendment No. 2 was submitted by Burris Construction in March of 2016 for the remaining 22 lots that Syncon Homes did not build homes on. The project received CDRC recommendation to the City Council and was approved by the Council in April of 2016. For reasons not known to staff, Burris Construction did not move forward with the project.

Castle Construction II is now looking to build out the remaining 22 lots that Syncon Homes did not finish. They are proposing to amend the approved PDFDP to include their own floor plans and elevation styles. Castle Construction II is proposing to add 3 single story plans. House plans include a 1,865 sq. ft. single story, 2,016 sq. ft. single story, and a 2,204 sq. ft. single story house.

**ENVIRONMENTAL:**

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3).

**CONCLUSION:**

This report is submitted for review by the Community Development and Resources Commission.

Respectfully submitted,

*Justin D. Hendrix*

Justin D. Hendrix  
Senior Planner  
City of Atwater



**COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION  
OF THE CITY OF ATWATER**

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**RESOLUTION NO. CDRC 039-17**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION OF THE CITY OF  
ATWATER RECOMMENDING THE CITY COUNCIL  
APPROVE CC RESOLUTION NO. 2974-17 APPROVING  
PLANNED DEVELOPMENT FINAL DEVELOPMENT PLAN  
NO. 03-3 AMENDMENT NO. 3**

**WHEREAS**, The City Community Development and Resources Commission of the City of Atwater has reviewed Planned Development Final Development Plan No. 03-3 Amendment No. 3 as submitted by Castle Construction II, requesting approval to include three new house plans, all single story plans, into the already approved PDFDP 03-3; and,

**WHEREAS**, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, July 19, 2017; and,

**WHEREAS** the Community Development and Resources Commission held a duly noticed public hearing as required by laws to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and,

**WHEREAS**, \_\_\_ person(s) spoke in favor of the project, \_\_\_ person(s) spoke in opposition of the project and \_\_\_ written comment(s) have been submitted either in opposition or in favor of the project; and,

**WHEREAS**, the site can accommodate the aforesaid use and proposed structure and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have an adverse effect on the community; and,

**WHEREAS** this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15061(b)(3); and,

**WHEREAS**, the Community Development and Resources Commission finds that the following findings can be made for this project.

1. This project proposes to amend the previously approved Planned Development Final Development Plan No. 03-3.
2. The project is located within Planned Development District No. 25.
3. That this site is designated by the Atwater General Plan as Low Density Residential.
4. That all findings set forth within Section 17.44.010 of the Atwater Municipal Code can be made.
5. That the public hearing for this application has been adequately noticed and advertised.

**WHEREAS**, subject to the conditions identified below, the use is in conformance with the codes and standards of the City of Atwater; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Community Development and Resources Commission of the City of Atwater does hereby recommend approval of Planned Development Final Development Plan No. 03-3 Amendment No. 3 subject to the following conditions:

1. That the applicant agrees to comply with all previous conditions of approval associated with the "Mello Ranch Subdivision" area. These conditions are listed within CC Resolution No's 1838-03, 1855-03 and within PC Resolution No. 611-03.
2. That this amendment includes three new house plans all single story into the already approved PDFDP 03-3. That any further amendments made to the approved Planned Development Final Development Plan shall be approved by the City Council.
3. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the city fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 19th day of July, 2017.

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:**

**APPROVED:**

**GARY BRICE, CHAIRMAN**

**ATTEST:**

**JUSTIN D. HENDRIX, SECRETARY**



**CITY COUNCIL  
OF THE  
CITY OF ATWATER**

**RESOLUTION NO. 2974-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ATWATER APPROVING PLANNED  
DEVELOPMENT FINAL DEVELOPMENT PLAN  
(PDFDP) NO. 03-3, AMENDMENT NO. 3**

**WHEREAS**, The City Council of the City of Atwater has reviewed Planned Development Final Development Plan No. 03-3 Amendment No. 3 as submitted by Castle Construction II, requesting approval to include three new house plans, all single story plans, into the already approved PDFDP 03-3; and,

**WHEREAS**, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, July 19, 2014; and

**WHEREAS**, said application was reviewed by the City Council of the City of Atwater on Monday, \_\_\_\_\_, 2017; and

**WHEREAS**, this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15061(b)(3); and,

**WHEREAS**, The Planning Commission held a duly noticed public hearing as required by laws to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and,

**WHEREAS**, The City Council held a duly noticed public hearing as required by laws to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and,

**WHEREAS** \_\_\_ person(s) spoke in favor of the project, \_\_\_ person(s) spoke in opposition of the project and \_\_\_ written comment(s) have been submitted either in opposition or in favor of the project; and,

**WHEREAS**, the site can accommodate the proposed use and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

**WHEREAS**, the City Council finds that the following findings can be made for this project:

1. This project proposes to amend the previously approved Planned Development Final Development Plan No. 03-3.
2. The project is located within Planned Development District No. 25.
3. That this site is designated by the Atwater General Plan as Low Density Residential.
4. That all findings set forth within Section 17.44.010 of the Atwater Municipal Code can be made.
5. That the public hearing for this application has been adequately noticed and advertised.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Atwater does hereby approve Planned Development Final Development Plan No. 03-3 Amendment No. 3 subject to the following conditions:

1. That the applicant agrees to comply with all previous conditions of approval associated with the "Mello Ranch Subdivision" area. These conditions are listed within CC Resolution No's 1838-03, 1855-03 and within PC Resolution No. 611-03.
2. That this amendment includes three new house plans all single story into the already approved PDFDP 03-3. That any further amendments made to the approved Planned Development Final Development Plan shall be approved by the City Council.
3. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the city fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

