



AGENDA REGULAR MEETING

CHOWCHILLA PLANNING COMMISSION MEETING

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

Wednesday, November 20, 2019 | 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

Chair: Nina Zarucchi-Mize

Vice Chair: Matthew Watson

Commissioners: Michael Barberi, Rhonda Cargill, Wayne Chapman, Marlene Holst, Syp Vander Dussen

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

➤ **CONSIDERATION OF APPROVAL OF AGENDA**

Additions and/or Deletions:

➤ **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 Chair 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** 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 Planning Commissioner Reports/Comments

2.2 Oral Staff 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 Approval of the October 16, 2019 Special Planning Commission Minutes (Hicks)

PUBLIC HEARINGS – Section 4

4.1 Zoning Code Text Amendment to CMC Section 18.60.180 – Shipping Containers (Hamilton/Perea)

DEFERRED BUSINESS – Section 5

NEW BUSINESS – Section 6

ANNOUNCEMENTS – Section 7

❖ Next Planning Commission Meeting is scheduled for December 18, 2019.

ADJOURNMENT

PUBLIC NOTIFICATION

I, Joann McClendon, Planning Secretary for the City of Chowchilla, declare under penalty of perjury that I posted the above Planning Commission Agenda for the meeting of November 20, 2019 at the Chowchilla Civic Center, 130 S. Second Street on/or before 5:00 p.m. November 15, 2019.

Joann McClendon, CMC
City Clerk



MINUTES
REGULAR MEETING
CHOWCHILLA PLANNING COMMISSION MEETING

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

Wednesday, October 16, 2019

CALL TO ORDER/ROLL CALL: 7:02PM

Chair: Nina Zarucchi-Mize

Vice Chair: Matthew Watson

Commissioners: Michael Barberi, Rhonda Cargill, Wayne Chapman, Marlene Holst –Arrived @ 7:10pm

ABSENT: Commissioner Syp Vander Dussen

City Staff and Contract Employees Present: Community & Economic Development Director Mark Hamilton, Contract Planner Annalisa Perea, City Attorney Jessica Mejorado, Public Works Director Jason Rogers, Planning Secretary Janene Hicks

➤ **CONSIDERATION OF APPROVAL OF AGENDA**

Additions and/or Deletions:

Motion by Commissioner Cargill, seconded by Chair Zarrucchi-Mize to approve agenda as presented. Motion passed with Commissioner Vander Dussen absent.

➤ **PLEDGE OF ALLEGIANCE** – Commissioner Watson

CEREMONIAL / PRESENTATIONS – Section 1

None.

PUBLIC ADDRESS

No one spoke.

STAFF REPORTS – Section 2

2.1 Planning Commissioner Reports/Comments

Commissioner Watson thanked the Commissioners for taking the time at the last Planning Commission meeting to listen to the proposal to change the day and time of the Planning Commission meeting.

2.2 Oral Staff Reports

Contract Planner Perea introduced the Commissioners to our New Community & Economic Development Director Mark Hamilton.

Commissioner Cargill invited everyone to attend the Intergovernmental Agency Workshop (Madera County/City of Chowchilla) on Oct. 26, 2019 9:00 a.m. at Wilson Middle School.

CONSENT CALENDAR – Section 3

3.1 Approval of the June 19, 2019 Special Planning Commission Minutes (Hicks)

Motion by Commissioner Chapman to approve the Consent Calendar as presented, seconded by Commissioner Cargill. Motion passed by voice vote with Commissioner Vander Dussen absent.

PUBLIC HEARINGS – Section 4

DEFERRED BUSINESS – Section 5

NEW BUSINESS – Section 6

6.1 Update on the City's Housing Element Update Process (Hamilton/Perea)

6.2 Update on the City's SB 2 Planning Grant Application Submittal (Hamilton/Perea)

Staff gave the Planning Commissioners an update on the Housing Element Process and the SB 2 Planning Grant Application.

