



Council Chamber, 336 Pacific Avenue • Shafter, CA 93263

**AGENDA
REGULAR MEETING
SHAFTER PLANNING COMMISSION
TUESDAY, DECEMBER 13, 2016**

CALL TO ORDER: 7:00 p.m.

PLEDGE OF ALLEGIANCE: Commissioner Mestaz

INVOCATION: Commissioner Gonzalez

ROLL CALL: Chairman Mouser
Vice Chairman Gonzalez
Commissioner Mestaz
Commissioner Nunlist
Commissioner Wiebe

APPROVAL OF AGENDA:

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of November 8, 2016.

PUBLIC COMMENT:

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to five minutes. Please state your name and address for the record before making your presentation.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. **Conditional Use Permit 16-82:** a request to adopt Resolution 16-285, a Resolution of the Planning Commission of the City of Shafter Approving Conditional Use Permit 16-82 for a church at 343 State Ave. The proposal is categorically exempt from the California Environmental Quality Act (CEQA). (Planning Director Clausen)

OATH OF OFFICE FOR NEWLY APPOINTED PLANNING COMMISSIONERS:

1. Planning Commissioners Peter Frantz and Jon Johnston

ORGANIZATIONAL BUSINESS:

1. Election of Chairman and Vice Chairman

COMMISSIONER REPORTS:

ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, please contact the Planning Director's office at 661-746-5002 at least three (3) working days prior to the meeting or time when special services are needed to allow City staff in making reasonable arrangements to provide you with access to the meeting. Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in a written correspondence delivered to the City Council at or prior to this public hearing. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at Shafter City Hall, 336 Pacific Ave., Shafter, CA 93263. This is to certify that this Agenda notice was posted at City Hall and the Police Dept. by 5:00 p.m., December 8, 2016. Yazmina Pallares, S/S, Deputy City Clerk.

**MINUTES OF THE REGULAR MEETING OF THE
SHAFTER PLANNING COMMISSION
COUNCIL CHAMBER, 336 PACIFIC AVENUE
TUESDAY, NOVEMBER 8, 2016**

CALL TO ORDER: 7:00 p.m.
PLEDGE OF ALLEGIANCE: Commissioner Nunlist
INVOCATION: Commissioner Gonzalez

ROLL CALL:

PRESENT: Chairman Mouser, Vice Chairman Gonzalez, and Commissioner Nunlist. ABSENT: Commissioners Mestaz and Wiebe. Also Present: Planning Director Clausen, Senior Planner Forrest and Deputy City Clerk Pallares.

APPROVAL OF AGENDA:

MOVED (NUNLIST) AND SECONDED (GONZALEZ) COMMISSIONERS APPROVED THE AGENDA AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

*AYES: GONZALEZ, MOUSER, AND NUNLIST.
NAYS: NONE.
ABSENT: MESTAZ AND WIEBE.
ABSTENTIONS: NONE.*

MINUTES OF PREVIOUS MEETING:

1. Approval of Minutes: Regular Meeting of October 11, 2016.

MOVED (NUNLIST) AND SECONDED (GONZALEZ) COMMISSIONERS APPROVED THE MINUTES OF THE REGULAR MEETING OF OCTOBER 11, 2016, AS PRESENTED. MOTION CARRIED BY THE FOLLOWING VOTE:

*AYES: GONZALEZ, MOUSER, AND NUNLIST.
NAYS: NONE.
ABSENT: MESTAZ AND WIEBE.
ABSTENTIONS: NONE.*

PUBLIC COMMENT:

There were no members of the public wishing to speak.

PUBLIC HEARING:

Should anyone challenge any proposed action which is the subject of a public hearing listed on this agenda, that person challenging any action taken after the public hearing may be limited to raising only those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to this public hearing.

1. **Tentative Tract Map No. 7315:** Senior Planner Forrest made introductory comments.

The proposal is to subdivide approximately 18 acres (gross) into 78 single-family residential lots, three paseo lots and a drainage easement lot within the 957 acre Gossamer Grove Specific Plan (previously the Coberly West Specific Plan). The proposed residential lot sizes range from 4,000 square feet to 6,842 square feet. The project site is located approximately 1,000 feet north of Seventh Standard Road, between Gossamer Grove Boulevard and Soaring Heights Way. The project is exempt from the California Environmental Quality Act, i.e., exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, pursuant to California Government Code §65457.

