

CLOVIS PLANNING COMMISSION MINUTES
November 21, 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: David Merchen, City Planner
Orlando Ramirez, Deputy City Planner
Ricky Caperton, Senior Planner
George Gonzalez, Associate Planner
Maria Spera, Planning Technician II
Ryder Dilley, Planning Intern
Sean Smith, Supervising Civil Engineer
Michael Linden, Assistant City Attorney

MINUTES

1. The Commission approved the October 24, 2019, minutes by a vote of 5-0.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez informed that, due to project scheduling changes, a special Planning Commission meeting in December has become unnecessary.

PLANNING COMMISSION MEMBERS COMMENTS

None.

COMMUNICATIONS AND REFERRALS

None.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

None.

PUBLIC HEARINGS

2. Consider approval Res. 19-52, **TM6023**, A request to approve a one-year extension to an approved vesting tentative tract map for property located on the south side of Ashlan Avenue, between Highland and Thompson Avenues. Wilson Homes, owner/applicant; Harbour & Associates, representative.

Planning Technician II Maria Spera presented the staff report.

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

Lorren Smith of Harbour & Associates, 389 Clovis Avenue, 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 sought and received confirmation that the only action on this item is to approve an extension to a map that has already been reviewed and approved.

At this point, a motion was made by Chair Hatcher and seconded by Commissioner Bedsted to approve an extension to TM6023. The motion was approved by a vote of 5-0.

3. Consider approval Res. 19-53, **CUP2019-016**, A request to approve a conditional use permit for 24-hour operation of an existing fitness facility (Crunch Fitness) on approximately 2.20 acres of property located at 284 West Shaw Avenue. 284 W Shaw LLC, property owner; Crunch Fitness (Shaw Fitness Investment Group LLC), Ray Chung, applicant; Joe Wilson, Venture Fit, representative.

Senior Planner Ricky Caperton presented the staff report.

Commissioner Cunningham sought and received confirmation that the only thing before the Commission for review is the proposed extension of hours.

Commissioner Hinkle sought and received confirmation that the storage containers near the front of the property will be removed within the next few weeks.

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

Raymond Chung representing Crunch Fitness provided background on the project.

Commissioner Hinkle inquired as to whether the applicant intends to leave the trailer in front, in the parking lot. Mr. Chung responded in the negative, providing details.

Commissioner Hinkle inquired as to whether the door on the east side of the building could remain closed during the night hours to avoid disturbing the residences south of the site. Mr. Chung informed that the only doors to be open to the public for access will be the front doors.

Commissioner Antuna sought and received confirmation that the sole purpose is seeking the twenty-four hour operation is to remain competitive with the gym facility down the street. Mr. Chung provided a detailed explanation.

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

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

Greg Brown of Brown & Associates Clovis, which owns the properties to the west of the site, spoke against the project as lacking the opportunity to air their opinion on the use, compatibility with the neighboring uses, and parking. He also challenged the validity of the reciprocal access agreement, and feels that this use creates a burden on their tenants.

David Brown of Brown & Associates Clovis stated that they want to protect their tenants and their associated parking. They are willing to work with the applicant but are also willing to tow cars in order to ensure their tenants have a fair chance to park.

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

Mr. Chung rebutted that while parking is a potential issue down the road, it is a twenty-four hour use conditional use permit that is up for consideration. The two issues have no bearing on each other, and there will be no injurious traffic from 12:00 a.m. to 5:00 a.m. He concluded by requesting that the commissioners make their decision based on the merits of what the applicant is attempting to accomplish rather than distractions.

At this point, the Chair closed the public portion.

Commissioner Hinkle informed that the only issue before the Commission for this site is the conditional use permit and that it is a common practice for businesses to seek to change their hours after opening for business. There is nothing the Planning Commission can do regarding anything other than the time element, the subject of their decision this evening, and so he recommended that the Browns continue to work with staff on their issues.

Chair Hatcher reiterated that the Browns should continue to work with staff, as what has been done in the past is done. She sees no potential issues with the additional hours and therefore has no problem voting in favor of this project.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve CUP2019-016. The motion was approved by a vote of 5-0.

4. Consider approval Res. 19-54, **CUP2019-015**, A request for the approval of a conditional use permit to amend the adopted use schedule to the Planned Commercial Center (P-C-C) Zone District for the Sierra Pavilions Shopping Center to allow an indoor amusement center use. A specific location is proposed in Building "G" at 1175 Shaw Avenue Unit 101. Clovis 1A, LLC, owner; M and M Indoor Playground, applicant and representative.

