

CLOVIS PLANNING COMMISSION MINUTES  
September 27, 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  
George Gonzalez, Associate Planner  
Lily Cha, Assistant Planner  
Maria Spera, Planning Technician II  
Joyce Roach, Planning Assistant  
Sean Smith, Associate Civil Engineer  
Michael Linden, Assistant City Attorney

MINUTES

1. The Commission approved the August 23, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

City Planner Bryan Araki reminded the Commission that on October 1<sup>st</sup> will be a City Council joint meeting with Clovis Unified School District and they are welcome to attend, and also that the following month will be the joint Council-Commission meeting.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Antuna expressed gratitude to the Planning and Development Services Department for allowing the Commission to be part of the Hall of Fame dinner honoring PDS Director Dwight Kroll, and praised the video presented during the dinner.

Commissioner Cunningham echoed the comments.

COMMUNICATIONS AND REFERRALS

Items related to Agenda Items X-4, X-6, and X-7.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

## PUBLIC HEARINGS

2. Consider approval Res. 18-\_\_, **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, owner/applicant; Elias Saliba, Architect, representative.

Deputy City Planner Orlando Ramirez requested a continuance to the October 25, 2018, Planning Commission meeting.

Applicant Mohamed Annan confirmed his request for a continuance, explaining that it is to allow him time to work with neighbors.

Chair Hinkle expressed gratitude to Mr. Annan for working with his neighbors on this project.

At this point, the Chair opened the floor to anyone wishing to speak on this.

There being none, the Commission approved by consensus to continue the project to October 25, 2018.

3. Consider approval Res. 18-46, **V2018-02**, A request to approve a variance to reduce the street side setback requirements of the R-1 (Single-Family Medium Density) Zone District for lot 110 of Tract 6181, located at the northeast corner of Shaw and Leonard Avenues. Century Communities, applicant/owner; Urpi Arriola, representative.

Planning Technician II Maria Spera presented the staff report.

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

Dennis Gaab with Century Communities, 7815 N. Palm Avenue, Fresno, provided a brief background statement and offered to answer any questions.

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 Bedsted and seconded by Commissioner Hatcher to approve V2018-02. The motion was approved by a vote of 5-0.

4. Consider items associated with approximately 18.13 acres of land located at the northeast corner of Ashlan and Locan Avenues. Peter G. & Laura L. Herzog Trs., Sunrise Baptist Church of Clovis, CA, owners; Wilson Premier Homes, Inc., applicant; Harbour & Associates, representative.
  - a. Consider Approval, Res. 18-47, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-01, Rezone R2018-07, and Vesting Tentative Tract Map TM6225.

- b. Consider Approval, Res. 18-48, **GPA2018-01**, A request to amend the General Plan and Loma Vista Specific Plan to re-designate approximately 11.37 acres of land from Public/Quasi-Public Facilities classification to Medium High Density Residential (7.1 to 15.0 DU/Ac) classification.
- c. Consider Approval, Res. 18-49, **R2018-07**, A request to approve a rezone of approximately 18.13 acres of land from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-PRD (Planned Residential Development) and P-F (Public Facilities) Zone Districts.
- d. Consider Approval, Res. 18-50, **TM6225**, A request to approve a vesting tentative tract map for a 94-lot single-family planned residential development on approximately 11.37 acres of land.

Associate Planner George Gonzalez presented the staff report.

Commissioner Cunningham inquired as to how many tract maps the Commission has approved lacking sidewalks as this project proposes. Associate Planner Gonzalez referenced a recent Woodside project.

Commissioner Cunningham pointed out that one difference is the lack of proposed gating for this project, expressing concern regarding traffic entering and exiting the development and potentially endangering pedestrians due to the lack of sidewalk. City Planner Bryan Araki provided examples of similar, previously-approved projects.

Commissioner Cunningham asked if the discussion of streets will be part of the joint meeting with the City Council. City Planner Bryan Araki indicated that it was likely it will be part of the discussion.

Commissioner Hatcher inquired as to what sorts of uses could be developed on this property if the designation remained Public/Quasi-Public Facilities. Associate Planner Gonzalez provided some examples.

Commissioner Cunningham inquired as to the proposed use for the previous, denied project at this location in 2013. Associate Planner Gonzalez responded that the denial was for a senior housing facility with ancillary commercial uses. City Planner Araki clarified that this previous project was for the southern third of the project site.

Chair Hinkle sought and received confirmation that a lot line adjustment not only would be needed between the church property and the south end property in order to straighten out the border between them, but that it had already been completed.