**AYES:**  
**NOES:**  
**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
JIM PRICE, MAYOR

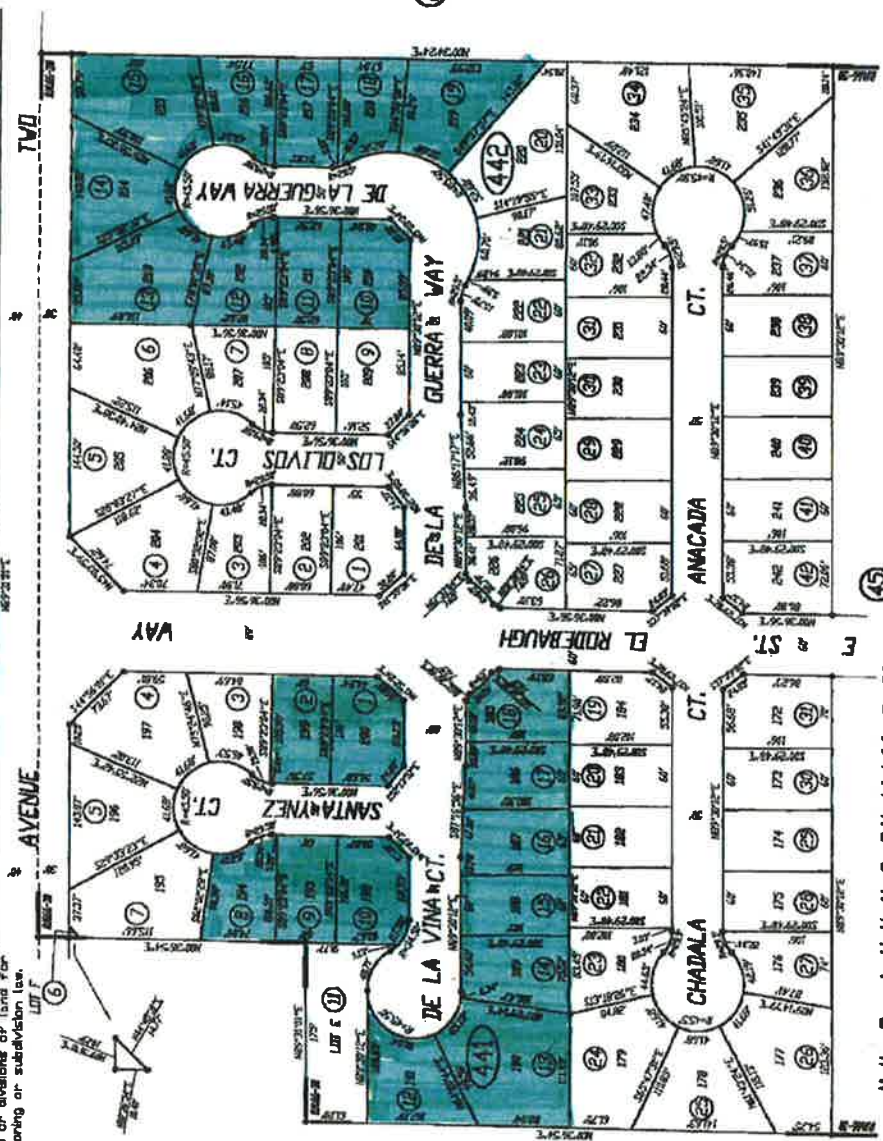
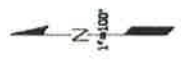
ATTEST:

\_\_\_\_\_  
DON HLYER III, CITY CLERK



POR. S. 1/2 SEC. 5 T.7S,R.13E., M.D.B.&M.

-NOTE-  
This map is for Assessment purposes only.  
It is not to be construed as porting  
legal ownership or divisions of land for  
purposes of zoning or subdivision law.

