

## **MINUTES**

### **CITY OF DELANO PLANNING COMMISSION – REGULAR MEETING February 13, 2013**

#### **CALL TO ORDER**

Chairman Barba called the meeting to order at 6:08 p.m. in the City Hall Council Chambers, 1015 – Avenue.

#### **FLAG SALUTE**

Commissioner Headrick led the flag salute.

#### **ROLL CALL**

Commissioners present: Irma Barba, Anthony Gonzales, Sandeep Grewal, Diana Headrick, Gary Langston, Terrence Monrian, Dwight Todd

Commissioners absent: none

#### **OFFICIALS PRESENT**

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

#### **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 December 12, 2012
- 3) Minutes of regular Planning Commission meeting of January 9, 2013

Moved by Commissioner Gonzales, seconded by Commissioner Todd, and unanimously carried to approve the Consent Agenda.

#### **PUBLIC HEARINGS**

- 4) Public hearing #2013-01:
  - a) Recommendation to City Council regarding adoption of a Mitigated Negative Declaration (E-13-01) pursuant to the California Environmental Quality Act pertaining to General Plan Amendment No. 2012-01 and Zone Amendment No. 2012-04.
  - b) Recommendation to City Council regarding General Plan Amendment No. 2012-01, a proposal to amend the Land Use Element map of the City of Delano General Plan

from “High Density Residential” to “Commercial” on a 2.5 acre parcel located at the northeast corner of 20th Avenue and Girard Street.

- c) Recommendation to City Council regarding Zone Amendment No. 2012-04 changing the zoning of the same 2.5 acre parcel from “R-3” (Multiple Family Residential) to “GC” (General Commercial).

Chairman Barba stated she has a conflict of interest as she owns property in the project area and left the room during discussion and vote of this item. Commissioner Grewal stated he has a conflict of interest as he owns property in the project area and left the room during discussion and vote of this item.

Moved by Commissioner Gonzales, seconded by Commissioner Monrian and unanimously carried to elect Commissioner Headrick to serve as temporary chairman during discussion and vote of this item.

Mr. McCain presented the staff report. He distributed a memorandum with a comment letter from Caltrans and the City’s response attached.

Temporary Chairman Headrick asked for public comments. There were no public comments.

Temporary Chairman Headrick closed the public hearing.

Moved by Commissioner Monrian, seconded by Commissioner Todd and unanimously carried by all those present to adopt the following resolutions:

a) Resolution No. 2013-01 of the Planning Commission of the City of Delano recommending to City Council adoption of a Mitigated Negative Declaration (E-13-01) for General Plan Amendment No. 2012-01 and Zone Amendment No. 2012-04 located on 2.5 acres at the northeast corner of Avenue and Girard Street.

b) Resolution No. 2013-02 of the Planning Commission of the City of Delano recommending to City Council approval of General Plan Amendment No. 2012-01 to amend the Land Use Element Map of the Delano General Plan from “High Density Residential” to “Commercial” on a 2.5 acre parcel located at the northeast corner of Avenue and Girard Street.

c) Resolution No. 2013-03 of the Planning Commission of the City of Delano recommending to City Council approval of Zone Amendment No. 2012-04 by adopting an ordinance to amend the Official Zoning Map of the City of Delano by changing the existing zone district from R-3 (multiple family residential) to GC (general commercial) on a 2.5 acre site located at the northeast corner of Avenue and Girard Street.

Chairman Barba and Commissioner Grewal returned to the meeting.

- 5) Public hearing #2013-02: Conditional Use Permit No. 2012-10, a request for approval of a 394 square foot addition to an existing 4,000 square foot church building located in the “DC” (Downtown Commercial) zone district at 925 Jefferson Street (Exempt from CEQA)

Mr. Peake stated staff requests this item be continued to May 8, 2013, and the applicant concurs.

Moved by Commissioner Todd, seconded by Commissioner Headrick and unanimously carried to continue public hearing #2013-02, Conditional Use Permit No. 2012-10, to May 8, 2013.

- 6) Public hearing #2013-03: Conditional Use Permit No. 2013-01 requesting the following:
  - a) A request to allow beer and wine sales for off-site consumption only at an existing Family Dollar Store in the “GC” (General Commercial) zone district, on property located at 1990 Cecil Avenue (Exempt from CEQA).
  - b) A determination of public convenience or necessity for the proposed sale of beer and wine for off-site consumption only in the “GC” (General Commercial) zone district, on property located at 1990 Cecil Avenue (Exempt from CEQA).

Mr. Peake stated that the applicant has requested this item be continued to March 13, 2013.

Moved by Commissioner Headrick, seconded by Commissioner Grewal and unanimously carried to continue public hearing #2013-03, Conditional Use Permit No. 2013-01, to March 13, 2013.

- 7) Public hearing #2013-04: Conditional Use Permit No. 2013-02 requesting approval to operate an auto body and paint shop in an existing commercial building within the “GC” (General Commercial) zone district, located at 602 High Street (Exempt from CEQA).

Ms. Carino stated staff requests this item be continued to April 10, 2013.

Moved by Commissioner Monrian, seconded by Commissioner Gonzales and unanimously carried to continue public hearing #2013-04, Conditional Use Permit No. 2013-02, to April 10, 2013.

