

CLOVIS PLANNING COMMISSION MINUTES
October 25, 2018

A regular meeting of the Clovis Planning Commission was called to order at 6:00 p.m. by Chair Hinkle in the Clovis Council Chamber.

Flag salute led by Commissioner Cunningham

Present: Commissioners Antuna, Bedsted, Cunningham, Hatcher, Chair Hinkle

Absent: None

Staff: Bryan Araki, City Planner
Orlando Ramirez, Deputy City Planner
Lily Cha, Assistant Planner
Sean Smith, Associate Civil Engineer

MINUTES

1. The Commission approved the September 27, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

None

PLANNING COMMISSION MEMBERS COMMENTS

Chair Hinkle noted that realty signs on the northwest corner of Villa and Sierra Avenues remain in place in violation of the City's sign ordinance in terms of size, despite other realtors being made to remove their signs. Deputy City Planner Orlando Ramirez responded that a letter can be sent reminding the property owner of the size limitations of the signs. Chair Hinkle followed up with a notation regarding a large, realtor banner sign in place at the northeast corner of Sierra and Pollasky Avenues that may also require contact.

COMMUNICATIONS AND REFERRALS

Items related to Agenda Item X-4.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

2. Consider Approval, **TM6076**, A request to approve the second one-year extension to an approved tentative map for property located at the northeast corner of Dakota and Clovis Avenues. Clovis Colony Investors, LLC, owner/applicant.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve TM6076. The motion was approved by a vote of 5-0.

PUBLIC HEARINGS

3. Consider approval Res. 18-55, **CUP2017-10A**, A request to approve an amendment to the side yard setback requirements of Conditional Use Permit CUP2017-10 within Tentative Map TM6186. WCP Developers, LLC, owner/applicant.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Cunningham inquired as to the reasoning for changing the side setbacks. Deputy City Planner Ramirez responded with a detailed explanation regarding fire safety codes.

Commissioner Cunningham followed up with an inquiry as to whether this issue is unique to this development or will apply to all future developments. Deputy City Planner Ramirez responded that this will be affective of all future developments.

Commissioner Cunningham expressed concern regarding the accessibility for first responder gurneys with the proposed four-foot setback and the presence of trash totes. Deputy City Planner Ramirez responded that they will have to use the opposite side, fences can be removed, or the trash tote can be moved. Commissioner Cunningham noted that each of these potential actions will take time, which is valuable in emergencies.

Commissioner Bedsted echoed Commissioner Cunningham's concern, and remarked that the Planning Commission learns as it moves forward and that something being done in the past does not necessarily mean it should be done in the future. He then inquired as to whether there were any reports regarding first responders being impeded by these setbacks. Deputy City Planner Ramirez remarked that after project distribution to the Police and Fire Departments, no comments were received. He added that this had been a subject of internal discussion and that staff had not received any concerns.

City Planner Bryan Araki noted that at the last City Council meeting, this issue came up under public comment, in which a resident stated that an ambulance service experienced trouble entering and exiting the backyard with a gurney. He qualified this with the fact that the setback situation of the subject property is unknown.

Chair Hinkle stated that there is no way for first responders to reach the backyard, and that seconds count in emergencies when lives are at stake. He also stated that the displayed drawings are inaccurate, explaining in detail the problems he foresees.

Chair Hinkle then sought and received confirmation that the Homeowner's Association will be responsible for monitoring the totes, with no calls coming to the City of Clovis.

Chair Hinkle remarked that he has spoken to police regarding this issue numerous times and that they have a problem with first responders accessing backyards in such developments.

At this point, the Chair opened the floor to the applicant.

Adrienne Burns, Director of Land Development and Forward Planning for Wathen Castanos Homes, 1446 Tollhouse Road, expressed gratitude towards staff for the staff report and provided background on the application request.

Commissioner Antuna requested a viewing of pictures of which Ms. Burns had spoken, demonstrating a trash tote traversing a four-foot setback.

Commissioner Hatcher expressed concern regarding the applicant not realizing the existence of egress issues earlier in the process. Ms. Burns responded that the lot pads had been graded but that foundation pads had not yet been poured.

Commissioner Cunningham inquired as to the exact nature of the egress issues being addressed. Ms. Burns provided a detailed explanation. Commissioner Cunningham followed up by seeking and receiving confirmation, including details, that the additional foot on one side would address these issues.

Commissioner Cunningham inquired as to whether this is the first subdivision Wathen Castanos has built with three-foot/five-foot setbacks. Ms. Burns explained about another tract with those approved setbacks that is in reality more flexible, providing greater than the minimum setbacks. Commissioner Cunningham then followed up by seeking and receiving confirmation that the subject tract does not have that flexibility.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

There being none, the Chair closed the public portion.