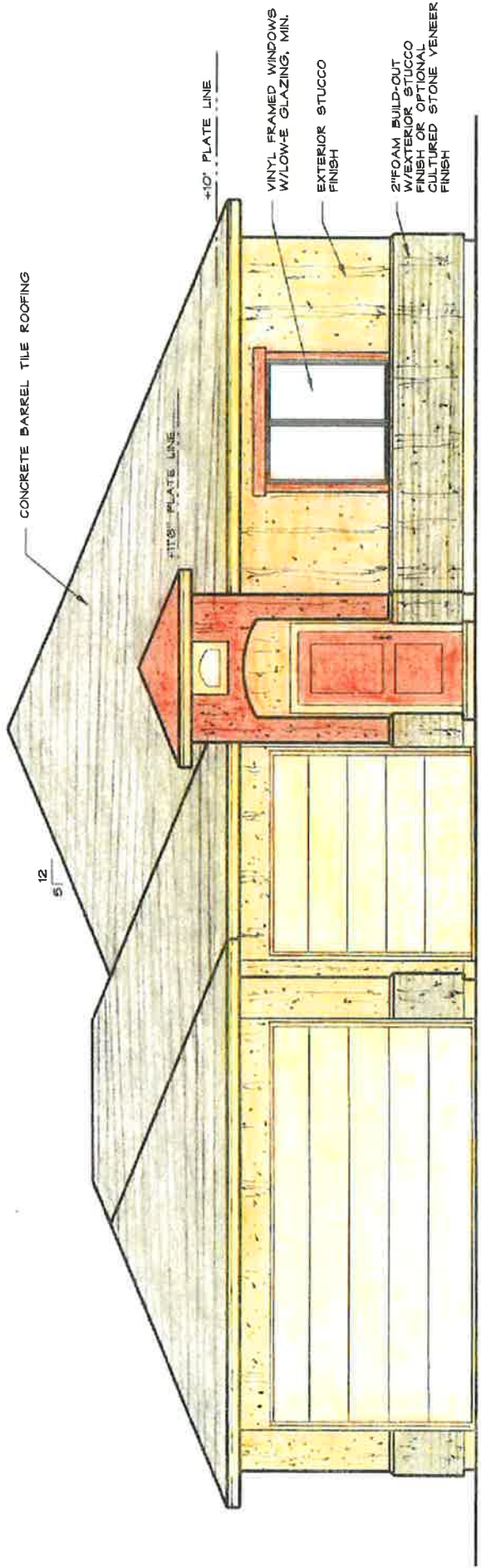


Mello Ranch Unit No.2, R.M. Vol.66, Pg.30

DRAWN 7-05

Assessor's Map Bk.5- Pg.44  
County of Merced, Calif.  
2005

NOTE-Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles



**FRONT ELEVATION**

SCALE 1/4" = 1'-0"

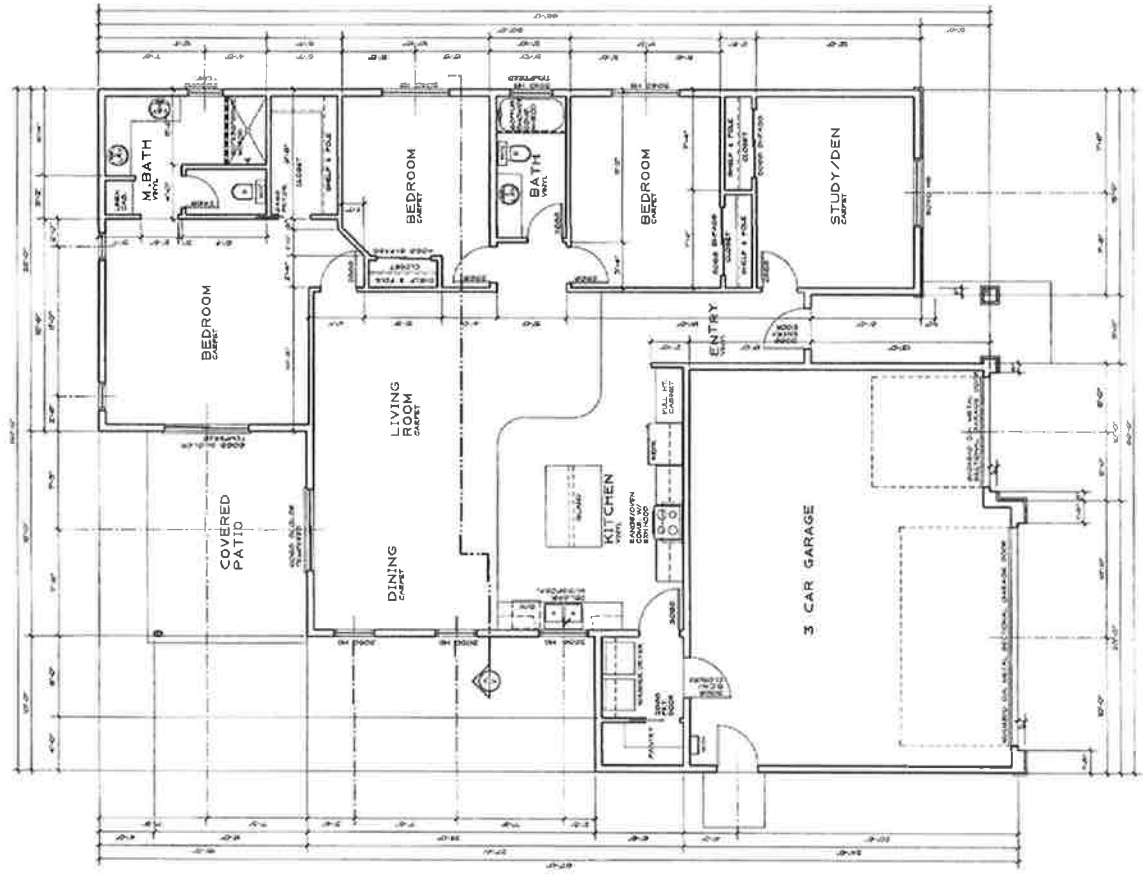
Plan 1865

RECEIVED  
 JUN 19  
 BY

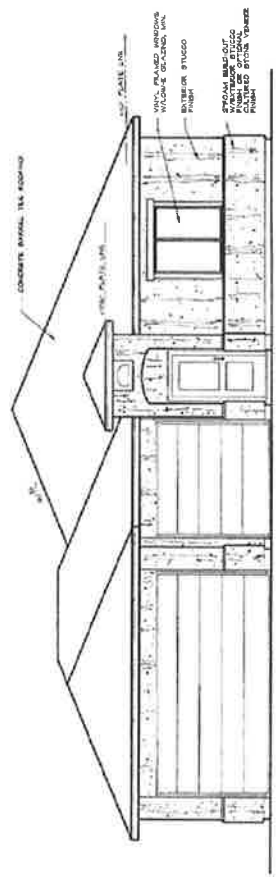
AJDC  
 ALLAN  
 JENKINS  
 D.D. APPLS

ENGINEERING BY:  
 ERIC MCDAID  
 ENGINEERING  
 1500 S. GARDNER ROAD  
 SUITE 100  
 GARDNER, CALIFORNIA 95301  
 TEL: (916) 754-0779

