



# CITY OF MENDOTA

*"Cantaloupe Center Of The World"*

JUAN LUNA  
Chair  
ALBERT ESCOBEDO  
Vice-Chair  
JOSE GUTIERREZ  
JONATHAN LEIVA  
KEVIN ROMERO  
JOSE ALONSO  
Alternate Commissioner

## CITY OF MENDOTA PLANNING COMMISSION AGENDA

City Council Chambers  
Mendota, CA 93640  
REGULAR MEETING  
December 18, 2018  
6:30 P.M.

CRISTIAN GONZALEZ  
City Manager  
Public Works/Planning Director  
KARL SCHOETTLER  
City Planner

The Mendota City Planning Commission welcomes you to its meetings, which are scheduled for the 3rd Tuesday every month. Your interest and participation are encouraged and appreciated. Notice is hereby given that Planning Commissioners may discuss and/or take action on any or all of the items listed on this agenda. **Please turn your cell phone off. Thank you for your respect and consideration.**

Any public writings distributed by the City of Mendota to at least a majority of the Planning Commission regarding any item on this regular meeting agenda will be made available at the front counter at City Hall located at 643 Quince Street Mendota, CA 93640, during normal business hours.

In compliance with the Americans with Disabilities Act, those requiring special assistance to participate at this meeting please contact the City Clerk at (559) 655-3291. Notification of at least forty-eight hours prior to the meeting will enable staff to make reasonable arrangements to ensure accessibility to the meeting.

### CALL TO ORDER

### ROLL CALL

### FLAG SALUTE

### FINALIZE THE AGENDA

1. Adoption of final Agenda.

### MINUTES AND NOTICE OF WAIVING OF READING

1. Approval of the minutes of the regular Planning Commission meeting of August 21, 2018.
2. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

**PUBLIC HEARING**

1. Public Hearing to adopt **Resolution No. PC 18-08**, approving Variance 2018-01 (Witcher).
  - a. *Receive report from City Manager Gonzalez*
  - b. *Inquiries from Planning Commissioners to staff*
  - c. *Chair Luna opens the public hearing*
  - d. *Once all comment has been received, Chair Luna closes the public hearing*
  - e. *Commission considers Resolution No. PC 18-08 for adoption*

**BUSINESS**

1. Discussion and consideration to adopt **Resolution No. PC 18-09**, approving Lot Line Adjustment 2018-01(Witcher).
  - a. *Receive report from City Manager Gonzalez*
  - b. *Inquiries from Planning Commissioners to staff*
  - c. *Mayor opens floor to receive any comment from the public*
  - d. *Commission considers Resolution No. PC 18-09 for adoption*

**PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA**

The public is invited to speak to the Planning Commission at this time about any item that is not on the Agenda. Please limit your comments to five (5) minutes. Please note that the Planning Commission cannot take action on any item not listed on the agenda.

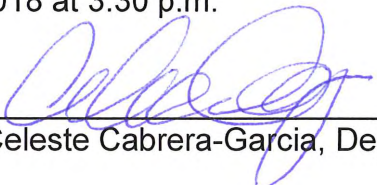
**PLANNING DIRECTOR UPDATE**

**PLANNING COMMISSIONERS' REPORTS**

**ADJOURNMENT**

**CERTIFICATION OF POSTING**

I, Celeste Cabrera-Garcia, Deputy City Clerk of the City of Mendota, do hereby declare that the foregoing agenda for the Mendota Planning Commission Regular Meeting of Tuesday, December 18, 2018 was posted on the outside bulletin board of City Hall, 643 Quince Street on Friday, December 14, 2018 at 3:30 p.m.

  
\_\_\_\_\_  
Celeste Cabrera-Garcia, Deputy City Clerk



## CITY OF MENDOTA PLANNING COMMISSION MINUTES

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**Regular Meeting**

**Tuesday, August 21, 2018**

**6:30 p.m.**

**Meeting called to order by Chairperson Luna at 6:30 PM.**

### **Roll Call**

**Commissioners Present:**

Chairperson Juan Luna, Vice-Chairperson Albert Escobedo, Commissioners Jose Gutierrez, Jonathan Leiva, and Kevin Romero

**Commissioners Absent:**

None

**Staff Present:**

Cristian Gonzalez, Interim City Manager; and Matt Flood, Economic Development Manager

**Flag Salute led by Chairperson Luna.**

### **FINALIZE THE AGENDA**

1. Adoption of final Agenda.

A motion was made by Vice-Chairperson Escobedo to adopt the agenda, seconded by Commissioner Romero; unanimously approved (5 ayes).

### **MINUTES AND NOTICE OF WAIVING OF READING**

1. Approval of the minutes of the regular Planning Commission meeting of June 19, 2018.
1. Notice of waiving the reading of all resolutions introduced and/or adopted under this agenda.