Commissioner Antuna inquired as to whether drainage would be affected by the proposed change. Associate Civil Engineer Sean Smith responded with a detailed explanation, confirming the efficacy of the most common measure.

Commissioner Cunningham requested clarification on the issue of building codes clashing with the three-foot side setbacks. None of the staff present was able to provide this explanation.

Commissioner Bedsted inquired as to whether the condition placing responsibility for the toters in the hands of the HOA could possibly be rescinded at a later date. Deputy City Planner Ramirez responded that, if the Planning Commission so desires, that requirement could be memorialized as a condition of approval for the tract, remaining with the property, and could therefore not be changed by the HOA at a later date.

City Planner Araki confirmed that the condition was already included within staff's report.

Chair Hinkle sought and received confirmation that drainage from the front to the back of a property is required by the Planning Department. Associate Civil Engineer Smith confirmed such is part of the building code.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Bedsted to approve CUP2017-10A. The motion was approved by a vote of 3-2.

4. Consider approval Res. 18-56, **CUP2018-04**, A request to approve a conditional use permit for a 10-unit multiple-family condominium complex for the property located at 1855 Austin Avenue. Mohamed Annan, applicant/owner; Elias Saliba, Architect, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Antuna requested that the definition of 'permit to build by right' be entered into the record. Deputy City Planner Ramirez provided a detailed explanation.

Commissioner Cunningham sought and received confirmation that the zoning of this property has always been R-2, since at least the 1980's, just with restrictions. He also sought and received confirmation that the proposed structure on the northwest corner of the parcel, facing the R-1 residences, shows only one small bathroom window on the second story.

Commissioner Cunningham inquired as to whether Deputy City Planner Ramirez had been present at any of the meetings between the applicant and the neighbors in opposition. Deputy City Planner Ramirez responded that he was not involved in those meetings but had received informative phone calls from a neighbor to the north, Mr. Carlson.

Commissioner Bedsted inquired as to whether reports had been received regarding existing traffic creating concerns or problems. Deputy City Planner Ramirez responded that the police department has not indicated any concerns, and that though there is traffic being generated by nearby uses, the project is required to provide off-street parking.

Commissioner Bedsted followed up with an inquiry into the number of parking spots per unit. Deputy City Planner Ramirez provided that information.

At this point, the Chair opened the floor to the applicant.

Mohamed Annan provided some background information and requested approval of the project.

Commissioner Bedsted inquired as to whether there had been any discussion or proposals to reorient the structure on the east side of the parcel to expose only the small bathroom window to those properties to the northeast. Mr. Annan responded that he and his architect had looked into it, but that such reorienting of the building would eliminate some of the necessary parking.

Commissioner Bedsted followed up with an inquiry as to whether there is a requirement that parking be immediately adjacent to the structure or if it could be moved elsewhere. Mr. Annan responded that, to the best of his knowledge, there is no space to move that parking to, deferring to his architect's expertise.

Commissioner Cunningham inquired as to the number of meetings held Mr. Annan had held with the neighbors, and how many had attended. Mr. Annan responded that they had a total of three meetings, with four attendees beside himself.

Commissioner Cunningham followed up with an inquiry as to what concerns, besides the two-story issue, had been discussed. Mr. Annan responded that that issue, the privacy concern, had been the main issue, which he attempted to address with the setbacks.

Commissioner Cunningham sought and received confirmation that the site plan was modified in response to the first meeting. Mr. Annan stated that he and his architect had made significant concessions to address the privacy concern.

Commissioner Cunningham inquired as to whether there were objections or concerns from the neighbors in regards to on-street parking on record. Mr. Annan responded that the parking is self-contained within his property, and that no one had raised it.

Chair Hinkle inquired as to possibility of making the master bathroom window an opaque, non-opening window. Eli Saliba, project architect, responded that the light is also necessary, and that this is not a child's bedroom window to be concerned about them doing something to neighbors.

Chair Hinkle expressed his understanding of this point, but that his concern is privacy, preventing the inhabitants of the northwest building from simply looking into the neighbors' backyard. Mr. Saliba responded that he put the window high enough that no one can see out of it without a ladder.

Chair Hinkle followed up with an inquiry as to whether there would be a problem with frosting the window, despite its height. Mr. Saliba was resistant but conceded to the applicant, and Mr. Annan offered to provide it.

Chair Hinkle stated that such would satisfy some of the concerns. Mr. Annan stated that he will provide such mitigation for privacy concerns and more as he wishes to be a good neighbor and be known as such.

Chair Hinkle clarified that his concern was with this one particular building, not the others as they don't face the rear of the property. Mr. Annan responded that he had been a little confused on the technical necessity of the window, and that though the frosting would be an added cost, he will do it.