Planning Intern Ryder Dilley presented the staff report.

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

Manpreet Sandhu of M and M Indoor Playground provided background on the project.

Commissioner Hinkle suggested an expansion of the proposed hours of operation in the event that the applicant later chooses to open at an earlier hour than currently intended. This modification to the motion can be done to save the applicant time and money in such a case. Ms. Sandhu responded that though she does not believe any parents would choose to come in earlier than 9:00 a.m., she is open to this modification.

Commissioner Bedsted sought clarification as the report in the agenda packet stated that the use is proposed for children seven years of age and under, yet in her statements the applicant stated they would be serving children five years old and under. Ms. Sandhu explained that though they would be open for children seven years old and younger, they expect the majority of the children attracted to the types of toys they order to be five years old and under.

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 sought and received confirmation that staff had no issue with amending the proposed operational hours.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Bedsted to approve CUP2019-015 with an amendment to operational hours. The motion was approved by a vote of 5-0.

5. Consider items associated with approximately 3.53 acres of land located on the west side of Clovis Avenue, north of the Palo Alto Avenue alignment. Swedish Inn, LLC, owner; RED INC Architects, applicant/representative.
 - a. Consider Approval, Res. 19-55, A request to approve an environmental finding of a Mitigated Negative Declaration for Rezone Amendment R2004-036A3, pursuant to CEQA guidelines.

- b. Consider Approval, Res. 19-56, **R2004-036A3**, A request to approve a modification to the master site plan and an amendment to the general development plan standards of the P-C-C (Planned Commercial Center) Zone District to allow buildings not to exceed five (5) stories or sixty-three (63') feet in height within 3.53 acres of land located on the west side of Clovis Avenue, north of the Palo Alto Avenue alignment and recommending adoption of a mitigated negative declaration for R2004-036A3.

Associate Planner George Gonzalez presented the staff report.

Commissioner Cunningham inquired as to the meaning of the term 'lithic debotage' used in the Initial Study attachment. Associate Planner Gonzalez explained that the term was used in the submitted cultural study, providing his understanding of the term based on study.

Commissioner Cunningham stated that this is the fifth hotel project he has seen recently seeking to exceed the development code's height requirements. In addition, in his research, he has found the maximum height to be set at thirty-five feet, not fifty, and inquired as to where that maximum came from. Associate Planner Gonzalez explained that the fifty-foot maximum height is part of the development standards adopted specifically for this center.

Commissioner Cunningham followed up with an inquiry as to whether this standard is present in the development code. Associate Planner Gonzalez responded in the negative, explaining that it is only in the City Council-approved development standards for this center, providing details.

Commissioner Cunningham expressed difficulty with the apparent dichotomy of having a maximum height that is not actually a maximum, as well as his discomfort with five hotels wanting to exceed this standard and the extent to which this proposal seeks to exceed the height standard. He presumed that staff had informed the applicant of the height standard. Associate Planner Gonzalez assured that the applicant is aware of the development standards, as staff provided them. He also informed that staff is planning the next development code update, and that this concern is one of the line items for consideration.

Commissioner Cunningham expressed appreciation for that, then stated that this is the same answer to his concerns as from September and requested an absolute date for this update in order for him to look more favorably on this request. Deputy City Planner Ramirez responded that staff is still compiling information on this and other items for consideration, and that staff expects to bring the development code update to the Planning Commission most likely in the spring.

Commissioner Cunningham inquired as to how many hotel projects will be presented to them between now and then. Deputy City Planner responded that such depends on market demand.

Commissioner Hinkle inquired as to whether there would be any improvements required for the parking lot used by the school district. Deputy City Planner Ramirez provided details.

Commissioner Hinkle followed up with an inquiry as to whether there would also be access to properties to south, or if such is conceptual for down-the-road development. Associate Planner

Gonzalez responded that such would not come in with this project but that it is indeed conceptually planned for the future, referring to the proposed master site plan exhibit.

Commissioner Hinkle informed that he finds such access to be important due to all of the activities in Clovis. He depicted a scenario whereby friends got rooms in different hotels, pointing out that to get together they would need access across the properties. Therefore, he views it as a high consideration and wants to make sure there will be access north-to-south with future developments. Deputy City Planner Ramirez confirmed that it will be a requirement, providing details.