A motion to approve item 1 was made by Commissioner Romero, seconded by Commissioner Gutierrez; unanimously approved (5 ayes).

## **PUBLIC HEARING**

1. Public Hearing to adopt **Resolution No. PC 18-07**, approving Tentative Parcel Map 2018-01 (Marie Street Development, LLC).

Chairperson Luna introduced the item and Interim City Manager Gonzalez reported on the approved Conditional Use Permit from Canna-Hub and their current request for a Vesting Tentative Parcel Map; the Planning Commission's opportunity to comment on the map; the process the applicant must go through to have the map finalized; and the recommendation by staff.

Discussion was held on the nature of the map, and Canna-Hub's future plans for retaining ownership of the building or selling it.

Chairperson Luna introduced the item and opened the public hearing at 6:37 p.m. and seeing no one interested in commenting, closed it in that same minute.

A motion was made by Vice-Chairperson Escobedo to adopt Resolution No. PC 18-07, seconded by Commissioner Romero; unanimously approved (5 ayes).

## **PUBLIC COMMENT ON ITEMS THAT ARE NOT ON THE AGENDA**

None offered.

## **PLANNING DIRECTOR UPDATE**

Interim City Manager Gonzalez reported on working with O'Reilly on opening an auto shop parts store on Oller Street.

Discussion was held on the progress AMOR has been making in acquiring their entitlements; and how contaminants in properties previously occupied by gas stations are detected via testing.

## **PLANNING COMMISSIONERS' REPORTS**

Chairperson Luna congratulated Mr. Gonzalez for his appointment to the position of Interim City Manager.

## **ADJOURNMENT**

At the hour of 6:41 p.m. with no more business to be brought before the Planning Commission, a motion for adjournment was made by Commissioner Romero, seconded by Commissioner Gutierrez; unanimously approved (5 ayes).

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Juan Luna, Chairperson

ATTEST:

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Matt Flood, City Clerk

**DATE:** December 18, 2018

**TO:** City of Mendota Planning Commission

**FROM:** Karl Schoettler, City Planning Consultant  
Thru: Cristian Gonzalez, City Manager

**SUBJECT:** Lot Line Adjustment 2018-01 and Variance 2018-01 (Witcher) – a request to adjust existing lot lines separating two existing parcels located on the west side of Derrick Avenue, north of Belmont Avenue (Assessor Parcel Numbers 012-264-016 and 012-264-017). The application also includes a request to allow a Variance from the Zoning Ordinance’s minimum lot size standard for one of the parcels.

**Summary/Recommendation**

The request is for a Lot Line Adjustment to shift existing lot lines that separate two parcels on the west side of Derrick Avenue, north of Belmont Avenue. The purpose of the adjustment is to accommodate the development of a future medical clinic on one of the parcels. A second request is for a Variance from the Zoning Ordinance’s minimum lot size standard for one of the proposed parcels.

It is recommended that the Planning Commission accept the staff report, open the public hearing and accept any testimony that is offered, and vote to approve the Variance by adopting Resolution No. PC 18-08 and the Lot Line Adjustment by adopting Resolution No. PC 18-09.

It is recommended that the Commission take the following steps to consider the project:

1. Ask for a report from the staff
2. Ask any questions of staff
3. Open the public hearing and ask for any public testimony. Close the public hearing.
4. Final questions and discussion
5. Vote to approve the project