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

Dirk Poeschel of 923 Van Ness Avenue, Fresno, provided some background information on the project and offered to answer questions.

Commissioner Cunningham inquired as to the thought process behind the lack of sidewalks in the project. Mr. Poeschel provided an explanation.

Commissioner Cunningham followed up by seeking and receiving confirmation that the development would be ungated. He expressed concern about there being nothing to prevent speeders from traversing the development streets, then inquired as to the width of the streets. Mr. Poeschel responded that the streets are a typical width, thirty-six feet curb-to-curb.

Chair Hinkle corrected the applicant regarding the placement of the trail on the east side of the project site.

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

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

Blake Simon of 2950 Richert Avenue stated that he had attended a meeting with the applicant, expressed concern regarding the proposed density of the project and potential overflow parking, and also regarding the change to the view from his property.

Chair Hinkle inquired as to Mr. Simon's opinion regarding the placement of four-story, fifty foot tall buildings on the subject property. Mr. Simon responded that such a development would be out of place. Chair Hinkle followed up with a recommendation that Mr. Simon stay for the end of the meeting in light of that view, explaining that similar concerns have been raised before the Planning Commission previously and that sometimes it is better to accept the project before you than what may come down the road. He recommended Mr. Simon remain to learn what will be the other option for this site.

Chris Gardner of 3070 Holland Avenue, who had submitted an item of correspondence, expressed concern regarding the lack of paseos in the project and the density change, particularly on the north end of the project, stating that the setbacks, lot widths, and lack of sidewalks and paseos are all inadequate. He also stated that he had driven through a similar neighborhood as indicated by a letter from the applicant, and found it overcrowded by cars with limited mobility due to street widths and setbacks, referencing a similar approved McCaffrey project with parking overflowing onto Locan Avenue.

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

Mr. Poeschel stated that the letter referenced by the Mr. Gardner is for the Elevations project, not this one, and clarified the differences between the two projects regarding street widths, setbacks, and parking space.

At this point, the Chair closed the public portion.

Commissioner Hatcher inquired as to whether there is reason to be concerned regarding correspondence from Clovis Unified School District stating that it cannot necessarily accommodate the population change associated with the proposed rezoning. Associate Planner Gonzalez responded that similar letters have been received in the past for residential projects and that they reflect concern rather than opposition and a continuing discussion between the city and the school district.

Chair Hinkle sought confirmation that a recent announcement had been made regarding a new school east of the subject site. City Planner Araki responded that a new elementary school is

under construction and a high school campus would be further developed, both south of the project site. The school district has some room in their numbers but are monitoring the situation closely as attendance is getting close to being impacted.

Commissioner Antuna inquired as to the mechanism for determining contribution to public parks for an infill project such as this. Associate Planner Gonzalez and Leo Wilson of 7550 N. Palm Avenue, Fresno, provided an explanation.

Chair Hinkle sought confirmation that, as this site is not be part of the paseo system, the applicant only needs to provide access. City Planner Araki provided clarification on this and on the issue of treatment of the entries to identify them as private streets.

Chair Hinkle inquired as to the necessity of restricting left turns at the south end of the tract map, where Locan Avenue connects to Ashlan Avenue, for traffic safety. Associate Civil Engineer Sean Smith explained that there is an Engineering condition to place a physical median at that point to prevent left-in left-out turns too close to the signal light.

Chair Hinkle inquired as to whether there will be paving walkways to facilitate the transport of totes from streets to back yards, as the laying of bark seems to discourage this transport, resulting in the totes remaining on the streets in other projects nearby. He intends to bring up the issue of requiring this from now on in the joint City Council meeting.

Commissioner Cunningham inquired as to whether the subject of no sidewalks had come up in discussions with the Police Department regarding this project, as he is concerned about pedestrian safety. City Planner Araki responded that the issue occasionally comes up but is generally not an issue with staff, providing details on which aspects of traffic were examined more closely and why.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve a finding of a Mitigated Negative Declaration for GPA2018-01, R2018-07, and TM6225. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve GPA2018-01. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve R2018-07. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve TM6225 with a modification to setbacks standard. The motion was approved by a vote of 5-0.

5. Consider approval Res. 18-51, **CUP2018-08**, A request to approve a conditional use permit to allow for the addition of two modular buildings (a classroom and library) and an increase in the number of students from 120 students to 220, at an existing private school facility located at 108 N. Villa Avenue. Charlie Keyan Armenian Community School, owner/applicant; Shaunt Yemenjian, AIA, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

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

Shaunt Yemenjian of 5280 N. Vicewood Avenue, provided background on the project and offered to answer questions.

