

CLOVIS PLANNING COMMISSION MINUTES
September 24, 2020

A modified 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: Dave Merchen, City Planner
Orlando Ramirez, Deputy City Planner
Ricky Caperton, Senior Planner
George Gonzalez, Associate Planner
Maria Spera, Planning Technician II
Sean Smith, Supervising Civil Engineer
Wesley Carlson, City Attorney

MINUTES

1. The Commission approved the July 23, 2020, minutes by a vote of 5-0.

COMMISSION SECRETARY

None.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Cunningham sought clarification regarding which item the physical correspondence related to as well as the nature of its content. Associate Planner George Gonzalez and Deputy City Planner Orlando Ramirez provided clarification and information.

COMMUNICATIONS AND REFERRALS

Items of correspondence related to Agenda Items X-2 and X-3.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider Approval - **Res. 20-34, CUP2020-004**, A request for a conditional use permit for the expansion of an existing athletic facility to include outdoor athletic training, activities, and events for a portion of an approximate .6 acre property located at 340 Clovis Avenue. Athletic Performance, applicant; David Standifer, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Antuna sought clarification regarding the exact nature of the applicant's request. Deputy City Planner Ramirez provided specific details.

Commissioner Cunningham inquired as to the status of this business in relation to State health-related mandates. Deputy City Planner Ramirez provided an explanation.

Commissioner Cunningham stated for the record that, midafternoon two days prior to the commission meeting, while driving past the site both on the main street and through the adjacent alley, he saw between five and ten individuals within the business garage doors, in violation of the COVID-19 guidelines. He was informing staff as this seemed to be information that required follow-up. Deputy City Planner Ramirez responded that staff would do so, and that a number of complaints regarding similar violations throughout the City have been submitted and acted on.

Commissioner Bedsted sought clarification regarding the applicant's future options as they pertain to the rescinded request to include seasonal uses in this use permit. Deputy City Planner Ramirez responded that such would require an administrative use permit, providing details regarding the process for such an entitlement.

Commissioner Antuna inquired as to whether the applicant is seeking a one-day special event sales alcohol license or a full-time sales alcohol license. Deputy City Planner Ramirez responded that a full-time license is not being sought, providing details on the type of alcohol license that is being sought by the applicant.

Commissioner Bedsted sought confirmation that, aside from an emergency exit, access to Clovis Avenue would not be possible from the outdoor area. Deputy City Planner Ramirez responded that the applicant is proposing access from Clovis Avenue, but that any such access will be reviewed and memorialized in the future as part of the site plan review process, if the conditional use permit passes. This process will include review by the fire and police departments, as well as by the Department of Alcoholic Beverage Control.

Commissioner Bedsted explained his reasoning for the question was because of a relatively recent request for seasonal sales on Clovis Avenue. Pedestrian safety was a concern for that project as well, resulting in the need for caution with such proposals, especially for events that involve alcohol. Deputy City Planner Ramirez assured that such concern will be addressed as part of the site plan review process and that the exhibited site plan is purely conceptual.

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

David Standifer provided background on the project.

Commissioner Hinkle inquired as to the weekend operational hours of the use. Mr. Standifer provided detailed information.

Commissioner Hinkle explained that nothing in the provided paperwork indicates the business hours for Friday through Sunday and that he does not wish for the applicant to have to go through the whole process again to get this corrected. Deputy City Planner Ramirez responded that there is a condition relating to operational hours from the Clovis Police Department, but that the topic can be expanded upon.

Commissioner Hinkle stated that it needs to be clarified now to allow those operations, as he is certain that the issue will come up in the future. Deputy City Planner Ramirez responded that staff can do so on the Commission's recommendation.

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

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

Deputy City Planner Ramirez expressed gratitude for Commissioner Cunningham relaying his concern then clarified that City staff educate regarding the COVID-19 precautions and rely on the State and the County for reliable enforcement.

Commissioner Cunningham clarified that he had brought up the issue not for enforcement but for the purpose of ensuring the business owner is aware that they should not be open when the guidelines mandate against it.

At this point, the Chair offered the applicant a chance for final rebuttal.

Mr. Standifer responded that he no rebuttal, then explained that the business is attempting to adhere to the guidelines, informing that those inside were performing physical therapy, which to the best of his knowledge is permitted as a necessary service.

There being none, the Chair closed the public portion.

Commissioner Cunningham sought and received confirmation that, according to Condition #1, the project will be reviewed by Planning staff but not necessarily by the Planning Commission.