Chairman Mouser opened the public hearing.

Bill Walls, Lennar Homes 8080 N. Palm Ave, Ste. 110, Fresno spoke in favor of the project.

There being no other members of the audience wishing to speak, the public hearing was closed.

MOVED (NUNLIST) AND SECONDED (GONZALEZ) COMMISSIONERS ADOPTED RESOLUTION NO. 16-282, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING APPROVAL OF TENTATIVE TRACT NO. 7315, AS DEPICTED IN ATTACHMENT "A", TO THE CITY COUNCIL OF THE CITY OF SHAFTER WITH CONDITIONS 30 AND 48 AMENDED. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: GONZALEZ, MOUSER, AND NUNLIST.

NAYS: NONE.

ABSENT: MESTAZ AND WIEBE.

ABSTENTIONS: NONE.

2. **Conditional Use Permit No. 16-81:** Planning Director Clausen made introductory comments. The project is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing structure with no expansion.

Chairman Mouser opened the public hearing.

Cindy Bynum 1277 E. Lerdo Hwy, property owner of 720 E. Lerdo Hwy, spoke in favor of the project.

Truth Church Pastor Frank Cabrera, 412 Loewen, spoke in favor of the project.

There being no other members of the audience wishing to speak, the public hearing was closed.

Discussion was held on removing Condition 17 of the Conditions of Approval.

MOVED (NUNLIST) AND SECONDED (GONZALEZ) COMMISSIONERS ADOPTED RESOLUTION 16-284, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 16-81 TO ESTABLISH A NEW CHURCH ON PROPERTY LOCATED AT 720 EAST LERDO HIGHWAY, SUITE A, CITY OF SHAFTER, REMOVING CONDITION 17. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: GONZALEZ, MOUSER, AND NUNLIST.

NAYS: NONE.

ABSENT: MESTAZ AND WIEBE.

ABSTENTIONS: NONE.

3. **City of Shafter Subdivision Ordinance Update:** Senior Planner Forrest made introductory comments.

Chairman Mouser opened the public hearing.

There being no other members of the audience wishing to speak, the public hearing was closed.

MOVED (GONZALEZ) AND SECONDED (NUNLIST) COMMISSIONERS ADOPTED RESOLUTION 16-283, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHAFTER RECOMMENDING APPROVAL OF AN UPDATE TO THE SUBDIVISION ORDINANCE, TITLE 16 OF THE SHAFTER MUNICIPAL CODE, ATTACHED AS EXHIBIT "A", TO THE CITY COUNCIL OF THE CITY OF SHAFTER. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: GONZALEZ, MOUSER, AND NUNLIST.

NAYS: NONE.

ABSENT: MESTAZ AND WIEBE.

ABSTENTIONS: NONE.

ADJOURNMENT:

MOVED (GONZALEZ) AND SECONDED (NUNLIST) COMMISSIONERS ADJOURNED THE MEETING AT 7:42 P.M. MOTION CARRIED WITH COMMISSIONERS MESTAZ AND WIEBE ABSENT.

Kirk Mouser, Chairman

ATTEST:

Yazmina Pallares, Deputy City Clerk

DATE: December 13, 2016
TO: Planning Commission
FROM: Project Assistance Team
SUBJECT: Conditional Use Permit No. 16-82: A request to establish a church (Casa de Oracion Dios Proveera) within an existing building located at 343 State Avenue, Shafter, CA.

APPLICANT:

Alberto F. Rivas Maldonado
457 Atlantic Avenue
Shafter, CA 93263

OWNER:

Meyer Ohanneson Shafter Prop. LLC
3900 Allen Road.
Bakersfield, CA 93314

LOCATION:

The project site is located on the north side of State Avenue, just west of Central Valley Highway (State Route 43) at 343 State Avenue.

PROJECT DATA:

1. General Plan Designation: The current land use designation for the site, as well as for the surrounding properties, is Commercial/Professional Office (C/PO).
2. Zoning: The project site and adjacent properties are zoned General Commercial (GC). The property to the north is zoned Downtown Commercial (DC). The property to the south is zoned General Commercial (GC).
3. Building Occupancy Use: The building site contains approximately 4,900 sq. ft.

