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ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Borgeas SECONDED BY Caprioglio

BILL NO. B-9

ORDINANCE NO. 2009-8

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, Rezone Application No. R-08-037 has been filed by Dirk Poeschel Land Development Services, Inc., and David Bowie, on behalf of RKME Investments, LLC., property owner, with the City of Fresno to rezone property as described herein below; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a public hearing on the 4<sup>th</sup> day of February, 2009, to consider Rezone Application No. R-08-037 and related Environmental Assessment No. R-08-037/C-08-284, during which the Commission considered the environmental assessment and recommended to the Council of the City of Fresno approval, as evidenced in Planning Commission Resolution No. 12929, of the rezone application to amend the City's Zoning Ordinance on real property described herein below from the C-1/BA-20/UGM/cz (*Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) and the M-1/BA-20/UGM/cz (*Light Manufacturing/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) zone districts to the C-1/BA-20/UGM/cz (*Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) zone district; and,

Adopted 2/24/09  
Approved 2/24/09  
Effective 3/27/09

2009-8



WHEREAS, the Council of the City of Fresno, on the 24<sup>th</sup> day of February, 2009, received the recommendation of the Planning Commission.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, Rezone Application No. R-08-037 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the Finding of Conformity for Environmental Assessment No. R-08-037/C-08-284 dated January 06, 2009.

SECTION 2. The Council finds the recommended C-1/BA-20/UGM/cz (*Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) zone district is consistent with the proposed neighborhood commercial planned land use designations of the 2025 Fresno General Plan and the Bullard Community Plan as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 3. The Council finds that the zone district of the real property described hereinbelow, located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is reclassified from the C-1/BA-20/UGM/cz (*Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) and M-1/BA-20/UGM/cz (*Light Manufacturing/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning*) zone districts to the C-1/BA-20/UGM/cz



*(Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/with conditions of zoning) zone district:*

**From C-1/BA-20/UGM/cz and M-1/BA-20/UGM/cz to C-1/BA-20/UGM/cz:**

Parcel A of Parcel Map No. 2004-20, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 65 Pages 46 and 47 of Parcel Maps, Fresno County Records.

SECTION 4. The development and rezoning of the property described in Section 3 shall be conditioned upon the following conditions of zoning which are on file in the Planning and Development Department.

1. The City of Fresno shall require the dedication of an aviation easement and agreement as called for in the 1995 Sierra Sky Park Land Use Policy Plan.
2. No structure, tree, or other object shall be permitted to exceed the height limits established in accordance with Part 77, Subpart C, of the Federal Aviation Regulations (FAR).
3. The development of schools, hospitals, nursing homes or similar uses shall be prohibited.
4. Development of the subject site shall occur in substantial conformance with Conditional Use Permit No. C-08-284 and attached Exhibit "A" dated February 04, 2009, as determined by the Planning and Development Department Director. Subsequent phases or revisions shall be in substantial conformance with this development.
5. Mortuaries and service stations shall be prohibited on the subject property.
6. The maximum building height on the subject property shall not exceed 50 feet.
7. The developer of the subject property shall be required to mitigate the impacts of increased stormwater runoff to acceptable rates from which there is drainage system capacity. The developer will be required to submit improvement plans demonstrating a proposed method of mitigation to the Fresno Metropolitan Flood Control District for review and approval prior to issuance of permits.

SECTION 5. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage. ///



CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 24th day of February, 2009, by the following vote:

Ayes: Borgeas, Brand, Caprioglio, Perea, Xiong, Sterling  
Noes: Dages  
Absent: None  
Abstain: None

REBECCA E. KLISCH  
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
City Attorney

By John W. Fox  
John W. Fox  
Deputy City Attorney

Date 2/18/2009

Rezone Application No. R-08-037  
Filed by Dirk Poeschel Land Development Services,  
Inc. & David Bowie on behalf of Bob Diel, property  
owner.  
APN No(s). 506-320-41



