



PLANNING COMMISSION

ACTION MINUTES

August 21, 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; Chairperson Nelson presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Commissioner Warchol.

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

ROLL CALL:

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

Absent: *None.*

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

MINUTES:

1. July 17, 2019 (Regular Meeting)

General Services Manager/Chief Building Official Pereida 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.

Note for the Record: The change suggested by General Services Manager/Chief Building Official Pereida was acted upon at the July 17, 2019 regular meeting by motion in amending the June 25, 2019 Adjourned Meeting minutes. The June 25, 2019 adjourned meeting minutes, under Commission Matters by Chairperson Nelson on page 6, were editorially changed to read "city" in place of the word "diocese" prior to adoption of those minutes at the July 17, 2017 regular meeting.

PETITIONS AND COMMUNICATIONS:

Request from Atwater High School Leadership Class for assistance with annual Homecoming Parade (Alyssa Carrillo, ASB President)

Nathan Braga, AHS Activities Director introduced AHS SB Treasurer Ceja and Senior Class President Sanchez who provided an overview of the planned activities and requested the recommendation for approval by the Planning Commission.

MOTION: Commissioner Borgwardt moved that the Planning Commission recommend that the City Council approve the request from Atwater High School Leadership Class for assistance with their annual Homecoming Parade on Friday, September 20, 2019 at 3:30 PM beginning on Mitchell Avenue, turn left onto Winton Way, and continue to Atwater High School located at 2201 W. Fruitland Avenue. The motion was seconded by Vice Chairman Daugherty and the vote was: Ayes: Warchol, Mead, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

Request from Saint Anthony's Church for assistance with street closure for their annual "Our Lady of Guadalupe" procession (Baudelio Valencia)

One person spoke in favor of approving the request from St. Anthony's Church.

MOTION: Commissioner Warchol moved that the Planning Commission recommend that the City Council approve the request from Saint Anthony's Church for assistance with their annual "Our Lady of Guadalupe" procession on Thursday, December 12, 2019 starting at 3:00 PM beginning at Ralston Park, to Juniper Avenue and on to Saint Anthony's Church; to assist with road closure on Third Street between Fir and Juniper Avenues and Juniper Avenue between Third Street and Winton Way from 3:00 – 5:00 PM. The motion was seconded by Commissioner Mead and the vote was: Ayes: Warchol, Mead, Daugherty, 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 approving Conditional Use Permit and Site Plan for 5 Corners Mini-Mart; located between Shaffer Road and First Street (APN: 003-211-009 and 012)

Chairperson Nelson announced that applicants are not restricted to the three minute comment rule, however, public comment speakers are limited to three minutes.

VVH Senior Planner Thompson provided a PowerPoint presentation detailing the specifics of the Site Plan and the Conditional Use Permit. He also noted that any architectural and signage will be addressed under a separate submission in keeping with the Atwater Municipal Code.

Paul Laughton, Building Designer for Golden Valley Engineering representing Balibir Singh, provided a revised elevation for the Commissioners consideration. VVH Senior Planner Thompson clarified that Mr. Laughton can submit minor changes that do not require the Site Plan to be returned to the Planning Commission for approval. Mr. Laughton also questioned the 12 inch courtesy curb placement. VVH Senior Planner Thompson clarified that Resolution PC 0103-19 item 25 be changed to a 6 inch courtesy curb and remove the requirement for a 12 inch courtesy curb.

Chairperson Nelson opened the Public Hearing.

One person spoke explaining that a 12 inch courtesy curb prevents people from stepping out of their cars into landscaping.

VVH Senior Planner Thompson noted that the owner of an adjacent carwash expressed concern to staff about impacts to his existing business and that Golden Valley Engineering ran a model program that assured there would be no negative impacts to ingress and egress to the carwash.

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

MOTION: Commissioner Mead moved to make the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15303 (c) "New Construction or Conversion of Small Structures" 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: Commissioner Borgwardt moved to adopt Resolution No. PC 0103-19 approving Conditional Use Permit No. 567-19 and Site Plan No. 724-19. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Borgwardt, Daugherty, Mead, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

Resolution making an environmental finding that the project is categorically exempt under CEQA; and approving the Site Plan for Golden State Realty Association; located at 273 E. Bellevue Rd. (APN: 156-060-023)

VVH Senior Planner Thompson provided a PowerPoint presentation detailing the Site Plan. He clarified that the project does not require a Conditional Use Permit. He cited that staff feels the Site Plan warrants some conditions and seeks input from the Commission.

Commissioner Mead expressed her concern for traffic flow and parking in that area. VVH Senior Planner indicated that staff prefers that the applicant provide an easement agreement with the neighboring property owner for additional parking and access.

Commissioner Borgwardt suggested that one port of entry be one-way only into the property. He expressed his concern for the traffic congestion that currently exists on Bellevue Avenue.

Commissioner Warchol cited his concern for the number of traffic accidents that occur in that area and expressed his approval of adding conditions to the Site Plan.

Vice Chairperson Daugherty expressed his preference to have one-way access routes onto Bellevue Avenue.