Commissioner Bedsted inquired as to the status of the architectural concept, as he saw in the report that staff attempted to propose alternatives. He stated that it read like staff conceded to the applicant's design due to the developer wanting to keep their own contemporary design. He is concerned about the long-term effect of this, not wanting to see a smattering of different developments that are not tied together except through color scheme. Associate Planner Gonzalez responded that such is not something staff wants to see happen, which is why he mentioned in the report that he is requesting elevation modifications. Staff's intent is to continue working with the applicant on this and won't concede and accept only color changes, even though it may stall the project in the site plan review stage. Deputy City Planner Ramirez further explained that the site plan review process is a protection mechanism to allow us to work on compatibility through a variety of elements. Staff understands the constraints the franchisee is under, as this is an issue not only with hotels but with fast food restaurants and other similar uses. However, staff has been very successful working with these corporations in order to tie in projects to other projects instead of appearing to be standalone.

Commissioner Bedsted stated that the City has done a good job historically in trying to blend such projects in with their surrounding developments; however, there are some that do not blend quite so well, leading him to want to place his concern on the record. He expressed understanding that there need to be concessions on both sides and encouraged the applicant to continue working with staff towards an outcome that will serve both sides.

Commissioner Hinkle sought confirmation that the temporary pond in the northern parcel of the proposed project will be filled in for a parking area. Supervising Civil Engineer Sean Smith responded that it will be at least partially filled in, providing some details.

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

David Burkett of RED INC Architects provided background on the project and offered to answer 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 Antuna expressed concurrence with the concerns regarding both height and design compatibility. Though she understands Hilton's intention, she is concerned regarding the longevity of the design's appeal as the target customers get older. In addition, though the City wants to allow for expressions of design and innovation, much time and effort was put into the master plan and how it would shape this area's development. She is specifically concerned with the height and the design's fit into future development around it.

Commissioner Hinkle informed that he has an acquaintance who has likely built more hotels than anyone else in the Fresno. From his experience through this acquaintance and his understanding of this type of hotel and the activities in Clovis, he believes that this type of hotel will always have a younger age group to draw customers from. In addition, most people spend little time actually in hotels, and therefore he does not see any problem being caused in the future by the design. As for the height, he would be more concerned with it if this location was in downtown Clovis. The Golden Triangle, as this area has been called, has been planned for this type of development for years and the Planning Commission approved a center to the east which will complement this project. Between all of this and the answers provided by staff, he is fully in favor of this project.

Commissioner Cunningham expressed appreciation for Commissioner Hinkle's comments and specified that he has no issue with this particular project in terms of the type of facility being proposed. His main concern is with the height. His research has shown that thirty-five feet is the maximum height for all development in the City. Though he understands that the development code allows the Planning Commission to modify height on a specific basis and they have done so in the past, it has been his experience that each successive hotel making such a request has asked for greater and greater height over the maximum allowance. He appreciates staff assuring that they will look into a change, but this does not necessarily mean that a change will happen. In his opinion, the Planning Commission is the wrong venue to modify the development code. He has nothing against Tru by Hilton but will vote against this project.

Commissioner Bedsted stated that his feelings are similar to those of his fellow commissioners. He too sees a trend of request before the Planning Commission to approve variances to height requirements. In this instance, however, the proposed location being in the back of the development and adjacent to the highway reduces the strength of his concern regarding the proposed height. On the other hand, he is concerned regarding the possibility of this project standing out, and in a way that may or may not be good, if the color schema and architectural design are not handled well in the site plan review. Therefore, he is cautiously optimistic in moving forward.

Commissioner Hinkle stated that the Hyatt Place hotel on Highway 41 is similar in design to this proposal that blends in with its area. As a member of the Clovis Tourist Advisory Committee, this is what is needed and matched the direction Clovis is going. This proposal both fits in the Golden Triangle Center and serves the City's need due to future events.

Commissioner Antuna clarified that she also believes more hotels are needed, but rather that she is unsure she completely supports this particular proposal.

City Planner David Merchen clarified that when this property was zoned Planned Commercial Center, standards such as allowed uses and a fifty-foot maximum height were established and adopted with City Council approval as part of the zoning element. Due to this, the development code does allow a fifty-foot height for this property. This request is to amend these standards to allow a sixty-three feet building instead of fifty feet, and since it would technically change the zoning element, it will have to go before the City Council for approval or denial. The question of whether or not to increase the height standards for hotels will be taken up as part of the ordinance adjustment process. However, the current ordinance allows discretion through conditional use permits or rezone amendments for the very reasons the topic came up this evening. Staff leans towards maintaining this flexibility for location-dependent compatibility considerations.

