



CITY OF ATWATER

PLANNING COMMISSION ADJOURNED MEETING

ACTION MINUTES

June 25, 2019

CALL TO ORDER:

The Planning Commission of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Commissioner Nelson presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Deputy City Attorney Taniguchi.

INVOCATION:

The Invocation was given by Police Chaplain Mead.

ROLL CALL:

Present: Commissioners Borgwardt, Daugherty, Mead, Vice Chairperson, Warchol, Chairperson Nelson
Absent: None
Staff Present: Mayor Creighton, City Manager Waterman, General Services Manager/Chief Building Official Pereida, VVH Senior Planner Thompson, Deputy City Attorney Taniguchi, Recording Secretary Lopez

ORGANIZATION OF THE PLANNING COMMISSION:

Deputy City Attorney Taniguchi opened the nomination period for the purpose of nominating a Chairperson.

MOTION: *Commissioner Warchol moved to nominate Commissioner Nelson to be Chairperson. The motion was seconded by Commissioner Mead and the vote was: Ayes: Warchol, Mead, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.*

Chairperson Nelson opened the nomination period for the purpose of nominating a Vice Chairperson.

MOTION: Commissioner Warchol moved to nominate Commissioner Daugherty to be Vice Chairperson. The motion was seconded by Commissioner Mead and the vote was: Ayes: Mead, Warchol, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

SUBSEQUENT NEED ITEMS: None

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: Commissioner Warchol moved to approve the agenda as posted. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Daugherty, Warchol, Mead, Borgwardt, Nelson. Noes: None; Absent: None. Abstain: None. The motion passed.

PUBLIC COMMENT:

Notice to the public was read.

No one came forward to speak at this time.

APPROVAL OF MINUTES:

Regular Minutes of May 15, 2019

MOTION: Vice Chairperson Daugherty moved to accept the regular meeting minutes of May 15, 2019. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Daugherty, Warchol; Noes: None; Absent: None; Abstain: Mead, Borgwardt, Nelson. The motion passed.

PETITIONS AND COMMUNICATIONS:

Informational Only. Request for assistance with the annual Independence Day Run on July 4th to coincide with co-sponsorship of the annual 4th of July events, beginning in 2019 through and including 2022

Commissioner Warchol questioned the insurance verification process. City Manager Waterman informed the commissioners that they submit certificates of liability annually. (INFORMATIONAL ONLY)

PUBLIC HEARINGS:

Adopt Resolution No. PC 96-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and recommending that the City Council adopt Ordinance No. CS 1016 for the approval of the One Plant Atwater, LLC Development Agreement; property location 261 Business Park Way, Atwater.

VVH Senior Planner Thompson provided a summary PowerPoint overview of the Development Agreement and the intended uses of the facility. He added that One Plant Atwater, LLC has successfully negotiated all terms of the Development Agreement

Chairperson Nelson opened the Public Hearing.

The applicants' representative Chris Hester came forward with a brief presentation of the everyday operation for One Plant Atwater, LLC.

No one else came forward to speak at this time.

Chairperson Nelson closed the Public Hearing.

MOTION: Commissioner Mead moved to adopt Resolution No. PC 96-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemptions. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Mead, Warchol, Borgwardt, Daugherty, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Vice Chairperson Daugherty moved to recommend that the City Council adopt Ordinance No. CS 1016 for the approval of the One Plant Atwater, LLC Development Agreement. The motion was seconded by Commissioner Mead and the vote was: Ayes: Mead, Warchol, Borgwardt, Daugherty, Nelson; Noes: None; Absent: None. The motion passed.

Adopt Resolution No. PC 94-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and recommending that the City Council adopt Ordinance No. CS 1011 for the approval of the WB Pharms, LLC Development Agreement; property location 1619 Sycamore Avenue, Atwater.

VVH Senior Planner Thompson provided an overview of the Development Agreement and intended uses of the facility. He added that WB Pharms, LLC has successfully negotiated all parts of the Development Agreement, except the public benefit amount, however they wish to move forward without staff's recommendation on the public benefit amount.

Chairperson Nelson opened the Public Hearing.

Byron Bogart, representing WB Pharms, LLC, came forward briefly explaining the operation of their cannabis business.

No else came forward to speak at this time.

Chairperson Nelson closed the Public Hearing.

MOTION: Vice Chairperson Daugherty moved to adopt Resolution No. PC 94-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 (d) "Existing

Facilities” exemptions. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Warchol, Mead, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Commissioner Warchol moved to recommend that the City Council adopt Ordinance No. CS 1011 for the approval of the WB Pharms, LLC Development Agreement. The motion was seconded by Commissioner Mead and the vote was: Ayes: Warchol Mead, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

Adopt Resolution No. PC 92-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and recommending that the City Council adopt Ordinance No. CS 1009 for the approval of the Cannable, LLC Development Agreement; property location 741 Enterprise Court, Atwater.

