

**CLOVIS PLANNING COMMISSION MINUTES**  
September 26, 2019

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

Flag salute led by Chair Hatcher

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

**Absent:** None

**Staff:** Dwight Kroll, Director of Planning and Development Services  
David Merchen, City Planner  
Orlando Ramirez, Deputy City Planner  
George Gonzalez, Associate Planner  
Lily Cha, Assistant Planner  
Maria Spera, Planning Technician II  
Joyce Roach, Planning Assistant  
Ryder Dilley, Planning Intern  
Sean Smith, Supervising Civil Engineer

**MINUTES**

1. The Commission approved the August 22, 2019, minutes by a vote of 5-0.

**COMMISSION SECRETARY**

Deputy City Planner Orlando Ramirez informed that staff is considering the need for a special Planning Commission meeting in November due to a high volume of recently-submitted entitlements and offered to make it an action item for either the current meeting or the October meeting.

Commissioner Cunningham inquired as to whether staff is anticipating the October Planning Commission being lengthy as well. Deputy City Planner Ramirez responded that the November meeting will definitely be longer, as there are eleven items currently scheduled.

The Commission members agreed to the addition of a special meeting in November. After some discussion, the most likely date for the special meeting was set for November 7<sup>th</sup>. The regularly-scheduled November Planning Commission meeting was confirmed as having been moved from November 28<sup>th</sup> to November 21<sup>st</sup> due to the holiday.

## PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Hinkle informed that students from California State University, Fresno, were present in the audience. The Planning Commission welcomed them.

## COMMUNICATIONS AND REFERRALS

Items of correspondence related to Agenda Item X-2.

## BUSINESS FROM THE FLOOR

None.

## CONSENT CALENDAR

None.

## PUBLIC HEARINGS

2. Consider approval Res. 19-32, **CUP2019-007**, A request for the approval of a conditional use permit to allow for the operation of a recreational vehicle and boat storage facility on property located at 2391 Tollhouse Road in Clovis, CA. Nick Hafen, owner/applicant.

Assistant Planner Lily Cha presented the staff report.

Commissioner Bedsted sought and received confirmation that this project would involve all open-air storage with no enclosed or partially-enclosed spaces.

Commissioner Bedsted followed up with an inquiry as to whether the conditional use permit would govern the addition of fully-enclosed or partially-enclosed parking/storage at a later time. Assistant Planner Cha confirmed that any such addition would require an amendment to the conditional use permit.

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

Nick Hafen of 2391 Tollhouse Road provided background on the project and offered to answer questions.

Commissioner Cunningham, in reference to the received items of correspondence, inquired as to whether the applicant had any contact with the correspondents in the last two years. Mr. Hafen provided a detailed explanation regarding his contacts with various neighbors.

Commissioner Cuning followed up by seeking and receiving confirmation that the applicant had not received any opposition regarding the project until the letters received several hours earlier this day.

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

Paul Moore of Western Storage, 250 N. Clovis Avenue, spoke in support of the project as there is a great need for storage and it would be an ideal buffer between Johnson Construction and the nearby new office development.

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

Glen Madsen, representing his mother-in-law residing at 2467 Tollhouse Road, expressed uncertainty regarding whether this project would be beneficial or detrimental for her or for her daughter next door. This area of Clovis has been neglected, with police presence being rare, though he assumes this will change with the office development under construction nearby. Though he understands the need for storage, Mr. Madsen believes that there should be areas designated for that type of business.

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

Mr. Hafen provided information regarding himself and security for the site.

At this point, the Chair closed the public portion.

Commissioner Hinkle informed that this area is zoned to allow for this type of business and has been so for some time. He also expressed agreement with Mr. Moore regarding this project as a buffer for the construction business. Dust will be minimal due to the presence of gravel, and this use will be more visually appealing than the tow yard and car sale business directly south of this site on Herndon Avenue. He expressed his belief that this project will be beneficial for the area and as preparation for future development, particularly on Temperance Avenue.

Chair Hatcher expressed concurrence with Commissioner Hinkle in that this land is zoned for light industrial uses and has been sitting vacant for some time. She has no issue with approving this item.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve CUP2019-007. The motion was approved by a vote of 5-0.

3. Consider approval Res. 19-33, **CUP2017-011A**, A request to amend a conditional use permit for a 24-hour convenience store and fuel service station with beer and wine sales to include the sale of general liquor on the property located at 3771 Shaw Avenue. Balbir Singh Dhillon, applicant; Cloverleaf Capital, LLC, owner.