ANNOUNCEMENTS – Section 7

❖ Next Planning Commission Meeting is scheduled for November 20, 2019.

ADJOURNMENT

Motion by Commissioner Watson, seconded by Commissioner Chapman to adjourn the October 16, 2019 Regular Planning Commission at 8:02pm. Motion passed by voice vote with Commissioner Vander Dussen absent.

ATTEST:

APPROVED:

Janene Hicks, Recording Secretary

Chair Zarucchi-Mize



Item 4.1

[CLICK HERE TO RETURN TO THE AGENDA](#)

REPORT TO THE PLANNING COMMISSION

Meeting of: November 20, 2019

AGENDA SECTION: Public Hearing

SUBJECT: **Zone Text Amendment #19-0018** – Section 18.60.180 Shipping Containers: Various text amendments to portions of this section to the City of Chowchilla’s Municipal Code

PREPARED BY: Mark E. Hamilton, Director of Community and Economic Development

ATTACHMENTS: **Exhibit A:** Resolution; related to Zoning Text Amendment Application No. 19-0018 associated with the Shipping Container Section

Exhibit B: Proposed Zone Code Text Amendments

REVIEWED BY ADMINISTRATOR

REVIEWED BY ATTORNEY

REVIEWED BY FINANCE

RECOMMENDATIONS:

Staff Recommendation:

1. Per City Council’s direction at the September 24, 2019 Council Meeting, the Planning Commission recommends approval of the City Council of Zoning Code Text Amendment No. 19-0019 and Resolution; or,

Alternative Recommendations:

2. Planning Commission recommends consideration of Zoning Code Text Amendment No. 19-0019 and Resolution with the following modifications not originally considered; or,
3. Continue the public hearing item to a future date for consideration.

BACKGROUND:

During the recent 2017-2018 Comprehensive Zoning Ordinance update, staff received direction from the City Administrator to obtain comments from the community, the Planning Commission, and the City Council regarding how to regulate the use of shipping containers. This request was attributed to various complaints received by the City regarding the aesthetics and number of shipping containers located in the City’s Downtown.

As part of the process to complete the Comprehensive Zoning Ordinance update, staff gave a PowerPoint presentation to the Planning Commission and the community on how to regulate a variety of specific land

uses, including shipping containers. Staff obtained feedback and developed regulations regarding what Zone Districts they would be permitted in and other standards such as placement on-site, design, screening, and maintenance.

After the updated Zoning Ordinance came into effect on November 8, 2018, which included Section 18.60.180 "Shipping Containers," a shipping container owner expressed dissatisfaction regarding the new regulations and has been asking the City Council to consider alternative requirements on how to regulate them. The City held a Town Hall Meeting on September 9, 2019, where many community members and business owners expressed multiple viewpoints regarding the challenges of complying with the shipping container section of the zoning ordinance.

As the Town Hall Meeting, many viewpoints were discussed regarding fairness to all individuals, businesses, and organizations currently using shipping containers. Specifically, there was a desire to allow businesses and organizations currently out of compliance with Section 18.60.180, but in compliance with its spirit and intent, to continue the use of the shipping containers. It was also mentioned that the Zoning Ordinance language excluding the City from the shipping container requirements was unfair and the City should be held to the same regulations and zoning ordinance requirements as the community. Finally, there were remarks that shipping containers were inherently unsightly and, since most containers exceed 6-7 feet in height, the issue was present regardless of location restrictions implemented in the zoning updates.

During the September 24, 2019 City Council Meeting, staff presented an item to Council requesting direction based on the above community input for shipping containers. During the meeting, four members from the community spoke regarding the proposed item. The City Council provided direction to staff to move forward with suggestions of defining container size and number of allowable containers under Section C; ensure there is a maximum time limit established under Section D; modify the decision process from "as determined by the Director" to "as approved through the Administrative Application Process" under Section E; ensure the containers allowed meet general safety, fire, and building codes under Section H; and remove Section J.

