



AGENDA
REGULAR MEETING
CHOWCHILLA PLANNING COMMISSION MEETING

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

June 15, 2016 | 7:00 PM

Agendas for all Planning Commission meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at www.cityofchowchilla.org.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 410 at least 4 days prior to the meeting.

CALL TO ORDER

ROLL CALL

Chairman: Chapman

Vice Chair: Hebert

Commissioners: Barragan, Zarucchi-Mize, Van Dussen, Cargill, Weidert

City staff and contract employees present at the meeting will be noted in the minutes

PLEDGE OF ALLEGIANCE:

CEREMONIAL / PRESENTATIONS – Section 1

NONE

PUBLIC ADDRESS

This time is reserved for members of the audience to address the Planning Commission on items of interest that are not on the Agenda and that are within the subject matter jurisdiction of the Planning Commission.

It is recommended that speakers limit their comments to no more than 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Planning Commission on items on the Agenda should notify the Chairman when that Agenda item is called.

The Planning Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Planning Commission does not respond to public comment at this time.

Speakers are asked to please use the microphone, and provide their name and address for the record. Prior to addressing the Planning Commission, any handouts are to be provided to Planning Secretary who will distribute them to the Planning Commission and the appropriate staff.

STAFF REPORTS – Section 2

2.1 STAFF REPORTS Written/Oral Reports

CONSENT CALENDAR – Section 3

All items listed under Consent Calendar are considered to be routine and will be enacted by one motion. For discussion of any Consent Item, it will be made a part of the Regular Agenda at the request of any member of the Planning Commission or any person in the audience.

3.1 Consideration of approval of Minutes from the January 20, 2016 Meeting (Hicks)

PUBLIC HEARINGS – Section 4

- 4.1 Consideration of Conditional Use Permit/Variance No. 16-0002 to allow a 30-foot tall free-standing sign with an electronic message board component at the Las Palmas Auto Center**
- 4.2 Consideration of Conditional Use Permit No. 16-0010 to allow a caretaker unit in the Light Industrial district**

DEFERRED BUSINESS – Section 5

NONE

NEW BUSINESS – Section 6

NONE

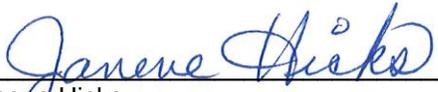
ANNOUNCEMENTS – Section 7

- ❖ Next Planning Commission Meeting is scheduled for July 20, 2016.

ADJOURNMENT

PUBLIC NOTIFICATION

I, Janene Hicks, Planning Secretary for the City of Chowchilla, declare under penalty of perjury that I posted the above Planning Commission Agenda for the meeting of June 15, 2016 at the Chowchilla Civic Center, 130 S Second Street on June 9, 2016 at 10:00 am.



Janene Hicks
Planning Secretary



**January 20, 2016 MINUTES
REGULAR MEETING**

CHOWCHILLA PLANNING COMMISSION MEETING

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

CALL TO ORDER: 7:00PM

ROLL CALL:

Chairman: Chapman

Vice Chair: Vander Dussen

Commissioners: Barragan, Zarucchi-Mize, Cargill, Weidert, Hebert

ABSENT: Vander Dussen

CITY STAFF PRESENT: Senior Planner, Perkins; Planning Secretary, Hicks

PLEDGE OF ALLEGIANCE: led by Chair Chapman

CEREMONIAL / PRESENTATIONS – Section 1

1.1 NONE

PUBLIC ADDRESS

NONE

STAFF REPORTS – Section 2

2.1 **STAFF REPORTS**
Written/Oral Reports - NONE

CONSENT CALENDAR – Section 3

3.1 **Consideration of Planning Commission Minutes from the November 18, 2016
Regular Planning Commission Meeting**

Motion by Commissioner Weidert, second by Commissioner Cargill to approve minutes from the November 18, 2016 Regular Planning Commission Meeting. Motion passed by voice vote, with Commissioner Vander Dussen absent.

PUBLIC HEARINGS – Section 4**4.1 NONE****DEFERRED BUSINESS – Section 5****5.1 NONE****NEW BUSINESS – Section 6****6.1 Nominations for 2016 Planning Chair**

Motion by Commissioner Barragan, second by Commissioner Zarucchi-Mize to nominate Commissioner Chapman for Planning Commission Chair. Motion passed unanimously with Commissioner Vander Dussen absent.

6.2 Nominations for 2016 Planning Vice-Chair

Motion by Commissioner Barragan, second by Commissioner Zarucchi-Mize to nominate Commissioner Hebert for Planning Commission Vice-Chair. Motion passed unanimously with Commissioner Vander Dussen absent.

6.3 Consideration of Conditional Use Permit No. 15-0018 to allow construction of an 18,208 sq. ft. two story addition to the existing Cornerstone Church located at 208 Fig Tree Blvd. for religious instruction classrooms and administrative offices.

Motion by Commissioner Weidert, second by Commissioner Cargill to approve Conditional Use Permit No. 15-0018 by Resolution # 3-15 to allow construction of an 18,208 sq. ft. two story additions to the existing Cornerstone Church located at 208 Fig Tree Blvd. for religious instruction classrooms and administrative offices. Motion passed unanimously with Commissioner Vander Dussen absent.

ANNOUNCEMENTS – Section 7

- ❖ Next Planning Commission Meeting is scheduled for February 17, 2016

ADJOURNMENT

Motion by Commissioner Cargill, second by Chair Chapman to adjourn the January 20, 2016 Planning Commission Meeting. Motion passed unanimously with Commissioner Vander Dussen absent.