PROJECT ANALYSIS:

The applicant is requesting to establish the Casa de Oracion Dios Proveera (House of Prayer God Will Provide) church for twenty-five (25) persons within the existing building located at 343 State Avenue (Exhibit 1). The building site is approximately 4,900 sq. ft. in size and will be utilized as illustrated in Exhibit 2. The building provides an existing restroom that meets building code. The Shafter Building Official has determined that the site is adequate for the proposed use subject to limiting occupancy to forty-nine (49) individuals. Condition No. 14 limits the occupancy to 49 persons. The proposed hours of operation are as follows:

Sunday: 10:00 am – 12:00 pm, **Tuesday:** 7:00 pm – 9:00 pm, **Friday** 7:00 pm – 9:00 pm
Saturday: Once a month 7:00 pm – 9:00 pm

Parking for the proposed use is provided through the on-site parking lot and parking lot directly to the south, i.e., east of the U.S. Post Office Building. Use of the parking lot to the south (twenty parking spaces) is secured through a recorded covenant.

Staff believes the proposed use is compatible with the surrounding community and recommends approval of the conditional use permit. Staff has determined that this project is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing structure with no expansion. Therefore, a Notice of Exemption has been prepared for the project.

FINDINGS:

1. The Planning Commission finds that the proposed use is permitted within the General Commercial (GC) Zone District, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City.
2. The Planning Commission finds the proposed use would not impair the integrity and character of the General Commercial (GC) Zone District in which the conditional use permit is to be established.
3. The Planning Commission finds that the project is suitable for the type and intensity of the use proposed for the conditional use permit.
4. The Planning Commission finds that there is adequate provision for water, sanitation, public utilities and services to ensure public health and safety.
5. The Planning Commission finds that the proposed conditional use permit (CUP 16-82) is exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing structure with no expansion.
6. The attached Conditions of Approval are deemed necessary for the safety and welfare of the community.

RECOMMENDATION:

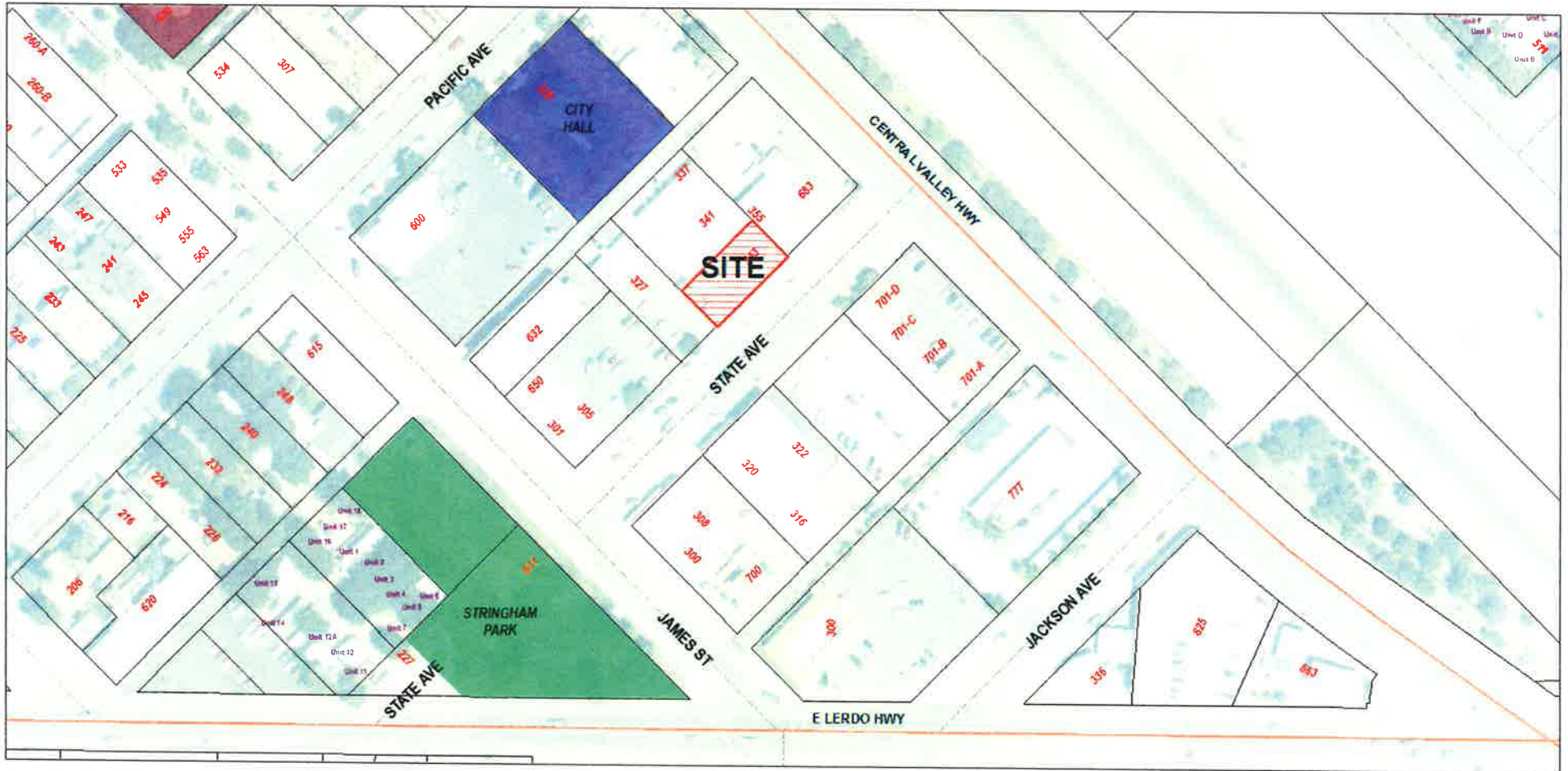
Planning Commission adopt Resolution No.16-285, approving Conditional Use Permit No. 16-82 approving Conditional Use Permit No. 16-82 for a church at 343 State Avenue, City of Shafter.

