

AGENDA ITEM: 1

CLOVIS PLANNING COMMISSION MINUTES December 20, 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 Hatcher

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

Absent: None

Staff: Orlando Ramirez, Deputy City Planner
George Gonzalez, Associate Planner
Sean Smith, Associate Civil Engineer
Claudia Cazares, Management Analyst

MINUTES

1. The Commission approved the November 15, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez requested that the Planning Commission keep City Planner Bryan Araki in their prayers.

PLANNING COMMISSION MEMBERS COMMENTS

Chair Hinkle informed the Commission that, out of 3,500 real estate agents in the Fresno area, 34 were approved as green real estate agents, including the Chair, allowing him to now speak about green homes.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

2. Consider approval Res. 18-___, **TM6023**, A request to approve a one-year extension to an approved vesting tentative tract map property located on the south side of Ashlan Avenue, between Highland and Thompson Avenues. Wilson Homes, owner/applicant; Harbour & Associates, representative.

At this point, the item was received and filed.

3. Consider approval Res. 18-65, **V2018-04**, A request to approve a variance to reduce the front yard setback requirement of the R-1 (Single-Family Residential – 6,000 sq. ft.) Zone District for the construction of a 6-foot fence along Leonard Avenue for the property located at 811 Leonard Avenue. Barbara L. Brown, owner; City of Clovis, applicant/representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Chair Hinkle inquired as to the fate of a large tree when the sidewalk is built, as it is an asset to not only the property owner but also to the neighborhood, especially in the summer, and wishes staff to attempt to save it, and others, as much as possible. Associate Civil Engineer Sean Smith responded that a large tree north of the house will remain, while several smaller ones will be removed.

Management Analyst Claudia Cazares provided details on the ongoing discussion with the property owner regarding the trees on the property, assuring Chair Hinkle that efforts are being made to save as many trees as possible.

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

Barbara Brown of 811 Leonard Avenue provided information on what she is willing to do to save the tree and stated that, if possible, she would like to be granted an extra driveway to make a circular driveway for her property.

Deputy City Planner Ramirez responded that staff would be fine with the number of driveways with the only issue being proximity of any new drives to the existing residence. Deputy City Planner indicated that Planning and Engineering staff will work with the applicant to try to make the Ms. Brown's request work.

Ms. Brown stated that her understanding is that there will a bicycle lane placed on her side of the street but no parking, causing her a problem on the frontage.

Chair Hinkle sought and received confirmation that a parking space or drive approach could be provided on the north side of the house, and stated that it does not necessarily have to be paved.

Ms. Brown asked him to repeat himself with more volume, then responded that she had only been informed of the lack of parking on the street a month previous, and that she had been too busy to contact Management Analyst Cazares regarding her parking and driveway concerns.

Chair Hinkle assured Ms. Brown that staff will work with her. Ms. Brown responded that staff has done a good job of working with her so far.

At this point, the Chair closed the public portion.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve V2018-04. The motion was approved by a vote of 5-0.

4. Consider approval Res. 18-66, **CUP2018-12**, A request to approve a conditional use permit to allow a Dutch Bros Coffee drive-up/drive-thru window use for property located on the west side of N. Fowler Avenue, south of Herndon Avenue. Buchanan Crossroads, LLC, owner/applicant; Brady McGuinness, representative.

Associate Planner George Gonzalez presented the staff report.

Commissioner Bedsted requested clarification regarding the setup of the queuing lane, in particular how vehicles will enter. Associate Civil Engineer Sean Smith provided an explanation.

Commissioner Bedsted followed up with a remark that though there is a clear visual indication of a No-Stopping area, many people tend to not follow directions at times, causing him to be concerned that customers will still spill out onto Fowler Avenue.

Commissioner Bedsted then sought and received confirmation that those seeking to exit to the north would no longer be able to cross and head northbound on Fowler Avenue. Other potential methods of heading north on Fowler Avenue from the site were discussed with Associate Civil Engineer Smith.

Commissioner Bedsted inquired as to whether there are any other concerns regarding traffic overflow queuing. Such is a concern for him based on personal experience, especially in light of potential future development on the vacant lot across the street. Associate Civil Engineer Smith responded that such had been a main concern in talks with the applicant, who had worked well with staff on mitigating the issue, and that over time people will learn the queuing and exit routes.