ATTEST:

Planning Secretary

Chairman



ITEM #: 4.1

REPORT TO THE PLANNING COMMISSION

Agenda Section:	<u>Public Hearing</u>
Subject:	Condition Use Permit No. 16-0002, Las Palmas Sign Variance 16-0002
Prepared By:	<u>Annalisa Perea, Contract Planner</u>
Applicant:	<u>Las Palmas Auto Center</u>
Property Owner:	<u>Arnold Bojorquez</u>
Location:	<u>321 Prosperity Road</u>
Current Zoning:	<u>C-3, General and Service Commercial</u>

APPLICANT'S REQUEST

Las Palmas Auto Center is seeking approval of Conditional Use Permit No. 16-0002 to allow a 30-foot tall, 84 square foot face area, double-faced, internally illuminated vinyl sign. (In the C-3 district, on premises free-standing signs may exceed 20 feet in height and 60 square feet in face area, subject to first securing a conditional use permit – Chowchilla Municipal Code Section 18.39.150). Also proposed as part of the sign, is a 26 square foot face area, double-sided Electronic Messaging Board (Chowchilla Municipal Code Section 18.66.162).

The Applicant is also seeking approval of Variance 16-0002 to allow for an Electronic Message Board (EMB) as a component of their sign. According to the City's Municipal Code, EMBs shall only be permitted as a monument type sign structure, not to exceed 10-feet. A variance is therefore required in order to secure approvals for allowing the EMB on a free-standing sign structure (Chowchilla Municipal Code Section 18.66.162(B)(7)). The EMB as proposed has a face area of approximately 26 1/4 square feet.

HISTORY / BACKGROUND:

The prior business at this location was the Bob Silva Ford Dealership which was approved in 2005. Bob Silva closed his dealership in September of 2012. The Las Palmas Auto Center started doing business at this location in January of 2014.

Environmental Review Status: The project is categorically exempt under Section 15311(a), of the California Environmental Quality Act (CEQA) Guidelines; On Premise Signs.

Planning Commission Conditional Use Permit Findings

The Planning Commission, before granting a conditional use permit, must make all of the following findings, (CMC 18.81.040):

- A. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust said use with land and uses in the neighborhood.**

The subject parcel is subject to the provisions of the C-3 (General and Service Commercial) Zone District. Surrounding parcels are zoned C-3 and the project site is bordered by SR-99 on one side. The majority of these parcels in the immediate vicinity are currently undeveloped. The proposed sign will utilize an existing pole that is currently on-site that was previously used for signage purposes by a previous business. The proposed sign meets the provisions set forth in the C-3 district.

- B. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

The current adjacent streets are adequate to serve the existing Las Palmas Auto Center business.

- C. The proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property.**

The proposed signage will have no adverse effects upon adjoining or other adjacent properties. The existing free-standing sign pole (previously utilized by Bob Silva Ford Dealership, will be utilized by the proposed Las Palmas sign.

D. That the proposed use is consistent with the objectives and policies of the Chowchilla General Plan.

The subject property is designated Service Commercial Highway in the General Plan. The General Plan designation conforms with the C-3 zoning of the site. Given this, the proposed sign is consistent with the General Plan.

E. That the conditions established by the Commission for the conditional use permit are deemed necessary to protect the public health, safety and general welfare.

If Conditional Use Permit Application No. 16-0002 is approved by the Commission, the conditions of approval will protect the public health, safety and general welfare.

Planning Commission Variance Findings

The Planning Commission, before granting a variance, must make all of the following findings, (CMC 18.81.160):

- A. That because of special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings (but not including monetary hardship), the strict application of the provisions of this title deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning district classification.**

Section 18.66.162(b)(7) of the City's Municipal Code states that Electronic Message Boards (EMB) shall only be permitted as a monument type sign structure with a height not to exceed 10-feet. The location and setback of the property would render the sign ineffective and make this provision problematic to adhere to, given the fact that the sign location would be set back from Freeway 99 by approximately 60 feet. In addition, the site sits at a lower elevation than the freeway. Given these circumstances, the maximum allowance of a 10-foot tall EMB monument sign would deprive the subject property of privileges enjoyed by other properties, as this sign would not be visible by passing vehicles on the freeway. The variance would grant the subject property the right to allow for the EMB to be a part of the proposed 30-foot tall free-standing sign.

- B. That the granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity or district in which the property is located.**

The granting of this variance will not be materially detrimental to the public welfare or injurious to properties in the vicinity. No environmental impacts are associated with the proposed sign. Additionally, the Federal Aviation Administration was consulted regarding the height and the illuminated EMB portion of the sign. They concluded that this sign would not interfere with the Chowchilla Municipal Airport in any way. In addition, Caltrans was consulted and they concluded that this sign would have no effect to traffic along Highway 99. A representative from Caltrans stated that signs visible from freeways are not required to obtain additional permits from Caltrans unless the sign is advertising something other than their own business.

- C. The granting of the variance will not adversely affect the Chowchilla general plan, any adopted specific plan, or the purposes of this Title. (the Zoning Ordinance)**

As noted above, the variance would allow an electronic message board to be a part of a free-standing sign. General Plan policies do not address electronic message boards. If approved, the Commission would find that the variance will not adversely affect the purposes of the Zoning Ordinance.

D. That any conditions established by the commission for the variance are deemed necessary to protect the public health, safety and general welfare.

If Variance No. 16-0010 is approved by the Commission, any and all conditions established by the commission will protect the public health, safety and general welfare.

STAFF RECOMMENDATION:

Staff believes the required findings can be made and recommends approval of Conditional Use Permit and Variance No. 16-0002.

PLANNING COMMISSION ACTION

The Commission's action on CUP No. 16-0002 for the Las Palmas Auto Center proposed free-standing sign will be through the adoption of a resolution.

And

The Commission's action on Variance No. 16-0002 for the Las Palmas Auto Center proposed free-standing sign will be through the adoption of a resolution.