Commissioner Bedsted stated that he believed that the setbacks and small bathroom window are adequate concessions for dealing with the northwest structure, and that it is the northeast structure that remains a concern for him, specifically the matter of having the master bedroom windows facing the adjacent property. He inquired as to whether the neighbor, who is in possession of a two-story house with a balcony, is satisfied with the arrangement. Mr. Annan responded that they are not, that they want the structure's orientation changed, which as mentioned earlier would not as it would eliminate necessary parking that cannot be placed elsewhere on the property. He also stated that having two-story houses side-by-side is typical in Clovis.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

Kevin Carlson of 1848 Richert Avenue, owner of a single story home to the northwest of the subject property, explained his experience with the neighborhood meetings and his opposition to the current site plan, which involved the proposed building being two-story, parking spaces being within one hundred feet of his bedroom window, and his belief that the master bedroom windows can view his and potentially also his neighbor's properties.

Jeanna Basch of 1844 Richert Avenue spoke in opposition of the buildings being two-story, explaining why the two-story single family homes in the neighborhood do not count. She also spoke about the history of the development in the area, all of it single story, the traffic on Austin Avenue, and the noise already being generated by the nearby daycare being joined by noise from the potential new residents. Ms. Basch complained that the second story bedroom windows would be able to see into her backyard and that she has only met with the applicant twice.

Commissioner Cunningham inquired as to whether Ms. Basch's residence is single or two-story, also seeking confirmation of its location. He had presumed that she was closer to the subject property. Ms. Basch replied that her home is single-story, as are all of the adjacent homes, confirming that her home is not the one with a second-story/loft balcony, which is at 1852 Richert Avenue, and that though her property is farther away, she will still be able to see the buildings.

Chair Hinkle inquired as to whether Ms. Basch would be concerned if there were three-story living facilities going in at this location. His reasoning behind the inquiry was that with the changes coming from the state government, there is the possibility of a developer in the future putting a three or four-story building on this property, with very little backyard clearance, and encouraged her to carefully consider this project versus what may come in the future. Ms. Basch sought and received confirmation that such a project could possibly be entertained for this lot and the adjacent lot to the east, by right, in the near future, then expressed gratitude to Chair Hinkle for the information.

Huy To of 1910 Swift Avenue wished to address Commissioner Bedsted's concern, regarding the northeast building's bedroom window facing his property. He expressed concern regarding issues arising from the presence of a condominium project and the potential effect on his family. He understands the difficulty with reorienting the building and suggested making it single-story.

At this point, the Chair closed the public portion.

Commissioner Cunningham inquired as to whether or not this was the first attempt at development for this property. Deputy City Planner Ramirez responded that it was not, that the previous attempts had been unsuccessful for different reasons, and clarified that the original zoning for the property allowed for two-story development with the limitation being on square footage on the second floor.

Commissioner Cunningham then sought and received confirmation that R-2 zoning allows two-story buildings by right.

Commissioner Hatcher sought and received confirmation that a developer could have built multiple two-story single-family homes on this property.

Commissioner Hatcher inquired as to whether there were any plans for development of the adjacent vacant lot. Deputy City Planner Ramirez responded that there had been several inquiries regarding that property for the same type of project, and explained that any such projects would have to go through the same process as this one.

Commissioner Cunningham inquired as to whether these two parcels would fall under the new affordable housing overlay. Deputy City Planner Ramirez responded that it is possible that, with the state government is issuing mandates on what can be built on single and multiple-family properties, one of these properties could potentially be developed with three or four-story buildings, without a public hearing process and therefore bypassing the Planning Commission and the City Council.

Commissioner Bedsted inquired as to how the property, in particular a potential tree screen for privacy on the northern end of the property, would be maintained and if a condition could be added to require such a screen and its maintenance. Deputy City Planner Ramirez responded that such a requirement would be examined in the site plan review process, which this project must still go through if approved, and that the applicant is open to additional trees for screening in that area. He also provided some details regarding landscape requirements.

Commissioner Antuna expressed her gratitude to the members of the public for attending and sharing their opinions with the Planning Commission. She also stated that she could see the effort put in by Mr. Annan in working with his architect to modify the plans, expressing her appreciation for him meeting and working with his neighbors. She echoed Chair Hinkle's earlier statements regarding mandates coming from the state government that will take away the decision power of the cities. She recommended that the public carefully consider this project in terms of a later project possibly being taller and run by a less-amicable developer.

Commissioner Hatcher expressed her concurrence with Commissioner Antuna's comments. She remarked that, while she understands the neighbors expected development to remain single-story, this is often not the case. She expressed understanding of the neighbors' concerns, then pointed out it could be a lot worse. In light of the rear yard setback being the same as what would be required for a two-story single-family home and the requirements the Planning Commission examine, she cannot vote against this project and requests that the neighbors give it a chance.