Commissioner Bedsted expressed his appreciation for the time staff had devoted to working on the issue. Associate Civil Engineer Smith offered to answer more detailed questions himself or with the aid of the applicant.

Commissioner Cunningham inquired as to how far north the worm is recommended/planned to extend in order to prevent northbound turns, seeking and receiving confirmation that a driver will be physically prevented from executing any such turns. Associate Civil Engineer Smith provided detailed information.

Commissioner Cunningham then inquired as whether there are plans to shorten the island extending into the shopping center in order to allow an easier turn from the northernmost entry on Fowler Avenue, providing two entrances and one exit at that point. Associate Civil Engineer Smith confirmed that such is planned, clarifying that there will actually be one entrance lane and one exit lane instead, further explaining that the applicant's exhibit incorrectly indicated a dual entry lane from Fowler Avenue.

Commissioner Cunningham stated that, prior to the meeting, he had discussion with the Fire Department representative regarding the overage lane, and was informed that though it is currently marked as a fire lane, it in fact is not. Associate Civil Engineer Smith confirmed this.

Commissioner Antuna expressed concern regarding stacking at the existing worm at the south side of the entrance, having driven by this location at different times of the day to experience different traffic conditions and finding this to be a high-traffic shopping center. Her concern is regarding traffic stopping on Fowler Avenue when adding a popular coffee establishment,

having twice seen traffic stop in that lane on Fowler Avenue due to the number of cars seeking to turn onto existing establishments.

Associate Civil Engineer Smith expressed that staff had shared this concern. This location had been previously approved for a pad, leading to the deceleration lane on Fowler Avenue being sized to traffic expectations with that plan. The traffic will continue to be watched, the conditional use permit will give staff a chance to see how Dutch Bros will perform, and if there are any future additional impacts then this can be brought back for discussion.

Deputy City Planner Ramirez added that these concerns are what led to further discussions on the approaches from Fowler Avenue, providing details.

Commissioner Cunningham sought and received confirmation that a representative of the shopping center was present.

Chair Hinkle inquired as to the reasoning behind the apparent removal of the parking stalls at the south end of the Credit Union, based on his understanding of the presentation slides. Deputy City Planner Ramirez responded with a detailed explanation. Chair Hinkle sought clarification on the effect of this action, which was provided by Associate Civil Engineer Smith. Associate Planner Gonzalez confirmed that two parking stalls will be removed.

Chair Hinkle then sought clarification on how the No-Stop Area will be designated for the public to be aware of its nature. Associate Civil Engineer Smith responded that he expects that there will be pavement markings maintained by the shopping center.

Chair Hinkle inquired as to whether there would be a stop sign for the southbound lane, concerned after seeing how quickly people drive through the area and considering future queuing taking place there. Associate Civil Engineer Smith responded that he did not condition one, though the shopping center may consider it. Deputy City Planner Ramirez reminded that the Planning Commission has the ability to modify the conditions to include such, and that there still remains the site plan review process, which will memorialize the building, parking, stop signs, and landscaping, and therefore provide further enforcement.

Chair Hinkle sought and received confirmation that several trees planned for removal will either be replanted or replaced with more drought-tolerant landscaping.

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

Brady McGuiness of 499 W. Shaw Avenue, Suite #116, Fresno, expressed gratitude for the time of the Commission and staff, and provided background information on the project.

Commissioner Cunningham sought and received confirmation that Mr. McGuiness represents the shopping center, then inquired as to whether the other tenants, particularly those that would face the new business, had been polled as to their feelings on this project. Mr. McGuiness responded that they had, then deferred to shopping center representative as having been directly involved in that action.

Michael Thomason of Thomason Development Company, the owner of the shopping center, 7090 N. Marks Avenue, Fresno, provided information on the discussions with, concerns of, and reactions of the other tenants regarding this proposal.

Commissioner Cunningham inquired from the owner, which access the owner considers the primary entrance/exit to the shopping center, the Fowler entrance/exit or the Herndon entrance/exit. Mr. Thomason responded with detailed information regarding the entrances/exits, with the main entrance being on Herndon Avenue, expressing his belief that it is time to end the deferral agreement and install the proposed traffic worm on Fowler Avenue.

Commissioner Cunningham followed up by inquiring as to whether Mr. Thomason believes this action will negatively impact the traffic into the shopping center. Mr. Thomason responded that he does not believe entry into the center will be a problem, and that the only issue he can foresee is possible retraining of tenants and customers in exiting the center and wishing to proceed northbound on Fowler Avenue, explaining that he believes that there will be retraining and that it is necessary.