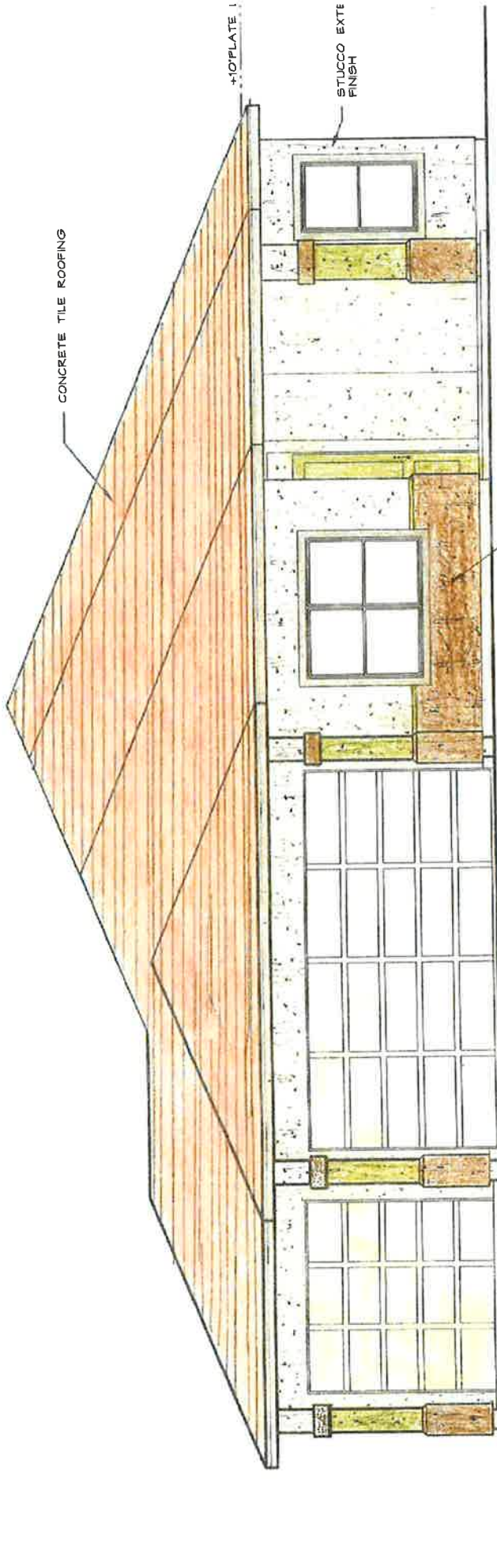
MASTER PLAN - 1000  
 MELLO RANCH UNIT # 2  
 AVENUE TWO  
 ATWATER, CALIFORNIA 95301  
 PHONE 209-204-0996



PLAN 1885-A



FRONT ELEVATION



FRONT ELEVATION 3-CAR GARAGE

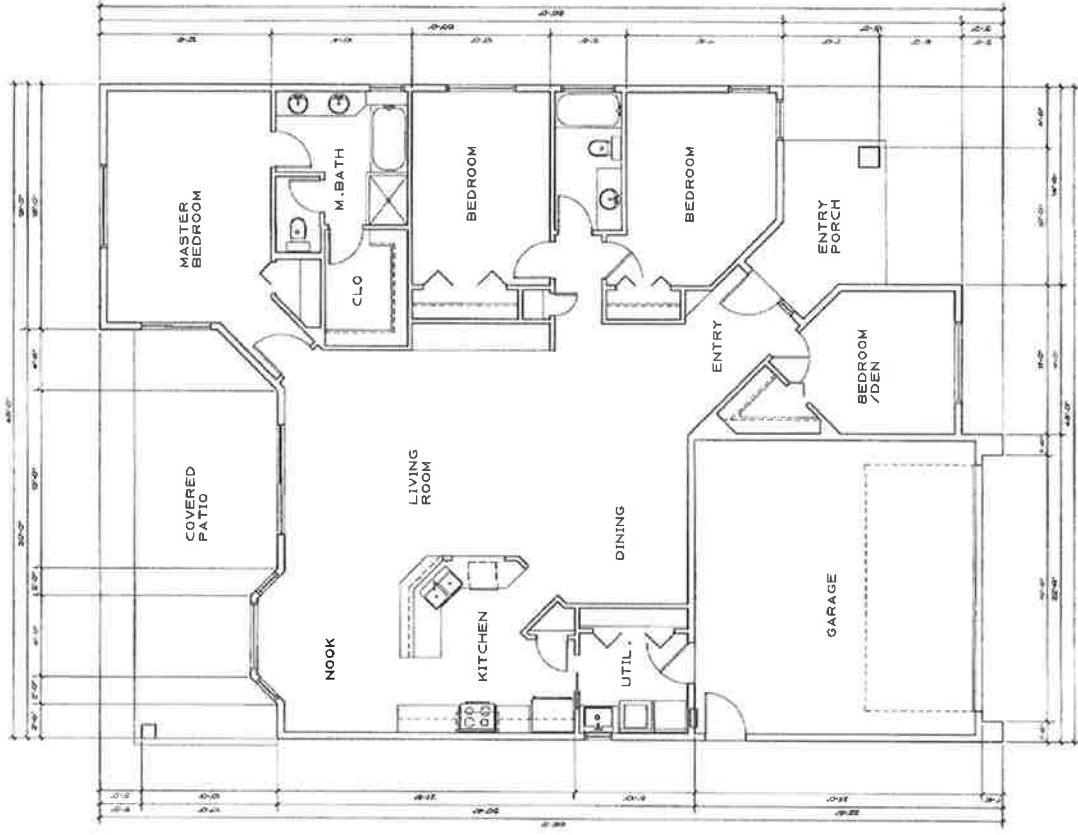
SCALE 1/4" = 1'-0"

