



PLANNING COMMISSION

ACTION MINUTES

August 19, 2020

CALL TO ORDER:

The Planning Commission of the City 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 Borgwardt.

INVOCATION: *The Invocation was led by Police Chaplain Mead.*

ROLL CALL:

Present: Borgwardt, Mead, Warchol, Daugherty, Chairperson Nelson.
Absent: None
Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Fire Marshall Overbay, Public Works/Community Development Director Thompson, Chief Building/ Fire Code Official Pereida, Planning Commission Secretary Lopez.

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: *Commissioner Mead moved to approve the agenda as posted. 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.*

APPROVAL OF MINUTES:

1. July 23, 2020 – Regular meeting

MOTION: Commissioner Warchol announced a correction on page 5, "Comments from The Public", first paragraph, the name Darren Sanders Jr. should be Theron Sanders. Commissioner Warchol would also like his abbreviated statement on page 5, paragraph 4 to be corrected for the record to state "months ago the homeless encampment off of Atwater Boulevard had accumulated 8 tons of garbage and is now close to 20 and eventually the city will bear the cost of removal. Presently women and children are living in this trash and it looks like a bombed-out city as they cook their food over campfires. I urge the City to press hard with public health and other agencies to address this disaster in the making".

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

PETITIONS AND COMMUNICATIONS:

Request from Octavio Valenzuela, a local farmer/rancher, for assistance with street closures to operate a "Certified Farmers Market" providing the Atwater Community with fresh produce, fruits, nuts, etc.

Public Works/Community Development Director Thompson stated a certified farmers' market is permitted activity in the Downtown Business District. He added a special event permit is a requirement for approval of the market. The City would coordinate with the businesses downtown for the street closure.

Octavio Valenzuela, local farmer/rancher, presented the request and details of the event. He is requesting assistance from the City with street closures on Broadway Avenue.

Adam Reed, spoke in favor of this item, he believes downtown in a great place to have a "Certified Farmers Market". He worries that with the time change coming the hours might leave them with poor lighting. He suggests that using the "City Parking Lot" would be a great idea.

MOTION: Vice Chairperson Daugherty moved to approve the request, contingent upon providing Insurance and CDC guidelines, from Octavio Valenzuela for help with street closures to operate a "Certified Farmers Market" every Thursday for 90 days. It will begin at 4:30 pm and end at 8 pm. Street closures would be on Broadway Avenue, between Third Street and Fourth Street. Vice Chairperson Daugherty moved to approve the request. The motion was seconded by Commissioner Mead and the vote was: Ayes: Warchol, Daugherty, Borgwardt, Mead, Nelson; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

Making the environmental finding that the project is categorically exempt under the California Environment Quality Act (CEQA) and recommending that the City Council adopt an Ordinance approving a Development Agreement by and between the City of Atwater and Pacific Ag. LLC. to operate a cannabis cultivation, distribution and

manufacturing business; located at 1779 and 1883 Sycamore Avenue. (APN's) 001-146-010, 011.

Public Works/Community Development Director Thompson provided an overview of the project, stating this project will provide for much needed updated infrastructure.

Chairperson Nelson opened the public hearing.

Kelly Kerr representing Pacific Ag LLC. stated they are excited to work with the City and they are already cleaning up the area.

No one else came forward to speak. Chairperson Nelson closed the public hearing.

MOTION: Commissioner Borgwardt moved to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" and 15332 "In-Fill Development" exemptions. The motioned was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Borgwardt, Mead, Daugherty, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Vice Chairperson Daugherty moved to adopt Resolution No. PC 0121-19 recommending that the City Council adopt Ordinance No. CS 1034 approving a Development Agreement by and between the City of Atwater and Pacific Ag LLC. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Mead, Warchol, Daugherty, Borgwardt, Nelson; Noes: None; Absent: None. The motion passed.

Making the environmental finding that the project is categorically exempt under the California Environment Quality Act (CEQA) and recommending that the City Council adopt an Ordinance approving a Development Agreement by and between the City of Atwater and Element 7 to operate a cannabis dispensary, distribution and cultivation business; located at 230 Commerce Avenue. (APN) 056-390-006

Public Works/Community Development Director Thompson provided a PowerPoint presentation of the proposed project.

Chairperson Nelson opened the public hearing.

Josh Black representing Element 7 stated they are active in the community and are excited to do business with the City and expand their operations.

Ron Danel owner of the building spoke to how this business is a great fit for this property.

No one else came forward to speak. Chairperson Nelson closed the public hearing.