Commissioner Bedsted sought and received confirmation as to the start and stop times for the school. Mr. Yemenjian also mentioned that a neighbor had expressed concern regarding basketballs going over the fence, hence the relocation of the basketball court to be adjacent to the Japanese church parking lot to the northwest.

Commissioner Bedsted stated that he had noticed that the staff for a daycare down the street tended to park on the street and inquired as to how many of the school's staff also parked on the Villa Avenue, as that type of overflow parking tended to cause traffic issues. Mr. Yemenjian provided details regarding the school's parking situation.

Curtis Shamlin of 434 E. Cole Avenue, Fresno, the principal of the school, also provided background information on the project.

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 Hatcher and seconded by Commissioner Antuna to approve CUP2018-08. The motion was approved by a vote of 5-0.

6. Consider approval Res. 18-\_\_, **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.

Assistant Planner Lily Cha requested a continuance to the October 25, 2018, Planning Commission meeting.

Commissioner Cunningham inquired as to the identity of the writer of one of the pieces of correspondence in the memo supplied to the Commission regarding this item. Assistant Planner Cha responded that the correspondent had not provided their information.

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

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

Camelia Brown of 266 Dewitt Avenue, writer of the aforementioned anonymous email, expressed her desire to have her questions regarding the operation of the brewery answered as she would in effect have a bar in her backyard. She also expressed concern for the early-rising, hard-working residents of the neighborhood due to potential noise from the business.

Commissioner Cunningham stated that he had driven by the subject site and noticed that the alleyway separating the businesses from the residences to the west (including Ms. Brown's) was blocked off and appeared to be in disrepair. He inquired of Ms. Brown as to whether, to her

knowledge, any vehicles were permitted in the alley. Ms. Brown responded that as far as she knows, no vehicles are allowed there, but that there has been significant noise from the businesses using the alley like a backyard.

Commissioner Cunningham apologized, explaining that he dislikes receiving anonymous correspondence. Ms. Brown apologized, explaining that she had written the email in a hurry during her lunch break. Assistant Planner Cha pointed out that she did respond to Ms. Brown's email and provided the project's operational statement, which includes the operational hours. Ms. Brown responded that she hadn't yet had a chance to read that response.

Chair Hinkle invited Ms. Brown to return on October 25<sup>th</sup> and to check online to ensure that the project would be scheduled for that session.

Commissioner Hatcher pointed out a typo in the staff report.

At this point, the Commission approved by consensus to continue the project to October 25, 2018.

7. Consider approval Res. 18-52, **CUP2018-11**, A request to approve a conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue. Hodges Investment Group, LLC, owner; Shanna Collotzi and Jeff Spraetz, applicants.

Planning Assistant Joyce Roach presented the staff report.

Commissioner Antuna sought and received confirmation that the submitted parking agreement meant that the applicant would be able to use Flooring Liquidator's parking lot after the business closes.

Commissioner Antuna followed up with an inquiry into the operational hours for Flooring Liquidators. Planning Assistant Roach responded that staff did not have that information was not available at this time.

Commissioner Antuna inquired as to the proposed hours of operation for the event. Planning Assistant Roach responded with the proposed hours.

Commissioner Antuna sought and received confirmation that the applicants intend to hold an event during Rodeo Week that would include live entertainment and food vendors.

Commissioner Antuna expressed concern regarding the limited parking and the traffic intensity of Clovis Avenue.

Commissioner Cunningham sought and received confirmation that the photos in the memo provided for this item were sent anonymously. He noted for the record that, if the photos are considered, there are no dates to indicate that the photographed flyer and activity are for this year rather than a different one, especially as he had driven by the site three days previous and noted no such facility present. Assistant Planner Cha responded that staff had driven by the site the previous day and noted that the site had been enclosed, and that the tent in the pictures was up this morning. Commissioner Cunningham expressed his objection to anonymous correspondence based on lack of ability to verify and lack of dates.

Commissioner Bedsted inquired as to whether there is a condition requiring each event be fenced in or enclosed. His concern was for the safety of children there for the attractions, with the level of traffic intensity on Clovis Avenue. Assistant Planner Cha responded that there is no such condition of approval currently, as the submitted site plan indicated gating around the property, but that such a condition could be added if the Commission wished. In addition, the subject site is currently fenced off by chain link fence, which may be visible in the memo photos.