Plan 2016

**AJDC**  
 ALAN  
 JENKINS  
 C.D. ARCHT.  
 ARCHT. & INT. DEPT.  
 2016 S. 10TH AVE., SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 WWW.AJDC.COM

ENGINEERING BY:  
 ERIC POGGIO  
 ENGINEERING  
 1500 S. WASHINGTON ST., SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1111  
 WWW.EPENGINEERING.COM

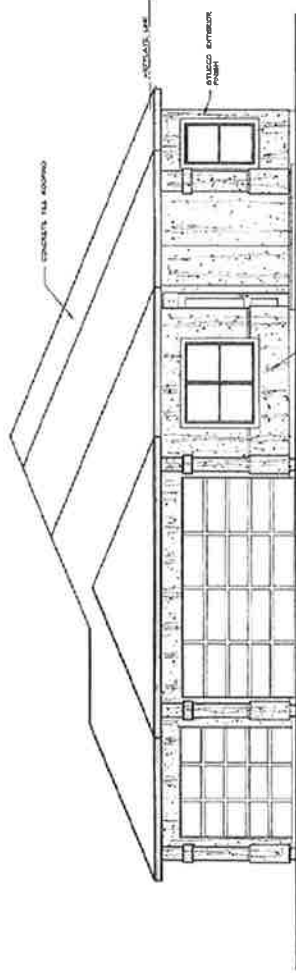
MASTER PLAN : 2016  
 MELLO RANCH UNIT NO. 2  
 PATNER, CALIFORNIA 95301  
 PHONE (209)



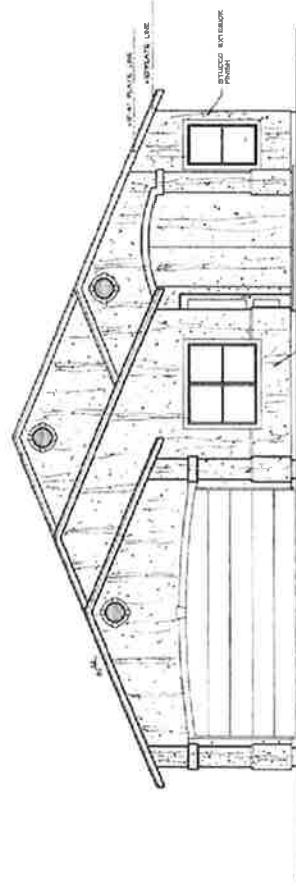
**AJDC**  
 ALAN  
 JENNIS  
 CHAFFIN  
 CO  
 1000 N. 10TH ST.  
 ANAHEIM, CALIFORNIA 92801  
 (714) 771-1111

DESIGNED BY:  
 DEC. 1984  
 10/15/84

**MASTER PLAN - 2010**  
 MELLO RANCH UNIT NO. 2  
 AVENUE 2  
 PATATER, CALIFORNIA 95301  
 PHONE (209)

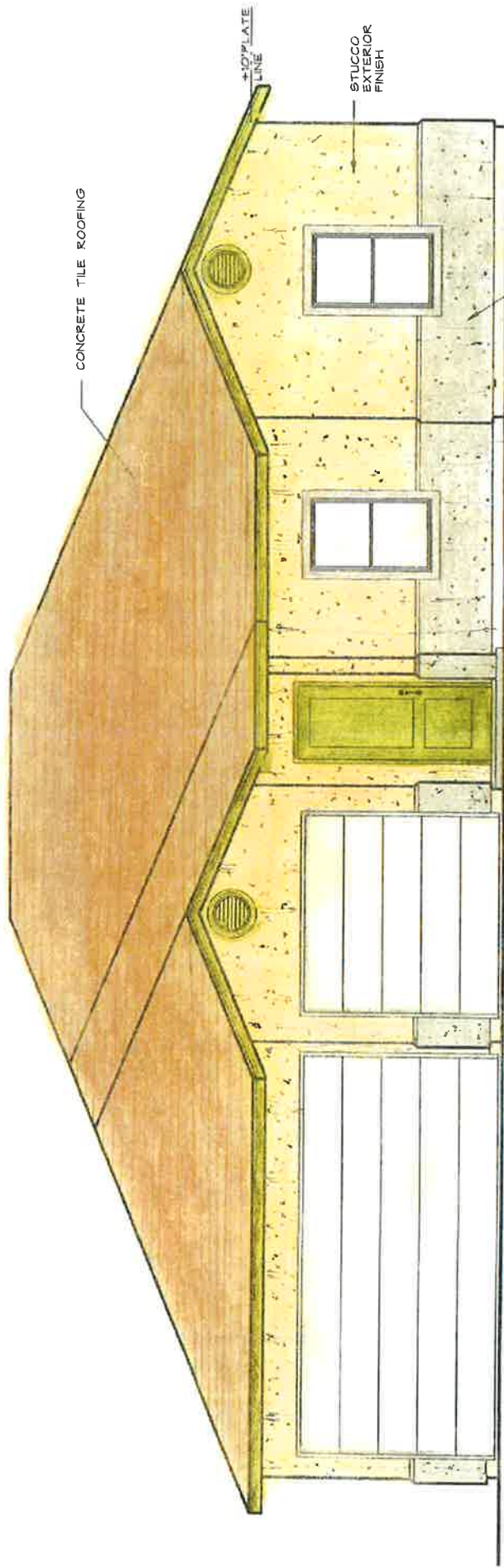


**FRONT ELEVATION 3-CAR GARAGE**  
 SCALE 1/4" = 1'-0"



**FRONT ELEVATION 2-CAR GARAGE**  
 SCALE 1/4" = 1'-0"

DATE: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 JOB NO: \_\_\_\_\_  
 SHEET NO: \_\_\_\_\_