ATTACHMENTS

EXHIBIT

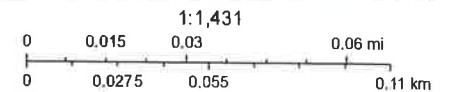
Vicinity Map	1
Site Use Illustration	2
Resolution No. 16-285	3

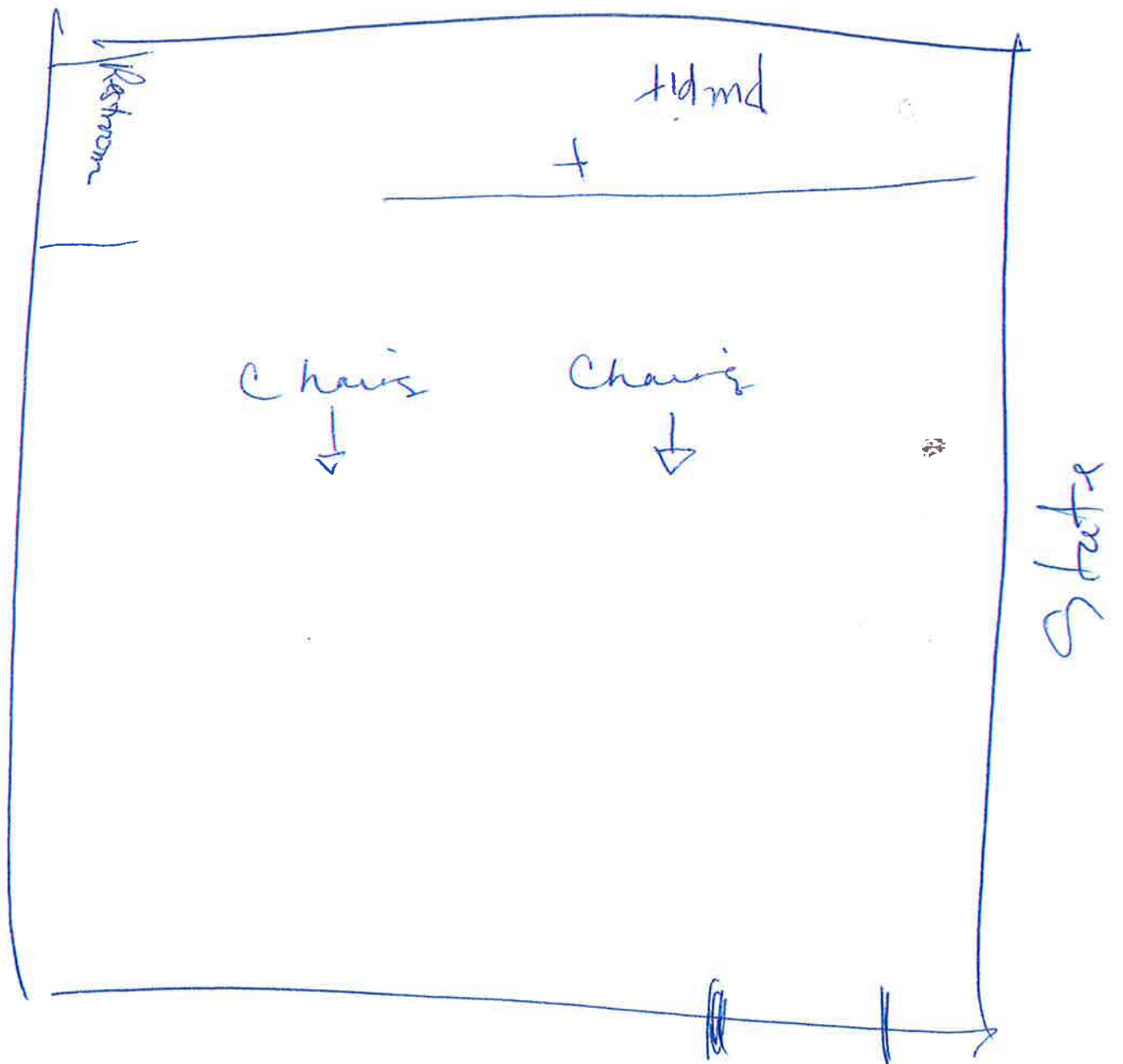
CONDITIONAL USE PERMIT NO. 16-82



November 28, 2016

City	Highway	Airport - Gated	Ramp	Airport - Secondary	Public Building	Green: Band_2
County	Ramp	Airport - Secondary	Arterial	Dirt	Recreation	Blue: Band_3
Other	Arterial	Dirt	Collector	Church	School	
Airport Roads	Collector	Interstate	Local/Residential	Church/School	City Limits	
Interstate	Local/Residential	State Highway	Airport - Primary	Museum	Kem County Boundary	
State Highway	Airport - Primary	Highway	Airport - Gated	Park	Red: Band_1	





Parking Lot

EXHIBIT 2

RESOLUTION NO. 16-285

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SHAFTER APPROVING CONDITIONAL USE PERMIT NO. 16-82 FOR A
CHURCH AT 343 STATE AVENUE, CITY OF SHAFTER**

WHEREAS, the Planning Commission has, at its regularly scheduled meeting on December 13, 2016, studied and considered the proposed request for a conditional use permit (CUP No. 16-82) to establish a church utilizing 4,900 square feet at 343 State Avenue, as shown in Exhibit A, and;

WHEREAS, the Planning Commission has determined that the proposed conditional use permit (CUP No. 16-82) is categorically exempt from CEQA under Section 15301 of the CEQA Guidelines in that the project will utilize an existing structure with no expansion; and

WHEREAS, a timely and properly noticed public hearing for CUP No. 16-82 was held by the Planning Commission of the City of Shafter at a regular meeting on December 13, 2016, at which hearing evidence, oral and documentary, was admitted on behalf of said project; and

WHEREAS, the Planning Commission finds that the proposed use is permitted within the General Commercial (GC) Zone District, is consistent with the goals, policies, and objectives of the General Plan, and is consistent with the applicable development policies and standards of the City; and

WHEREAS, the Planning Commission finds the proposed use would not impair the integrity and character of the General Commercial (GC) Zone District in which the conditional use permit is to be established; and

WHEREAS, the Planning Commission finds that the project site is suitable for the type and intensity of use proposed under the conditional use permit; and

WHEREAS, the Planning Commission finds that there is adequate provision for water, sanitation, public utilities, and services to ensure public health and safety for the conditional use permit; and

WHEREAS, the conditional use permit will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity of the project site; and

WHEREAS, the Planning Commission finds that the attached Conditions of Approval are deemed necessary for the safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Shafter, in a regular session assembled on the 13th day of December, 2016, approves Conditional Use Permit No. 16-82 to allow a church on property located at 343 State Avenue, as depicted in Exhibit A, and as described in Planning Commission Resolution No. 16-285, with conditions of approval as provided in Exhibit B.