MOTION: Commissioner Mead moved to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15301 "existing facilities" exemption. The motion was

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

MOTION: *Commissioner Mead moved to adopt Resolution No. PC 0133-20 recommending City Council adopt Ordinance No. CS 1033 approving Development Agreement by and between the City of Atwater and Element 7. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Warchol, Borgwardt, Mead, Daugherty, Nelson; Noes: None; Absent: None. The motion passed.*

Making the environmental finding that the project is categorically exempt under the California Environment Quality Act (CEQA) and adopting a resolution approving a Conditional Use Permit and Site Plan for Global Greenz to operate a retail cannabis business; located at 370 Airpark Road. (APN) 056-400-027

Public Works/Community Development Director Thompson provided a PowerPoint presentation of the proposed project and stated Global Greenz is proposing to open their business in an existing facility.

Chief Salvador stated he has no security concerns at this time.

Albert Norfleet representing Global Greenz thanked the commission for the opportunity.

Chairperson Nelson opened the public hearing no one came forward. Chairperson Nelson closed the public hearing.

MOTION: *Commissioner Warchol moved to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemption. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Daugherty, Mead, Borgwardt, Warchol, Nelson; Noes: None; Absent: None. The motion passed.*

MOTION: *Commissioner Mead moved to adopt Resolution No. PC 0137-20 approving Conditional Use Permit No. 20-14-0100 and Site Plan No. 20-14-0200 to operate a retail cannabis business. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Borgwardt, Warchol, Daugherty, Mead, Nelson; Noes: None, Absent: None. The motion passed.*

Making the environmental finding that the project is exempt under the California Environmental Quality Act (CEQA) and adopting a resolution approving a Conditional Use Permit and Site Plan for Central Cal Brothers Inc. to operate a cannabis dispensary, cultivation, manufacturing and distribution business; located at 664 Railroad Avenue. (APN) 003-170-009

Public Works/Community Development Director Thompson presented the proposed project informing the commission that this project will also require an Architectural Review.

Chief Building/Fire Code Official Pereida presented the applicants proposed architectural design and stated it is consistent with the appearance the City is seeking.

Shan Donelly the applicant stated he is looking forward to working with the City of Atwater.

Santiago Mendoza representing Central Cal Brothers, Inc. thanked the Commissioners for allowing them to give back to the community by considering their project.

Chairperson Nelson opened the public hearing no one came forward. Chairperson Nelson closed the public hearing.

MOTION: Commissioner Mead moved to make the finding that the project is exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15302 "Replacement of Existing Structures" exemption. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Mead, Borgwardt, Daugherty, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

MOTION: Vice Chairperson Daugherty moved to adopt Resolution No. PC 0138-20 approving Conditional Use Permit No. 20-15-0100 and Site Plan No. 20-15-0200 to operate a cannabis dispensary, cultivation, manufacturing and distribution business. The motion was seconded by Commissioner Mead and the vote was: Ayes: Daugherty, Borgwardt, Warchol, Mead, Nelson; Noes: None; Absent: None. The motion passed.

Making an environmental finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) and adopting a resolution approving a Conditional Use Permit for Sunbelt Rentals to operate an equipment rental and retail facility; located at 500 Commerce Avenue. (APN) 056-241-006

Public Works/Community Development Director Thompson provided a PowerPoint presentation on this project.

Rick Russell representing Sunbelt Rentals provided history on the business and thanked staff for all their help.

Chairperson Nelson opened the public hearing no one came forward. Chairperson Nelson closed the public hearing.

MOTION: Commissioner Borgwardt moved to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemption. 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: Commissioner Mead moved to adopt Resolution No. PC 0139-20 approving Conditional Use Permit No. 20-16-0100 to operate an equipment rental and retail facility. The motion was seconded by Commissioner Warchol and the

vote was: Ayes: Borgwardt, Mead, Daugherty, Warchol, Nelson; Noes: None; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

No one came forward to speak.

COMMISSIONER MATTERS:

Vice Chairperson Daugherty commented on the signal lights in Atwater and how they need maintenance, specifically the signal on Buhach and Avenue One. He stated the City needs an experienced Traffic Engineer to repair a lot of minor problems traffic issues. He questioned the City's watering days and suggest the City follow the same protocol that we ask residents to follow.

Commissioner Borgwardt commented on the Juniper Avenue and Buhach Road and Winton Way and Bellevue Road signal lights causing traffic backup and stated they are causing potential hazardous situations.

Commissioner Mead is concerned that down Greensands has become a racetrack for cars causing multiple accidents over the years and proposed installation of speedbumps, round-about or other traffic slowing devices.

Commissioner Warchol stated that synchronization on the traffic light at Shaffer Road and Atwater Boulevard has been an issue for many years.

Chairperson Nelson agrees with all the other Commissioners who are concerned about the traffic issues and suggested the City investigate the annexation of Atwater Boulevard and Shaffer Road to gain better control of that location. He stated that installation of speedbumps, where needed, will slow traffic.

ADJOURNMENT:

The meeting adjourned at 7:34 PM.



MIKE NELSON, Chairperson

By: Jacquy Lopez
Administrative Assistant II
Planning Department