

MINUTES

CITY OF DELANO PLANNING COMMISSION – REGULAR MEETING November 14, 2012

CALL TO ORDER

Chairman Barba called the meeting to order at 6:06 p.m. in the City Hall Council Chambers, 1015 – Avenue.

FLAG SALUTE

Commissioner Langston led the flag salute.

ROLL CALL

Commissioners present: Irma Barba, Anthony Gonzales, Diana Headrick, Gary Langston, Terrence Monrian

Commissioners absent: Sandeep Grewal, Dwight Todd (due to illness)

OFFICIALS PRESENT

Community Development Director Cariño, City Attorney Peake, City Clerk Kraft, Senior Planner McCabe, Associate Planner Tendai Mtunga

ITEMS FROM THE PUBLIC

No items

CONSENT AGENDA

- 1) Authorization to waive the reading of any ordinance or resolution in its entirety and consenting to the reading of such ordinances or resolutions by title only
- 2) Minutes of regular Planning Commission meeting of October 10, 2012

Moved by Commissioner Gonzales, seconded by Commissioner Headrick, and carried by the following vote to approve the Consent Agenda. AYES: Barba, Gonzales, Headrick, Langston, Monrian NOES: none ABSENT: Grewal, Todd

PUBLIC HEARINGS

- 3) Public Hearing #2012-12:
 - a) Recommendation to City Council regarding adoption of a Mitigated Negative Declaration (E-12-01) pursuant to the California Environmental Quality Act pertaining to City of Delano Annexation No. 54, a proposal for annexation of 36.8 acres into the City of Delano and Rezoning Amendment No. 2012-03.
 - b) Recommendation to City Council regarding Annexation No. 54, a proposal to annex 36.8 acres into the City of Delano, located south of Pond Road, east of Garzoli

Avenue, west of the State Route 99 Freeway, and extending approximately one quarter mile to the south of Pond Road.

- c) Recommendation to City Council regarding Rezoning Amendment No. 2012-03 changing the zoning of the same 36.8 acre annexation site from County of Kern “A” (Exclusive Agriculture) to City of Delano “CRC” (Community Retail Commercial).

Mr. McCabe presented the staff report.

Chairman Barba asked for public comments.

Bill Hylton, 1515 – Avenue, asked how many acres are included, if the City of McFarland has submitted any response, and if this annexation includes the land on which the chemical plant is located at Schuster and Garzoli. He was informed the annexation covers 36.8 acres, the City has received no response from the City of McFarland, and the chemical plant is not in the proposed annexation area.

Chairman Barba closed the public hearing.

Moved by Commissioner Headrick, seconded by Commissioner Gonzales and carried by the following vote to adopt Resolution No. 2012-18 recommending to city council adoption of a Mitigated Negative Declaration (E-12-01) for City of Delano Annexation No. 54 and rezoning amendment No. 2012-03, generally located south of Pond Road, east of Garzoli Avenue, west of the State Route 99 Freeway, and extending approximately one quarter mile to the south of Pond Road. AYES: Barba, Gonzales, Headrick, Langston, Monrian NOES: none ABSENT: Grewal, Todd

Moved by Commissioner Headrick, seconded by Commissioner Monrian and carried by the following vote to adopt Resolution No. 2012-19 recommending to City Council approval of City of Delano Annexation No. 54 generally located south of Pond Road, east of Garzoli Avenue, west of the State Route 99 Freeway, and extending approximately one quarter mile to the south of Pond Road. AYES: Barba, Gonzales, Headrick, Langston, Monrian NOES: none ABSENT: Grewal, Todd

Moved by Commissioner Headrick, seconded by Commissioner Langston and carried by the following vote to adopt Resolution No. 2012-20 recommending to City Council approval of Rezoning Amendment No. 2012-03 by adopting an ordinance to amend the official zoning map of the City of Delano by changing the existing zone district from County of Kern “A” (exclusive agriculture) to City of Delano “CRC” (community retail commercial) on a 36.8 acre site generally located south of Pond Road, east of Garzoli Avenue, west of the State Route 99 Freeway, and extending approximately one quarter mile to the south of Pond Road. AYES: Barba, Gonzales, Headrick, Langston, Monrian NOES: none ABSENT: Grewal, Todd

- 4) Public Hearing #2012-13: Conditional Use Permit No. 2012-06, a request to change an existing Type 48 on-premises alcohol sales license to a Type 47 On-Sale General Eating license allowing the on-premises consumption of beer, wine and distilled spirits in an existing restaurant with card room, recorded music and telecast sporting events, located in the “AP” Airport zone district, at 1225 Airport Drive. (Exempt from CEQA)

Commissioner Langston announced that he has a lease at the airport and asked if that would create a conflict of interest. Mr. Peake advised that it would. Commissioner Langston left the room and did not participate in the discussion nor vote regarding this item.