VVH Senior Planner Thompson provided an overview of the Development Agreement and intended uses of the facility. He added that Cannable, LLC has successfully negotiated all parts of the Development Agreement, EXCEPT the public benefit amount, however they wish to move forward without staff's recommendation on the public benefit amount.

Chairperson Nelson opened the Public Hearing.

Andy Krotik spoke of the character of the applicant and the benefits of having Cannable, LLC as a business in our city.

Alicia Stewart, represented Cannable, LLC, congratulated the commissioners on their new appointment, and thanked the Commission for their consideration of the project.

No one else came forward to speak at this time.

Chairperson Nelson closed the Public Hearing.

MOTION: Commissioner Borgwardt moved to adopt Resolution No. PC 92-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 “Existing Facilities” exemptions. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Vice Chairperson Daugherty moved to recommend that the City Council adopt Ordinance No. CS 1009 for the approval of the Cannable, LLC Development Agreement. The motion was seconded by Commissioner Mead and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

Adopt Resolution No. PC 99-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 564-19 and Site Plan No. 719-19; property location 760 Grove Avenue, Atwater.

VVH Senior Planner Thompson provided a summary PowerPoint presentation of the request for Conditional Use Permit and Site Plan.

Chairperson Nelson opened the Public Hearing. No one came forward to speak at this time. Chairperson Nelson closed the Public Hearing.

MOTION: Commissioner Borgwardt moved to adopt Resolution No. PC 98-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15303 (e) "New Construction or Conversion of Small Structures" exemptions. The motion was seconded by Commissioner Mead and the vote was: Ayes: Mead, Warchol, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Commissioner Mead moved to approve Conditional Use Permit No. 564-19 and Site Plan No. 719-19. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Mead, Warchol, Borgwardt, Nelson; Noes: Daugherty; Absent: None. The motion passed.

Adopt Resolution No. PC 100-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and approving Conditional Use Permit No. 565-19 and Site Plan No. 720-19; property location 341 Business Parkway, Atwater.

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

Chairperson Nelson opened the Public Hearing.

Zach Drivon, representing Medallion Wellness, spoke of the benefits of approving the Conditional Use Permit and Site Plan. He informed the Commission that they have licensing in many other states.

No one else came forward to speak at this time.

Chairperson Nelson closed the Public Hearing.

MOTION: Commissioner Borgwardt moved to adopt Resolution No. PC 100-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemptions. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Daugherty, Warchol, Mead, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Vice Chairperson Daugherty moved to approve Conditional Use Permit No. 565-19 and Site Plan No. 720-19. The motion was seconded by Commissioner Mead and the vote was: Ayes: Daugherty, Warchol, Mead, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Review the proposed Five-Year Capitol Improvement Program Fiscal Years 20019-20 thru 2023-24 making the finding that the Five-Year Capitol Improvement Program is consistent with the City of Atwater General Plan.

General Services Manager provided a review of the Capitol Improvement Program.

MOTION: Commissioner Mead moved to approve the Five-Year Capitol Improvement Program Fiscal Years 2019-20 thru 2023-24 and making the finding that is consistent with the City of Atwater General Plan. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Warchol, Mead, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

COMMISSION MATTERS:

Commission Comments

Chairperson Nelson encouraged all Commissioners to review the agenda in advance to be able to address staff if they have questions prior to the meeting allowing staff suitable time to find them an answer. He thanked the Mayor for announcing that the City is going to provide the Commissioners with some in-house training (League – 2020). Nelson advised all commissioners to read the Planning Commission Guidebook provided by the City, particularly the section on Ex-parte Communications. Nelson also reminded them to advise the public to attend meetings if they would like to discuss any item that will go before the Commission. He stated that Commissioners should not participate in discussion of projects/agenda items with other Commissioners outside of the City.

Vice Chairperson Daugherty expressed his frustration with applicants not showing up to the meetings if they are on the agenda. He stated that they need to make themselves available for questions if the Commissioners were to have any.

Commissioner Mead stated that she has visited other cities that allow Cannabis Businesses and went to multiple different dispensaries, in multiple cities and was very impressed by the professionalism of the businesses. She says the security each business has for their dispensaries is great and most have security guards at the doors. She also said say that proof of I.D. is required before entering the area of any cannabis products.

Commissioner Borgwardt said thank you for the opportunity to be on the Planning Commission and is excited to see what is to come. He expressed that he has been getting involved in many ways with the City and is happy to be doing so.

ADJOURNMENT:

The meeting adjourned at 7:32 PM.



Chairperson, Mike Nelson

By: Jacquy Lopez,
Recording Secretary