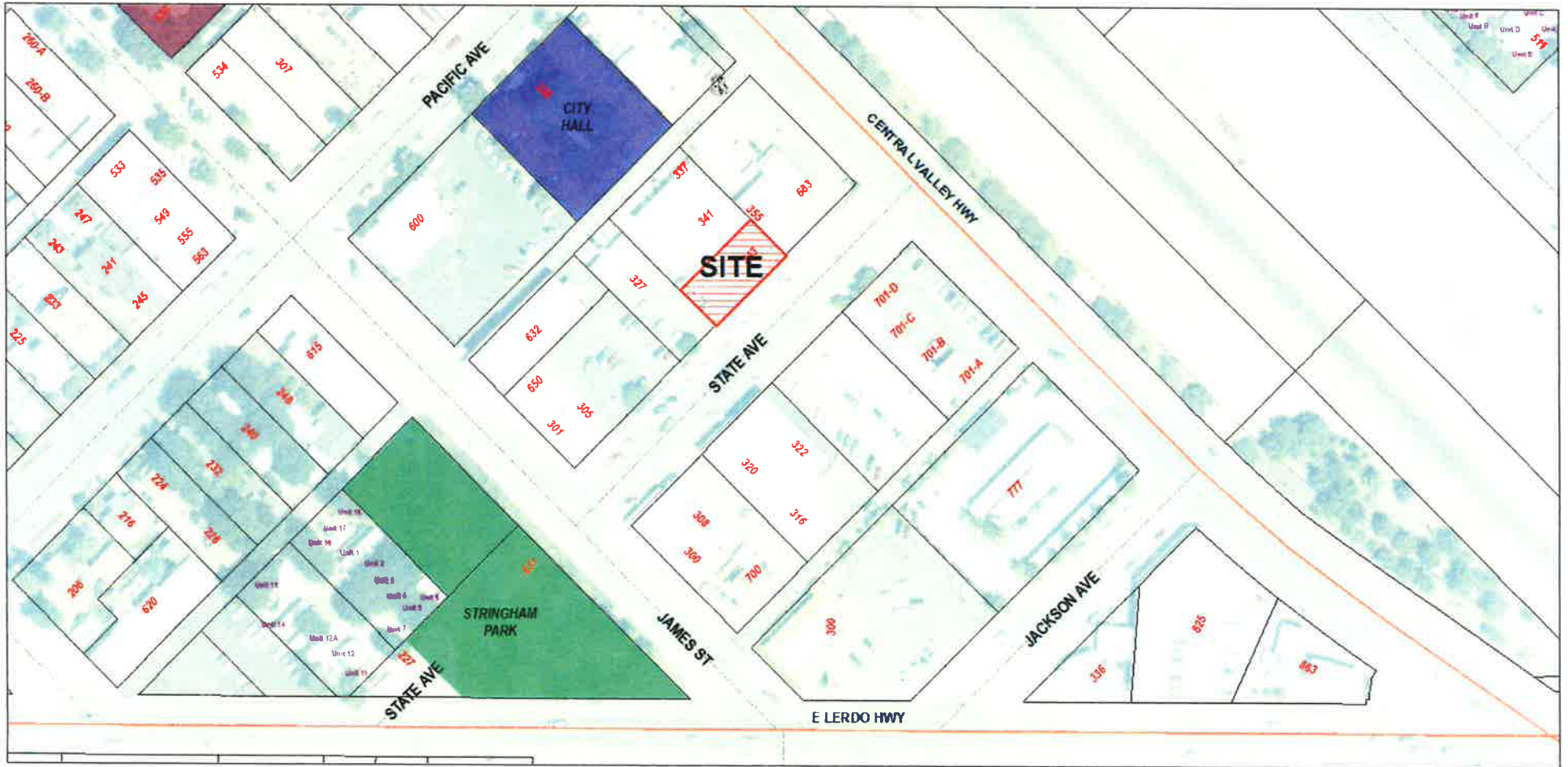
PASSED AND ADOPTED THIS 13th DAY OF DECEMBER, 2016.