MOVE TO ADOPT RESOLUTION NO. 16-01, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING CONDITIONAL USE PERMIT NO. 16-0002 TO ALLOW FOR A 30-FOOT FREE-STANDING SIGN (84 SQUARE FOOT FACE AREA) WITH THE FINDINGS AND CONDITIONS AS SET OUT IN THE RESOLUTION.

or

MOVE TO DENY RESOLUTION NO. 16-01, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING CONDITIONAL USE PERMIT NO. 16-0002 FOR A 30-FOOT FREE-STANDING SIGN (84 SQUARE FOOT FACE AREA) WITH THE FOLLOWING FINDING(S): (specify)

Additionally,

MOVE TO ADOPT RESOLUTION NO. 16-02, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING VARIANCE NO. 16-0002 FOR AN ELECTRONIC MESSAGE BOARD AS A COMPONENT OF THE FREE-STANDING SIGN WITH THE FINDINGS AND CONDITIONS AS SET OUT IN THE RESOLUTION.

or

MOVE TO DENY RESOLUTION NO. 16-02, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING VARIANCE NO. 16-0002 FOR AN ELECTRONIC MESSAGE BOARD AS A COMPONENT OF THE FREE-STANDING SIGN WITH THE FINDINGS AND CONDITIONS AS SET OUT IN THE RESOLUTION WITH THE FOLLOWING FINDING(S): (specify)

PLANNING COMMISSION RESOLUTION NO. 16-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA CALIFORNIA, GRANTING CONDITIONAL USE PERMIT NO. 16-0002 FOR LAS PALMAS AUTO CENTER GRANTING CONDITIONAL USE PERMIT NO. 16-0002 TO ALLOW FOR A 30-FOOT FREE-STANDING SIGN (84 SQUARE FOOT FACE AREA) IN THE C-3 ZONE DISTRICT WITH THE FINDINGS AND CONDITIONS AS SET FORTH IN THIS RESOLUTION.

WHEREAS, a conditional use permit on application has been submitted by Las Palmas Auto Center to allow for a 30-foot tall free-standing sign (84 square feet of face area); and

WHEREAS, a Public Hearing was duly noticed for the June 15, 2016 Planning Commission meeting; and,

WHEREAS, a Conditional Use Permit is required for free-standing signs exceed 20-feet in height and 60 square feet in face area and,

WHEREAS, the proposed sign design was forwarded to the Federal Aviation Administration for their review, and they determined the sign would have no impact to the Chowchilla Municipal Airport. Additionally, Caltrans had no issue with the sign as well; and,

WHEREAS, the Planning Commission has carefully considered the staff report, recommendations and all oral and written evidence presented during the public hearing; and

WHEREAS, the site is of adequate size and shape to accommodate the sign; and

WHEREAS, the adjacent streets, and the on- and off-site improvements are adequate to serve the traffic of the proposed use; and

WHEREAS, after due consideration the Commission finds that the use will be compatible in the subject location; and

WHEREAS, the use can be found to be consistent with the General Plan and its policies and objectives; and

WHEREAS, adherence to the proposed conditions would eliminate any potential for unintended negative impacts;

NOW, THEREFORE, the Planning Commission of the City of Chowchilla does hereby resolve to grant Conditional Use Permit No. 16-0002 for Las Palmas Auto Center to allow for a 30-foot tall free-standing sign (84 square feet of face area) on their property located at 321 Prosperity Road in the C-3 General and Service Commercial with the conditions of approval as set forth in Attachment 1.

APPROVED, PASSED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA THIS THIS 15th DAY OF JUNE, 2016 BY THE FOLLOWING ROLL CALL VOTE:, BY THE FOLLOWING VOTE:

Ayes:
Noes:
Absent:

Chairman Chapman

Attest: _____

PLANNING COMMISSION RESOLUTION NO. 16-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA GRANTING VARIANCE NO. 16-0002 FOR AN ELECTRONIC MESSAGE BOARD TO BE INCLUDED AS A COMPONENT OF THE PROPOSED 30-FOOT TALL FREE-STANDING SIGN WITH THE FINDINGS LISTED IN THE RESOLUTION.

WHEREAS, an application has been submitted and processed for a variance to allow a 26 square foot Electronic Message Board (EMB) as part of the overall proposed sign to be located at the Las Palmas Auto Center in the C-3 district; and

WHEREAS, a Public Hearing was duly noticed for the June 15, 2016 Commission meeting; and,

WHEREAS, EMBs shall only be permitted as a monument type sign structure and shall not exceed ten feet in height; and

WHEREAS, as special circumstances are applicable to the subject property due to its proximity to the Highway 99 freeway and lower elevation; and

WHEREAS, the Planning Commission has carefully considered the staff report, recommendations and all oral and written evidence presented during the public hearing; and

WHEREAS, the granting of the variance will not be detrimental to the public welfare or injurious to the property and improvements; and

WHEREAS, the use will be consist with the General Plan and its policies and objectives; and

NOW, THEREFORE, the Planning Commission of the City of Chowchilla does hereby resolve to grant Variance No. 16-0002 for a 26 square foot face area EMB to be included as part of the overall proposed 30-foot tall sign:

APPROVED, PASSED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA THIS 15th DAY OF JUNE, 2016 BY THE FOLLOWING ROLL CALL VOTE:

Ayes:
Noes:
Absent:

Chairman Chapman

Attest:_____

ATTACHMENTS:

- 1 Conditions of Approval
- 2 Operational Statement
- 3 Vicinity Map
- 4 Approved sign plan

ATTACHMENT 1 - CONDITIONS OF APPROVAL:

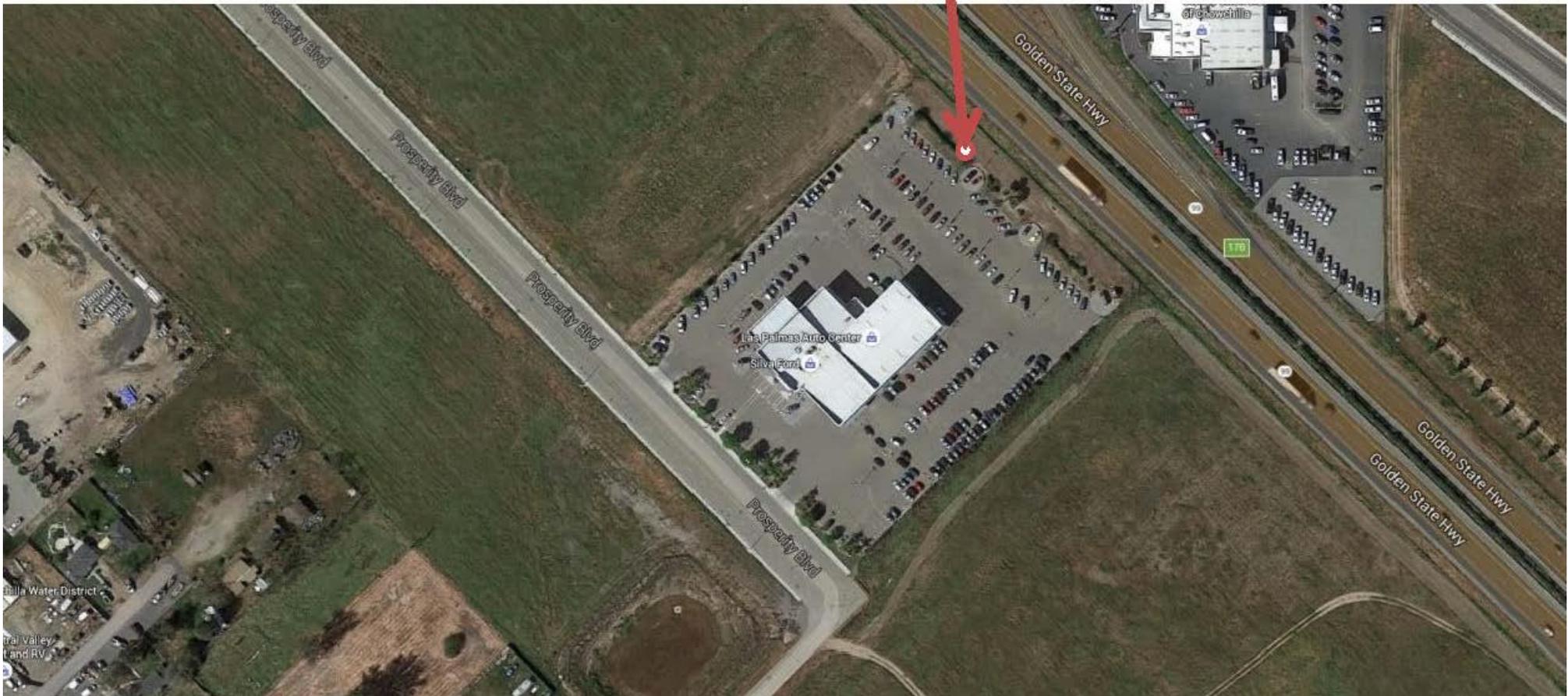
1. The Applicant will be required to obtain all necessary building permits for the sign. Please contact the building department at (559) 665-8615 ext. 410 for more information and to receive the application.
2. The EMB shall be fitted with a photocell dimmer and shall automatically adjust the brightness of the message based on the time of day. The light from an EMB shall not be of an intensity or brightness that will create glare or other negative impact on properties in direct line of sight to the sign.
3. The EMB shall not be operated between the hours of midnight and 6:00 a.m.
4. The EMB shall be turned off in the event of malfunction or damage.
5. The EMB display shall not contain blinking, flashing or animation. A message and its background shall remain fixed for a minimum of six seconds. During the six second period sign illumination shall be maintained in intensity, color and pattern.
6. Text shall be changed only through the use of subtle transitions, as determined acceptable by the planning division designee.
7. The EMB display shall not be used in a manner so as to be confused with traffic control devices.
8. Video signs are prohibited. Video means a sign that displays, emits, or projects a visual representation or image; an animated video; or other video image of any kind.
9. There shall be a continuously maintained landscaped area surrounding the base of the monument sign.
10. The electronic message board shall be maintained in good operating condition and external appearance at all times.
11. A public health and safety emergency message is required to be displayed when requested by the City of Chowchilla.
12. The planning commission may impose modified, additional, or more restrictive, requirements as deemed necessary to effectively implement the intent of section 18.66.162 of the City's Municipal Code.