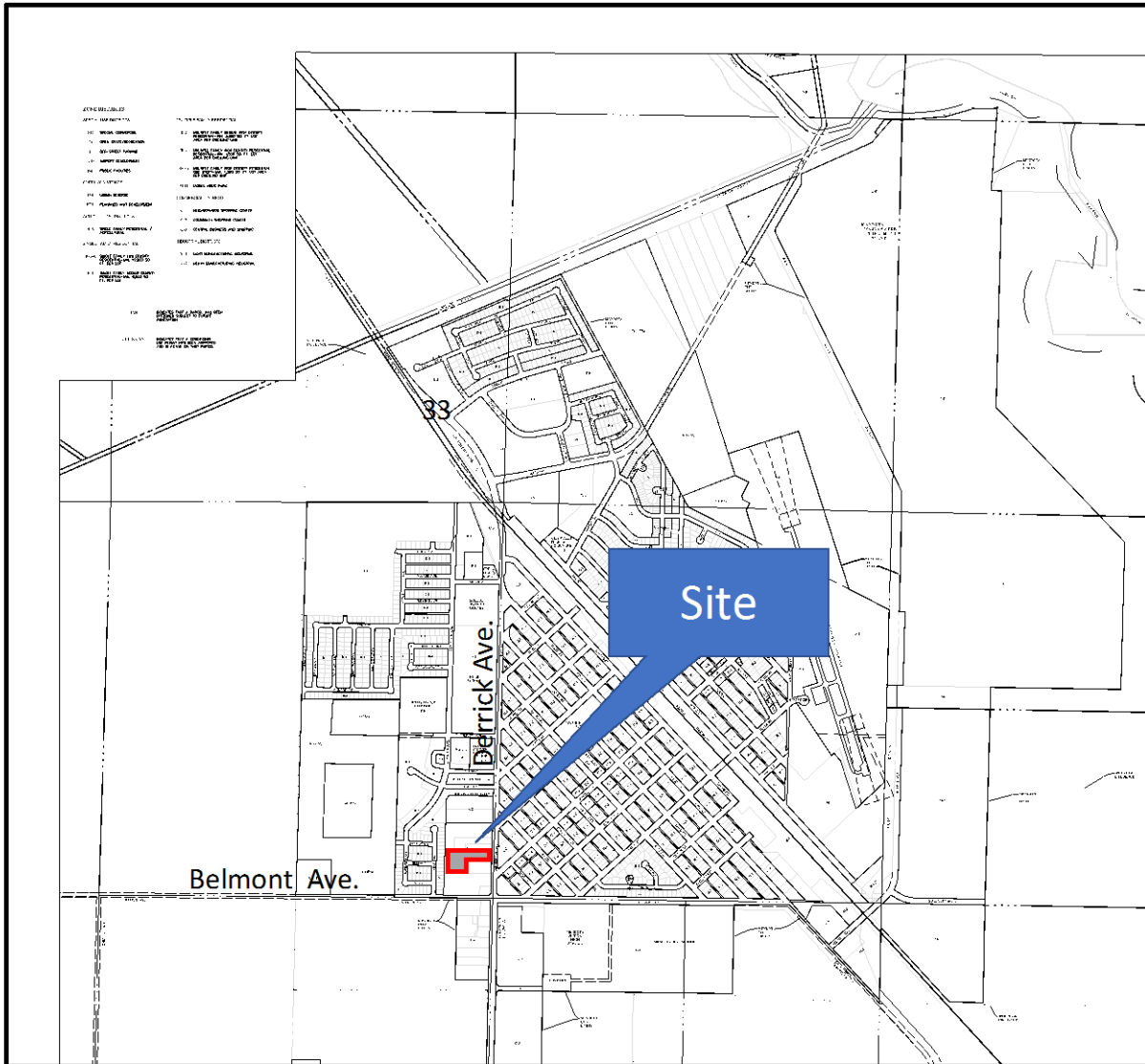
**Analysis**

The application includes two requests:

1. A Lot Line Adjustment to shift two lot lines that divide two parcels, located on the west side of Derrick Avenue, north of Belmont Avenue (see Map 1 (Location) and 2 (Aerial photo)). A portion of the site includes the recently-completed Taco Bell fast food restaurant.
2. A Variance to allow one of the proposed lots to be smaller than is required in the C-2 zone.

The proposed lot line adjustment is shown in Exhibit 1. Two parcels are involved: (Parcel “A” and Parcel “B”). Parcel “A” is vacant while Parcel B is developed with the Taco Bell restaurant. The adjustment involves lot lines on the rear of Parcel B. These lines are proposed to be amended and shifted to the east – closer to the Taco Bell structure. This will result in Parcel A increasing in size (to 2.37 acres) and Parcel B decreasing in size (to 0.81 acre).

**Map 1: Project Location**



The purpose of the lot line adjustment is to increase the size of Parcel "A" to accommodate future development of a health care clinic. The specific area being exchanged in the lot line adjustment will be developed with a small storm drain basin that will accept storm drain waters from both parcels. The plans for the clinic are expected to be submitted to the City soon and will come before the Planning Commission at that time.