Kirk Mouser, Chairman

ATTEST

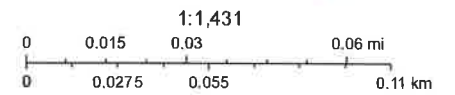
Yazmina Pallares, Deputy City Clerk

CONDITIONAL USE PERMIT NO. 16-82



November 28, 2016

City	Highway	Airport - Gated	Ramp	Airport - Secondary	Public Building	Green: Band_2
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Airport Roads	Collector	Interstate	Local/Residential	Church/School	City Limits	
Interstate	Local/Residential	State Highway	Airport - Primary	Museum	Kern County Boundary	
State Highway	Airport - Primary	Highway	Airport - Gated	Park	Red: Band_1	



City of Shafter all rights reserved

EXHIBIT A

EXHIBIT B

CONDITIONAL USE PERMIT NO. 16-82 CONDITIONS OF APPROVAL

General

1. The owner(s) or project proponents (hereinafter referred to as “Developer”), solely at their cost and expense, shall defend, indemnify and hold harmless the City of Shafter (hereinafter referred to as “City”), its agents, legislative bodies, officers and employees regarding any legal or administrative action, claim or proceeding concerning approval of Conditional Use Permit No. 16-82 (hereinafter referred to as “CUP 16-82”) and/or related actions including, without limitation, actions taken or not taken with respect to the California Environmental Quality Act (hereinafter referred to as “CEQA”); or, at its election and in the alternative, shall relinquish such approval. Developer shall assume the defense of the City in any such legal or administrative action, claim or proceeding with legal counsel paid for in the entirety by Developer, but subject to the City’s reasonable approvals. Developer shall also reimburse the City, its agents, legislative bodies, officers, and employees for any judgments, amounts paid in settlements, court costs and attorneys’ fees which the City, its agents, legislative bodies, officers and employees may be required to pay or otherwise pay as a result of such action, claim, or proceeding. The City may, at its sole discretion, participate at its own expense in the defense of any such action, claim or proceeding, but such participation shall not relieve Developer’s obligations under these conditions of approval (hereinafter referred to as “Conditions”).
2. Conditional Use Permit 16-82 authorizes the establishment of a church for no more than 49 persons on property located at 343 State Avenue (APN: 027-280-03).
3. Developer, or general contractor, shall submit a list of all contractors and/or subcontractors performing any work on this project to the City’s Administrative Services Department and such contractors and subcontractors shall obtain valid business licenses to do business and/or work in the City prior to the commencement of work.
4. Developer shall comply with all provisions of the City’s Zoning Ordinance, latest adopted Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Fire Code, and all other applicable codes, ordinances, regulations, and development standards in effect at the time of issuance of relative permits. Identification of specific sections of any of the aforementioned City documents does not negate the Developer’s responsibility to conform to unmentioned sections of the City’s Zoning Ordinance, Subdivision and Engineering Design Manual, Uniform Building Code, and all other applicable ordinances, resolutions, standards, and requirements of the City.
5. Approval of CUP 16-82 shall not vest until all of the Conditions are met. If within one year after the approval by the City, the use or development has not been initiated, the procedures and actions which have taken place up to that time shall be null and void and the project shall be subject to the processing of new permits if it is the Developer’s intent to

proceed with construction unless Developer applies for and receives approval of an extension of time from the City Planning Commission.

6. Construction or use of the project identified as CUP 16-82 shall be in substantial accordance with any and all submittals to the City by Developer, including, but not limited to all Conditions of CUP 16-82, except as otherwise set forth in these conditions of approval.

Planning

7. No new construction, or improvements to the property, shall be permitted without first obtaining the proper permits from Planning, Building, and Engineering Departments of the City.
8. Unless otherwise stated, all Conditions shall be completed prior to a final inspection and prior to an occupancy permit being issued by the City.
9. CUP 16-82 shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant and returned to the Planning Department.
10. The conditional use permit shall become null and void if use of the site has not begun within one year of the date of approval by the Planning Commission. One extension of time, not to exceed one additional year, may be granted by the Planning Department not less than 30 days prior to the date of expiration. PLEASE NOTE: This will be the only notice given for the above specified expiration date. The applicant is responsible for initiating an extension request.
11. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance.
12. CUP 16-82 is limited to 343 State Avenue (APN: 027-280-03).

Building Department

13. Building permits shall be obtained for all structural, mechanical, and electrical installation.
14. No more than 49 persons shall be permitted within the building at 343 State Avenue.
15. A "Maximum Load Occupancy" sign for 49 persons shall be installed as per the requirements of the City of Shafter Building Official.
16. Prior to occupancy, a building address shall be permanently installed and clearly visible from the street, in a manner approved by the Shafter Chief of Police.