Planning Assistant Joyce Roach presented the staff report.

Commissioner Cunningham sought and received confirmation that this is a new development, then inquired as to whether there are currently any other liquor licenses in this particular census tract. Planning Assistant Roach responded that she does not have this information, and that after distributing this project for comment, Planning staff received from the police department no

concerns but only a set of standard conditions for this type of use. Deputy City Planner Ramirez elaborated that this will establish a new census tract, and that as this is a new area of development there is no concern of oversaturation.

Commissioner Hinkle inquired as to whether staff had received any mention as to what type of business may become the anchor on the parcel directly north. Planning Assistant Roach responded that staff has not received any such information at this point in time. Deputy City Planner Ramirez elaborated that though the initial plan for this area calls for a forty-thousand square foot anchor building for a grocery store or other type of anchor, this is purely conceptual at this time.

Commissioner Hinkle expressed concern regarding liquor licenses in proximity coming into conflict if that anchor building becomes a grocery store, which would be a better place to sell alcoholic beverages. Deputy City Planner Ramirez assured that the police department will have the opportunity to review alcohol licenses on a case-by-case basis as entitlements come in, and thereby review for saturation.

Commissioner Bedsted inquired as to why the Type 21 (beer, wine, and distilled spirits) license was not included in the original conditional use permit request. Deputy City Planner Ramirez responded that the initial project did not come in with a secured alcohol license, as well as this being a new applicant who has taken over the project and is seeking the upgrade.

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

Amarjit Dhillon provided background on the request.

Commissioner Cunningham inquired as to whether the applicant already has a beer and wine license and are in the process of gaining a liquor license. Mr. Dhillon responded that they currently have a beer and wine license in place; however, they have a liquor license on hold pending approval of this conditional use permit application.

Commissioner Bedsted expressed gratitude for the clarification.

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 expressed her concurrence with her fellow commissioner's concern regarding oversaturation depending on the project that comes in on the norther parcel. However, this is the first commercial development in the area and it will reduce the distance nearby residents will need to drive for small items. She has no concerns at this time.

At this point, a motion was made by Commissioner Antuna and seconded by Chair Hatcher to approve CUP2017-011A. The motion was approved by a vote of 5-0.

4. Consider approval Res. 19-34, **CUP2014-22A**, A request to approve a conditional use permit amendment to allow for modification to the hours of operation to include a 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue. MTE Foods Inc., owner/applicant; Christina Solomon, representative.

Planning Technician II Maria Spera presented the staff report.

Commissioner Cunningham sought and received confirmation that the Del Taco lobby's current hours of operation are twenty-four hours a day, the drive-thru's hours cut off at 10:00pm, and the applicant is simply seeking consistency between the two; the adjacent carwash wants denial of this request due to claims of graffiti, trash, and loitering; and staff contacted the police department regarding calls for service. Planning Technician II Spera provided information regarding calls for service for both Del Taco and the Surf Through Carwash that were not truly related to the properties, and the assurance that the police department does not foresee problems with the hours extension.

Commissioner Cunningham inquired as to whether the calls for service involving transients happened late at night. Planning Technician II Spera informed that they took place approximately around 9:00 pm.

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

Christina Solomon provided background on the project.

Commissioner Cunningham inquired as to whether the applicant had had any contact from the business owner to the east of them. Ms. Solomon responded in the negative.

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 Hinkle clarified that the lobby has been open for twenty-four hour service already, and sought and received confirmation that this project will be brought back for a six-month review. Though the noise didn't seem to be an issue when he visited the site several times at night, a six-month review will allow the Commission to ensure it does not become an issue.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Antuna to approve CUP2014-22A. The motion was approved by a vote of 5-0.

5. Consider approval Res. 19-35, **V2019-002**, A request to approve a variance to the City of Clovis Sign Ordinance to allow for a single lane drive-thru tandem menu boards in association with the drive-up window use for the property located at 1055 Herndon Avenue. McDonald's USA LLC, owner; Vigen Incorporated, applicant and representative.

Planning Intern Ryder Dilley presented the staff report.

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

Charlie Brown of Vigen Incorporated provided background on the project and requested approval.

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 expressed appreciation for something being done regarding the queuing issues here that appears to be a good idea as well as her concern for safety due to the stacking problems at the site. She herself often chooses not to visit this business due to the queuing issues.

Commissioner Hinkle expressed his agreement regarding stacking being a major problem for this site. Many times he has had to approach a driver in the queue to back up so he can exit the parking lot. He expressed that the new electronic menu boards are more visually appealing and should make the line go faster, as well as his appreciation that there is a solution to improve the situation. He is in favor of this project.

