

**MINUTES OF PLANNING COMMISSION
REGULAR MEETING
CITY OF MCFARLAND
JULY 17, 2018
CITY COUNCIL CHAMBER**

The meeting was called to order by Chairman Borcky at 6:03 p.m. Roll call: Chairman Borcky, Vice-Chairman Jose Hernandez, Commissioners Lettie Blanchard, Elwanda Dunn, and Rudy Nuñez were present.

Staff: Diana Garcia, Community Development Assistant.

Pledge of Allegiance – Commissioner Nuñez

Invocation – Vice-Chairman Hernandez

Public Comments

None

Administrative Items

1. Planning Commissioners commented that they appreciated the Annexation Workshop that was presented by a representative of LAFCO. Planning Commissioners said the information presented at the workshop was very informative.
2. Planning Commissioners said they would like to have more workshops and Vice-Chairman Jose Hernandez said he would like to request a Zoning Workshop in the near future.

Public Hearings:

Chairman Borcky opened the public hearing at 6:04 pm. Planning Director, Alex Lee was on vacation and Ms. Diana Garcia, Community Development Assistant was present to assist the Planning Commissioners.

Comments:

Mr. Elias Gonzalez owns a rental property adjacent to the applicant's property that is requesting a Conditional Use Permit (CUP) at 418 San Juan St. Mr. Gonzalez said he is opposed to the approval of the (CUP) or any time extension for the property owner to store agriculture equipment. Mr. Gonzales said that his tenants have complained multiple times about the noise level very early in the morning.

Mr. Gonzalez provided photos when equipment is being moved around earlier. Mr. Gonzalez said there is portable restrooms next to his fence where the tenants live. The tenants has complaint regarding the smell as well.

Mr. Gonzalez mentioned that he believes that city ordinance regarding zoning were established to make our neighborhood a better place to live, not to bend the laws for anyone to ask and be granted.

Mr. Gonzalez said his main concern is the health and safety of the surrounding families. Mr. Gonzalez said that the city ordinance does not allow portable restroom so, that means that storing them is not allowed.

Mr. Marcelino Hernandez said he is in favor of Mr. Arellano storing his equipment at his property. Mr. Hernandez said he spoke to residents around the neighborhood about the equipment been stored that said property and he said that he did not received any complaints from the neighboring residents.

Mr. Marcelino Hernandez mentioned that he should be granted an extension because Mr. Arellano provides work to the community and because within city limits there is no commercial areas to store equipment. Mr. Hernandez said that he believes that Mr. Arellano has been looking for a commercial location to move his equipment but has had issue of the being about to find commercial property in the area.

Comments from the Planning Commissioners:

Chairman Borcky thanked both speakers for their comments and both had great input on the issue with the property in question.

Mr. Borcky also mentioned that the reason that Mr. Arellano was applying for a CUP is because there has been multiple complaints concerning noise and equipment being stored and that the City has been sending notices to Mr. Arellano about the violations

Mr. Borcky said that the current owner has done a very good job in cleaning up the lots because in the past it had a lot of rubbish on the property.

Mr. Borcky said he had passed by the property in the early afternoon and saw the property cleared of any equipment, but he thanked Mr. Gonzalez for bring up the fact that the issues are very early in the morning or late in the evenings.

Vice-Chairman Hernandez asked how old was the storage building on said property and why was it permitted to be built on a residential property. Chairman Borcky mentioned that the building was probably built many years ago when the city did not have building codes and anything that was build prior to building codes was grandfathered in. Chairman Borcky said that the city can only request that the current ordinance be followed.

Chairman Borcky asked Ms. Diana Garcia, how long had the violations been going on. Ms. Garcia explained that it was brought up to Mr. Arellano after he purchased the property about 2 or 3 years ago and was told that the storage of equipment was not allowed.

Ms. Garcia mentioned that Mr. Arellano did remove about 90% of the equipment when asked to, but through time more complaints have been received by staff and notices had been mailed out to Mr. Arellano.

With no further comments, Chairman Borcky closed the public hearing at 6:35 pm.

1. Motion by Vice Chairman Jose Hernandez, seconded by Commissioner Wanda Dunn, all in favor, Planning Commissioners **rejected** the Conditional Use Permit 2018-001 to Mr. Daniel Arellano regarding the property 418 San Juan St. Planning Commissioner rejected the requested the Conditional Use Permit based on noise levels, health and safety concerns and property not zoned for current use.

Commissioner Comments

None

Adjournment

Motion by Commissioner Blanchard, seconded by Commissioner Dunn, all in favor, Chairman Borcky adjourned the meeting at 6:43 pm.