Chairperson Nelson opened the Public Hearing.

One person representing Golden State Realty Association, indicated that a Title Report will be provided to staff. He also indicated that the lot they are developing has previously been approved for their use.

VVH Senior Planner Thompson stated that any previous approval for any other use has no bearing on the entitlement being sought at this time. Existing Municipal Code will prevail for this proposed development.

One person spoke asking about the trash enclosure requirements and the ten percent landscape requirements.

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 15303 (c) "New Construction or Conversion of Small Structures" exemptions. The motion was seconded by Commissioner Borgwardt 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 0101-19 approving Site Plan No. 722-19 with the following conditions: the applicant must provide a Reciprocal Parking and Access Agreement to address parking and

access concerns. Also that staff requests a fence along the easterly portion of the property and be used for emergency vehicle access only if no private access right exists, and third that the adjacent property owner provide a letter of consent for construction activity across their land. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent: None.

Resolution of the Planning Commission of the City of Atwater to make an environmental finding that the project is exempt under CEQA; and recommending to the City Council to adopt an Ordinance Amending the Commercial and Industrial Design Guidelines.

VVH Senior Planner Thompson provided background information and PowerPoint maps regarding new design guidelines adopted by the City Council; and staff recommends that the guidelines be amended to include downtown areas, encourage pedestrian traffic and preserve the historical character of Atwater.

Chairperson Nelson opened the Public Hearing.

Two persons spoke in favor of the Resolution and the efforts to preserve historic downtown Atwater.

Interim City Attorney Splendorio stated that existing business properties are not required to meet new changes to the guidelines. New businesses will be subject to the changes.

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 Resolution recommending adoption of the Ordinance is categorically exempt under the California Quality Act ("CEQA") Guideline, 15305 "Minor Alterations in Land Use Limitations". The motion was seconded by Commissioner Mead and the vote was: Ayes: Warchol, Borgwardt, Mead, Daugherty, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: to adopt Resolution No. PC 0112-19 recommending that the Council adopt an Ordinance to Amendment to the Commercial and Industrial Design Guidelines.

Resolution of the Planning Commission recommending that the City Council adopt an Ordinance making an environmental finding that the project is categorically exempt under CEQA; and repeal Chapter 2.20 "Redevelopment Agency and Plan"; Amend title 17 "zoning," to add Chapter 17.43 "Downtown Business District Zone" of the Atwater Municipal Code; and approve Zone Change 19-3.

VVH Senior Planner Thompson provided a brief description of the zone change and the Municipal Code change assuring that both are consistent with each other. He stated that the downtown area was not covered and that created an inconsistency within the Municipal Code.

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 Zone Change is categorically exempt under the California Quality Act (CEQA) Guideline, 15305 "Minor Alterations in Land Use Limitations". 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: Commissioner Borgwardt moved to approve Resolution No. PC 0109-19 recommending that the City Council adopt an Ordinance to repeal Chapter 2.20 "Redevelopment Agency and Plan," Amend title 17 "zoning," to add Chapter 17.43 "Downtown Business district Zone" and approve Zone Change 19-3. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent; None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

General Services Manager/Chief Building Official reported that staff has been working on uniform applications for all Planning projects and environmental requirements. The new checklist will facilitate development projects. All new applications and checklist will appear on the City's website.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke requesting when reconstruction will begin on Fruitland Avenue between Shaffer Road and Winton Way.

General Services Manager/Chief Building Official Pereida advised that Phase I has begun for a total rebuild of Fruitland Avenue starting at Winton Way toward Shaffer Road and road work should begin in the Fall of 2019. Phase II will continue on Fruitland Avenue to Shaffer Road and will begin pending grant funds. He also advised that Broadway Avenue to Juniper Avenue on Winton Way will begin reconstruction in February 2020.

No one else came forward to speak.

COMMISSIONER MATTERS:

Commissioner Borgwardt reminded staff that the Commission is still waiting for a hard copy map of the cannabis businesses in Atwater. He thanked staff for their hard work on all projects.

Commissioner Mead noted that the "No U Turn" sign at Shaffer Road needs replacing. She also expressed that accessing Prime Shine Car Wash causes eastbound drivers to enter a westbound left turn lane and would like it to be

addressed. She also thanked staff for their efforts in providing training to the Planning Commissioners.

Commissioner Warchol commented regarding the approval of parades, processions and other activities citing that affected agencies needs to provide their review and approval by signature on the application. He suggested that future approvals by motion should include the phrase "pending approval by affected agencies".

Vice Chairperson Daugherty expressed his concern for public limiting input regarding parades and processions. He asked that Code Enforcement work to get the outdated banners removed from City fences/parks.

Chairperson Nelson suggested that parades and processions be handled at the administration level, and that he felt it was burdensome for applications to appear before two government bodies sometimes a month apart.

ADJOURNMENT:

The meeting adjourned at 7:48 PM.



MIKE NELSON, Chairperson

By: Lesa Rasmussen
P-M Transcription Services