



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 FOX

The Planning Commission welcomes you to this meeting.

December 3, 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 – Meeting Minutes of November 19, 2008
- B. Communications
- C. Entitlements

VI. REPORTS BY COMMISSIONERS

VII. CONTINUED MATTERS

- A. Consideration of an appeal of the action of the Planning and Development Department Director approving Conditional Use Permit Application No. C-08-214, filed by Country Squire Investments LLC, pertaining to approximately 4.13 acres of property located on the southeast corner of North First Street and East Ashlan Avenue. The subject site is zoned C-2 (*Community Shopping Center*) and P (*Off-Street Parking*). (*Continued from November 19, 2008.*)
 - 1. Environmental Assessment No. C-08-214, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 - 2. Conditional Use Permit Application No. C-08-214, requesting authorization to construct a 13,969 square-foot Fresh & Easy grocery store, a 14,820 square-foot Walgreens with a drive-through service window, and a 7,475 square-foot multiple-tenant shop. The application also requests a Type 21 ABC license (*off-sale of beer, wine, and distilled spirits for consumption off the premises where sold*) to sell alcoholic beverage products at the proposed Fresh & Easy grocery store.
 - McLane Community Plan
 - Council District 4 (Councilmember Caprioglio)
 - Staff Member: McKencie Contreras
 - Staff Recommendation: Deny Appeal; Uphold Director's Approval
 - May be considered by the City Council

VII. CONTINUED MATTERS - *Continued*

B. REFER BACK TO STAFF

Consideration of amendment to the Conditions of Approval for Vesting Tentative Parcel Map No. 2001-01, filed by Granville Homes, pertaining to the approval of Parcel Map No. 2001-01 (recorded on July 23, 2002). Parcel Map No. 2001-01 subdivided approximately 17.65 net acres of property located on the northeast corner of the intersection of North Chestnut and East Nees Avenues. (*Continued from November 19, 2008.*)

1. Amend Conditions of Approval for Vesting Tentative Parcel Map No. 2001-01 related to the construction of off-site public street improvements along the street frontages of an approximately 10-acre parcel located on the immediate northeast corner of North Chestnut and East Nees Avenues. The 10-acre parcel was created by the recorded parcel map and has been sold by Granville Homes to a new owner. All of the required off-site improvements were previously secured by Granville Homes through a bond with the recordation of Parcel Map No. 2001-01. Approval of the requested amendment to the conditions of approval would permit release of the bond by Granville Homes and transfer the obligation for construction of improvements to the current property owner. If the proposed amendment is approved, construction of all of the respective improvements would be required at the time of development of the subject property.

- Woodward Park Community Plan
- Council District 6 (Councilmember Duncan)
- Staff Member: Will Tackett
- Staff Recommendation: Refer back to staff
- May be considered by the City Council

VIII. NEW MATTERS

- A. Overview of Amendment No. 1 to the 2008-2013 City of Fresno Housing Element of the 2025 Fresno General Plan and recommendation of adoption to the City Council.

- City-wide application
- Staff Member: Claudia Cazares/Sophia Pagoulatos
- Staff Recommendation: No action required; formal action to occur in January 2009