Mr. Mtunga presented the staff report. He stated staff is proposing a change to condition #17 as noted in the memorandum distributed to the Commissioners.

Chairman Barba asked for public comments.

Linda Hylton, 1515 – Avenue, stated she is glad to see this proposed change and hopes it will pass so that families will be able to take their children there to eat.

Matthew Brady, 7612 Meany Avenue, Bakersfield, spoke on behalf of the applicant. He stated that with the changes to condition #17, they are in agreement with the proposal. He noted that they have had requests since opening for children to be allowed to eat there.

Chairman Barba closed the public hearing.

There was brief discussion regarding control of access to the restricted areas. Mr. Brady explained they will have signage and ropes to separate the areas. The plans are subject to Chief of Police approval.

Moved by Commissioner Gonzales, seconded by Commissioner Monrian and carried by the following vote to adopt Resolution No. 2012-21 approving Conditional Use Permit No. 2012-06 to change an ABC License from Type 48 to Type 47 to allow sales of alcohol for on-premises consumption at the existing Aviator Casino in the “AI” (airport) zone district at 1225 Airport Drive with the change to Condition No. 17. AYES: Barba, Gonzales, Headrick, Monrian NOES: none ABSENT: Grewal, Langston, Todd

Commissioner Langston returned to the meeting.

- 5) Public Hearing #2012-14: Conditional Use Permit No. 2012-07, a request for approval of the relocation of a television transmitter-relay antenna as part of the renovation of a church hall building located at 1015 Clinton Street at the northwest corner of Avenue and Clinton Street. (Exempt from CEQA)

Ms. Carino presented the staff report.

Chairman Barba asked for public comments.

Juliano DeChico, Fresno, addressed the Commission on behalf of the applicant. He explained that the plans had changed since they were first submitted in 2009, and as a result, the request for a conditional use permit was overlooked. He requested that conditions 9 and 10 be amended to allow more time for the church to develop a landscape plan and complete the work. He asked for six months to submit the plans and two years to complete the work.

Chairman Barba closed the public hearing.

There was discussion regarding the requested time extension. Mr. Peake suggested the motion to approve the CUP also include amendments to conditions 5, 9, and 10 to extend the time to two years and that landscape plans be submitted in six months.

Moved by Commissioner Monrian, seconded by Commissioner Headrick and carried by the following vote to adopt Resolution No. 2012-22 approving Conditional Use Permit No. 2012-07 requesting approval for a relocation of a television transmitter-relay antenna as a part of the renovation of a church hall building at the northwest corner of Avenue and Clinton Street in the “R-1” zone district with amendments to conditions 5, 9, and 10 to extend the time to two years and that landscape plans be

submitted in six months. AYES: Barba, Gonzales, Headrick, Langston, Monrian NOES: none
ABSENT: Grewal, Todd

- 6) Public Hearing #2012-15: Conditional Use Permit No. 2012-08, a request for approval of a temporary materials storage yard and parking lot on an 8 acre portion of a 45 acre parcel within the Delano Municipal Airport for use in association with the under construction Paramount Citrus packing facility on the east side of South Lexington Street, within the "AP" (Airport) zone district (Exempt from CEQA)

Commissioner Langston announced that he has a lease at the airport and there is a conflict of interest. Commissioner Langston left the room and did not participate in the discussion nor vote regarding this item.

Ms. Cariño presented the staff report. Mr. Peake noted that three additional conditions have been added and they are listed in the memorandum distributed to the Commissioners.

Chairman Barba asked for public comments.

Bob Swanson, Swanson Engineering, Inc. addressed the Commissioners on behalf of Paramount Citrus. He noted the plant will have its grand opening on November 16.

Chairman Barba closed the public hearing.

Moved by Commissioner Monrian, seconded by Commissioner Gonzales and carried by the following vote to adopt Resolution No. 2012-23 approving Conditional Use Permit No. 2012-08 requesting approval of a temporary materials storage yard and parking lot on an 8 acre portion of a 45 acre parcel within the Delano Municipal Airport for use in association with the under construction Paramount Citrus Packing Facility, located on the east side of South Lexington Street approximately 1,200 feet south of the Intersection with Quinn Court, with the addition of Conditions #13, #14, and #15. AYES: Barba, Gonzales, Headrick, Monrian NOES: none ABSENT: Grewal, Langston, Todd

REGULAR AGENDA

No items

DEPARTMENTAL REPORTS

Ms. Cariño reported that the application for Annexation No. 52 was submitted to LAFCO last summer. The South San Joaquin Municipal Utility District has indicated it does not want to be included in the annexation.

COMMISSIONER STATEMENTS AND REPORTS

No items

ADJOURNMENT

Chairwoman Barba adjourned the meeting at 7:16 p.m.

Phyllis A. Kraft, City Clerk