Commissioner Hatcher inquired as to how many parking stalls would be available if the project is approved. City Planner Araki deferred this question to the applicants.

Chair Hinkle inquired as to when this project was brought to staff for consideration and addition to the Planning Commission agenda. Assistant Planner Cha responded that the proposal had been put forward for Development Review Committee in mid-August. Chair Hinkle sought and received confirmation that it was not in time for the previous Planning Commission meeting, with the September meeting being the earliest able to accommodate the project with proper noticing.

Chair Hinkle inquired as to whether approval of this conditional use permit would invalidate the previously-approved conditional use permit for vehicle sales. City Planner Araki responded that it would not, explaining that that approval was grandfathered in with the zoning of the property.

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

Shanna Collotzi of 841 Clovis Avenue provided background on the project.

Chair Hinkle sought and received confirmation that the applicant understands the process for acquiring a conditional use permit, then inquired if the applicants felt that they had the right to circumvent this process, putting up the tent before going through the necessary steps for approval. Ms. Collotzi apologized, having believed that it would be acceptable to secure the area and put up the tent in order to meet the October event dates, with the understanding that they would have to take down the tent if the project did not receive approval.

Chair Hinkle expressed dissatisfaction with the applicants circumventing the process, stating that such actions raise doubt for him that they will respect rules or adhere to conditions that are set for the project. Ms. Collotzi again apologized, stating that they were working with Associate Civil Engineer Smith regarding ADA improvements and that she didn't realize they would be circumventing the conditional use permit process.

Chair Hinkle inquired as to whether the applicants intend to run any events in conflict with Big Hat Days or other functions put on by other organizations. Ms. Collotzi responded in the negative, providing an explanation.

Commissioner Cunningham echoed the concerns of the Chair, citing a case of a different conditional use permit wherein the applicant performed the work before their request to do so was heard by the Commission.

Commissioner Cunningham sought and received confirmation that objects visible in the memo pictures are boxes of pumpkins. He expressed dissatisfaction with everything being set up for the first event before the project has been heard by the Commission, as that is not how the



process works. Ms. Collotzi responded that they had been hoping to have their project heard during the August Planning Commission meeting and had not understood in the Development Review Committee meeting that they were too late for that.

Commissioner Hatcher inquired as to whether the applicants own the subject property, thereby granting them the right to put up a tent. Ms. Collotzi explained that the property is owned by Hodges Investment Group, from whom they lease it for their day-to-day business. City Planner Araki confirmed that there is a process for businesses to put up tents, seasonal decorations are encouraged, and that staff would want to review fencing through a permitting process. He also confirmed that the applicants are aware that they were taking an expensive risk, and that there were timing issues with scheduling this project for Planning Commission. Deputy City Planner explained that the Fire Department had done a preliminary inspection that found no issues, but that it would be formalized on Monday, October 1<sup>st</sup>.

Commissioner Antuna expressed concern regarding small children being attracted to events on a street busy enough that she herself sometimes has difficulty getting out of her car when parked on Clovis Avenue due to the frequency and speed of traffic. She expressed approval of this type of project but is concerned about the location, due to that safety issue as well as concern over how the project events would affect traffic flow on Clovis Avenue. Ms. Collotzi echoed the concern for the safety of small children, providing some statements regarding traffic and parking for the site.

Associate Civil Engineer Smith stated that the traffic issue was not one covered previously, as he was not aware of the applicants' parking plan and had instead been discussing improvements in the property's drive approach, trash enclosures, and fencing. He explained that the improvements were being deferred until a large enough period between events to implement them without creating safety issues for customers.

Jeff Spraetz of 841 Clovis Avenue also provided background on the project.

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 assured all of her attention to and appreciation of all of the applicants' statements as well as the Commission's desire for business and special events to come to Clovis, but expressed her doubt regarding the suitability of this particular location.

Commissioner Bedsted expressed that he shares Commissioner Antuna's concern, hence his attention to the fencing issue. He approved of the possibility of full enclosure of the Clovis Avenue frontage as a procedural safeguard.

Commissioner Hatcher expressed her approval of this idea, suggesting the addition of a condition requiring the enclosure of the Clovis Avenue frontage. While she understands the concern about somewhat circumventing procedure, she also understands that there were timing issues and applauded the applicants' courage in taking that risk, and believes that this is a good idea.