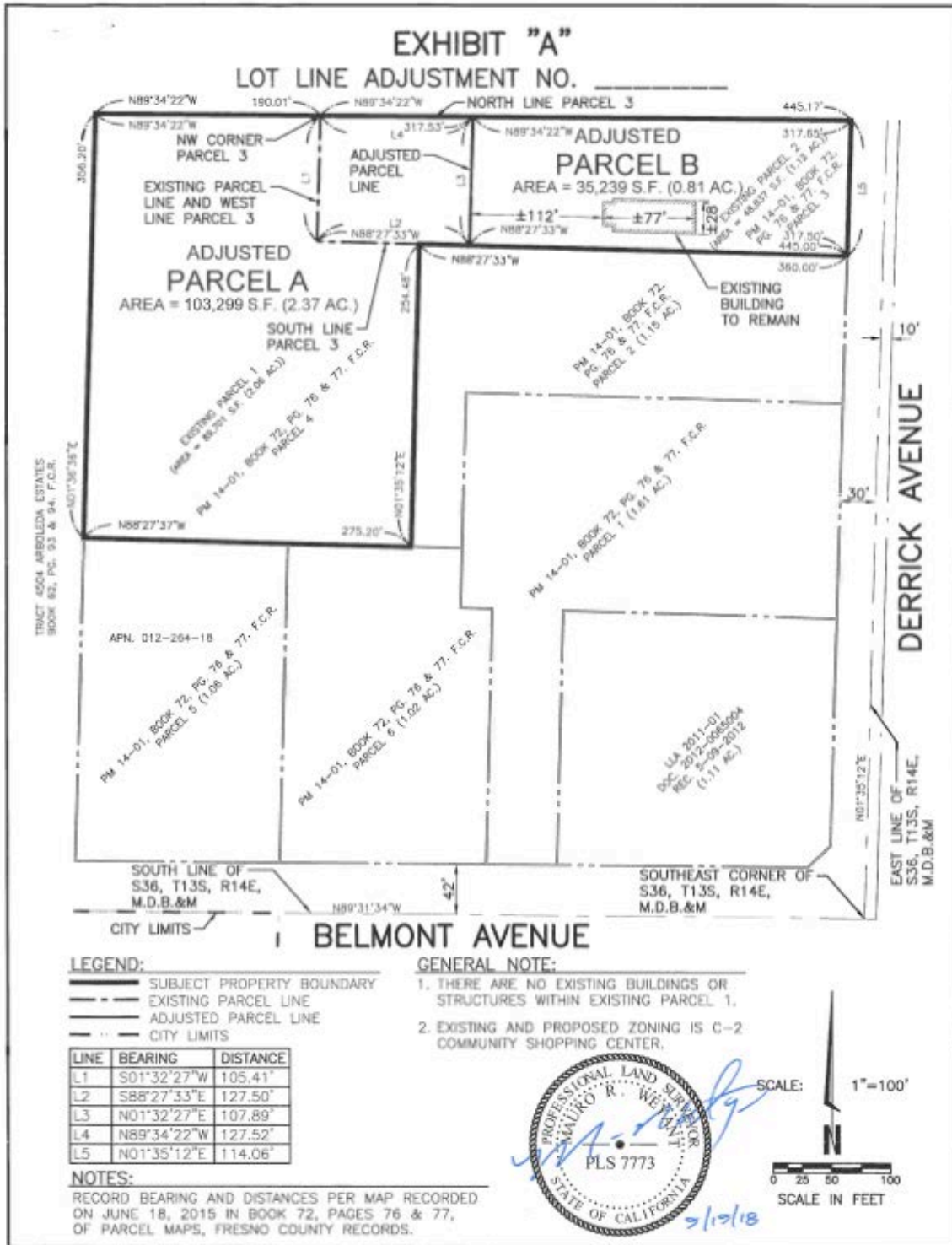
**Map 2: Aerial Photo**



The main concern with lot line adjustments are to ensure that the resulting lots meet city standards for lot size and dimensions, and that any structures on the resulting lots meet zoning standards (particularly for minimum building setbacks). The adjustment meets all standards except for the minimum lot size standard. For the C-2 zone the Zoning Ordinance requires a minimum lot size of 1 acre. As noted above, Parcel "B" is proposed to be adjusted to 0.81 acre (35,239 square feet) – this is 8,321 square feet less than one acre (43,560 square feet).



**Exhibit 1: Proposed Lot Line Adjustment**



In order to grant a Variance, the Planning Commission must be able to make the following “findings” contained in the Mendota Zoning Ordinance:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification;*
2. *Such variance is necessary for the preservation and enjoyment of a substantial property right of an applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;*
3. *The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and*
4. *The granting of such a variance will not be contrary to the objectives of the general plan.*

Staff believes the Variance should be granted. The purpose of a one acre minimum lot size for commercial parcels is very unusual. Most cities have no minimum lot size for commercial zones – in order to preserve flexibility that is needed in accommodating the needs of various types of commercial uses – which can be dramatically different from one project to the next. Staff believes the Variance is justified for several reasons and that the foregoing findings can be made:

- The need for proper storm drainage is a public health and safety issue and the lack of such facility would result in extraordinary circumstances.
- The provision of proper storm drainage is a substantial property right that is “enjoyed” by other property owners under similar conditions.
- Granting the Variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located. In fact, not granting the variance could be detrimental, in that flooding conditions could be exacerbated.
- Granting the Variance will further goals of the General Plan by ensuring that infrastructure and services (in this case, proper storm drainage) is provided.

Based on the foregoing analysis, it is recommended the Planning Commission vote to approve the Lot Line Adjustment and the Variance for the reduction in lot size.

### **Environmental Assessment**

Staff has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA). The exemption comes under Section 15061 b 3 which stipulates that CEQA does not apply to projects and actions where it can be seen with certainty that no significant impacts will occur.

**BACKGROUND INFORMATION**

Applicant/: Davena Witcher  
Property 1396 W. Herndon Ave. #105  
Owner Fresno, CA 93711

Agent: Mauro Weyant  
4950 E. Yale Avenue  
Fresno, CA 93727

Location: The subject site includes two parcels generally located on the west side of Derrick Avenue, north of Belmont Avenue (680 Derrick Avenue). The Assessor Parcel Numbers are 012-264-016 and 012-264-017.