Commissioner Bedsted expressed agreement with the need for reduced congestion in the parking lot and drive aisles to improve safety. He also expressed curiosity over the availability of statistical data on how much tandem menu boards will increase the speed of the ordering process, as though he is certain this is a good project, quantifiable data would be a bonus.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Bedsted to approve V2019-002. The motion was approved by a vote of 5-0.

6. Consider approval Res. 19-36, **CUP2019-008**, A request to approve a conditional use permit for a 3-story, 90-room hotel, with a request for a maximum height of 50 feet located at 2355 Willow Avenue on a portion of a 2.52-acre site. Steve Espinoza, Maria Espinoza, Charles Claborn, Betty Claborn, Leon Gardner, and Helen Gardner, owners; Jay Virk, applicant/representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Cunningham stated that the fifty foot height is in excess of the maximum allowed height for a commercial building. Deputy City Planner Ramirez responded that the City has allowed architectural projections above fifty feet but that overall fifty feet is what has been requested for three-story hotels.

Commissioner Cunningham stated that based on the elevations, the excess height will not involve only architectural features but rather an entire floor. This is the fourth hotel project in excess of the height requirements since he joined the Planning Commission, and he would feel more comfortable with an ordinance change to height requirements. He expressed that he is close to voting to deny a project because of his discomfort with what is, in essence, a variance to height requirements.

Commissioner Cunningham referred to an elevation portrayal supplied in the agenda packet that appears to portray four stories instead of three. Deputy City Planner Ramirez responded that it may have been for conceptual purposes and deferred to the applicant for further explanation.

Deputy City Planner Ramirez returned to the height issue, informing that it is not only the height that requires a conditional use permit but also the use itself, therefore providing an opportunity to review both. However, staff can consider removing the height restriction in the next code cleanup.

Commissioner Cunningham informed that he had read the Development Code as well, and that the height is allowed, but that it falls to the Planning Commission to, in essence, grant a variance. He would feel more comfortable if it was included in the Code and did not require the Commission to, effectively, grant a variance. Deputy City Planner Ramirez responded that staff will be presenting a development code update in November and that is definitely one of the items that will be considered.

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

Jay Virk clarified that the elevation is a concept and provided background on the project.

Commissioner Antuna sought clarification as to whether the elevation or the design was conceptual, expressing admiration for the design. Mr. Virk explained that the presented conceptual represents approximately 90% of the design and elevation of what will be built, minus one story.

Commissioner Hinkle inquired as to whether the applicant is involved in the development to the south of the subject site. Mr. Virk responded in the positive, providing some details.

Commissioner Hinkle inquired as to the location of the parking for this use. Mr. Virk provided the information and assured that municipal code requirements will be followed.

Commissioner Hinkle stated that the site plan before the Planning Commission does not appear to allow cars to access the site due to the road ingress and inquired of staff as to the location of parking spaces that will allow them to be accessed. Deputy City Planner Ramirez explained that the site plan only shows part of the project area and that the parcel continues to the south, assuring that any development will be reviewed through the Site Plan Review process to ensure all requirements are met, including parking.

Commissioner Hinkle remarked on the presence of conceptual future commercial development on the south side on the provided site plan. Deputy City Planner Ramirez explained that this is purely conceptual at this point and any future development will have to undergo modification to address issues such as parking, circulation, and ADA access.

Commissioner Hinkle stated that the only current access to the southern site that he can see is through the drive to the proposed unit and that he cannot see enough space for additional parking for new development in consideration of the building size indicated on the site plan. He inquired as to whether this needs to be reviewed and redesigned to make room for parking for future development. Deputy City Planner Ramirez responded with details regarding what will trigger a redesign and a reiteration that the current representation is for conceptual purposes only. A building of that size would need to be redesigned, but at this point it is not part of the project. However, when such development occurs, staff will work with the applicant to ensure building size and parking meet standards.

Commissioner Hinkle stated that he wanted it on record that when the development on that site is submitted before the Commission, it will need to be scaled down from the current representation and parking will need to be addressed. Deputy City Planner Ramirez responded that if this project is approved then it will be subject to site plan review, during which such considerations will be addressed and staff is well aware of parking considerations.

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.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve CUP2019-008. The motion was approved by a vote of 5-0.

Commissioner Hinkle remarked that he understands why they're doing this, Clovis hotel occupancy is at 98% and this is a good place to put a hotel.

