



# PLANNING COMMISSION

## ACTION MINUTES

**March 17, 2021**

CALL TO ORDER:

***The Planning Commission of the City of Atwater met in Regular Session this date at 6:02 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, Sanders, Daugherty, Chairperson Nelson***

***Absent: Mead***

***Staff Present: Fire Marshall Overbay, Public Works/Community Development Director Thompson, Police Chief Salvador, Planning Commission Secretary Lopez, City Manager Waterman.***

SUBSEQUENT NEED ITEMS: ***None.***

APPROVAL OF AGENDA AS POSTED OR AMENDED:

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

PUBLIC HEARINGS:

Recommending that the City Council of the City of Atwater adopt an Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA); and adopt an Ordinance approving a General Plan Amendment, Zone

Change and Site Plan for David Arakelian; located at 1901 Avenue One, Atwater (APN) 005-410-003

***Public Works/Community Development Director Thompson provided an overview of the project, stating the Site Plan incorporates all concerns by the City and includes the level of service improvements as conditions. He also stated by law, the City is allowed four (4) General Plan amendments per year, and this would be our first one this year. Director Thompson provided a PowerPoint presentation regarding this project.***

***Chairperson Nelson opened the public hearing.***

***Bonique Emerson states that she is the Civil engineer representing the project applicant and available to answer any questions.***

***Commissioner Borgwardt commented on the Site Plan, the accessibility to the site and asked how far down would traffic need to go to make a U-turn. Director Thompson answered where the turns could be made to promote walkability. It meets all ADA accessibility requirements.***

***Commissioner Daugherty asked if the Fire Marshall has viewed the plans. His concern is for emergency services accessibility to the site.***

***Chairperson Nelson stated concerns that it is an existing residential area and a gateway into Atwater. He asks how to make sure they are following city code.***

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

***MOTION: Commissioner Borgwardt moved to adopt Resolution No. PC 062-18 recommending the City Council adopt an Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA); and adopt Ordinance No. CS 1037 approving General Plan Amendment 21-5-0100 for property located at 1901 Avenue One, Atwater (APN: 005-410-003); The motioned was seconded by Commissioner Daugherty and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson; Noes: None; Absent: Mead. The motion passed.***

***MOTION: Commissioner Daugherty moved to adopt Resolution No. PC 063-18 recommending the City Council adopt Ordinance No. CS 1037 approving Zone Change No. 21-6-0100 and Site Plan No. 21-6-0200 for property located at 1901 Avenue One, Atwater (APN: 005-410-003). The motion was seconded by Commissioner Sanders and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson; Noes: None; Absent: Mead. 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 Site Plan to construct an Oil Changers, conducting the retail sale of automotive oil and lubricant services on vacant land; located at 901 Commerce Avenue, Atwater (APN) 003-180-023.

***Public Works/ Community Development Director Thompson provided an overview of the project, stating that the site was not previously approved through the master plan of the Applegate Center. The site is a resulting parcel of a lot line adjustment which created a smaller parcel than what was originally perceived. The architecture is consistent with the surrounding buildings, and it would fill out the remaining part of the retail project area. Director Thompson provided a PowerPoint presentation regarding this project.***

***Chairperson Nelson opened the public hearing.***

***The applicant representative, Curtis Seigel, commented that any feedback would be appreciated.***

***Commissioner Daugherty asked how many driveways there were. Also commented that there might need to be accommodations or alterations.***

***Commissioner Borgwardt expressed concerns for the drive-thru car wash and other businesses that might increase the traffic.***

***Commissioner Borgwardt asked if there is any consideration for a stop sign for the intersection.***

***Commissioner Daugherty asked if there was any consideration for reversing the flow of traffic and putting the building at other end of the lot.***

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

***MOTION: Commissioner Daugherty moved to make the finding that the project is categorically exempt under the California Environmental Quality ACT (CEQA) Guideline section 15303(c) "New Construction" exemption. The motion was seconded by Commissioner Sanders and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson Noes: Absent: Mead. The motion passed.***

***MOTION: Commissioner Borgwardt moved to adopt Resolution No. PC 0154-21 approving Site Plan No. 21-8-0100 to construct an Oil Changers, conducting the retail sale of automotive oil and lubricant services on vacant land, located at 901 Commerce Avenue APN 003-180-023. The motion was seconded by Commissioner Daugherty and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson; Noes: none; Absent: Mead. The motion passed.***

Making an environmental finding that the project is categorically exempt under California Environmental Quality Act (CEQA) and approving a Conditional Use Permit and Site Plan for Pacific Agriculture Holdings, LLC. for the operation of a cannabis cultivation, distribution, and manufacturing business; located at 1779 Sycamore Avenue, Atwater (APN) 001-146-010.

