



PLANNING COMMISSION AGENDA

ROJELIO VASQUEZ, Chair

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HAL KISSLER, Vice Chair
LORI CHERRY
NAT DIBUDUO
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CHARLES VANG

Planning and Development
NICK P. YOVINO, Director

Assistant Director/Secretary
KEITH BERGTHOLD

Deputy City Attorney
JOHN W. FOX

The Planning Commission welcomes you to this meeting.

May 21, 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.

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

- A. Consideration of Text Amendment No. TA-07-03 (Variety Pak No. 4), and environmental findings, initiated by the Planning and Development Department Director, amending the text of the Fresno Municipal Code (Zoning Ordinance) related to a variety of issues intended to simplify and streamline the Code and proposing changes and additions to best promote the implementation of the goals of the 2025 Fresno General Plan. ***(Continued from April 16, 2008.)***
 - 1. Environmental Assessment No. TA-07-03, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 - 2. Text Amendment No. TA-07-03 as described above.
 - Citywide Application
 - Staff Member: David Stiglich
 - Staff Recommendation: Recommend Approval
 - Will be considered by the City Council

VIII. NEW MATTERS

- A. Consideration of an appeal of the action of the Planning and Development Department Director approving Conditional Use Permit Application No. C-07-348, and environmental findings, filed by Gary T. Vigen on behalf of Lisa Lepper, pertaining to approximately 4.13 acres of property zoned C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) located on the southeast corner of West Ashlan and North Cornelia Avenues.
1. Affirm the finding of the Mitigated Negative Declaration for Environmental Assessment No. A-06-41/R-06-30/C-06-166, dated October 26, 2006, adopted by the Fresno City Council on November 28, 2006.
 2. Conditional Use Permit Application No. C-07-348 requests the establishment of a Type 21 Alcoholic Beverage Control (ABC) license authorizing the sale of beer, wine, and distilled spirits for consumption off the licensed premises where sold at the proposed "Fresh and Easy" grocery store. The applicant also proposes to amend Conditional Use Permit No. C-06-166 to substitute a grocery store for retail space and revise proposed office space to retail and office space.
 - West Area Community Plan
 - Council District 1 (Councilmember Xiong)
 - Staff Member: McKencie Contreras
 - Staff Recommendation: Deny Appeal and Uphold Director's Action of Approval
 - May be considered by the City Council
- B. Consideration of an appeal of the action of the Planning and Development Department Director approving Conditional Use Permit Application No. C-08-21, and environmental findings, filed by Dirk Poeschel Land Development Services on behalf of Viejo Capital LLC, pertaining to approximately 0.83 acre of property pending R-1 (*Single Family Residential*) zoning located on the west side of North Glenn Avenue, east of North Blackstone Avenue between West Shaw and East Fairmont Avenues in the County of Fresno.
1. Environmental Assessment No. C-08-21, determination of Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA).
 2. Conditional Use Permit Application No. C-08-21 requests the establishment of a four-lot planned unit development, construction of three new single family residential dwellings, and construction of a private drive for the residential dwellings on property currently developed with one single family residential dwelling.
 - Bullard Community Plan
 - Council District 7 (Councilmember Perea)
 - Staff Member: Danielle Thiesen Bergstrom
 - Staff Recommendation: Deny Appeal and Uphold Director's Action of Approval
 - May be considered by the City Council

VIII. NEW MATTERS - *Continued*

- C. Consideration of Rezone Application No. R-06-40, Tentative Tract Map No. 5408/UGM, and environmental findings, filed by Michael Sutherland and Associates on behalf of Spradling Construction Inc, pertaining to approximately 3.2 acres of property located on the southeast corner of East Shepherd and North Chance Avenues.
1. Environmental Assessment No. R-06-40/T-5408, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 2. Rezone Application No. R-06-40 proposes to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.
 3. Tentative Tract Map No. 5408/UGM proposes to subdivide the subject property into a 9-lot single family residential subdivision.
 - Woodward Park Community Plan
 - Council District 6 (Councilmember Duncan)
 - Staff Member: Israel Trejo
 - Staff Recommendation: Recommend Approval of the Rezone Application and Approve the Tentative Tract Map
 - Will be considered by the City Council (Rezone Application only)

The following two plan amendment applications have been submitted for consideration during the 2008 Cycle I filing period in accordance with the Trimester Plan Amendment Program of the Planning Guidelines established by the Fresno City Council to implement the City's Local Planning and Procedures Ordinance, Article 6, Chapter 12, of the Fresno Municipal Code. In addition to the plan amendment applications, the projects described below may include rezone applications to change the subject properties' zone district boundaries.

- D. Consideration of Plan Amendment Application No. A-07-23, Rezone Application No. R-07-81, and environmental findings, filed by Willard and Bettye Eisner, on behalf of the Eisner Family Trust of 1982 under Declaration of Trust, pertaining to approximately 2.2 acres of property located on the southeast corner of East Shaw and North Chestnut Avenues adjacent to the southbound on-ramp of State Route 168.
1. Environmental Assessment No. A-07-23/R-07-81, determination of initial study to file a Mitigated Negative Declaration.
 2. Plan Amendment Application No. A-07-23 proposes to amend the 2025 Fresno General Plan and the Hoover Community Plan from the neighborhood commercial planned land use designation to the general heavy commercial land use designation.
 3. Rezone Application No. R-07-23 proposes to rezone the subject property from the C-1/BA-15 (*Neighborhood Shopping Center/Boulevard Area Overlay, 15 feet*) zone district to the C-6/BA-15/cz (*Heavy Commercial/Boulevard Area Overlay, 15 feet/conditions of zoning*) zone district.
 - Hoover Community Plan
 - Council District 4 (Councilmember Westerlund)
 - Staff Member: Joann Zuniga
 - Staff Recommendation: Recommend Approval of the Plan Amendment and Rezone Applications
 - Will be considered by the City Council

VIII. NEW MATTERS - *Continued*

- E. Consideration of Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and environmental findings, filed by BKM Partners and SKN Properties on behalf of Cris and Don Pilegard, pertaining to approximately 18 acres of property located on the northeast and southeast corners of South Clovis and East California Avenues.
1. Environmental Assessment No. A-08-01/R-08-01/C-08-92, determination of initial study to file a Mitigated Negative Declaration.
 2. Plan Amendment Application No. A-08-01 proposes to amend the 2025 Fresno General Plan and the Roosevelt Community Plan to redesignate the northwest approximately 7-acre portion of the property from the medium-low density residential planned land use designation to the neighborhood commercial planned land use designation, and the southwest approximately 2-acre portion of the subject property from the medium-low density residential planned land use designation to the office commercial planned land use designation.
 3. Rezone Application No. R-08-01 proposes to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 7-acre portion of the subject site, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2-acre portion of the subject site, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district on approximately 9 acres located on the east side of the subject site on both sides of East California Avenue.
 - Roosevelt Community Plan
 - Council District 5 (Councilmember Dages)
 - Staff Member: Bonique Salinas
 - Staff Recommendation: Recommend Approval of the Plan Amendment and Rezone Applications
 - Will be considered by the City Council
- F. Workshop regarding the draft 2008-2013 City of Fresno Housing Element of the 2025 Fresno General Plan (Corrina Nunez)

IX. REPORT BY SECRETARY

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