ATTACHMENT 2 - Operational Statement

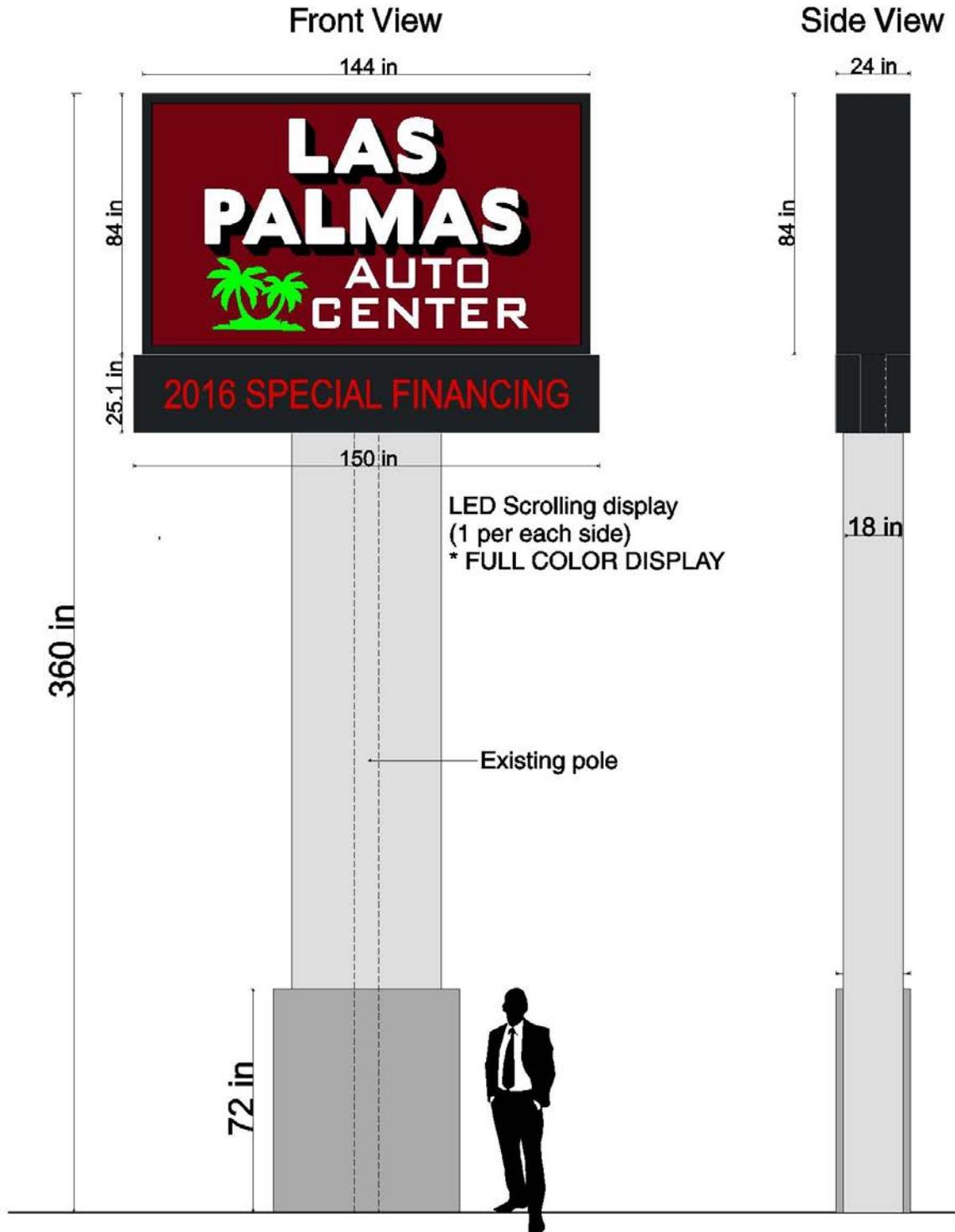
The applicant proposes a 30-foot tall, 84 square foot face area, double-faced, internally illuminated vinyl sign. (In the C-3 district, on premises free-standing signs may exceed 20 feet in height and sixty square feet in face area, subject to first securing a conditional use permit). Also proposed as part of the sign, is a 26 square foot face area, double-sided Electronic Messaging Board (EMB). The EMB portion will only contain scrolling text. The proposed sign will utilize the existing free-standing sign pole, which exists from a previous business. This pole location is setback approximately 60 feet away from the property line. No associated environmental impacts will be created by the proposed signage.

ATTACHMENT 3 - Vicinity Map

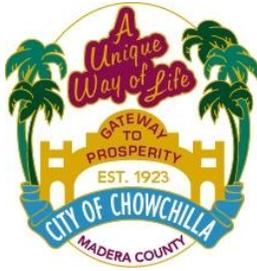
Proposed Sign Location



ATTACHMENT 4 - Approved Sign Plan



- Double Sided Versa-Tile LED display
- * Manufacture new cabinet and pole cover
- * Existing pole / footing



STAFF REPORT TO THE PLANNING COMMISSION

Commission Meeting of June 15, 2016

Agenda Section:	Public Hearing
Subject:	Conditional Use Permit Application No. 16-0010, Caretaker Residence for 24-Hour Site Security
Applicant:	Jay Mahil, Creekside Farming
Location:	24147 Road 16, Chowchilla, CA, 93610
Prepared By:	Annalisa Perea, Contract City Planner
Reviewed By:	Desmond Johnston, AICP, Planning Manager

APPLICANT'S REQUEST:

Creekside Farming is seeking approval of Conditional Use Permit No. 16-0010 to allow a modular caretaker residential unit for 24-hour security at 24147 Road 16, Chowchilla, CA, 93610. Existing domestic well and septic units on-site will serve the caretaker unit.

Creekside Farming is currently growing almonds on the approximate 38.15-acre site. As part of safety precautions, they are proposing a permanent 1,296 square foot modular residential unit. The applicant will install the modular unit on a "tie-down" foundation and have a caretaker individual on site 24-hours to watch over their agricultural production.

As part of the application process, development review staff (Fire Chief, Police Chief, Public Works Director/City Engineer, Contract Planner, Building Inspector, and City Administrator) reviewed the applicant's proposal for the caretaker use. Based on the information contained in this report, the applicant's site plan and the conditions of approval provided herein, granting of the use permit would be beneficial in providing improved security to their facility and to the immediate vicinity.

HISTORY / BACKGROUND:

The subject parcel was included in part of the 2012 southside annexation into the City limits of Chowchilla. Prior to that, the land was under the jurisdiction of the County of Madera. A well and septic system presently onsite was used for an existing office building onsite.

GENERAL PLAN / ZONING:

The subject site's zoning of Light Industrial conforms with the General Plan designation of Light Industrial. This General Plan designation allows for industrial parks,

manufacturing, truck terminals, public or quasi-public facilities and structures, including utility operations, fabrication, processing, assembling, warehousing, wholesale sales, research and development activities, including the outside processing and storage of materials.

