



PLANNING COMMISSION

ACTION MINUTES

July 17, 2019

CALL TO ORDER:

The Planning Commission of Atwater met in Regular Session this date at 6:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Nelson presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Vice Chairperson Daugherty.

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

ROLL CALL:

Present: Commissioners Borgwardt, Mead, Warchol, Vice Chairperson Daugherty, Chairman Nelson.

Absent: None

Staff Present: City Manager Waterman, Interim Deputy City Attorney Taniguchi, VVH Senior Planner Greg Thompson, General Services Manager/Chief Building Official Pereida, 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 Warchol and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent: None. The motion passed.*

MINUTES:

1. June 25, 2019 (Adjourned Meeting)

Chairperson Nelson announced a correction on page 6, "Commission Matters", first paragraph, last word of the last sentence should be changed to read "city" instead of the word "diocese".

Commissioner Borgwardt moved to approve the minutes as corrected. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Daugherty, Warchol, Mead, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

Resolution making an environmental finding that the project is categorically exempt under CEQA; and to approving Conditional Use Permit and Site Plan for Top Management and Distribution, Inc.; property located at 231 Business Park Way (APN: 056-330-036).

VVH Senior Planner Thompson provided a summary of the terms and conditions of the Conditional Use Permit and Site Plan. He also presented a PowerPoint presentation of the Site Plan and a map of other cannabis related businesses in the area as it relates to potential undue concentration.

Chairperson Nelson opened the Public Hearing.

Michael Azat, Azat Law Group, representing Top Management and Distribution, Inc. provided a summary of the project and its location.

One person spoke regarding questioning the language in previous notices and any changes that may have occurred prior to the Planning Commission meeting. He also asked for a definition of the "exemption".

VVH Senior Planner responded that previous notices dealt with the Development Agreement and the current notices only relate to the Public Hearing and the Conditional Use Permit. He also clarified that the exemption comes under the existing business title.

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

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

MOTION: Vice Chairperson Daugherty moved to adopt Resolution No. PC 0104-19 approving Conditional Use Permit No. 568-19 and Site Plan No. 725-19. The motion was seconded by Commissioner Mead and the vote was: Ayes: Borgwardt, Daugherty, Mead, Warchol, Mead, Nelson; Noes: None; Absent: None. The motion passed.

Resolution making an environmental finding that the project is categorically exempt under CEQA; and approving the Zone Change for the City of Atwater; located north of Bell Lane and east of Truckee Drive (APN: 001-134-015)

VVH Senior Planner Thompson provided a summary of the Zone Change relating to a previously zoned Planned Development Project that is surrounded by Business Park zoning. The property is currently up for sale and the future planned use of the four acres is that of a business campus. He also clarified that any future use of the property is subject to environmental review under the California Environmental Quality Act (CEQA).

Chairperson Nelson opened the Public Hearing.

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

MOTION: Vice Chairperson Daugherty moved to make the finding that project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15305 "Minor Alterations to Land use limitations" 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 Borgwardt moved to adopt Resolution No. PC 0105-19 approving Zone Change 19-2. Vice Chairperson Daugherty seconded the motion and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

Resolution making an environmental finding that the project is categorically exempt under CEQA; and recommending to the City Council the adoption of an Ordinance approving a Zone Ordinance Text Amendment of the Atwater Municipal Code.

VVH Senior Planner Thompson provided a summary of the Zone Ordinance Text amendment. The request brings the City into compliance with California Senate Bill 2 (SB 2) related to homeless care.

General Services Manager/Chief Building Official Pereida clarified that the intent of SB 2 was to eliminate discrimination in housing.

Chairperson Nelson opened the Public Hearing.

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

MOTION: Vice Chairperson Daugherty moved to make the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15061 (b) (3) "Common Sense" exemptions. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Warchol, Borgwardt, Mead, Daugherty, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Commissioner Warchol moved to recommend that the City Council approve Resolution No. PC 0106-19 adopting Ordinance No. CS 1014 revising Title 17, Chapters 17.06, 17.16, 17.17, 17.19, 17.21, 17.22, 17.24, and 17.32. The motion was seconded by Commissioner Mead and the vote was: Ayes: Warchol, Mead, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

The City is seeking public attendance and input for the Statewide Park Development and Community Revitalization Prop 68 Grant at Osborn Park. (Janelle Martin, Executive to the City Manager)

Executive to the City Manager Martin reported that the project presents no fiscal impact or match requirement of the City for the Prop 68 grant application. Public input was solicited on July 4, 2019 at the 4th of July activities in Ralston Park. Future public meetings will be held Saturday, July 20, 2019 at 10:00 AM in Osborn Park, the July 22, 2019 City Council meeting at 6:00 PM, and July 27, 2019 at Ralston Park in conjunction with "Movies in the Park" at dusk.

Chairperson Nelson expressed concern for the future maintenance of the park once it is enhanced.

City Manager Waterman clarified that recent changes to staffing may allow for more attention to maintenance in the City parks, as well as partnering with service organizations in the future.

One person spoke regarding the potential for upgrades and maintenance to existing structures at Osborn Park under the Prop 68 grant application. He also expressed concern for locating a "splash pad" at Osborn Park since there is little residential traffic in the area and he suggested that Veteran's Park was a better location.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person congratulated City staff on the recent change to a five-day work week.

No one else came forward to speak.

COMMISSIONER MATTERS:

Commissioner Borgwardt asked that future packets include Site Plans for Commissioners review. He also suggested that applicants be allowed extensions of time in order to make their presentations and for the Commission to be well informed. He also requested a hard copy of the Zoning Map regarding Conditional Use Permit and Site Plan for Top Management and Distribution, Inc.; property located at 231 Business Park Way.

Commissioner Mead questioned the condition of sidewalks on East Broadway and in need of repair between Almador Terrace and Malibu. She also asked who is responsible for the entrance areas coming into Atwater from Freeway 99 at the Atwater-Merced Expressway entrance and exits.

City Manager Waterman responded that the Public Works director will inspect the sidewalk at the location.

VVH Senior Planner Thompson responded that the area is a phased development area and as it is developed those landscaping enhancements will be addressed.

Commissioner Warchol had no comments.

Vice Chairperson Daugherty asked for an update on the traffic signal at Juniper Avenue and Shaffer Road.

General Services Manager/Chief Building Official Pereida responded that the signal will be addressed in late winter of this year.

Chairperson Nelson requested that all commissioners receive a copy of the Zoning Map regarding Conditional Use Permit and Site Plan for Top Management and Distribution, Inc.; property located at 231 Business Park Way, either as a hard copy or by electronic transmission.

ADJOURNMENT:

The meeting adjourned at 7:05 PM.



MIKE NELSON, Chairperson

By: Lesa Rasmussen
P-M Transcription Services