Commissioner Cunningham recognized the time constraints under which the applicants were operating, but stated that the commissioners put in a lot of time and effort, nearly as volunteers, and will not react well when it seems that the Commission is being ignored. He expressed his appreciation of Commissioner Antuna's concern regarding location and suggested adding conditions to mitigate that concern.

Chair Hinkle expressed his disapproval of applicants going around the Commission, as it exists to serve the people of Clovis and ensure that things are done properly. He also expressed doubt about this location being appropriate for this project and concern regarding the applicants adhering to conditions, wondering as to the possible actions to be taken in such an event and the possible costs of correction. He views this project as having a bad start that will set the trend for its future.

Commissioner Hatcher expressed understanding of the Chair's point while also expressing her belief in the unfairness of penalizing an applicant and something potentially beneficial to the City due to timing issues.

Chair Hinkle responded that he also sees safety issues.

City Planner Araki explained that one of the conditions of approval was amended to state that the conditional use permit will be reviewed in one year's time and recommended potentially bringing the project, if approved, back for review after the holiday season, near the time the applicants would need to begin the improvements. This would give City staff a chance to evaluate how the project worked, if it was truly a benefit to the community, and work with the applicant on the parking issue.

Ms. Collotzi and Mr. Spraeetz interjected with clarification on parking and site access.

Commissioner Antuna sought and received confirmation, with a detailed explanation, that the fence currently up on the property completely closes off site access to Clovis Avenue.

Chair Hinkle suggested making conditions of use that there will be no access from the Clovis Avenue side, having it be completely fenced off during these events, and reviewing the project in January after the holiday season.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve CUP2018-11 with added conditions to use fencing to preclude access from Clovis Avenue and to review the conditional use permit for compliance at the January 24<sup>th</sup>, 2019, Planning Commission meeting. The motion was approved by a vote of 5-0.

8. Consider items associated with the 2015-2023 Housing Element's Regional Housing Needs Assessment. City of Clovis, applicant.
  - a. Consider Approval, Res. 18-53, **GPA2018-05**, A text modification to the General Plan to add Multiple-Family Housing to the list of typical uses in Public, Schools, and Water designations and add the RHN (Regional Housing Needs) Zone District as a typical use within residential zoned properties.

- b. Consider Approval, Res. 18-54, **OA2018-03**, A text modification to the Development Code to provide for Multiple-Family Housing as a permitted use in the P-F (Public Facility) Zone District and to add a new RHN (Regional Housing Needs) overlay zone district

City Planner Bryan Araki presented the staff report.

Commissioner Cunningham commended staff for working under a very difficult situation, then sought and received confirmation that the driving force behind this is the state government setting minimum standards, with the City, already out of compliance, attempting to meet standards that appear designed for cities such as San Francisco and Los Angeles while also attempting to meet the needs of citizens who are in favor of less density in development.

City Planner Araki also commended staff for their efforts and finding ways to do things outside of the box, particularly Heidi Crabtree and Andy Haussler of the Housing and Economic Development Department.

Commissioner Hatcher sought and received clarification on the phrase “residential permitted with no area restriction.”

Commissioner Antuna sought confirmation that there are developers interested in building this product. City Planner Araki responded that there are developers interested in building at a high density, and that though there hasn't been interest yet at this higher range, the City needs to be prepared with zoning to accommodate it if/when it does come.

Commissioner Antuna followed up by seeking and receiving confirmation that there are areas identified where this development can occur.

Chair Hinkle sought and received confirmation that, pending adoption of this program, the properties surrounding the church reviewed earlier under GPA2018-01, could potentially have forty units per acre at forty feet, if the current project is not approved.

Chair Hinkle sought and received confirmation that the infill lot on Nees Avenue between Willow and Peach Avenues, which has come before the Planning Commission twice before with projects that were eventually denied, is on the list of properties that would fall under this program, hence his advice to the public to consider carefully before opposing a project in light of what may be allowed under new state legislation. City Planner Araki confirmed that not only is this property a perfect match for the program, but that the neighbor opposition to the previous proposals will not result in it being removed from the list.

Chair Hinkle sought and received confirmation that the applicable lots are dispersed throughout Clovis and that no recharge ponding basins or currently necessary flood control facilities will be used or are even included in consideration currently.

Chair Hinkle sought and received confirmation that this program may change in the future, and that he can personally see developers from the Bay Area coming to take advantage of it.

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 Antuna and seconded by Commissioner Hatcher to approve GPA2018-05. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Hatcher to approve OA201-03. The motion was approved by a vote of 5-0.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 8:24 P.M. UNTIL the Planning Commission meeting on October 25, 2018.