Commissioner Cunningham stated that for a multiple-use project like this one, he believes that a mandatory one-year review at the Planning Commission level is necessary, as is the case for the project previously mentioned by Commissioner Bedsted, to review the compliance of the uses with both the applicant's and the City's requirements. Deputy City Planner Ramirez assured that the conditions of approval can be amended.

Commissioner Antuna expressed concern regarding the high visibility of Clovis Avenue and the possible visibility therefore of garbage cans and portable restrooms, as well as possible sound disturbances to nearby residents due to music or audience noise during sport-related events. Therefore, due to these concerns, she feels that she cannot support this conditional use permit.

Commissioner Hinkle requested that the motion include a clarification that the hours of operation are expanded to the maximum of seven days a week and 9 am to 11:00pm at night.

Chair Hatcher expressed that though she too has some concerns, she also has faith in staff's ability to work through them, approving of the requirement for fencing to limit potential pedestrian danger from Clovis Avenue. In addition, she feels that in the current environment, it is necessary to help businesses as much as possible to improve and thrive. In conclusion, though there are some concerns that need to be monitored, she feels that this could be good for the City.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Bested to approve CUP2020-004 subject to a modification of Condition #1 and the hours of operation. The motion was approved by a vote of 4-1, with Commissioner Antuna dissenting.

3. Consider items associated with approximately ten acres of land located at the northwest corner of Teague and Locan Avenues. Granville Homes, applicant; Valley Coastal Development, LLC & TriValley Development Group, LLC, owners; Gary G. Giannetta Civil Engineering & Land Surveying, representative.
 - a. Consider Approval, **Res. 20-35, TM6339**, A request to approve a vesting tentative tract map to include 47-lots and an outlot, and superseding two previously approved tentative maps TM6134A & TM6264.
 - b. Consider Approval, **Res. 20-36, PDP2020-001**, A request to approve a planned development permit to amend the conditions of approval and development standards for the planned residential development associated with TM6264.

Associate Planner George Gonzalez presented the staff report.

Commissioner Hinkle inquired as to whether the proposed smaller lots would have garage side setbacks of less than five feet. Associate Planner Gonzalez responded that the applicant would like to answer that question. City Attorney Wesley Carlson responded that the garage side setback is five feet.

Commissioner Hinkle sought and received confirmation that the municipal code would be modified to require that trash cans are stored behind gates. Associate Planner Gonzalez also informed that one of the conditions of approval may require paving to allow toter storage and movement.

Chair Hatcher referred to page 42 of the staff report, pointing out that it contradicts the verbally-presented garage side setback. Associate Planner Gonzalez informed that the four-foot garage side setback is what the staff received and requested that the applicant confirm the change.

Commissioner Cunningham remarked that this is the first time during his service as a commissioner that the Commission is asked to make a decision as to density and inquired as to why the Commission is being placed into this position. He expressed that he is not comfortable with this, as it is up to the developer to present a density that the Commission either approved or denies. He feels that such a decision is not within the purview of the Commission and foresees possible litigation in the future from such decisions. Associate Planner Gonzalez and City

Attorney Carlson provided explanations for the situation, indicating that the site already had approval of a 50-lot development, and that the revised request still fell in consistency with the overall previously approved project proposals.

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

Darius Assemi of Granville Homes, 1396 W. Herndon Avenue, Fresno, apologized for the confusion, provided background on the project, and offered to answer any other questions.

Commissioner Hinkle sought and received confirmation that lots 1 through 31 of the proposed map will have a five-foot garage side setback and that the provided setback sizes were the result of a clerical error. His concern with smaller setbacks is the lack of space to move around trash cans stored on the side yard.

Commissioner Bedsted referred to and questioned Mr. Assemi's comments regarding customers requesting smaller lot sizes, stating that with the COVID-19 situation he has found people are desirous of more room, and those who previously moved onto smaller lots are now displeased with the lack of outdoor living area. Due to this, he prefers the lot size diversity offered by the forty-seven-lot map. Mr. Assemi acknowledged the correctness of Commissioner Bedsted's statement then provided a detailed explanation of the size differences of lots between the two map versions and the resultant differences in price, house size, water consumption, and yard maintenance.

Commissioner Bedsted expressed appreciation for Mr. Assemi's thoughtful response, stating that though in the last few years projects have come in with higher densities, a shift is occurring towards larger lots. Mr. Assemi responded with an explanation of the factors developers balance when designing tract maps.