According to the zoning ordinance, the maximum allowance for a caretaker unit is 1,200 square feet. The applicant has acquired and placed on-site components of a 1,296 s.f. factory-built modular home (photos attached). The unit is presently unfinished. Unfortunately, the materials have been placed onsite without the necessary city approvals (conditional use permit, building permit, etc.), and will need to be removed if a conditional use permit is not approved. Additionally, the components comprise a building size that exceed the maximum area for a caretaker unit. To potentially permit an oversized unit, the applicant will need to request a Minor Deviation from the Site Plan Review Committee at the time of Building Permit application under the provisions of the Chowchilla zoning ordinance. It will be the discretion of the Site Plan Review Committee as to whether the required findings for a Minor Deviation can be made to allow the larger square footage. Therefore, the proposal presently before the Planning Commission is whether to permit a caretaker unit, and not whether it may be an oversized unit. The requirement to apply for a Minor Deviation, should the applicant wish to proceed with approvals for an oversized unit, is set forth herein as a condition of approval and will be completed during the site plan review stage. If the request for a CUP is denied, the applicant will be required to remove the building components. Likewise, if the CUP is approved but the Minor Deviation is later denied by the Site Plan Review Committee, the applicant will need to find a way to reduce the size of the unit or acquire a smaller one.

CEQA DETERMINATION:

The proposed use is considered Categorical Exempt per the California Environmental Quality Act (CEQA) Guidelines under Section 15311, Accessory Structures - Class 11.

PLANNING COMMISSION CONDITIONAL USE PERMIT FINDINGS

The Planning Commission, before granting a conditional use permit, must make all of the following findings, (CMC 18.81.040):

- A. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust said use with land and uses in the neighborhood.**

The subject parcel is zoned Light Industrial. This zoning designation does not have any lot dimension requirements, lot area requirements, or setback requirements. The site is immediately south of Berenda slough. The proposed caretaker unit meets the provisions set forth in the Light Industrial zoning district.

B. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

The current adjacent streets are adequate to serve the existing agricultural use. The caretaker unit will not result in substantial vehicle traffic that would impact these streets.

C. The proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property.

The caretaker unit will allow for extra “eyes on the road” to better serve the vicinity from a safety standpoint. The proposed caretaker unit consists of earth tone colors to blend in with the existing setting. Additionally, very little additional traffic will be generated by the unit. The caretaker unit will have no adverse effects upon adjoining or other adjacent properties.

D. That the proposed use is consistent with the objectives and policies of the Chowchilla General Plan.

The subject property is designated Light Industrial in the General Plan. The General Plan designation conforms with the I-1 zoning of the site. Given this, the proposed caretaker unit is consistent with the General Plan.

E. That the conditions established by the Commission for the conditional use permit are deemed necessary to protect the public health, safety and general welfare.

If Conditional Use Permit Application No. 16-0010 is approved by the Commission, the conditions of approval will enhance protection of the public health, safety and general welfare.

STAFF RECOMMENDATION:

That the Planning Commission make the necessary Findings in granting Conditional Use Permit No. 16-0010 with specific conditions of approval by adopting Resolution No. 16-03.

PLANNING COMMISSION ACTION

The Commission’s action on CUP No. 16-0010 for the residential caretaker unit will be through the adoption of a resolution.

MOVE TO ADOPT RESOLUTION NO. 16-03, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING CONDITIONAL USE PERMIT NO. 16-0010 TO ALLOW FOR A CARETAKER UNIT WITH THE FINDINGS AND CONDITIONS AS SET OUT IN THE RESOLUTION.

Or

MOVE TO DENY RESOLUTION NO. 16-03, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING CONDITIONAL USE PERMIT NO. 16-0010 FOR A CARETAKER UNIT WITH THE FOLLOWING FINDING(S): (specify)

RESOLUTION # 16-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA APPROVING CONDITIONAL USE PERMIT APPLICATION NO. 16-0010, CARETAKER RESIDENCE FOR CREEKSIDE FARMING

WHEREAS, a Conditional Use Permit application was submitted to the City of Chowchilla by Creekside Farming requesting authorization to install an on-site manufactured home for use of a caretaker residence as a 24-hour security facility.

WHEREAS, the subject property is an existing, developed 38.15-acre parcel in the City's Light Industrial Zoning District located at 24147 Road 16, Chowchilla, CA 93610 identified by Assessor Parcel Number 002-270-005.

WHEREAS, the proposed use, as conditioned, is consistent with the I-1, Light Industrial zone district classification which specifies that caretaker units within this zone are subject to a Conditional Use Permit in accordance with Chowchilla Municipal Code Section 18.41.030; and

WHEREAS, the proposed use to be established in the I-1 zone is also consistent with the 2040 General Plan Land Use Designation of Light Industrial (LI); and

WHEREAS, the proposed use is considered Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines under Sections 15301, Class 11 (Accessory Structures); and

WHEREAS, all of the findings pursuant to Section 18.81.040 of the Zoning Ordinance can be made; and

WHEREAS, the Conditional Use Permit application was evaluated by representatives from various City Departments (Administration, Police, Fire, Public Works, Planning to formulate a set of Conditions of Approval; and

WHEREAS, the Public Hearing Notice for the proposed project to consider Conditional Use Permit Application No. 16-0010, was duly published in the local newspaper and mailed to surrounding property owners within 300-feet pursuant to the requirements of Section 18.84 of the Chowchilla Municipal Code.

NOW, THEREFORE, the Planning Commission of the City of Chowchilla does hereby resolve to grant Conditional Use Permit No. 16-0010 for a caretaker unit located at for 24-hour security at 24147 Road 16, Chowchilla, CA, 93610 in the Light Industrial zone with the conditions of approval as set forth in Attachment 1.