**FRONT ELEVATION**

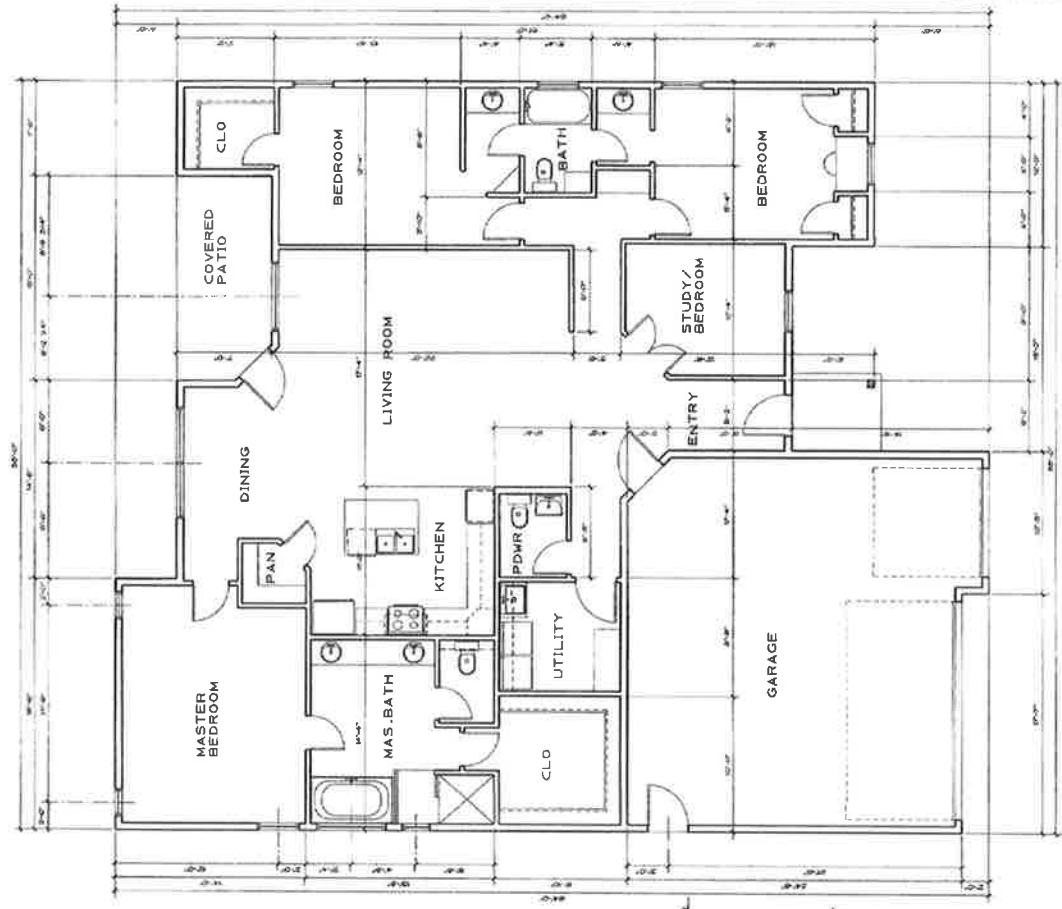
SCALE 1/4" = 1'-0"

Plan 2204

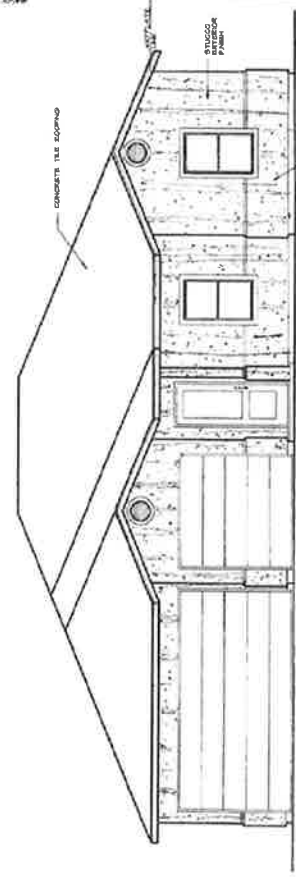
**AJDC**  
**ALAN**  
**JENKINS**  
**DRAFTING**  
 D. A. ARCH. CO., INC.  
 1000 W. 10TH ST., SUITE 200  
 OAKLAND, CALIF. 94612  
 TEL. (415) 778-8888  
 FAX (415) 778-8888

ENGINEERING BY:  
 ERIC P. JOHNSON  
 ENGINEER  
 1000 W. 10TH ST., SUITE 200  
 OAKLAND, CALIF. 94612  
 TEL. (415) 778-8888  
 FAX (415) 778-8888

**MASTER PLAN - 2204**  
 MELLO RANCH NO. 2  
 PAVANTER, CALIFORNIA  
 PHONE (209) 833-1111



**FLOOR PLAN - 2204**  
 SCALE 1/8" = 1'-0"



**FRONT ELEVATION**  
 SCALE 1/4" = 1'-0"

CONCRETE TILE ROOFING  
 2" x 4" x 8" TYPICAL  
 EXTERIOR FINISH  
 2" x 4" x 8" TYPICAL  
 EXTERIOR FINISH  
 2" x 4" x 8" TYPICAL  
 EXTERIOR FINISH



Chairperson and Members  
the Community Development  
and Resources Commission

CD&R Commission meeting of  
of July 19, 2017

**RECOMMENDATION THAT THE COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION REVIEW A COMPLAINT  
REGARDING A CONDITION OF APPROVAL FOR THE FIRST  
CHURCH OF GOD LOCATED AT 2100 FRUITLAND AVENUE.**

**RECOMMENDATION:**

It is recommended that the Community Development and Resources Commission:

Review the complaint about a condition of approval and take action if needed.