Request: The applicant is requesting approval of a Lot Line Adjustment to shift existing lot lines between the two existing parcels. The purpose of the shift is to increase the size of Parcel "A" to accommodate future development of a medical clinic and storm drain basin. The application also includes a request for a Variance from the Zoning Ordinance's minimum lot size standards for the C-2 zone, which is one acre. Parcel "B" is proposed to be 0.81 acre.

Site: The two parcels contain a total of 3.18 acres. Parcel "A" is currently vacant. Parcel "B" is developed with a fast food restaurant (Taco Bell). Surrounding land uses are as follows:

North: Commercial  
South: Commercial  
East: Commercial  
West: Residential (single family residential subdivision)

Zone: The site is zoned C-2 (Community Shopping Center). Key development standards for this zone are:

Setbacks

Front Yard: 10 feet minimum (must be landscaped)

Side Yards

Interior Side Yard: None required except 10 feet is required where the site abuts a residential zone.

Street side yard: None except for corner lots (10 feet required on street side) or where lots abut a residentially-zoned lot.

Rear Yard: None required except a setback is required where the site abuts a residential zone. This setback shall be equal to the rear yard requirement of the residential zone.

Building Height: 50 feet, maximum

Minimum Lot Area: One acre (43,560 square feet)

Parking: By use. General standard is one space per two employees.

Surrounding zone classifications are as follows:

North: C-2 (Community Shopping Center)

South: C-2

West: R-1 (Single Family Residential)

East: C-3 (Central Business and Shopping)

**General Plan:** The subject site is designated “Community Commercial” by the Land Use Map of the Mendota General Plan. The C-2 zone is consistent with this land use designation.

**Access:** Access to the site is provided by Derrick Avenue, which is improved with one travel lane and one parking lane in each direction. This street is designated a “Collector” roadway by the Circulation Element of the Mendota General Plan. It is expected that when Parcel “A” is developed it will also have access (across parking lots, via adjoining parcels) to Belmont Avenue, which is also designated as a Collector roadway.

**Infrastructure:** The site has access to City water and sewer lines under Derrick Avenue. Storm drainage to the existing development is surface drainage provided by curbs and gutters although this site is in need of an on-site storm drainage basin.

**Services:** Police protection is provided to the site by the City of Mendota. Fire protection is provided by the Fresno County Fire Protection District operating from the station on the north side of McCabe Avenue, west of Highway 33.

**Environmental:** The City has determined the parcel map is exempt from review for environmental impacts under Section 15061 b 3 (General Exemption or “Common Sense Rule”) where it can be seen with certainty that the action will have no significant impacts on the environment.

**PLANNING COMMISSION  
OF THE CITY OF MENDOTA  
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION NO. PC 18-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENDOTA APPROVING VARIANCE  
2018-01 (WITCHER)**

**WHEREAS**, a request was submitted by Davena Witcher, 1396 W. Herndon Avenue #105, Fresno, CA 93711 for a Variance for a reduced lot size on a parcel located at 680 Derrick Avenue (Parcel "A" of Lot Line Adjustment 2018-01), and

**WHEREAS**, the site is zoned C-2 (Community Shopping Center) by the official zoning map of the City of Mendota, and this zone requires a minimum lot size of 1 acre, and

**WHEREAS**, the applicant has submitted a Lot Line Adjustment application to adjust lot lines separating this lot and adjacent Parcel "A" in the Lot Line Adjustment application, and

**WHEREAS**, a public hearing notice was published ten (10) days prior to the Planning Commission's meeting, and

**WHEREAS**, the Planning Department has prepared a staff report and declared the proposed project categorically exempt from the California Environmental Quality Act (CEQA), and

**WHEREAS**, the Planning Commission held a public hearing on this application and accepted testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of an applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification;
3. The granting of a variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
4. The granting of such a variance will not be contrary to the objectives of the general plan.
5. The variance is categorically exempt under the California Environmental Quality Act (CEQA (Section 15061(b)(3) of the CEQA Guidelines)).

**NOW, THEREFORE BE IT RESOLVED THAT** Variance 2018-01, as shown in Exhibit "A", is hereby approved by the Mendota Planning Commission.