Commissioner Cunningham expressed both his appreciation for City Planner Merchen's comments and his belief that his argument has been misunderstood. He has an issue with requests to exceed height maximums, having seen five such during his office term; these requests just happen to have all come from hotel projects. He is not against discretion being allowed for applicants to exceed set height maximums; he simply believes that the current setup, with the decision being in the hands of the Planning Commission, is not the proper way to handle it.

Commissioner Hinkle clarified that this request is to exceed the applicable maximum height standard by thirteen feet, not by twenty-three feet as Commissioner Cunningham had stated.

Chair Hatcher expressed agreement with some of the previously stated concerns regarding height standards. However, in her opinion this is a prime location for this type of product, and therefore she does not have a problem with the proposed height in this case. Though the proposal is aesthetically unusual, this is not always a bad thing; however, there will need to be a lot of give-and-take in the site plan review to ensure that this does not stand out in a bad way. Other than that, she has no problem voting to move forward on this project.

At this point, a motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve a finding of a Mitigated Negative Declaration for R2004-036A3. 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 R2004-036A3. The motion was denied by a vote of 2-3.

At this point, a discussion took place regarding procedure for failed motions, followed by a discussion regarding the nature and content of the follow-up motion.

At this point, an amended motion was made by Commissioner Hinkle and seconded by Chair Hatcher to approve R2004-036A3 with direction to provide architectural elements that are compatible with area developments. The motion was approved by a vote of 4-1.

6. Consider items associated with approximately 4.31 acres of property located at the northeast corner of Leonard and Barstow Avenues. BN6120 LP, property owner; John A. Bonadelle, applicant; Lorren Smith, Harbour & Associates, representative.

- a. Consider Approval, Res. 19-57, **R2019-008**, A request to approve a rezone from the R-1 (Single Family Residential Low Density) Zone District to the R-1-PRD (Single Family Planned Residential Development) Zone District.
- b. Consider Approval, Res. 19-58, **TM6254**, A request to approve a vesting tentative tract map for a 23-lot planned residential development.

Senior Planner Ricky Caperton presented the staff report.

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

John Bonadelle Jr. provided background on the project and requested an amendment to the condition of approval regarding garage sizes.

Commissioner Hinkle inquired as to the distance between the driver's side of the pickup truck and the garage wall in the provided picture. Mr. Bonadelle Jr. responded that it is approximately nine feet.

Commissioner Hinkle informed that he had parked a pickup truck next to a Kia and took measurements based on the proposed reduced garage sizes, and he found the space too small to exit the vehicles in the proposed smaller garages. He had opposed the smaller garages when they were initially approved as a test and remains opposed to them now after seeing them in reality. Mr. Bonadelle Jr. responded that he drives through developments after building them, and he has seen many buyers have their children exit the backseat of cars in the driveways and enter the house through the front door. In addition, TM6170, in which Bonadelle was allowed to experiment with these garage sizes, sold out and there was no negative feedback regarding garage sizes in customer surveys. The same is true for a similar 150-unit product in Merced. They would change garage sizes if they were an impediment to success, but maximizing the entryways and bedrooms is successful for them.

Commissioner Hinkle expressed appreciation for the explanation but does not believe this reflects reality. The reason the children get out in the driveway is because they cannot exit in the garage. He himself and people he has talked to believe this is a bad move, as in the winter during bad weather people prefer to exit cars in the garage. Though the Planning Commission allowed the smaller garage sizes to be tested, he does not believe that there should be deviation from the standard garage size.

Commissioner Cunningham sought and received confirmation that TM6170, in which the aforementioned pickup truck picture was taken, is a Planned Residential Development with a homeowners' association, then stated that the HOA is likely the reason there are no cars pictured on the street. He expressed concurrence with Commissioner Hinkle as the standard for garage size. In discussions with staff regarding this issue, he found staff to be comfortable with the standard size, and so he is as well. Mr. Bonadelle Jr. responded that the HOA referred to does allow street-side parking for two-to-three days, and that the lack of congestion demonstrates that younger buyers have either one car only, or two smaller cars.

Commissioner Cunningham expressed appreciation for the explanation and assured that he is not trying to set himself up as an adversary. He stated that the time the picture is taken also affects what will be present. The standard garage size exists for a reason and he likes it.