**BACKGROUND:**

The First Church of God received approval for Site Plan No. 698-14 from the former City of Atwater Planning Commission to construct a 6,460 square foot preschool building behind the existing church located at 2100 Fruitland Avenue. The Site Plan was approved by PC resolution No. 821-14.

Staff has received a complaint that the applicant did not comply with the original conditions of approval. Condition No. 25 within the approving resolution stated the following:

*The applicant shall construct a refuse enclosure. The enclosure shall include a concrete slab at the entrance to the refuse container to be moved forward for pick up. The enclosure shall be constructed of concrete block and include a concrete foundation and bottom, including a bumper block to protect the block wall from damage by the refuse container. The enclosure shall have locking gates. The gates shall be constructed of chain link with slats or other approved solid materials. The enclosure shall be accessible to refuse trucks. Landscaping shall be provided that, when mature, limits the visibility of the refuse enclosure. This can be accomplished with vining plants or appropriate type of bushes. Location of said enclosure shall be reviewed and approved by the Community Development Director.*

As you can see from the photo attached to this staff report, this condition was not complied with. The applicant installed a chain link fence around the trash enclosures with no gates.

City staff sent the church's representative, Senior Pastor Bill Barkman, and email regarding the complaint that was received. In return Pastor Barkman sent a letter to staff requesting this item be placed on tonight's agenda so this issue can be resolved.

**CONCLUSION:**

This report is submitted for Community Development and Resources Commission review and possible action.

Respectfully submitted,

*Justin D. Hendrix*

Justin D. Hendrix  
Senior Planner  
City of Atwater



**FIRST  
CHURCH  
OF GOD**



a starting place for new destinies

and Fruitland Christian Preschool serving families of infant - toddler - preschool - school age children

05 July 2017

Atwater CDRC  
c/o Mr. Scott McBride  
City of Atwater  
Atwater, CA 95301

Commissioners and Mr. McBride:

First Church of God / Fruitland Christian Preschool request a place on your July 19 meeting docket (6:00 PM) to resolve the issue concerning the trans enclosure at 2100 Fruitland Avenue for our new childcare center and Christian Education unit.

Also attending the meeting will be a representative of Briggs Construction, the General Contractor for the project to represent their concerns.

Sincerely,



William Barkman, Senior Pastor



**PLANNING COMMISSION  
OF THE  
CITY OF ATWATER**

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**RESOLUTION NO. PC 821-14**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ATWATER APPROVING SITE PLAN NO.  
698-14 (ATWATER FIRST CHURCH OF GOD  
PRESCHOOL BUILDING)**

**WHEREAS**, the Planning Commission of the City of Atwater has reviewed Site Plan No. SP 698-14 as submitted by Dustin Smith, on behalf of the Atwater First Church of God, requesting approval to construct a 6,460 square foot preschool building behind the existing church located at 2100 Fruitland Avenue. The site is approximately 3.04+/- acres located on the south side of Fruitland Avenue, west of the intersection of Winton Way and Fruitland Avenue and which is currently known as Merced County Assessor Parcel Number APN 150-082-009; and,

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater on Wednesday, July 30, 2014; and,

**WHEREAS**, one person(s) spoke in favor of the project, no person(s) spoke in opposition of the project and no written comment(s) have been submitted either in opposition or in favor of the project; and,

**WHEREAS**, the site can accommodate the aforesaid use and proposed structure and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have an adverse effect on the community; and,

**WHEREAS**, this project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15332; and,

**WHEREAS**, the Planning Commission finds that the following findings can be made for this site and architectural plan:

1. This application proposes to construct a 6,460 square foot preschool building behind the existing church located at 2100 Fruitland Avenue. The site is

- approximately 3.04+/- acres located on the south side of Fruitland Avenue, west of the intersection of Winton Way and Fruitland Avenue and which is currently known as Merced County Assessor Parcel Number APN 150-082-009
2. That the site is located within a Low Density Residential (R-1[6]) Zone District and the proposed use is permitted within this zone district.
  3. That the site is designated as Institutional by the Atwater General Plan.
  4. That this use is consistent with the purpose and intent and all applicable development standards of the Low Density Residential Zone District.
  5. That this project is consistent with all elements of the Atwater General Plan.
  6. That all the mandatory findings set forth in Section 17.16 of the Atwater Zoning Ordinance can be made.
  7. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15332.

**WHEREAS**, subject to the conditions identified below, the use is in conformance with the codes and standards of the City of Atwater; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve Site Plan No. 698-14 subject to the following conditions:

1. That applicant/developer shall submit three (3) sets of landscape and irrigation plans with three (3) sets of grading and drainage plans.
2. That all the landscaping areas shall be equipped with seven day automatic timer.
3. That the applicant/developer shall construct a six inch concrete curb along all planter/landscape areas separating all landscaping from asphalt / concrete areas. Newly created landscaped areas shall be planted with shade trees (one per every six parking stalls) and equipped with seven day automatic irrigation systems.
4. The type and size of plants to be planted shall be submitted to the City's Parks Division for review and approval. All landscaping shall be maintained at all times and shall be the responsibility of the property owner.
5. That the project shall comply with the most current California Code of Regulations, Title 24, parts 1 through 6, 8 through 10 and 12, the most current Fire, Life and Safety Codes and Title 15 of the Atwater Municipal Code, including all amendments thereto.
6. That there shall be compliance with the most recent Americans With Disability Act (ADA) regulations.
7. That applicant/developer shall submit building plans and obtain all necessary permits prior to commencement of construction.
8. That the applicant shall provide a soils report to the Engineering Department prior to commencement of construction.
9. That the applicant shall pay all required fees prior to issuance of a Building Permit.
10. That the applicant shall submit plans to the Merced County Department of Environmental Health for review and approval prior to issuance of a building permit.