Additionally, staff is proposing additional amendments based on community input and ordinance evaluation. First, upon review of the ordinance language and applicable City-owned property, the exclusion of City-owned property from the shipping container requirements is not required and staff is proposing removal of applicable language. Staff is also proposing removal of language that requires shipping containers to be hidden from view of a public right-of-way, state highway, or residential zone district, due to vagueness, and replacing this language with requirements to paint the containers "to match the existing building(s) on site." The proposed text change will allow City staff to better able to enforce this section of the City's zoning ordinance moving forward. Finally, staff is proposing minor clarifying text changes to ease enforcement issues and to potentially allow opportunities for alternative uses of shipping containers.

CEQA DETERMINATION

The City recently completed a Citywide comprehensive zoning ordinance update in order to bring the zoning ordinance into compliance with the City's General Plan Update that was completed in 2011. The Environmental Impact Report (EIR) completed for the General Plan Update was used for the zoning ordinance update since the update was completed to comply with the General Plan. These proposed text amendment changes do not trigger any further environmental analysis beyond what has already been completed.

18.86.030 Findings.

Before a zone change or text amendment may be approved, all of the following findings shall be made by the reviewing authority identified in Chapter 18.70:

- 1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title;**
The proposed text amendments are minimal in nature and are in conformance with all adopted goals, objectives, and policies of the General Plan.
- 2. The amendment would not be detrimental to the public health, safety, or welfare of the community;**
The proposed text amendments are minimal in nature and are primarily concentrated on aesthetic and location issues. They would not be detrimental to the public health, safety, or welfare of the community.
- 3. The amendment would maintain the appropriate balance of land uses within the city;**
The proposed text amendment would not change any land uses, therefore, the proposed amendments would maintain the appropriate balance of land uses within the City.
- 4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses;**
The proposed text amendments are citywide and are not specific to any one site. These amendments are proposed for increased harmonization between land uses and surrounding sites.

PLANNING COMMISSION ACTION:

MOVE TO ADOPT RESOLUTION NO. 19-__, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA CALIFORNIA, TO RECOMMEND APPROVAL OF THE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, IN THE COUNTY OF MADERA, CALIFORNIA AMENDING CHAPTER 18.60.180 OF THE CHOWCHILLA MUNICIPAL CODE

or

MOVE TO DENY RESOLUTION NO. 19-__, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA CALIFORNIA, TO RECOMMEND APPROVAL AS MODIFIED AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHOWCHILLA, IN THE COUNTY OF MADERA, CALIFORNIA AMENDING CHAPTER 18.60.180 OF THE CHOWCHILLA MUNICIPAL CODE

PLANNING RESOLUTION NO. _____

AN ORDINANCE OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, IN THE COUNTY OF MADERA, CALIFORNIA AMENDING CHAPTER 18.60.180 OF THE CHOWCHILLA MUNICIPAL CODE

WHEREAS, the Planning Commission recognizes that it is in the public interest to modify City of Chowchilla Municipal Code Section 18.60.180 – Shipping Containers; and,

WHEREAS, the Planning Commission has an interest in creating an atmosphere that creates community pride; promotes and supports community events; and establishes an identifiable sense of place, beauty, and comfort appealing to a variety of age groups, incomes, and cultures; and,

WHEREAS, modification of the above mentioned municipal code section is based upon the following findings as described in section 18.86.030 “Findings” and identified in Section 18.70 of the City of Chowchilla Municipal Code,

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein.

SECTION 2. CMC sections 18.60.180 is hereby amended to read as follows:

18.60.180 Shipping containers.

A. Shipping containers shall only be permitted for storage in the C-N, C-S, C-H, MX, MX-D, O, I-L, I-H, and PF zones.

B. Shipping containers shall be incidental to the primary use on the site and/or shopping center. They are not permitted as an accessory use to a stand-alone parking lot. They are not permitted on vacant property.

