



PLANNING COMMISSION AGENDA

HAL KISSLER, Chair

Commission Members
JAIME HOLT, Vice Chair
LORI CHERRY
NAT DIBUDUO
SEROP TOROSSIAN
CHARLES VANG
ROJELIO VASQUEZ

Planning and Development
Interim Director/Secretary
KEITH BERGTHOLD

Deputy City Attorney
JOHN W. FOX

The Planning Commission welcomes you to this meeting.

December 10, 2008

Wednesday

6:00 p.m. to 9:30 p.m.

City Hall, Second Floor, COUNCIL CHAMBER, 2600 Fresno Street

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call Planning and Development Department staff at 559-621-8277.

Metered parking is in effect throughout the downtown area. The general public wishing to attend a Planning Commission meeting at City Hall may park after 5 p.m. in the parking lot at the northeast corner of Tulare and P Streets or in the parking lot east of City Hall across the railroad tracks. Both parking lots have entrances from Tulare Street. and parking restrictions have been relaxed in these lots for those attending the meeting.

- I. **ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**
- III. **PROCEDURES**

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing.

In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition of the project will be limited to five minutes per person. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with a soft bell ring when one minute is remaining. The speaker should be completing the testimony by the time the red light comes on with a final bell indicating time has expired. All public testimony must be presented to the Commission at the podium. Any testimony that references race, religion, economic status, national origin, shall be deemed out of order, irrelevant and will not be considered by the Commission in making its land use determinations.

If you challenge these land use matters in court, you may be limited to raising only those issues you or someone else raised in oral or written testimony at or before the close of the hearing.

IV. AGENDA APPROVAL

- A. Consent Calendar Requests
- B. Continuance Requests
- C. Other Agenda Changes

V. CONSENT CALENDAR

All Consent Calendar items are considered by the Planning Commission to be routine and will be enacted in one motion. There will be no separate discussion of these items unless requested, in which event the items will be removed from the Consent Calendar and considered prior to approval of the Consent Calendar. If any member of the public wishes to have a specific item removed for discussion, be present when the meeting is called to order and the Chair announces the Consent Calendar. Commission approval of Consent Calendar items for which there is no discussion shall constitute adoption of the staff recommendation.

- A. Minutes
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

VIII. NEW MATTERS

- A. Consideration of Rezone Application No. R-05-107, and environmental findings, filed by Richard and Donna Stoeckel, pertaining to approximately 2.5 acres of property located on the north side of the East Austin Way terminus, west of North Chestnut Avenue.
 - 1. Environmental Assessment No. R-05-107/TPM-2008-06, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 - 2. Rezone Application No. R-05-107 proposes to rezone the subject property from the R-A (*Single Family Residential-Agricultural*) zone district to the R-1-B (*Single Family Residential*) zone district. Rezone Application No. R-05-107 is being processed to facilitate the subdivision of the subject property into four lots with one remainder parcel as proposed by Vesting Tentative Parcel Map No. 2008-06. Any action related to Vesting Tentative Parcel Map No. 2008-06 is temporarily suspended until the Fresno City Council takes action on Rezone Application No. R-05-107.
 - Hoover Community Plan
 - Council District 4 (Councilmember Caprioglio)
 - Staff Member: Will Tackett
 - Staff Recommendation: Recommend Approval
 - Will be considered by the City Council

VIII. NEW MATTERS - *Continued*

B. Consideration of Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P.

The Fresno City Planning Commission, at its meeting on November 5, 2008, approved Vesting Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308 (filed by the McCaffrey Group) thereby authorizing the subdivision and planned development of approximately 122.93 net acres (126.89 gross acres) of property located between West Ashlan Avenue and the West Gettysburg Avenue Alignment; and, between North Bryan and North Hayes Avenues. Vesting Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308 propose a 738-lot, single family residential (648 dwelling units) subdivision and neighborhood commercial shopping center (4 lots) with 86 Outlots proposed to be dedicated for various open space, private street, and parking purposes.

Under the provisions of Section 65864 et seq. of the Government Code, the City of Fresno is authorized to enter into a Development Agreement with any person having a legal or equitable interest in real property for the development of the property. The purpose of the Development Agreement is to strengthen the public planning process, encourage private participation in comprehensive planning, and secure investment in, and commitment to, public facilities and infrastructure in the vicinity of the project in order to assure the maximum efficient utilization of resources at the least economic cost to the public.

1. Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 L.P. Negotiating and stipulating terms respective to: (1) Vested Rights; (2) The timing within which key elements of the project need to be constructed; (3) The sale, transfer or assignment of all or a portion of the project and rights, duties or obligations of the agreement; (4) Allocation of fee credits and reimbursements (i.e., developer financing); (5) The subjectivity of the project to exactions such as adopted regional mitigation fee assessments; (6) Acknowledgement of potential or permitted alternatives to the approved project (e.g., density and intensity of uses) and conditions, terms, restrictions and requirements for subsequent discretionary actions; and, (7) The duration of the agreement.

- West Area Community Plan
- Council District 1 (Councilmember Xiong)
- Staff Member: Will Tackett
- Staff Recommendation: Recommend Approval
- Will be considered by the City Council

IX. REPORT BY SECRETARY

- A. Revocation Workshop (John W. Fox, City Attorney's Office)

X. UNSCHEDULED ORAL COMMUNICATIONS

You may address the Planning Commission at the conclusion of the Commission meeting regarding matters of public interest that are not listed on the agenda and that are within the Commission's jurisdiction. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on the Planning Commission agenda should contact the Planning and Development Department, (559) 621-8277, at least 10 days before the desired appearance date.

XI. ADJOURNMENT

UPCOMING MATTERS

(Dates subject to change)

December 17, 2008 --- 2008 Cycle III General Plan Amendments

--- Consideration of an appeal of the revocation of Site Plan Review No. S-06-353

January 28, 2009 – Joint Planning Commissioners Workshop