11. That the applicant shall underground all utilities from the source.
12. Prior to final acceptance, the developer shall provide the City with copies of the "as built" improvements on 5 mil mylar and record the construction and infrastructure drawings in an AutoCAD compatible format. The mylar set shall include all construction changes.
13. For proposed improvements, the applicant shall cause a Site Improvement Plan to be prepared. The plan shall be prepared by a Licensed Civil Engineer or under his direction. The plan shall be prepared on 24" x 36" plan sheets and to a reasonable scale. This plan shall be in a format to be approved by the City Engineer and shall show all of the proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1, being Site Improvement plan No. 698. The Site Improvement Plan number only (698) shall also be placed outside of the border of the plan at the lower right corner of all sheets. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1.
14. The applicant shall cause to be submitted a Site Improvement Plan that shall show all items named in the conditions of approval and the proposed resolution of those requirements. The plan shall also include the applicable General Specifications and Construction Specifications of the City of Atwater, to be placed on Sheet 1. The Site Improvement plan shall contain a sheet (or sheets) containing all City Standards pertinent to the proposed construction together with specific details and notes for the proposed construction.
15. That the applicant shall obtain an encroachment permit from the Engineering Department for any improvements done within the public right-of-way. The applicant shall pay all applicable charges prior to an encroachment permit being issued.
16. The applicant shall include a Grading Plan as part of the development of the proposed parcel. Elevations shall be taken from official City of Atwater Benchmark datum. The Grading Plan shall show all proposed improvements, on-site and off-site. Finished pad elevations for the parcel shall be shown and shall be at least 3 inches above the top of curb or as approved by the City Engineer. No grade severances to adjoining properties shall be permitted. The extent of compacted grading on the parcel shall be shown with elevations.
17. Grading shall not begin until the Grading Plan within the Site Improvement plan is complete and approved by the City Engineer. The applicant shall be responsible for all dust control during the construction of this project.
18. That all broken, cracked or otherwise damaged public improvements, such as curb, gutter or sidewalk shall be sawcut, removed and replaced in accordance with applicable City Standards.
19. That the applicant shall install a reduced pressure principal backflow device for potable water and an approved backflow device for irrigation water.
20. That all outdoor equipment such as transformers, refrigerator units and air conditioning units shall be screened from public view.
21. That the applicant/developer shall provide onsite outdoor lighting. The lighting shall be shielded downward and away from public right of ways and adjacent properties.

22. That this project shall connect to the City storm drainage system consistent with the storm drain master plan as approved by the City Engineer. Onsite storage of storm water will be required, applicant will not be allowed to "sheet" drain storm water off-site.
23. That the applicant shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES).
24. The applicant shall install water services to the proposed development. Service(s) shall be in accordance with applicable City Standards and policies. Services shall be of adequate size to supply both potable water and landscaping water to the site. Individual services are to be provided for potable water and landscaping purposes. The services shall be metered; a Sensus "Flex-Net" radio read meter shall be used. Each service shall include an appropriate Reduced Pressure Principal (RPP) backflow prevention device enclosure, mounted on a concrete pad. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement plan including brand names and types.
25. The applicant shall construct a refuse enclosure. The enclosure shall include a concrete slab at the entrance to the refuse container to be moved forward for pick up. The enclosure shall be constructed of concrete block and include a concrete foundation and bottom, including a bumper block to protect the block wall from damage by the refuse container. The enclosure shall have locking gates. The gates shall be constructed of chain link with slats or other approved solid materials. The enclosure shall be accessible to refuse trucks. Landscaping shall be provided that, when mature, limits the visibility of the refuse enclosure. This can be accomplished with vining plants or appropriate type of bushes. Location of said enclosure shall be reviewed and approved by the Community Development Director.
26. All water trenches or excavations shall be excavated, backfilled and compacted in accordance with applicable City Standards and the conditions for paving included within this resolution.
27. The applicant shall abandon and remove from the site any existing irrigation lines and/or structures found. Lines shall be plugged at the property line with concrete.
28. Any water wells or septic systems found during construction shall be destroyed in accordance with approved City Standards and requirements.
29. That the applicant shall install onsite fire hydrants in conformance with applicable codes. Location of hydrants shall be reviewed and approved by the Fire Chief and City Engineer prior to installation.
30. That the applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
31. That prior to installation, all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the Community Development Department.
32. That the applicant shall not be allowed to use the site until all required improvements are completed and accepted by the City.
33. That the applicant shall pay the Regional Transportation Impact Fee (RTIF).
34. That the applicant shall comply with the requirements of all public utility companies.



35. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 30th day of July, 2014.

**AYES: Warchol, Reed, Dash, Davis, Brice**  
**NOES: None**  
**ABSENT: None**

**APPROVED:**

  
**GARY BRICE, CHAIRMAN**

**ATTEST:**

  
**JUSTIN D. HENDRIX, SECRETARY**