Commissioner Antuna sought confirmation of the applicant's preference for the fifty-lot version of the map and then inquired as to the price difference of the affected section between the two map versions. Mr. Assemi estimated that the difference is approximately between fifty and seventy thousand dollars per home.

Commissioner Cunningham assured the applicant that his earlier statements were not intended to question the quality of the product and company, but rather to highlight the unusual nature of the situation. He also indicated that he dislikes last-minute changes as it deprives the Commission of the chance to thoroughly read and consider it.

Commissioner Hinkle sought and received confirmation that there will be no homeowners association, then remarked that though at this time more family members are moving back home, the duration of this situation is uncertain. He foresees the housing market as picking up after January, then informed that he sees a lot of movement of new residents coming from the Bay Area, aiming to live in the Central Valley while working remotely. He sees this type of project and its price range as being sought after. Mr. Assemi expressed agreement with Commissioner Hinkle's statements, remarking that the shift happened four months ago.

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

Carol Hunt sought and received confirmation that her correspondence had been entered into the record, then expressed that she is indirectly in favor of the project, as she would have preferred no development at all. She expressed that her main concern is surface area water flow and sought confirmation that with the development of the subdivision, there will be no surface water flow. The applicant's engineer, Gary Giannetta of 1119 S Street, Fresno, provided information regarding drainage with the development.

Ms. Hunt inquired as to what will happen during non-normal weather years like those that occurred a few years prior. Mr. Giannetta responded that with the development, there will be a decrease of surface water flow, as it will go into the development's drainage system.

Ms. Hunt sought confirmation that the water that would've been handled by an earthen channel along the southern portion of the project would go into the development's gutter system. Mr. Giannetta confirmed that this channel was part of one of the previously-approved projects and was to handle major events rather than typical rainfall, something that both the Engineering Department and Fresno Metropolitan Floor Control District are aware of. He then provided information on the change proposed with the new project.

Ms Hunt sought confirmation that rain will from the roadway into the gutters of the development's drainage system rather than onto her property. Mr. Giannetta reiterated that typical water flow from a normal storm will go into the flood control system, while water from a major event will behave as previously and go onto the roadway.

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

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

There being none, the Chair closed the public portion.

Commissioner Antuna sought and received confirmation that the motion needs to include changes confirmed by Mr. Assemi regarding garage sizes and side setbacks.

Chair Hatcher inquired as to what course of action would take place should the Commission vote for the forty-seven-lot map version. City Attorney Carlson provided an explanation.

Commissioner Bedsted sought and received confirmation that the Planning Commission is being presented with two versions of this tract map due to timing issues; otherwise, they would only be considering the fifty-lot version. Associate Planner Gonzalez further clarified that the original two approved tract maps added up to fifty lots total between them.

Commissioner Bedsted expressed his appreciation for the applicant's earlier thoughtful analysis and plan for housing diversity and that he would like to see more developers provide more space at times. He understands that the City has to provide affordable housing, not only how the state

government sees it but also as what can be supported by the local economy. Therefore, he is willing to support the fifty-lot version of the tract map.

Commissioner Hinkle remarked that affordability is going to be a major consideration for the next two years, as that is about how long it will take to get things back on track from the current situation. This project presents some affordable housing to the Clovis area in a quality development, something that is needed, especially with the real estate economy of today and the next two-to-three years. He believes that the fifty-lot version of the project should be approved.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve TM6339 fifty-lot version with modified conditions regarding side setbacks and garage dimensions. The motion was approved by a vote of 5-0.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve PDP2020-001. The motion was approved by a vote of 5-0.

4. Consider Approval - **Res. 20-37, R2020-003**, A request to approve a rezone of approximately 30 acres of property located near the northeast corner of Clovis and Dakota Avenues to be consistent with the underlying General Plan designation of MU-V (Mixed Use Village). This request is to rezone the subject property from the C-2 (Community Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), and R-2 (Multifamily Medium-High Density Residential) Zone Districts to the C-M (Commercial and Light Manufacturing) Zone District. Clovis-Dakota, LLC, property owner; Don Pickett & Associates, Inc., applicant; Nick Crawford, representative.

Senior Planner Ricky Caperton presented the staff report.

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

Mike Pickett of Don Pickett & Associates made some statements regarding the project 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.