VIII. NEW MATTERS - *Continued*

- B. Consideration of Rezone Application No. R-08-30, and environmental findings, filed by the City of Fresno, pertaining to 190 properties totaling approximately 93 acres generally located at the southwest corner of East Belmont and North Sunnyside Avenues.
1. Environmental Assessment No. R-08-30, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 2. Rezone Application No. R-08-30 proposes to rezone the 190 properties from the R-1 (*Single Family Residential, 6,000 square-foot minimum lot size, Fresno County*), R-1-AH (*Single Family Residential, 20,000 square-foot minimum lot size, Fresno County*), R-2 (*Low Density Multiple Family Residential, Fresno County*), and R-3 (*Medium Density Multiple Family Residential, Fresno County*) zone districts to the R-1 (*Single Family Residential, 6,000 square-foot minimum lot size*), R-1-B (*Single Family Residential, 12,500 square-foot minimum lot size*) and R-2 (*Low Density Multiple Family Residential*) zone districts.
 - Roosevelt Community Plan
 - Council District 5 (Councilmember Dages)
 - Staff Member: Bruce Barnes
 - Staff Recommendation: Recommend Approval
 - Will be considered by the City Council
- C. Consideration of Plan Amendment Application No. A-08-10, Rezone Application No. R-08-14, Conditional Use Permit Application No. C-08-157, and environmental findings, filed by Dewayne Zinkin, pertaining to approximately 40 acres of property located between North Friant Road, East Audubon Drive, East Cole Avenue, and North Fresno Street (Fresno 40 Project).
1. Proposed Final Environmental Impact Report (EIR) No. 10142 prepared for the project.
 2. Plan Amendment Application No. A-08-10 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan for approximately 16 acres of the subject property from the office commercial planned land use designation to the community commercial land use designation.
 3. Rezone Application No. R-08-14 proposes to rezone approximately 16 acres of the subject property from the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) and R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district. The rezone application also proposes to change an existing condition of zoning to allow for two vehicular access points from the subject property to North Friant Road.
 4. Conditional Use Permit Application No. C-08-157 proposes development of 209,650 square feet of retail commercial uses, 278,200 square feet of office uses, and 24 residential units on the entire 40-acre subject property.
 - Woodward Park Community Plan
 - Council District 6 (Councilmember Duncan)
 - Staff Member: David Braun
 - Staff Recommendation: Recommend Approval of the Plan Amendment and Rezone Applications; Approve the Conditional Use Permit Application
 - Will be considered by the City Council

VIII. NEW MATTERS - *Continued*

- D. Consideration of an appeal of the action of the Planning and Development Department Director conditionally approving Conditional Use Permit Application No. C-07-259, filed by Roberta Ann Humphreys, pertaining to approximately 1.49 acres of property located on the west side of North Backer Avenue between East Harvey and East Thomas Avenues (757 North Backer Avenue). The subject site is zoned M-1 (*Light Manufacturing*).
1. Environmental Assessment No. C-07-259, determination of a Class 32 Categorical Exemption from the requirements of the California Environmental Quality Act.
 2. Conditional Use Permit Application No. C-07-259, requesting authorization to establish (maintain) a business involving towing storage and lien sales of impound motor vehicles along with storage of tow trucks and storage of personal auto collection and equipment.
 - Roosevelt Community Plan
 - Council District 7 (Councilmember Perea)
 - Staff Member: McKencie Contreras
 - Staff Recommendation: Deny Appeal; Uphold Director's Conditional Approval
 - May be considered by the City Council
- E. Consideration of Plan Amendment Application No. A-08-15, Rezone Application No. R-08-25, and environmental findings, filed by Jeffrey T. Roberts on behalf of Granville Homes, Inc., pertaining to approximately 20.31 acres of property located on the northwest corner of North Willow and East Copper Avenues.
1. Environmental Assessment No. A-08-15/R-08-25, determination of initial study to file a Mitigated Negative Declaration.
 2. Plan Amendment Application No. A-08-15 proposes to amend the 2025 Fresno General Plan and the Woodward Park Community Plan for approximately 20.31 acres of the subject property from the medium-high density residential (10.77 acres) and neighborhood commercial (9.54 acres) planned land use designations to the community commercial land use designation for 20.31 acres.
 3. Rezone Application No. R-08-25 proposes to rezone approximately 20.31 acres of the subject property from the PV (*Planned Village, Fresno County*) zone district to the C-2/UGM (*Community Shopping Center/Urban Growth Management*) zone district.
 - Woodward Park Community Plan
 - Council District 6 (Councilmember Duncan)
 - Staff Member: Israel Trejo
 - Staff Recommendation: Recommend Approval of the Plan Amendment and Rezone Applications
 - Will be considered by the City Council

IX. REPORT BY SECRETARY

- A. Approval of the 2009 Planning Commission meeting schedule.**

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 -- Consideration of an appeal of the revocation of Site Plan Review No. S-06-353
-- Workshop on Public Works and Parks*
*January 2009 -- Workshop on Drive-Through Service Windows
-- Amendment No. 1 to the 2008-2013 City of Fresno Housing Element*
January 28, 2009 -- Joint Planning Commissioners Workshop