



PLANNING COMMISSION AGENDA

HAL KISSLER, Chair

Commission Members
JAIME HOLT, Vice Chair
LORI CHERRY
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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.

March 18, 2009

Wednesday

6:00 p.m. to 10:00 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 - Meeting Minutes of January 21 and February 4, 2009

B. Communications

- 1. Request for further extension of time for the filing of a Final Tract Map for Vesting Tentative Tract Map No. 5298/UGM.

- Staff Member: Sandra Brock

C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. SCHEDULED ORAL COMMUNICATIONS

VIII. CONTINUED MATTERS

IX. NEW MATTERS

A. REFER BACK TO STAFF

Consideration of Plan Amendment Application No. A-08-09, Rezone Application No. R-08-013, and environmental findings, filed by Sol Development Associates LLC on behalf of owners John & Shelly Shamshoian and Cyrus and Diana Setoodeh, pertaining to 23.2 acres of property located at 2551 South Minnewawa Avenue, on the northwest corner of East Jensen and South Minnewawa Avenues (Assessor's Parcel No. 481-050-03).

1. Environmental Assessment No. A-08-09/R-08-013, determination of initial study to file a Mitigated Negative Declaration.
2. Plan Amendment Application No. A-08-09 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the planned land uses of this property from medium-low density residential (11.4 acres) and medium density residential (3.8 acres) to medium-high density residential planned land use. Eight (8.0) acres of the subject property are already planned land use. Eight (8.0) acres of the subject property are already planned for medium-high density residential use.
3. Rezone Application No. R-08-034 proposes to reclassify the entire 23.2-acre property from the AE-5/UGM (*Exclusive Five Acre Agricultural District/Urban Growth Management Area*) zone district to the R-2/UGM (*Low Density Multiple Family Residential District/UGM Area*) zone district.
 - Roosevelt Community Plan
 - Council District 5 (Councilmember Dages)
 - Staff Member: Sandra Brock
 - Staff Recommendation: Refer back to staff

IX. NEW MATTERS - *Continued*

- B. Consideration of an appeal of the Planning and Development Department Director's approval of Variance Application No. V-08-017.
1. Environmental Assessment No. V-08-017, determination that the above-referenced project is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with the Section 15332/Class 32 (infill development) exemption of the CEQA Guidelines.
 2. Variance Application No. V-08-017 proposes to reduce the required side-yard building setback area from an existing house to the north property-line of the project site from 5 feet to 6 inches; reduce the required minimum side to side space between main buildings from 10 feet to 6 feet; reduced the number of required parking spaces from six to four parking spaces; reduce the amount of required usable open space on the project site from 2,515 square-feet. The subject variance application is being proposed in order to facilitate the development that complies with provisions of the Tower District Specific Plan Design Guidelines. The 0.25 acre project site includes an existing single-family residence that will remain in place, and is zoned R-2 (Low Density Multiple Family Residential District). The project site is located at the northeasterly corner of North Broadway and East Dennett Avenues (719 East Dennett Avenue).
 - Tower District Specific Plan/Fresno High Roeding Community Plan
 - Council District 3 (Councilmember Sterling)
 - Staff Member: Donn Beedle
 - Staff Recommendation: Deny appeal, uphold action by Director
 - May be considered by the City Council
- C. Planning and Development Department Director's approval of Conditional Use Permit Application No. C-08-262 and environmental findings, filed by John P. Chavez on behalf of Fast N Esy No.4, pertaining to approximately 2,166 square foot convenience store with fueling stations located at 902 East Shields Avenue, on the southwest corner of North Maroa and East Shields. Avenues.
1. Environmental Assessment No. C-08-262, determination of a Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA) Guidelines.
 2. Conditional Use Permit Application No. C-08-262 proposes to allow the up-grade or exchange of a State of California Alcohol Beverage Control license for off-sale consumption from an ABC Type 20 (beer/wine) to an ABC Type 21 (beer/wine/distilled spirits) where sold. The subject site is zoned C-2 (*Community Shopping Center District*) and is designated for *General Heavy Commercial* planned land use by the 2025 Fresno General Plan and Fresno High-Roeding Community Plan.
 - Fresno-Roeding Community Plan
 - Council District (Councilmember Perea)
 - Staff Member: Mikeal Chico
 - Staff Recommendation: Deny appeal, uphold action by Director
 - May be considered by the City Council

X. REPORT BY SECRETARY

A. PARCS Workshop

- Staff Member: Parks Department

XI. 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.

XII. ADJOURNMENT

UPCOMING MATTERS

(Dates subject to change)

April 8, 2009 - C-08-314, Appeal of ABC/CUP

April 8, 2009 - C-09-28, Group home for women

April 8, 2009 - C-09-278, CVS Pharmacy

April 8, 2009 – T-5584, Granville

April 8, 2009 – A-08-28/R-08-38, Derrel's Mini Storage

April 8, 2009 – A-07-10/R-07-30, Lutton Smith office project