Commissioner Cunningham sought and received confirmation that a franchise representative was present.

Brent Wilson of 2833 E. Willow Ridge Avenue expressed his and his wife's (Genesis Wilson), excitement about bringing their business to Clovis, providing some background on the project and offered to answer questions.

Commissioner Bedsted inquired as to the typical vehicle throughput during peak periods. Mr. Wilson responded that their busiest shop has forty-five vehicles per hour at peak, resulting in approximately four and a half minutes per vehicle from entrance to exit; the average at their other shops is at approximately thirty-two cars per hour at peak.

Commissioner Bedsted then inquired as to whether they intend to have employees outside during peak times, directing traffic and queuing to prevent use of the No-Stop-Area and backing out onto Fowler Avenue. Mr. Wilson responded that they have such at all of their locations, providing details.

Commissioner Bedsted followed up by inquiring of staff if a condition of approval is possible that requires the presence of employees operationally available for traffic control. Associate Planner Gonzalez confirmed that the Commission can add a condition of approval.

Commissioner Hatcher inquired as to what the peak hours are for this establishment. Mr. Wilson provided a detailed response.

Commissioner Hatcher sought and received confirmation that the 'runner' role mentioned earlier by Mr. Wilson is similar to the similar-seeming employee role at In 'N' Out Burger.

Commissioner Hatcher followed up by inquiring as to whether these employees take on such a role only during peak hours or are available at all hours. Mr. Wilson provided a detailed explanation on the 'runner' and 'traffic' role determinations and actions.

Commissioner Hatcher sought and received confirmation that the majority of transactions are anticipated to be drive-through rather than walk-up, as the drive-through lane of the one she has seen at Ashlan and Willow Avenues is always very busy. Mr. Wilson provided this confirmation as well as information regarding that particular site.

Commissioner Cunningham requested forbearance, as this is the first foray into Clovis for a Dutch Bros project, then expressed deep concern regarding the traffic generated by such an

establishment. In that regard, he had visited several Fresno establishments, providing details of his observations regarding the traffic at these locations, the Ashlan and Willow location in particular, including adjacent businesses being blocked by queues. He inquired as to what Mr. Wilson, as a franchise owner, will do to mitigate those queues. Mr. Wilson provided detailed information regarding that site and its circumstances.

Commissioner Cunningham expressed admiration for the operation and aesthetics of the other stores, particularly the newer ones, but that he does have a major concern about the traffic, especially the possibility of rear-end collisions in the Number 3 lane on southbound Fowler Avenue. He stressed the critical nature of doing everything possible to get traffic off Fowler Avenue. Mr. Wilson assured that that is their intention, providing details.

Commissioner Cunningham inquired as to whether Mr. Wilson would be agreeable to approval of the conditional use permit requiring the return of the project before the Planning Commission in one year to review and comment, improve, or even deny based on operation, clarifying that he is referring to condition #4 in Exhibit "A," the Conditions of Approval. He proposed that, when a motion is made, that the 'may' in the condition be changed to 'shall,' making the review mandatory.

Mr. Thomason expressed concern regarding the timeframe and the ability to get more stores out, pointing out that, as Dutch Bros expands, queuing will reduce and reach equilibrium as happened with Starbucks. He objected not the mandatory nature of the requirement but rather to the timeframe, one year not being much in terms of new development.

Commissioner Cunningham explained that one year is sufficient to identify critical issues. He followed up with an inquiry as to whether there is a Starbucks in that shopping center. Mr. Thomason responded that there is one inside Vons, and requested leeway to understand operationally that if there is a problem, it will be released as equilibrium is reached through further expansion, providing details.

Commissioner Cunningham stated that the year will allow start-up issues to be ironed out, hence his recommendation. Mr. Thomason responded with a request for two years and assured that they will work with staff, and that they will do their best to work with one year if that is what is granted.

Chair Hinkle inquired as to whether Mr. McGuinness would be opposed to painting 'No Parking' in the back of Vons to keep Dutch Bros traffic from interfering with delivery trucks. Mr. McGuinness deferred to Mr. Thomason, who responded with details regarding the type of deliveries that typically happen in that back area, with very little happening in the target area due to lack of access to the building at that point. Regardless, the situation would be monitored and striping done as needed.