Commissioner Cunningham echoed his fellow commissioners, and that though he understands the neighbors' concern with two-story development here, the applicant has worked with them a great deal and significantly modified his site plan from its initial submittal. He expressed appreciation for that as well as for the risks taken by the developer, investing quite a bit of money to get to this point with no guarantee of approval. He stated that he will approve this project and encouraged his fellow commissioners to do the same.

Chair Hinkle remarked that rotating the northeast building would lead to only thirty-five feet of clearance between Buildings 4 and 5, not enough space to make up for the parking spaces lost to such a reorientation, and that the current setup is a good one. He also encouraged the members of the public to keep in mind the loss of control due to state government mandates based on cities such as Los Angeles and San Francisco.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve CUP2018-04. The motion was approved by a vote of 5-0.

5. Consider approval Res. 18-57, **CUP2018-09**, A request to approve a conditional use permit for a new tire sales and service facility located on a portion of a 12.9 acre property located at the northeast corner of Herndon and Helm Avenues. Peter Klein

Trustee, owner; America's Tire, Halle Properties, applicant; Sol Development, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

At this point, the Chair opened the floor to the applicant.

Bill Robinson of 907 N Street, Suite #100, Fresno, provided background on the project and offered to answer any questions.

Commissioner Hatcher inquired as to how much development was needed, due to the site location. Mr. Robinson responded with a detailed explanation.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

At this point, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Antuna to approve CUP2018-09. The motion was approved by a vote of 5-0.

6. Consider approval Res. 18-58, **CUP2018-10**, A request to approve a conditional use permit for a bar with ancillary micro brewing at 2700 Clovis Avenue, Suites 103 and 104. Rodney and Dana Heinrich, owners; Ish Brewing Company, LLC, applicant.

Commissioner Cunningham disclosed that he and the applicant, Kevin Draughon, worked together in the Sheriff's Department thirty-five years ago, had had very little contact since, and that it would not affect his decision tonight.

Assistant Planner Lily Cha presented the staff report.

Commissioner Cunningham remarked that the alleyway appears remarkably cleaner in the pictures taken earlier that day as compared to when he drove by the site a month ago. He then sought and received confirmation that it is not conducive to vehicular traffic, and that therefore any activity in that area would be minimal.

Commissioner Cunningham then remarked that this project is no different than other uses providing access to liquor, such as liquor stores, within a quarter mile to the C.A.R.T. facility, and inquired as to whether there had been objections from the Police Department based on calls-for-service to those locations. Assistant Planner Cha responded in the negative.

At this point, the Chair opened the floor to the applicant.

Kevin Draughon of 6741 E. Princeton Avenue provided some background on the project and offered to answer any questions.

Chair Hinkle sought and received confirmation that the other businesses in the complex open at 9:00 am. Mr. Draughon stated that the barbeque store is open the latest, closing at 8:00 pm.

Chair Hinkle inquired as to whether a change in operational hours would require the project to return to Planning Commission. His concern was that if the applicant wished to expand their operational hours at a later date, they would have to apply to go before Planning Commission again. Assistant Planner Cha responded in the negative, as the hours are not memorialized or restricted.

Chair Hinkle remarked that he interpreted the correspondence from Clovis Unified School District as a type of form letter. Mr. Draughon agreed, pointing out a portion of the letter that was not related or relevant to his project, with Chair Hinkle echoing that opinion.

At this point, the Chair opened the floor to those in favor.

There being none, the Chair opened the floor to those in opposition.

Camellia Brown of 2663 Dewitt Avenue remarked that she appreciated the additional information presented at this meeting and that the applicant would not have anyone behind the building, but expressed her concern at the lack of restriction on the operational hours as well as the noise and smell from the use.

At this point, the Chair closed the public portion.

Commissioner Antuna expressed her gratitude to Ms. Brown for attending, then addressed her concerns with a short explanation of the differences between a taproom and a bar. She then expressed her excitement for this project and its benefits for the City.

A member of the public expressed concern regarding the distance between the building and his bedroom window. Commissioner Antuna discussed noise buffering aspects of the floor and site plan in response.

Commissioner Hatcher inquired as to whether this project will be returning to Planning Commission for review in a year in case of issues. City Planner Araki responded that there is a condition of approval that the project may return, but that it can be scheduled for review anytime if there are complaints received of problems arising.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Antuna to approve CUP2018-10. The motion was approved by a vote of 5-0.

Chair Hinkle reminded the Commission members that the November 5th meeting is the joint meeting with the City Council.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 7:43 P.M. UNTIL the Planning Commission meeting on November 15, 2018.