The foregoing resolution was adopted upon a motion of Commission member \_\_\_\_\_, second by Commission member \_\_\_\_\_, at a regular meeting of the Mendota Planning Commission on the 18<sup>th</sup> day of December, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

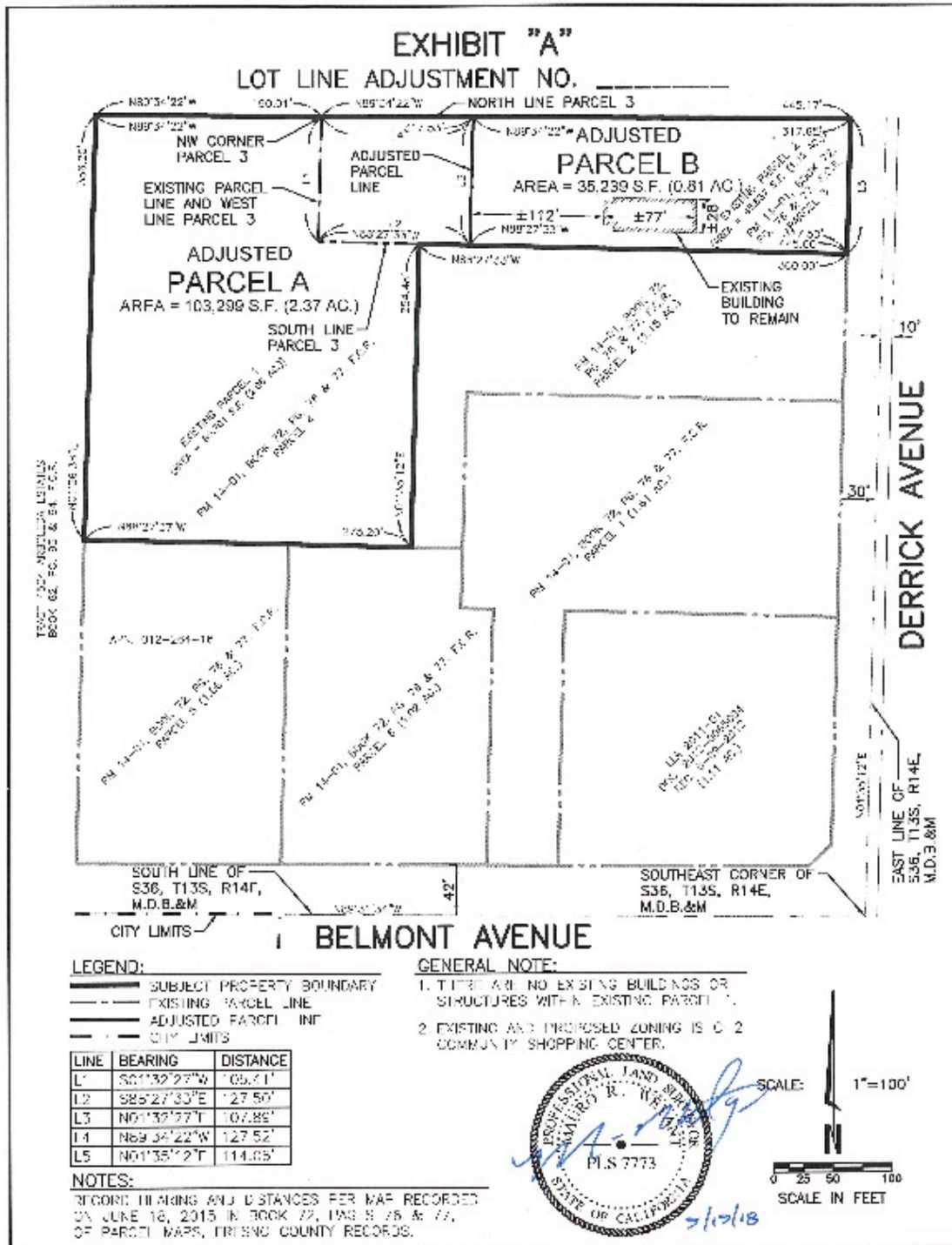
\_\_\_\_\_  
Juan Luna Chairperson

Attest:

\_\_\_\_\_  
Matt Flood, Secretary



**Exhibit "A": Proposed Lot Line Adjustment**



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**PLANNING COMMISSION  
OF THE CITY OF MENDOTA  
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**RESOLUTION NO. PC 18-09**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENDOTA APPROVING LOT LINE  
ADJUSTMENT 2018-01 (WITCHER)**

**WHEREAS**, the applicant, Davena Witcher, 1396 W. Herndon Avenue #105, Fresno, CA 93711, is requesting a lot line adjustment on two existing parcels located on the west side of Derrick Avenue, north of Belmont Avenue, in the City of Mendota, and

**WHEREAS**, the subject property is zoned C-2 (Community Shopping Center) according to the official zoning map of the City of Mendota, and

**WHEREAS**, the owners of all of the affected parcels have consented in writing to the lot line adjustment, and

**WHEREAS**, the existing Assessor Parcel Numbers of the affected lots are 012-264-016 and 012-264-017, and

**WHEREAS**, the applicant has submitted a request for a Variance from the Zoning Ordinance's standard that newly-created parcels in the C-2 zone have a minimum size of one acre, and