**esborne**  
ARCHITECTURE  
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DATE: 02/24/09  
SCALE: 1/8" = 1'-0"  
PROJECT: RIDE AND SHINE CARWASH  
SHEET: A1.0

**RIDE AND SHINE  
CARWASH**  
FRESNO DRIVE  
FRESNO, CALIFORNIA

**A1.0**

**INDEX**

- ARCHITECTURAL
- A1.0 SITE PLAN WITH LANDSCAPE PLAN
- A1.1 FLOOR PLAN DETAILS
- A1.2 EXTERIOR ELEVATIONS

**PROJECT DATA**

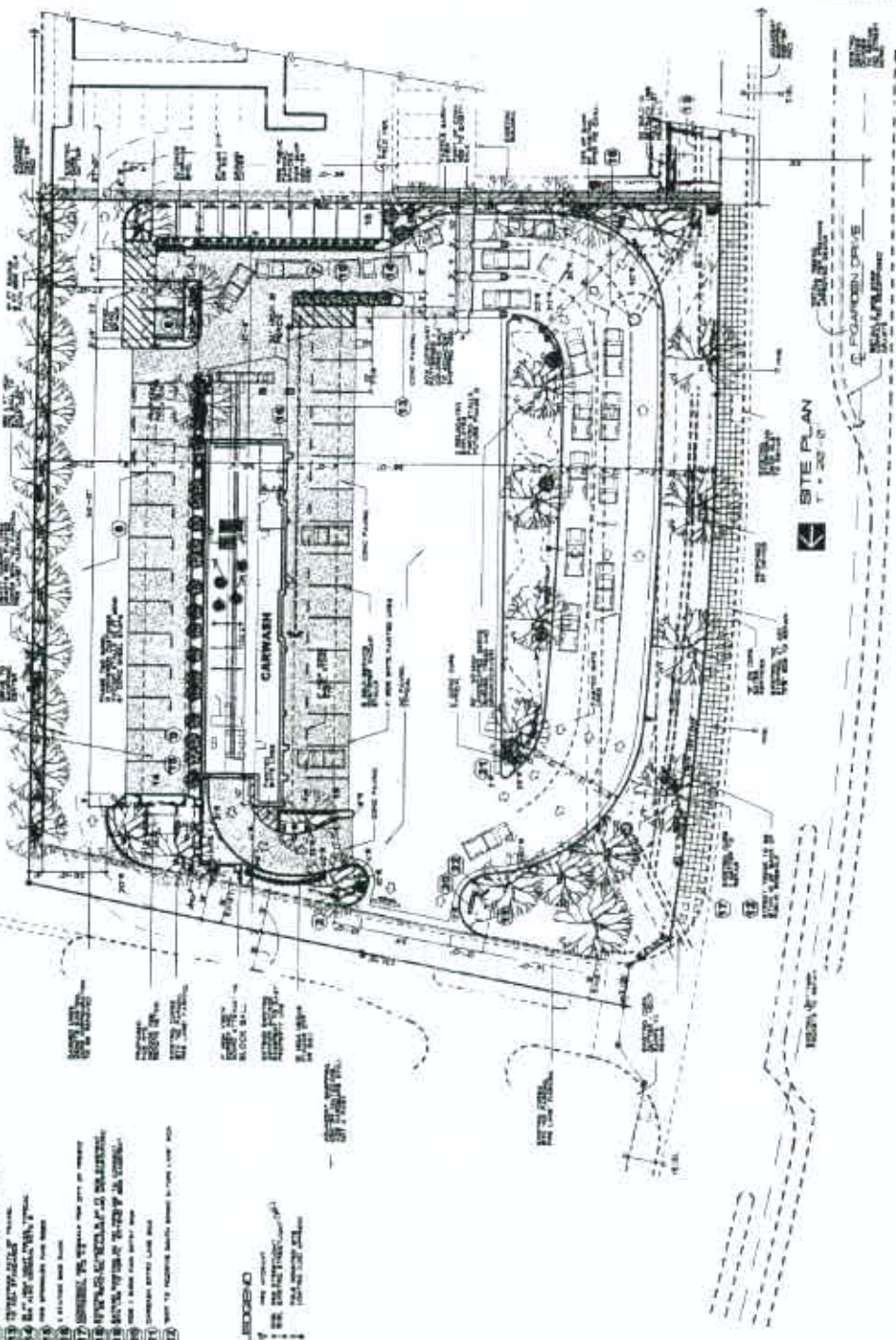
DATE:	02/24/09
PROJECT:	RIDE AND SHINE CARWASH
CLIENT:	ESBORNE ARCHITECTURE
DESIGNER:	ESBORNE ARCHITECTURE
CONTRACTOR:	ESBORNE ARCHITECTURE
SCALE:	1/8" = 1'-0"
DATE:	02/24/09