C. The maximum number of shipping containers allowed on a site shall be limited to five (5) per each property.

D. Shipping containers used during construction to temporarily store equipment or material shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first. The Shipping Container shall be removed within 60 days of the date of the issuance of the certificate of occupancy of the building permit.

E. Shipping containers shall be located behind existing buildings, screened with either landscaping or fencing, and painted to match the existing building(s) on site, to the greatest extent feasible as approved through the Administrative Application Process.

F. Shipping containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc. Repairs shall be made within 48 hours of being damaged. Graffiti shall be removed within 48 hours.

G. Shipping containers may not be used to store flammable liquids or other hazard materials, as determined by the Fire Chief.

H. Shipping containers shall not obstruct adequate access or fire clearance as determined by the Fire Chief. The placement and use of the shipping container shall meet and be used in accordance with all general safety, fire, and building codes.

I. Where allowable, there shall be no utility connections to the shipping container, unless specifically allowed through a building permit.

J. Commercial use. Shipping containers converted for commercial use, or any other such occupied commercial area, shall be permitted only after the property owner has secured all entitlements required of conventional structures, shall comply with all provisions of the commercial, industrial, or public facility zoning district in which they are located, other applicable provisions of the Municipal Code, and has been issued a building permit in connection with a certificate of occupancy for the additional occupied area. Any permitted structure shall be required to be painted to match the existing building(s) on-site and located within the rear area of the property.

SECTION 3. The Planning Commission finds that the actions contemplated by this Ordinance are covered under the General Plan EIR, in that the Ordinance alone does not have the potential for causing a significant effect on the environment.

SECTION 4. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be reformed to lawfully comply with the intent of the provision and to comport with the remainder of this Ordinance, and the remainder of this Ordinance shall remain in full force and effect.

PASSED, APPROVED, and ADOPTED this ____ day of _____, 2019.

APPROVED:

Planning Commission Chair Nina Zarucchi-Mize

ATTEST:

Planning Secretary Janene Hicks

Exhibit B – Proposed Section 18.60.180 – Shipping Containers

18.60.180 Shipping containers.

- A. Shipping containers shall only be permitted for storage in the C-N, C-S, C-H, MX, MX-D, O, I-L, I-H, and PF zones.
- B. Shipping containers shall be incidental to the primary use on the site and/or shopping center. They are not permitted as an accessory use to a stand-alone parking lot. They are not permitted on vacant property.
- C. The maximum number of shipping containers allowed on a site shall be limited to five (5) per each property.
- D. Shipping containers used during construction to temporarily store equipment or material shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first. The Shipping Container shall be removed within 60 days of the date of the issuance of the certificate of occupancy of the building permit.
- E. Shipping containers shall be located behind existing buildings, screened with either landscaping or fencing, and painted to match the existing building(s) on site, to the greatest extent feasible as approved through the Administrative Application Process.
- F. Shipping containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc. Repairs shall be made within 48 hours of being damaged. Graffiti shall be removed within 48 hours.
- G. Shipping containers may not be used to store flammable liquids or other hazard materials, as determined by the Fire Chief.
- H. Shipping containers shall not obstruct adequate access or fire clearance as determined by the Fire Chief. The placement and use of the shipping container shall meet and be used in accordance with all general safety, fire, and building codes.
- I. Where allowable, there shall be no utility connections to the shipping container, unless specifically allowed through a building permit.
- J. Commercial use. Shipping containers converted for commercial use, or any other such occupied commercial area, shall be permitted only after the property owner has secured all entitlements required of conventional structures, shall comply with all provisions of the commercial, industrial, or public facility zoning district in which they are located, other applicable provisions of the Municipal Code, and has been issued a building permit in connection with a certificate of occupancy for the additional occupied area. Any permitted structure shall be required to be painted to match the existing building(s) on-site and located within the rear area of the property.