APPROVED, PASSED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA THIS 15th DAY OF JUNE, 2016 BY THE FOLLOWING ROLL CALL VOTE:, BY THE FOLLOWING VOTE:

Ayes:
Noes:
Absent:

Chairman Chapman

Attest:_____

ATTACHMENTS:

- 1 Conditions of Approval
- 2 Operational Statement
- 3 Vicinity Map
- 4 Site Plan
- 5 Pictures

ATTACHMENT 1 - CONDITIONS OF APPROVAL:**GENERAL CONDITIONS AND REQUIREMENTS**

1. This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through the application review process and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development of the project that are essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.
2. In consideration of the approval of said project under this conditional use permit, the applicant agrees to hold harmless the City of Chowchilla and all of its departments, officers, agents, or employees free and harmless of, and from any claims or any kind of nature arising out of or by reason of said use permit, and the development of said project under this conditional use permit by any person, firm or corporation, public or private, and from the cost and expense of defending the same including attorney's fees.
3. All discretionary conditions of approval are deemed mandatory unless appealed verbally or in writing to the Chowchilla Planning Commission at the scheduled public hearing regarding Conditional Use Permit Application No. 16-0010.
4. Approval of this Conditional Use Permit shall be considered null and void in the event of failure by the applicant and/or their authorized representative to disclose and delineate all facts and information relating to the subject property and the proposed project.
5. Approval of this Conditional Use Permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed by this use permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Community and Economic Development Department shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions.
6. No uses of land, buildings, or structures shall be permitted other than those specifically approved pursuant to this Conditional Use Permit application.
7. The exercise of rights granted by this Conditional Use Permit shall commence on June 25, 2016, ten days following adoption of Planning Commission Resolution No. 16-03 to allow for potential appeal to the City Council, per the zoning ordinance.
8. The conditional use permit shall lapse and become void one year following the date on which the conditional use permit became effective (6/15/17) unless by conditions of the conditional use permit a lesser or greater time is prescribed, or unless, prior to the expiration, either the use is being diligently pursued in accordance with the conditional use permit, or a building permit is issued by the building official and construction is commenced and is being diligently pursued in accordance with the Conditional Use Permit, pursuant to Chowchilla Municipal Code Section 18.81.070.
9. The applicant may appeal the decision of the Planning Commission to the City Council pursuant to Chowchilla Municipal Code Chapter 18.81.060.

10. This Conditional Use Permit approval may be subject to revocation or modification by the Planning Commission in accordance with Article 3, Chapter 18.81 of the Chowchilla Municipal Code.

SPECIFIC CONDITIONS AND REQUIREMENTS

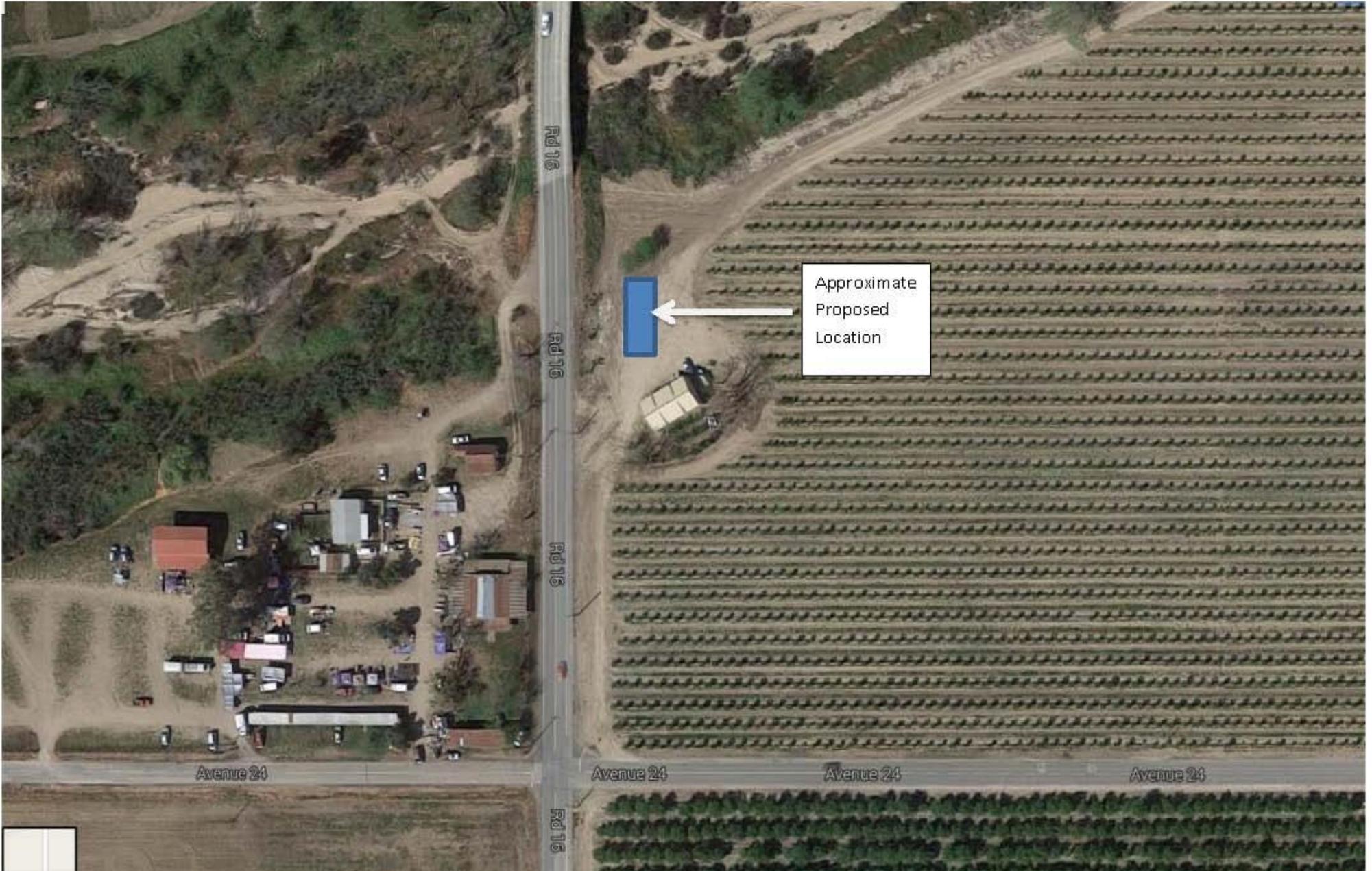
11. Approval of Caretaker Residence shall be as shown in Attachment 4 – site plan.
12. If the applicant desires to proceed with installation of a caretaker unit that exceeds 1,200 square feet, he will need to apply to the Site Plan Review Committee for a Minor Deviation. It is unknown at this time whether the findings can be made for approval of a Minor Deviation, and there is nothing in this Conditional Use Permit that compels the Site Plan Review Committee to make the necessary findings for approval of a Minor Deviation.
13. Applicant shall obtain all of the necessary building permits required for the modular caretaker residence from the City Building Department and the County Environmental Health Department. This may include, but not be limited to: sewer, water, electrical connections, and flood elevation certification. Contact the Building Department at 559-665-8615 x 410 for more information.
14. Any modifications, relocation or changes to the caretaker residence will be subject to review and approval by the Planning Department.
15. Any proposed structure additions to the caretaker residence such as a carport and/or accessory building, will be subject to the issuance of building permits. Contact the Building Department at 559-665-8615 x 410 for more information.
16. The caretaker residence shall not be available for rental by anyone other than designated employees of Creekside Farming, specifically hired for the purpose of on-site 24-hour facility security.
17. Creekside Farming shall provide the City with an emergency contact information for the caretaker and to keep it updated in case of turnover at that position.
18. In accordance with the request of the Fire Chief, the applicant shall supply an onsite water storage tank to Fire Department specifications for fire suppression purposes.