Commissioner Hinkle referred to recent statements from the governor and inquired as to whether the developer will be required to include electric vehicle charging stations. Senior Planner Caperton confirmed the requirement and that it would be addressed during the site plan review process.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Antuna to approve R2020-003. The motion was approved by a vote of 5-0.

5. Consider items associated with approximately 1.07 acres (portion of) of property located on the northwest corner of Shaw and Cole Avenues. Debra and Robert Carlson, owners; Patrick Murphy of Clovis I, LLC, applicant/representative.
 - c. Consider Approval, **Res. 20-38, GPA2020-002**, A request to amend the text of the Shaw Avenue Specific Plan to permit drive-thru uses for this specific site.
 - d. Consider Approval, **Res. 20-39, CUP2020-003**, A request to amend the adopted use schedule for the P-C-C (Planned Commercial Center) to allow for a drive-thru use and to allow for an approximately 3, 300 square foot drive-thru restaurant use.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Bedsted sought and received confirmation that planning staff are in the process of amending the Shaw Avenue Specific Plan as regards to drive-through uses, expressing that doing so makes sense in the current climate and with the way buildout of the plan area has occurred. Though he is troubled by setting precedent as it may create challenges in the future, in this case it may be a good thing, and he is glad that there has been enough interest to bring the policy up for consideration rather than continuing to entertain one-off projects.

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

Patrick Murphy of 1234 E. 17th Street, Santa Ana, on behalf of the ownership, provided some background on the project, commended City staff of various departments, then offered to answer any questions

Adam Karachi of 6800 Bishop Road, Plano, Texas, made a presentation on behalf of Raising Cane's and offered to answer any questions.

Commissioner Cunningham inquired as to the operational hours. Mr. Karachi provided the hours and details regarding the choices for those hours.

Commissioner Cunningham inquired as to the reason for the removal of the initially-proposed pet area. Mr. Karachi provided an explanation.

Commissioner Bested inquired as to the anticipated peak vehicle numbers. Mr. Karachi provided a detailed explanation of the anticipated rate of service.

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.

Chair Hatcher remarked that though she has never heard of this business before, but has heard favorable reports. She believes that the plan looks good and sees no problem with approving another drive-thru use here based on the market. It will be good to have something new in the area, and so she has no problem with the project.

Commissioner Bedsted echoed Chair Hatcher's comments regarding the excitement of new things coming to Clovis. Though there is a need for thoughtfulness in how new things are incorporated, he approves of this location for a drive-thru and is in favor of the project.

Commissioner Hinkle expressed support for the project, as drive-thrus are a new way of life today. He is glad to see that staff is addressing this issue for the future and believes that this use will be good for this area.

Commissioner Cunningham joined his fellow commissioners in welcoming Raising Cane's to the Clovis community should the project pass, as he believes it will. He expressed that this will be a great addition to the community and appreciated that they are working closely with staff to integrate well. He is in support of the project.

Commissioner Antuna echoed the comments of her fellow commissioners, expressing her excitement at not having an empty building along Shaw Avenue and that something beautiful will be built in its place. She welcomed Raising Cane's to the community.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Cunningham to approve GPA2020-002. The motion was approved by a vote of 5-0.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Bedsted to approve CUP2020-003. The motion was approved by a vote of 5-0.

6. Consider Approval - **Res. 20-40, OA2020-003**, A request to amend the Clovis Municipal Code to clarify and refine Section 9.18.050 – RHN Overlay District and to establish a ministerial process to subdivide parcels that qualify for development pursuant to the RHN Overlay District. City of Clovis, applicant.

City Planner Dave Merchen presented the staff report.

Commissioner Hinkle inquired as to whether a builder could acquire some property, designate a portion of it, and request to be part of the program. City Planner Merchen expressed that such may be possible, providing an explanation.

Commissioner Hinkle informed that he has not seen one of these maps in a long time and inquired as to whether the designated parcels are grouped together or spread out through the city. City Planner Merchen responded that they are spread out.

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 Bested commented that the map is out there, he provided a copy to someone in the community and remembers that the RHNA overlay spread designated parcels throughout the city. City Planner Merchen clarified that map and list, and that this process clarifies that map and list, and is subject to updating routinely (yearly).

Commissioner Bedsted inquired as to whether the routine updates would be brought before the Planning Commission or simply made publicly available. City Planner Merchen provided details regarding the process.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Antuna to approve OA2020-003. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 7:56 P.M. UNTIL the Planning Commission meeting on October 22, 2020.



Amy Hatcher, Chair