***Public Works/ Community Development Director Thompson provided an overview of the project, stating that the Pacific Agriculture Holdings, LLC has previously appeared before commission for recommendation regarding a development agreement. They are now seeking approval for a Conditional Use Permit and Site***

***Plan. The project is important because it is adding infrastructure to an area that lacks water and sewer. The project is not a dispensary; it would be used for cultivation, manufacturing, and distribution. Director Thompson provided a PowerPoint presentation regarding this project.***

***Chairperson Nelson opened the public hearing.***

***Chairperson Nelson asked about fencing. Kelley Kerr, representative of Pacific Agriculture LLC has commented that temporary fencing has already been installed and eliminated foot traffic.***

***Commissioner Borgwardt asked what the site will be used for. Kelly explained they were doing a phased development and phase 1 would be distribution. Nothing would happen outside of the gated facility. Phase 2 would be cultivation. Phase 3 would be manufacturing.***

***Commissioner Borgardt asked if there were any adjourning businesses. Thompson explained the properties are vacant as of now.***

***Commissioner Borgwardt asked what type of mitigation measures were being taken for the odor if other businesses moved in. Thompson explained that these are conditions that must be met as part of the application process.***

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

***MOTION: Commissioner Borgwardt move to make the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) Guideline Section: 15301 "Existing Facilities" exemption. The motion was seconded by Commissioner Daugherty and the vote was: Ayes: Borgwardt, Sanders, Daugherty, Nelson Noes: none Absent: Mead. The motion passed.***

***MOTION: Commissioner Daugherty moved to adopt Resolution No. PC 0155-21 approving Conditional Use Permit No. 21-9-0100 and Site Plan No. 21-9-0200 for Pacific Agriculture Holdings, LLC. for the operation of a cannabis cultivation, distribution, and manufacturing business, located at 1779 Sycamore Avenue (APN) 001-146-010. The motion was seconded by Commissioner Sanders and the vote was: Ayes: Daugherty, Borgwardt, Sanders, Nelson Noes: none Absent: Mead. The motion passed.***

Recommending the City Council of the City of Atwater approve a street name change request, changing Peace Court to Olzack Court; located south of Bell Drive and east of Patriotic Drive, Atwater (APN's) 056-520-006, 005, 004 & 003.

***Public Works/ Community Development Director Thompson provided an overview of the project, stating that the item had previously appeared in front of the Planning commission to seek direction. The applicant requested the name change as a security measure against identify fraud and theft. City Manager Lori also came forward to express the consideration of maintaining with the surrounding street name theme instead of "Olzack." She offered 'victory' or "Progress'.***

***Chairperson Nelson opened the public hearing.***

***Chairperson Nelson asked Barber if it mattered what the name was changed to.***

***Director Thompson stated the final name would be approved by the City Council.***

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

***MOTION: Commissioner Borgwardt moved to adopt Resolution No. PC 0156-21 recommending the City Council of the City of Atwater approve a street name change request, changing Peace Court to Olzack Court, Victory Court, or Progress Court, located south of Bell Drive and east of Patriotic Drive (APN's) 056-520-006, 005, 004 & 003. The motion was seconded by Commissioner Sanders and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson; Noes: None Absent: Mead. The motion passed.***

**COMMENTS FROM THE PUBLIC:**

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

***No Comments.***

**COMMISSIONER MATTERS:**

***Commissioner Daugherty commended the applicant for putting up the temporary fencing and noted it should be used for future developments. He also commented to make time with the traffic engineer to discuss some issues that need to be corrected.***

***Commissioner Borgwardt mentioned the center island on Juniper and said he has not seen any maintenance done on that landscaping or on others.***

***Chairperson Nelson asked for an update on the General Plan. Thompson explained the committee has been created and proposals will soon be presented.***

***Commissioner Daugherty asked about the update on Juniper and Schaffer. Thompson informed that it was on agenda for Monday. Also wanted an update on the concrete for Buhach at the 'AMPM'. He explained his concern about the signal pole. Thompson said he would inquire to the project lead. Thompson explained that the utility pole was removed.***

***Chairperson Nelson asked if the county was contacted about Schaffer and Atwater Blvd at the Circle K and the missing bollards to protect the intersection. Thompson explained the intersection is part of the county and he talked to Dayna at the county about it. The county has not replaced it yet. The commission requested that Thompson reach out to the next level.***

ADJOURNMENT:

***The meeting adjourned at 7:08 PM.***



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MIKE NELSON, Chairperson

By: Christina Dyson  
Administrative Assistant II  
Planning Department