Mr. McGuinness remarked on the condition to bring the project back for review in a year and requested that due process is used to make revocation a part of a notice-and-cure process, something more to do with modification rather than something extreme, due to the consequences of removing a business after a structure has been built.

Commissioner Cunningham responded that the spirit of the condition includes working with Planning staff, and that having worked with them, Mr. McGuinness knows that they are reasonable people. He assured that he is not trying to set the project up for failure but would

rather see them succeed and see more Dutch Bros establishments in Clovis. However, this is the first such in Clovis and Commissioner Cunningham wishes to see it done right.

Mr. McGuiness remarked positively on the process and his work with staff to this point.

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 Hatcher expressed that she has concerns regarding traffic, being that she goes into the shopping center every day to get coffee from the Starbucks in Vons. However, there have been good efforts to mitigate the issue, and it will be up to the public to follow signs and markings in the road. She also expressed her favor in regards to adding a stop sign near the queuing entrance, and that other than that, she has no problem voting in favor of this project.

Commissioner Antuna expressed excitement for the project to come here as she likes Dutch Bros coffee, but that she is concerned about traffic backing up onto Fowler Avenue. It is her hope that when the project comes back in a year for review, the mitigation measures including the traffic-directing employees will lead to a positive outcome.

Commissioner Bedsted echoed the traffic concern of his fellow commissioners, and expressed his excitement regarding bringing new things to Clovis, as that is a desire of the Commission. He also stated that he will be requesting a condition requiring a mandatory traffic coordinator available at all times as a mitigating factor.

Commissioner Cunningham expressed full agreement with the rest of the commissioners, and having expressed his opinions, he is ready to make a motion after the Chair's comments. He reiterated that this motion will include making the review mandatory, requiring the stop sign, and requiring the mandatory traffic coordinator. He offered credit for a job well done on the existing stores and how on top of queuing issues they are.

Mr. Wilson interjected an objection to making the traffic coordinator presence mandatory at all times, as there are times when such is not required, in regards to Commissioner Bedsted's wording, as Commissioner Cunningham expressed difficulty with phrasing that condition, and whether or not to make it more a direction rather than a condition.

Chair Hinkle brought up Exhibit "A" and requested a modification to the drive-thru lane design to prevent issues with cars attempting to enter the drive-thru from the southernmost entry to the shopping center, as a way to create fewer problems.

Mr. Thomason responded by pointing out some details that may not be easy to see to make the entry difficult, and that based on experience it is generally the runners and traffic coordinators who accomplish this. He pointed out that such modifications can be addressed in the site plan review phase of the project.

Chair Hinkle remarked that no matter what measures are taken, there will still be people who will try to take that corner, but that some measure can be taken to alleviate the majority of that.

Mr. Wilson stated that the curb lines will likely be changed in the site plan review when fire turnouts and other concerns are addressed.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve CUP2018-12 with additions and modifications to conditions. The motion was approved by a vote of 5-0.

OLD BUSINESS

None.

NEW BUSINESS

5. Accept nominations and vote for Chair and Pro Tem to serve for the next two years.

Deputy City Planner Orlando Ramirez stated the two methods of reorganization for the Planning Commission and inquired how the Commission wished to proceed.

Commissioner Antuna nominated Commissioner Hatcher as the Planning Commission Chair and also suggested the rotation method going forward in this process.

Commissioner Hatcher inquired as to whether the rotation would be for every two years or for every year. Deputy City Planner Ramirez expressed uncertainty along with his belief that it would be for every two years.

Commissioner Antuna expressed her belief that it is every two years and her desire to do something similar to what City Council does.

At this point a vote was taken to seat Commissioner Hatcher as Commission Chair. The appointment was approved by a vote of 5-0.

Deputy City Planner Ramirez then accepted nominations for the position of Chair Pro Tem.

Commissioner Antuna inquired as to whether the Commission could implement a rotation similar to that done by City Council, with the Pro Tem position being taken by the next most senior member. Deputy City Planner Ramirez responded that they can follow that method.

Commissioner Hatcher sought and received confirmation that this method would be implemented and that Chair Hinkle would then be Chair Pro Tem.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Cunningham to rotate Chair Hinkle to the position of Chair Pro Tem. The rotation was approved by a vote of 5-0.

At this point, the Planning Commission was resealed and the new Chair and Chair Pro Tem were announced.

ADJOURNMENT AT 7:20 P.M. UNTIL the Planning Commission meeting on January 24, 2019.