ATTACHMENT 2 – OPERATIONAL STATEMENT:

The applicant proposes a 1,296 square foot, approximate 12-foot tall caretaker unit to be located on his property. The total site is 38.15 acres in size and is zoned light industrial. The site is currently in almond production. The proposed caretaker unit (as shown on the site plan), will be located on-site for security purposes to better care for the site and its associated uses. Existing domestic well and septic units on-site will serve the caretaker unit. Also on-site is an existing shop. The proposed caretaker unit consists of earth-tone colors which will assist with blending in with the existing on-site shop and the surrounding setting (see pictures). Although there are no setback requirements of the light industrial district, the caretaker unit will be properly set back from the adjacent road and creek (see site plan).

No additional exterior lighting is proposed at this time, however any future exterior lighting will be downward faced and properly shielded as to not create any light spillover onto adjacent properties. There are no significant environmental impacts associated with the proposed caretaker unit.

ATTACHMENT 3 – VICINITY MAP:



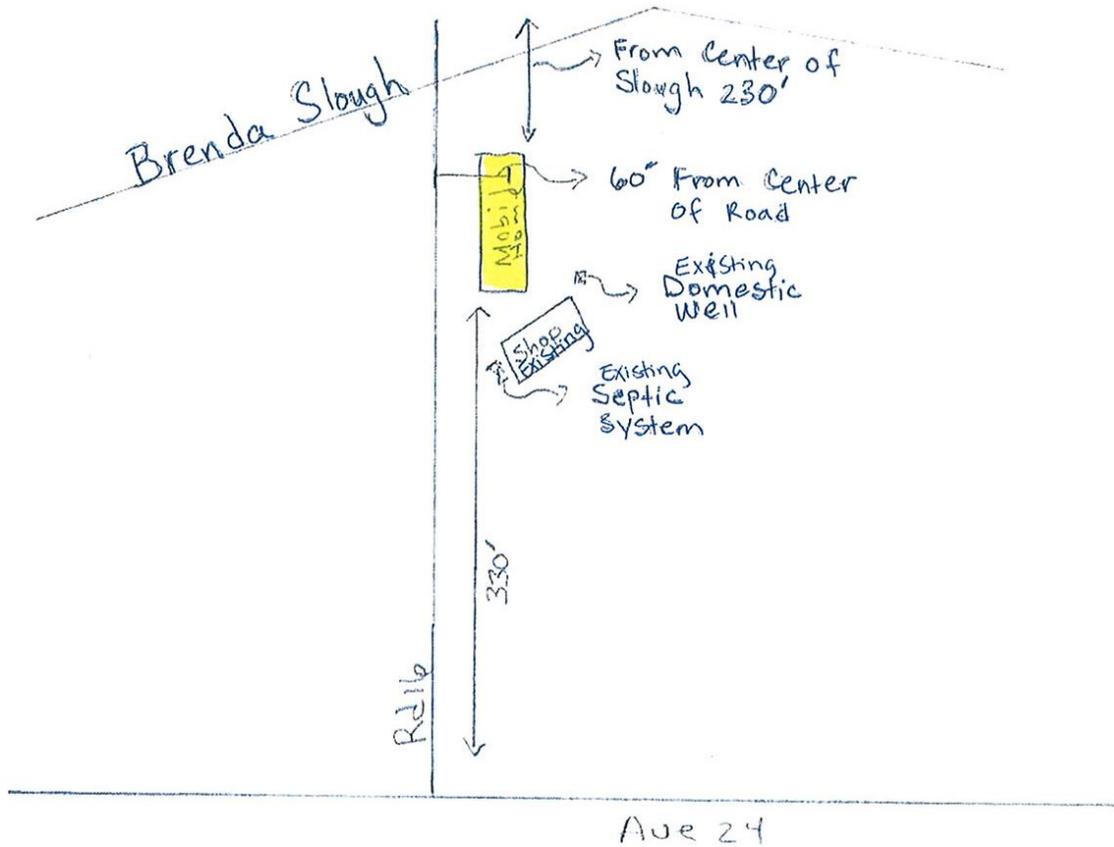
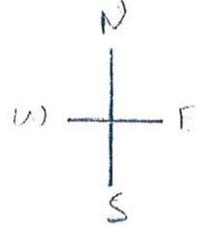
ATTACHMENT 4 –SITE PLAN:

Creekside Land Co, LLC
30814 Ave 9
Madera, CA. 93637

Jay Mahil 559-307-9720

Project 24147 Rd 16
Chowchilla CA 93610
APN # 002-270-005

5/16/16



Mobile Home Specs
1,290 SF caretaker unit

ATTACHMENT 5 – PICTURES:

Pictures provided by applicant