**PROJECT DATA**

PROJECT: RIDE AND SHINE CARWASH  
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- SHEET NOTES**
- 1) SEE SHEET A1.1 FOR ARCHITECTURAL DETAILS.
  - 2) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO SPECIFICATIONS.
  - 3) ALL MATERIALS SHALL BE APPROVED BY THE CITY OF FRESNO.
  - 4) ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED.
  - 5) ALL EXCAVATION SHALL BE PROTECTED AND RECONSTRUCTED TO ORIGINAL OR BETTER.
  - 6) ALL CONCRETE SHALL BE 3000 PSI.
  - 7) ALL REINFORCEMENT SHALL BE #4 BARS.
  - 8) ALL WALLS SHALL BE 12" THICK.
  - 9) ALL ROOFS SHALL BE 2" POLYSTYRENE INSULATION WITH 18 GA. GALVALUMED STEEL DECKING.
  - 10) ALL FLOORS SHALL BE 4" CONCRETE ON 2" POLYSTYRENE INSULATION WITH 18 GA. GALVALUMED STEEL DECKING.
  - 11) ALL CEILING SHALL BE 5/8" Gypsum Board on 2x4 Joists.
  - 12) ALL INTERIORS SHALL BE 1/2" Gypsum Board on 2x4 Studs.
  - 13) ALL EXTERIORS SHALL BE 1/2" Gypsum Board on 2x4 Studs.
  - 14) ALL ROOFING SHALL BE 18 GA. GALVALUMED STEEL DECKING.
  - 15) ALL SLOPED ROOFS SHALL BE 12:12.
  - 16) ALL WINDOWS SHALL BE 1/2" GLASS ON 2x4 FRAMES.
  - 17) ALL DOORS SHALL BE 1 3/4" SOLID CORE DOORS ON 2x4 FRAMES.
  - 18) ALL EXTERIOR WALLS SHALL BE 12" CONCRETE WITH 1/2" GYPSUM BOARD.
  - 19) ALL EXTERIOR FLOORS SHALL BE 4" CONCRETE ON 2" POLYSTYRENE INSULATION WITH 18 GA. GALVALUMED STEEL DECKING.
  - 20) ALL EXTERIOR ROOFS SHALL BE 2" POLYSTYRENE INSULATION WITH 18 GA. GALVALUMED STEEL DECKING.
  - 21) ALL EXTERIOR CEILING SHALL BE 5/8" GYPSUM BOARD ON 2x4 JOISTS.
  - 22) ALL EXTERIOR INTERIORS SHALL BE 1/2" GYPSUM BOARD ON 2x4 STUDS.



**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO SPECIFICATIONS.

2. ALL MATERIALS SHALL BE APPROVED BY THE CITY OF FRESNO.

3. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED.

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21. ALL EXTERIOR INTERIORS SHALL BE 1/2" GYPSUM BOARD ON 2x4 STUDS.

**LANDSCAPING CONCEPT**

THE LANDSCAPING CONCEPT IS TO PROVIDE A FUNCTIONAL AND AESTHETIC ENVIRONMENT. THE DESIGN INCLUDES PLANTING, EXCAVATION, AND CONCRETE CURB. THE LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF FRESNO SPECIFICATIONS.

**Exhibit "A"**  
February 24, 2009