



# PLANNING COMMISSION AGENDA

JAIME HOLT, Chair

Commission Members  
SEROP TOROSSIAN, Vice Chair  
PAUL E. CAPRIOGLIO  
RAMA DAWAR  
ANDY HANSEN-SMITH  
LUISA MEDINA  
ROJELIO VASQUEZ

Development and Resource Management Department  
JOHN M. DUGAN, AICP  
Director/Planning Commission Secretary

Senior Deputy City Attorney  
SHANNON L. CHAFFIN

*The Planning Commission welcomes you to this meeting.*

**May 4, 2011**

**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 Development and Resource Management Department staff at 559-621-8277. **The agenda and related staff reports are available at [www.fresno.gov](http://www.fresno.gov).**

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 incapacitados, 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 rooj 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

**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 – Meeting Minutes of April 20, 2011
- B. Communications
  - 1. [Consideration of a request by the Fresno Unified School District to provide a recommendation and determination of General Plan consistency regarding the proposed purchase of 22.8 acres for a middle school site \(located on the southeast corner of East Church Avenue and South Martin Luther King JR. Boulevard\) and purchase of 3.5± acres to replace drainage capacity in Fresno Metropolitan Flood Control District Basin II<sub>1</sub> \(located on the south side of East Church Avenue between South Elm Avenue and South Martin Luther King JR. Boulevard\).](#)
- C. Entitlements

**VI. REPORTS BY COMMISSIONERS**

**VII. CONTINUED MATTERS**

**VIII. NEW MATTERS**

A. [Consider applications pertaining to approximately 25 acres located on the northeast corner of East Kings Canyon Road and South Adler Avenue, City and County of Fresno.](#)

1. CERTIFY the Final Environmental Impact Report (EIR) No. 10138 (SCH No. 2007091064), for the Walmart Expansion Project; and:
  - a. ADOPT Findings of Fact as required by Public Resources Code section 21081(a) and CEQA Guidelines, section 15091; and
  - b. APPROVE a Mitigation Monitoring Program as required by Public Resources Code sec. 21081.6 and CEQA Guidelines sec. 15097; and
  - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, section 21081(b) and CEQA Guidelines, section 15093.
2. APPROVE Conditional Use Permit Application No. C-04-018 (subject to the attached Conditions of Approval dated May 4, 2011), which will allow for the following: The expansion and remodeling of the existing Walmart store and parking area from an existing 131,164 square feet located on a developed area of 15.2 acres to 174,277 square feet on a developed area of 19.2 acres; 2) Development of 5.7 acres of vacant land in the southwest portion of the project site with retail and restaurant outlot development consisting of four retail buildings and two restaurants (one a drive-thru); and 3) Sale of packaged alcoholic beverages consistent with a Type 21 license at Walmart.
3. APPROVE Master Sign Program No. MSP-11-094 subject to the attached Conditions of Approval dated May 4, 2011 for Master Sign Program No. MSP-11-094.
4. RECOMMEND APPROVAL TO THE CITY COUNCIL of Rezone Application No. R-04-11 proposing to rezone approximately 25 acres as follows:
  - a. Rezone 15 acres on the eastern portion of the project site from the C-2/BA-20/cz (*Community Shopping Center/20-Foot Boulevard Area Overlay/conditions of zoning*) district and approximately 8.72 acres on a westerly portion of the project site from the C-2/BA-15/cz *Community Shopping Center/15-Foot Boulevard Area Overlay/conditions of zoning*) district to the C-2/BA-20 (*Community Shopping Center/20-Foot Boulevard Area Overlay*) district.
  - b. Rezone a 0.13-acre triangular area at the northwest corner of the project site from the C-P/cz (*Professional and Administrative Office/conditions of zoning*) district to the C-2/BA-20 zone.

**VIII. NEW MATTERS (Continued)**

- c. Remove the conditional zoning from the entire project site in recognition that the conditions of the previous zone changes on the site have been satisfied in conjunction with the development of the existing Walmart store.

- Roosevelt Community Plan
- Council District 5 (Councilmember Quintero)
- Staff Recommendation: Recommend Approval
- Staff Member: Bonique Salinas
- Will be considered by the City Council

- B. [Consider applicant's request for an extension of special permit entitled Conditional Use Permit No. C-09-230, extending the expiration of the Conditional Use Permit from May 6, 2011 to July 6, 2011. This request is related to the nightclub use at 7835 North Palm Avenue, Suite 106 \(the Twist Restaurant and Ultra Lounge\). If the request is approved the special permit shall be set to expire on July 6, 2011, unless the applicant has obtained subsequent approval from the Planning Commission on or before July 6, 2011, to remove the condition of expiration \("Sunset clause"\). All other conditions of approval shall remain in effect.](#)

- Bullard Area Community Plan
- Council District 2 (Councilmember Borgeas)
- Staff Recommendation: Approve
- Staff Member: Sophia Pagoulatos

**IX. REPORT BY SECRETARY**

**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)*