7. Consider items associated with approximately 117 acres of land located on the north side of the Clovis Landfill at 15679 Auberry Road to be utilized as a buffer zone only, with no proposed improvements and/or development. City of Clovis, United States Bureau of Reclamation, owners; City of Clovis Public Utilities, applicant.
  - a. Consider Approval, Res. 19-37, **GPA2019-003**, A request to amend the Clovis General Plan to add land to the Clovis Land Use Diagram and designate this land to the Public/Quasi-Public Facilities and Water classifications.
  - b. Consider Approval, Res. 19-38, **R2019-002**, A request to approve a prezone from the County AE-20 and AE-40 Zone Districts to the Clovis P-F (Public Facilities) Zone District.



Associate Planner George Gonzalez presented the staff report.

Commissioner Cunningham sought and received confirmation as to the location of the rifle range. He then followed up with an inquiry as to the nature and ownership of an adjacent parcel. Associate Planner Gonzalez responded that he is unsure as to the ownership of the parcel.

Commissioner Cunningham remarked that the intention appears to be to encircle the landfill with buffer zones. He expressed his understanding of the rifle range wanting to stay in its current location and his curiosity over whether they own the adjacent parcel. Supervising Civil Engineer Nick Torstensen of Public Utilities responded that he believes the rifle range owns the parcel in question but would need to confirm it.

Commissioner Cunningham stated that he drove out to the site and met Dawyne Balch, expressing his appreciation for the information provided by Mr. Balch.

Commissioner Hinkle sought clarification regarding different acreage numbers. Associate Planner Gonzalez provided an explanation.

Chair Hatcher noted that in the justification letter, the subject property is currently leased out to ranchers for cattle grazing and inquired as to whether that will continue. Supervising Civil Engineer Torstensen confirmed that that is the current plan for now.

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.

At this point a motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve GPA2019-003. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve R2019-002. The motion was approved by a vote of 5-0.

8. Consider approval Res. 19-39, **SPR2007-25A2**, A request to approve a site plan review amendment to allow for construction on .8 acres of land within phase 1 of the Sierra Meadows Park Master Plan for the Fresno Wildlife Rehabilitation Nature Center building and associated park improvements for property located east of Temperance Avenue at Sierra Avenue. City of Clovis, owner; Fresno Wildlife, applicant/representative.

Director of Planning and Development Services Dwight Kroll presented the staff report.

Commissioner Cunningham sought confirmation that there would be no conflict between this rehabilitation center and Clovis Night Out, which is limited in venue to this location, and that the animals would not be scared by the traffic generated by this event. Director Kroll responded that, after explaining this to them, the applicant assured that this would be a compatible use and the

animals apparently would not be scared, and deferred to the applicant for a more in-depth answer.

Commissioner Cunningham remarked that this use appears to be a perfect fit for that area, and sought confirmation that this would be the only rehabilitation center in the area. Director Kroll responded that he is not aware of any others in our metropolitan area.

Commissioner Hinkle inquired as to whether Director Kroll is trying to make the Commission aware of what development will be occurring in this area in the future with the plans that Sacramento has, referring to high-rises in the background of the elevation conceptual. Director Kroll stated that the properties of inquiry from Commissioner Hinkle, are located in the urban center of Loma Vista.

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

Kathy Gardner of 11933 N. Marietta Avenue, Director of Fresno Wildlife Rehabilitation Service, offered to answer any questions and provided background on the project. Architect Eric McConnaughey of 4412 W. Ferguson Avenue, Visalia, also offered to answer any questions.

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

James Atteberry of 2595 Sierra Avenue informed that he had previously opposed the change in land use for this park. However, he no longer opposed Miss Winkles how that it is in place and running, and he is glad to see this project going into the park. He stated that from a design standpoint, he would place the flight cages to the southeast corner so that more development may occur behind the building. Such would be a buffer between this use and anything that may use the area to the north, since it seems that there are more buildings reducing the park space.

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

There being none, the Chair reopened the floor to the applicant.

Ms. Gardner declined.

At this point, the Chair closed the public portion.

Commissioner Hinkle expressed his appreciation for this project, as he had heard about it some time ago and was excited both then and now. He stated his belief that this will be beneficial for the Valley as a whole and for the Clovis Unified School District. He expressed his gratitude for Clovis being chosen for this project.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Bedsted to approve SPR2007-25A2. The motion was approved by a vote of 5-0.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 7:24 P.M. UNTIL the Planning Commission meeting on October 24, 2019.



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Amy Hatcher, Chair

10/24/19  
10/24/19