Commissioner Hinkle informed that he had driven through the Elevations project just west of the subject site and had seen many cars parked along the streets, which he believes will happen to this development as well with smaller garage sizes. Mr. Bonadelle Jr. responded that the Elevations development has only five-foot driveways and this project has standard driveways.

Commissioner Hinkle expressed that he understands that distinction, but that there is another project in Loma Vista that has full size driveways and yet there are still cars parked in the streets. Multiple generations and multiple families are living in the same houses today, especially in houses of lower market value, rather than just a single person. If garage amenities are eliminated, then there will be more overflow into streets.

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

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

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

Mr. Bonadelle Sr. expressed respect for and understanding of the commissioners' opinions, then explained that building on higher density small lots brings affordability and it is difficult to design a product that all will be proud of twenty years in the future. He explained that customers place more value in living space and front yard space, and that a wider garage reduces curb appeal. Finally, this property is oddly shaped, which results in huge, useless side yards if the lots are bigger.

At this point, the Chair closed the public portion.

Commissioner Hinkle inquired as to whether the City requires builders to provide paved walkways from the driveway to the side gate, as this is an issue that has been brought up during several project reviews. This is a concern to him because as he drives around, he sees totes in front yards because of the difficulty in moving them to the backyard over landscaping. Deputy City Planner Ramirez responded that though it has been discussed, it has not yet been implemented.

Commissioner Cunningham inquired as to whether there will be electric vehicle charging stations inside the garages, due to recent legislation. Mr. Bonadelle Sr. responded that such are standard, and that if he could trade the cement walkway Commissioner Hinkle desired for the garage size he wants, he is willing to bargain.

Commissioner Antuna expressed her appreciation for the proposed product, as there needs to be new ways to bring affordable homes to the City. She expressed her admiration for the product as beautiful, well-developed, and affordable for young people so they are not being priced out

of the City. The Commission wants a multigenerational city, wants homes built that are both affordable and needed, and younger buyers do not yet need larger homes and garages. Giving up eighteen inches is a small price to pay for such, and so she is absolutely in support of this product.

Commissioner Cunningham stated that it would actually be three feet given up on some models, and that as the developer needs flexibility they cannot restrict those models down to two or three only. The only way he can vote in favor of these reduced garage sizes is if they are labelled as 'experimental' and a paved walkway is added. Mr. Bonadelle Sr. agreed to this.

Chair Hatcher expressed that though this is a nice product and there will only be twenty-three units, she does not believe she is willing to give up so much on the garages. She herself does not have one and therefore finds having one very desirable, yet she would not want one which will force her children to exit the vehicle in the driveway. Though she is aware that some people will not object to that, she does not want to set a precedent that could turn into a 'slippery slope,' in which developers build smaller and smaller garages. Therefore, she will vote for the standard garage size, as the conditions of approval are currently written. In addition, on a personal note, she does not believe that trading during Planning Commission is a good idea and is in fact another 'slippery slope.'

Commissioner Antuna expressed appreciation for Mr. Bonadelle's earlier comments regarding being less vehicle-centered. The vision of the City for the future is to emphasize walkability and bike friendliness. This product lends to that vision and to the accompanying idea that a family does not have to own two cars.

Commissioner Bedsted endorsed Commissioner Antuna's comments. Though he prefers larger garages and side yards, he understands that the Planning Commission, staff, and the developers are creating an environment not only for people like him but also for people who have just one car. He also expressed that there is some 'buyer beware' here, as if someone buys a home with a smaller garage, then they will have to live with the consequences of that decision. He has mixed feelings on this project, as he personally sees many smaller cars more prevalent nowadays, so a smaller garage may be more palatable. On the other hand, he is wrestling with precedent. In conclusion, he expressed agreement with Chair Hatcher's caution regarding slippery slopes and urged the Commission to proceed with caution.

At this point a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to approve R2019-008. The motion was approved by a vote of 4-1.

At this point a motion was made by Commissioner Hinkle and seconded by Commissioner Antuna to approve TM6254. The motion was approved by a vote of 4-1.

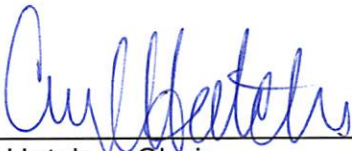
OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 7:55 P.M. UNTIL the Planning Commission meeting on December 19, 2019.



Amy Hatcher, Chair

FORWARDED

12/19/19