



# PLANNING COMMISSION AGENDA

HAL KISSLER, Chair

Commission Members  
JAIME HOLT, Vice Chair  
PAUL E. CAPRIOGLIO  
RAMA DAWAR  
CAM MALOY  
SEROP TOROSSIAN  
ROJELIO VASQUEZ

Planning and Development  
Interim Director/Secretary  
KEITH BERGTHOLD

Senior Deputy City Attorney  
JOHN W. FOX

*The Planning Commission welcomes you to this meeting.*

**September 2, 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.

El cuarto de la reunión es accesible a los físicamente incapacitados y los servicios de un traductor pueden ser hechos disponible. Peticiones para servicios adicionales para los incapacitado, los firmantes, aparatos de escuchar o los traductores deben ser hechos una semana antes de la reunión. Por favor llame a el Departamento de la Planificación y el Desarrollo en 559-621-8277.

Chav sablaj muaj rau cov tibneeg xiam ooqhab, thiab muaj tibneeg txhaislus rau cov uas xav tau kev pabcuam. Yog thov kev pabcuam rau cov tibneeg xiam ooqhab, cov hlua ntsaws pobntseg mloog haislus, los yog tibneeg txhaislus, nej yuav tau hais tuaj ib asthiv los yog ib limpiam ua ntej lub rooi sablaj. Nej hu tau rau peb cov tubtxib ntawm tus xovtooj: 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 three 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

- 1. Introduction of the new Planning and Development Department Director John Dugan

C. Entitlements

- 1. Consider approval of a two-year extension of time for the filing of a final map of Vesting Tentative Tract Map No. 5567/UGM, filed by Generation Homes Inc., to subdivide approximately 4 acres of property into a 17-lot single family residential subdivision located on the east side of North Polk Avenue between West Shields and West Clinton Avenues.

### **VI. REPORTS BY COMMISSIONERS**

**VII. CONTINUED MATTERS**

**A. CONTINUED FROM AUGUST 5, 2009**

Consideration of Conditional Use Permit Application No. C-09-112 and environmental findings, filed by Sol Development Associates, LLC, on behalf of WG Enterprises, pertaining to approximately 4.47 acres of property located on the west side of North Milburn Avenue between West Palo Alto and West Herndon Avenues.

1. Conditional Use Permit C-09-112 proposes to amend approved Conditional Use Permit Application No. C-07-221 to establish a drive through for Commercial Building "L" on the site plan.
  - Bullard Community Plan
  - Council District 2 (Councilmember Borgeas)
  - Staff Recommendation: Recommend denial
  - Staff Member: Bonique Salinas
  - May be considered by the City Council

**VIII. NEW MATTERS**

A. Consideration of Rezone Application No. R-07-002, Vesting Tentative Parcel Map No. 2007-01, and environmental findings, filed by Don Pickett & Associates, Inc, pertaining to approximately 24.34 net acres of property located on the north side of East Church Avenue between South East and South Orange Avenues.

1. Environmental Assessment No. R-09-002/TPM-2007-01, recommends that a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) be adopted.
2. Rezone Application No. R-09-002, proposes to rezone the subject property from the M-3 (*Heavy Industrial, Fresno County*) zone district to the M-3 (*Heavy Industrial*) zone district. If approved, Rezone Application No. R-07-002 will facilitate a 29-lot industrial subdivision of the subject property in accordance with Vesting Tentative Parcel Map No. 2007-01. Any action related to Vesting Tentative Parcel Map No. 2007-01 is temporarily suspended until the Fresno City Council takes action on the proposed rezone application.
  - Roosevelt Community Plan
  - Council District 5 (Councilmember Dages)
  - Staff Recommendation: Recommend approval
  - Staff Member: Will Tackett
  - Will be considered by the City Council

**VIII. NEW MATTERS - Continued**

- B. Consideration of Plan Amendment Application No. A-09-001, pertaining to 29.4 acres of property located in the area bounded on the north by East Barstow Avenue, on the east by the rear property lines of the properties along North Sixth Street, on the west by North Fourth Avenue, and on the south by the rear property lines of the properties along the south side of East Bulldog Lane.
1. Environmental Assessment No. A-09-001 recommends a Mitigated Negative Declaration be adopted.
  2. Plan Amendment Application No. A-09-001 requests to amend the 2025 Fresno General Plan and the Hoover Community Plan by incorporation of the El Dorado Park Neighborhood Plan as an additional section within the Hoover Community Plan.
    - Hoover Community Plan
    - Council District 4 (Councilmember Westerlund)
    - Staff Member: Sophia Pagoulatos
    - Staff Recommendation: Approval
    - Will be considered by the City Council

**IX. REPORT BY SECRETARY**

- A. Planning Commission Workshop presented by the City Attorney's Office providing an overview of the following topics:
1. The Brown Act – Open Meeting Laws.
  2. Parliamentary and meeting procedures and decorum.
  3. Conflicts of Interest, both financial and personal bias.
  4. Findings necessary to approve entitlements.
  5. Due Process and Fair Process.
- Staff Member: Senior Deputy Attorney John Fox

**X. SCHEDULED ORAL COMMUNICATIONS**

**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)*