



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 W. FOX

The Planning Commission welcomes you to this meeting.

January 21, 2009

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, and December 3, 2008.
- B. Communications
- C. Entitlements
 - 1. Consideration and adoption of Resolution No. 12913 in the matter of an appeal of the action of the Planning and Development Department Director revoking Site Plan Review No. S-06-353, which was considered by the Planning Commission on December 17, 2008, in which the Commission took action to deny the appeal and uphold the Director's action. (Public Hearing was closed on December 17, 2008.)

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-08-21, 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. (*Continued from May 21, July 16, and August 6, 2008.*)
 - 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: Mike Sanchez
 - Staff Recommendation: Deny Appeal and Uphold Director's Action of Approval
 - May be considered by the City Council

VIII. NEW MATTERS

- A. Consideration of Text Amendment Application No. TA-08-02, and environmental findings, initiated by the Planning and Development Department Director, amending the text of the Fresno Municipal Code Zoning Ordinance related to the definition of a drive-through car wash.
1. Environmental Assessment No. TA-08-02, determination that pursuant to the California Environmental Quality Act (CEQA) Guidelines, there is No Possibility of Significant Adverse Effect upon the environment.
 2. Text Amendment Application No. TA-08-02 as described above.
 - Citywide Application
 - Staff Member: David Stiglich
 - Staff Recommendation: Recommend Approval
 - Will be considered by the City Council
- B. Consideration of Rezone Application No. R-08-21, and environmental findings, filed by the City of Fresno, pertaining to 12 properties totaling approximately 130 acres of property generally located on the north and south sides of East Copper Avenue, west of North Willow Avenue.
1. Environmental Assessment No. R-08-21, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 2. Rezone Application No. R-08-21 proposes to rezone the 12 properties from the AE-20/UGM (*Exclusive Twenty Acre Agricultural, Fresno County*) and AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone districts to the R-1/UGM (*Single Family Residential/Urban Growth Management*), R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), and C-P/UGM/ANX (*Administrative and Professional Office/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts.
 - Woodward Park Community Plan
 - Council District 6 (Councilmember Brand)
 - Staff Member: David Braun
 - Staff Recommendation: Recommend Approval of the Rezone Application
 - Will be considered by the City Council
- C. Consideration of Rezone Application No. R-08-23, and environmental findings, filed by Bob Van Wyk on behalf of the Fresno Metropolitan Flood Control District, pertaining to approximately 13.08 acres of property located approximately 300 feet south of the southeast corner of Santa Fe Avenue and North Figarden Drive.
1. Environmental Assessment No. R-08-23, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan.
 2. Rezone Application No. R-08-23 proposes to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the O/UGM (*Open Space/Urban Growth Management*) zone district.
 - Bullard Community Plan
 - Council District 2 (Councilmember Borgeas)
 - Staff Member: Bruce Barnes
 - Staff Recommendation: Recommend Approval of the Rezone Application
 - Will be considered by the City Council

VIII. NEW MATTERS - *Continued*

D. Consideration of Plan Amendment Application No. A-08-29, and environmental findings, filed by Mehmet Noyan, pertaining to approximately 0.45 acre of property beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 between State Route 99 and North Weber Avenue, south of West Clinton Avenue.

1. Environmental Assessment No. A-08-29, determination of initial study to file a Mitigated Negative Declaration.
2. Plan Amendment Application No. A-08-29 proposes to modify the Fresno County Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue Official Plan Line (OPL) by removing a segment of the OPL beginning at the current terminus of the existing West Yale Avenue and extending in a northwesterly direction parallel to State Route 99 between State Route 99 and North Weber Avenue, south of West Clinton Avenue. The approximate length of the OPL segment proposed to be removed is 300 linear feet (19,985 square feet).
 - Fresno High-Roeding Community Plan
 - Council District 1 (Councilmember Xiong)
 - Staff Member: Sophia Pagoulatos
 - Staff Recommendation: Recommend Approval of the Plan Amendment Application
 - Will be considered by the City Council

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

UPCOMING MATTERS

(Dates subject to change)

January 28, 2009 – Joint Planning Commission Workshop