- 8) Public hearing #2013-05: Conditional Use Permit No. 2013-03, a request for approval of an 80 foot high pole-mounted wireless communications facility consisting of 12 eight foot panel antennas within the “CF” (Community Facilities) zone district, located east of Princeton Street between Avenue and Avenue (Exempt from CEQA)

Chairman Barba stated she has a conflict of interest as she has investments in the project area and left the room during discussion and vote of this item. Commissioner Grewal stated he has a conflict of interest as he owns property in the project area and left the room during discussion and vote of this item.

Moved by Commissioner Monrian, seconded by Commissioner Gonzales and unanimously carried to elect Commissioner Headrick to serve as temporary chairman during discussion and vote of this item.

Mr. McCabe presented the staff report.

Temporary Chairman Headrick asked for public comments.

Robert Gonzalez, 1848 Chaparral Circle, stated he did not see any report stating if the proposed tower will interfere with cell phones in the area. He noted that he cannot get high-speed internet in that area and there already is a tower north east of the site.

Robert McCormick spoke for ATT, the applicant. ATT is aware the coverage is bad and the proposed antenna will be a solution for ATT provided service.

Bill Hylton, 1515 – Avenue, asked why CEQA does not apply to this project. He noted that it seems too close to the ball field. Ms. Cariño explained that CEQA pertains to this however this is only a minor land use alteration so no further review is required as it is categorically exempt from CEQA.

Temporary Chairman Headrick closed the public hearing.

Moved by Commissioner Gonzales, seconded by Commissioner Langston and unanimously carried by all those present to adopt Resolution No 2013-04 of the Planning Commission of the City of Delano approving Conditional Use Permit No. 2013-03 requesting approval of an 80 foot high pole-mounted wireless communications facility consisting of 12 eight foot panel antennas within the "CF" (Community Facilities) zone district located east of Princeton Street between Avenue and Avenue.

Chairman Barba and Commissioner Grewal returned to the meeting.

- 9) Public hearing #2013-06: Zone Amendment No. 2013-01, a proposal to amend Title 20 of the Delano Municipal Code by revising language within Section 20.2.100 thereof governing the approval and conduct of temporary outdoor events (Exempt from CEQA)

Ms. Carino presented the staff report. She explained that special events are covered in Chapter 10.24 of the Delano Municipal Code for events taking place at public facilities. This proposed change would amend Chapter 20 regarding events on private property that are temporary outdoor events.

Chairman Barba asked for public comments.

Bill Hylton, 1515 – Avenue, asked when the proposed document will be available for the public and asked if a refund will be provided if the event is cancelled. Mr. Peake stated the document is already written and available for public review. Ms Cariño informed Mr. Hylton that the city does not pay refunds. The fees charged are to cover the cost to review the application. If no work had been done by city staff, the fee would probably be refunded. Mr. Peake noted there would be a reduced fee for those who will have multiple events throughout the year.

Chairman Barba closed the public hearing.

Moved by Commissioner Headrick, seconded by Commissioner Grewal and unanimously carried to adopt Resolution No. 2013-05 of the Planning Commission of the City of Delano recommending to City Council approval of an ordinance amending Chapter 20.2.100 of Title 20 of the Delano Municipal Code by revising language governing the approval and conduct of special events within the City of Delano.

#### **REGULAR AGENDA**

- 10) Revisions to Conditions for Conditional Use Permit No. 08-10, an approved expansion of an existing materials recycling facility in the "GC" (General Commercial) zone district, located at 937 High Street.

Mr. McCain presented the staff report.

Bill Hylton, 1515 – Avenue, expressed concern regarding the mural on the building to be demolished. He asked if it could be saved and another business put there.

Philip Socco, 5857 Melissa Way, Bakersfield, applicant, stated that they would like to save the mural, however due to the condition of the building, they are not able to. They will give it another look, but the building is unstable.

Valarie Gorospy stated that the artist who painted the mural has died and asked that before anything is done that his mother be contacted. She will provide the phone number.

Moved by Commissioner Headrick, seconded by Commissioner Grewal and unanimously carried to adopt Resolution No. 2013-06 of the Planning Commission of the City of Delano approving a revision to the Conditions of Approval for Conditional Use Permit No. 08-10 by deferring the requirement for demolition of an existing building in the “GC” (General Commercial) zone district, located at the southwest corner of Avenue and High Street.

- 11) Revision to Floor Area Ratio (FAR) Standard for Commercial Zone District (discussion item)

Ms. Carino presented the staff report. She distributed a list of some buildings downtown with their floor area ratio. Mr. Peake added that the goal is to enhance downtown and allow for expansion in that area. Staff want to make a recommendation to Council regarding this.

There was discussion regarding parking requirements, landscaping, set-backs, and height requirements.

Staff will bring this item back to the Planning Commission.

### **DEPARTMENTAL REPORTS**

Ms. Cariño reported that a Smart Valley Places Community Conversation will be held Tuesday, February 26, 6:00 p.m. to 9:00 p.m. at the civic center to discuss the Healthy Delano & Wellness Element and the Sustainable Element of the General Plan. The public is invited to give comments.

### **COMMISSIONER STATEMENTS AND REPORTS**

Gary Langston: no items

Anthony Gonzales: no items

Dwight Todd: Commissioner Todd asked what it would take to get a dog park in Delano.

Diana Headrick: no items

Sandeep Grewal: no items

Terrance Monrian: no items

Irma Barba: Chairman Barba noted that the budget is coming up and asked if money for training for commissioners could be included.

### **ADJOURNMENT**

Chairman Barba adjourned the meeting at 7:50 p.m.

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Phyllis A. Kraft, City Clerk