**WHEREAS**, staff has reviewed the proposal and found that the request is consistent with the Mendota General Plan, Zoning Ordinance and Subdivision Ordinance, and

**WHEREAS**, the request will not create a conflict with the City's Zoning Ordinance or building codes, and

**WHEREAS**, No new parcels will be created; therefore, the requirements of the Subdivision Map Act shall be inapplicable as per Section 66412(d) of the California Government Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Mendota has determined that the following findings are relevant in evaluating this proposal:

1. The proposal is consistent with the Mendota Zoning Ordinance and the Mendota General Plan.
2. The proposal is compatible with surrounding land uses.
3. The proposal will not have an adverse impact on the health, safety, or welfare of the neighborhood or the community.
4. The Planning Commission has granted approval for a Variance for one of the proposed parcels to contain less than one acre as is required by the Mendota Zoning Ordinance for newly-created lots in the C-2 zone.

5. This proposal has been determined to be Categorically Exempt as defined in Section 15061 b 3 of the California Environmental Quality Act of 1970 (CEQA).

6. Lot Line Adjustment 2018-01 as shown in the map and legal descriptions of the subject parcels is approved and shall be recorded as shown in Exhibit "A", Exhibit "B" and Exhibit "C", attached.

The foregoing resolution was adopted upon a motion of Commission member \_\_\_\_\_, second by Commission member \_\_\_\_\_, at a regular meeting of the Mendota Planning Commission on the 18<sup>th</sup> day of December, 2018, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

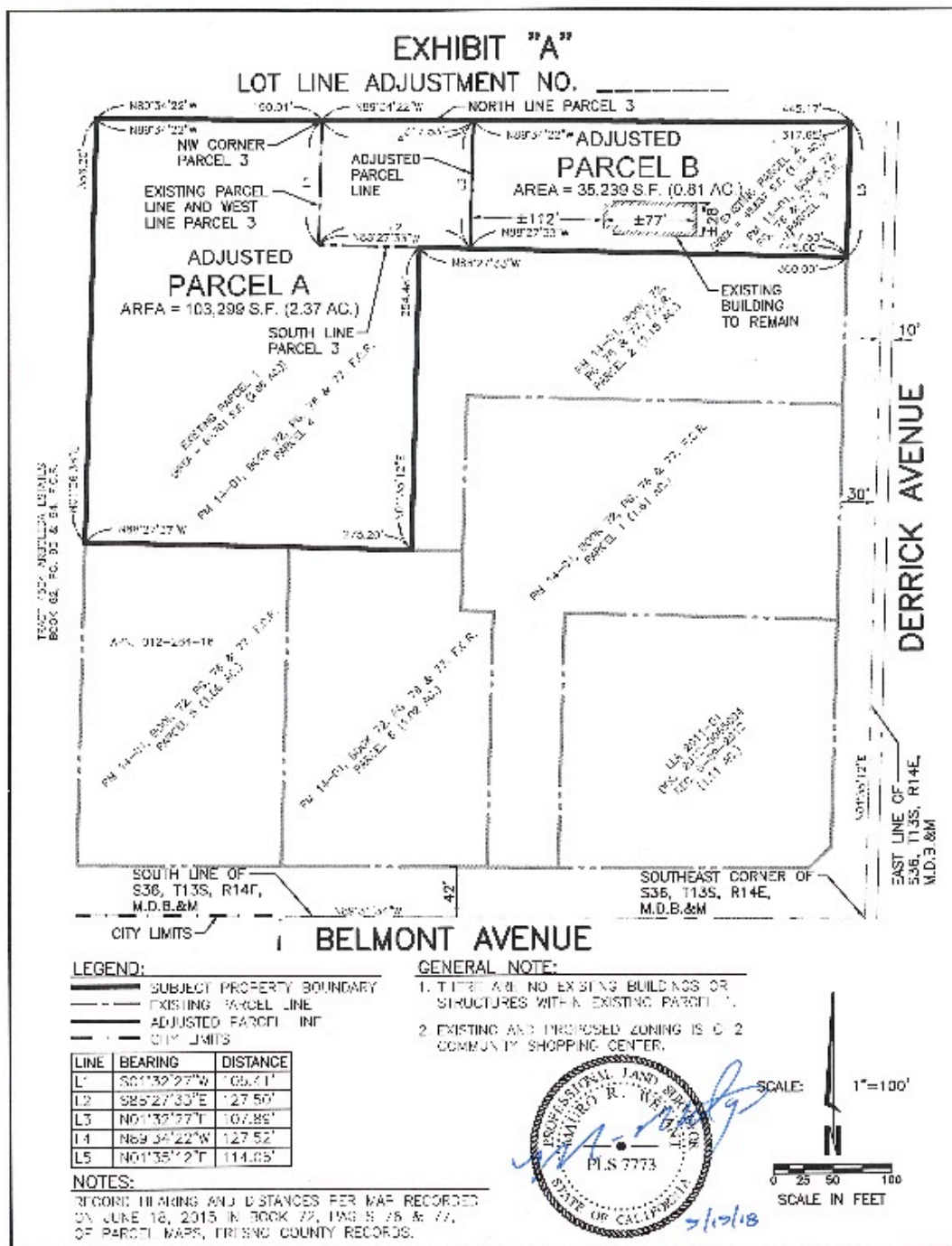
ABSENT:

\_\_\_\_\_  
Juan Luna Chairperson

Attest:

\_\_\_\_\_  
Matt Flood, Secretary

**EXHIBIT "A"**  
**MAP**



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**EXHIBIT "B"**  
**LEGAL DESCRIPTION OF EXISTING PARCELS**

(Existing Parcel 1 and 2, Lot Line Adjustment No. \_\_\_\_\_)

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF FRESNO, CITY OF MENDOTA, AND IS DESCRIBED AS FOLLOWS:

**Legal Description: Existing Parcel 1**

Parcel 4 of Parcel Map No. 14-01, in the City of Mendota, County of Fresno, State of California, being a portion of the Southeast Quarter of Section 36, Township 13 South, Range 14 East, Mount Diablo Base and Meridian, as per Map recorded on June 18, 2015 in Book 72, Page 76 and 77 of Parcel Maps.

Contains 2.06 acres more or less.

APN's: 012-264-17

**Legal Description: Existing Parcel 2**

Parcel 3 of Parcel Map No. 14-01, in the City of Mendota, County of Fresno, State of California, being a portion of the Southeast Quarter of Section 36, Township 13 South, Range 14 East, Mount Diablo Base and Meridian, as per Map recorded on June 18, 2015 in Book 72, Page 76 and 77 of Parcel Maps.

Contains 1.12 acres more or less.

APN: 012-264-16

End of Description.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature:   
Mauro R. Weyant, PLS 7773

Lic. Exp. 12/31/19

Date: 9/18/18



**EXHIBIT "C"**  
**LEGAL DESCRIPTION OF PROPOSED PARCELS**

**ADJUSTED LEGAL DESCRIPTIONS**

(Adjusted Parcel A and B, Lot Line Adjustment No. \_\_\_\_\_)

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF FRESNO, CITY OF MENDOTA, AND IS DESCRIBED AS FOLLOWS:

**Legal Description: Adjusted Parcel A**

Parcel 4 of Parcel Map No. 14-01, in the City of Mendota, County of Fresno, State of California, being a portion of the Southeast Quarter of Section 36, Township 13 South, Range 14 East, Mount Diablo Base and Meridian, as per Map recorded on June 18, 2015 in Book 72, Page 76 and 77 of Parcel Maps.

TOGETHER WITH that portion of Parcel 3 of said Parcel Map No. 14-01 described as follows:

Beginning at the Northwest Corner of said Parcel 3 of said Parcel Map No. 14-01; thence South 01° 32' 27" West along the West line of said Parcel 3 of said Parcel Map No. 14-01, a distance of 105.41 feet to the South line of said Parcel 3; thence South 88° 27' 33" East, a distance of 127.50 feet along the South line of said Parcel 3; thence North 01° 32' 27" East, a distance of 107.89 feet to the intersection with the North line of said Parcel 3; thence North 89° 34' 22" West, along the North line of said Parcel 3, a distance of 127.52 feet to the point of beginning.

Contains 2.37 acres more or less.

APN's: 012-264-17

**Legal Description: Adjusted Parcel B**

Parcel 3 of Parcel Map No. 14-01, in the City of Mendota, County of Fresno, State of California, being a portion of the Southeast Quarter of Section 36, Township 13 South, Range 14 East, Mount Diablo Base and Meridian, as per Map recorded on June 18, 2015 in Book 72, Page 76 and 77 of Parcel Maps.

EXCEPTING therefrom that portion of Parcel 3 of said Parcel Map No. 14-01 described as follows:

Beginning at the Northwest Corner of said Parcel 3 of said Parcel Map No. 14-01; thence South 01° 32' 27" West along the West line of said Parcel 3 of said Parcel Map No. 14-01, a distance of 105.41 feet to the South line of said Parcel 3; thence South 88° 27' 33" East, a distance of 127.50 feet along the South line of said Parcel 3; thence North 01° 32' 27" East, a distance of 107.89 feet to the intersection with the North line of said Parcel 3; thence North 89° 34' 22" West, along the North line of said Parcel 3, a distance of 127.52 feet to the point of beginning.

Contains 0.81 acres more or less.

APN: 012-264-16



**EXHIBIT "C" (Continued)**  
**LEGAL DESCRIPTION OF PROPOSED PARCELS**

End of Description.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature:   
Mauro R. Weyant, PLS 7773

Lic. Exp. 12/31/19

Date: 9/19/18

