

CLOVIS PLANNING COMMISSION MINUTES
April 9, 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 Bedsted (via Webex), Cunningham, Hinkle, Chair Hatcher

Absent: Commissioner Antuna

Staff: Dave Merchen, City Planner
Orlando Ramirez, Deputy City Planner
George Gonzalez, Associate Planner
Lily Cha, Assistant Planner
David Wolfe, City Attorney
Sean Smith, Supervising Civil Engineer

MINUTES

1. The Commission approved the February 27, 2020, minutes by a vote of 4-0-1.

COMMISSION SECRETARY

Deputy City Planner informed that several memos and items of correspondence had been received in regards to Agenda Item X-6, distributed to the Commission, and had become part of the public record. Additionally, staff would provide applicants and members of the public opportunity to speak on specific agenda items via Webex. He provided details regarding two members of the public who not only submitted written comments but would also provide verbal input on Item X-6, as well as an item of correspondence received after the deadline. Finally, Deputy City Planner Ramirez informed that staff's resolution attachments would require modification of language, providing explanation.

PLANNING COMMISSION MEMBERS COMMENTS

Commissioner Bedsted expressed his gratitude to staff arranging remote participation in this meeting for the public and for himself.

Commissioner Bedsted expressed appreciation for the City extending this option for himself and for members of the public. His opinion is that it is a suitable way to conduct these public hearing in this unprecedented time.

Commissioner Cunningham echoed Commissioner Bedsted's comments, adding his praise to staff for setting things up. He has now experienced two City Council meeting similarly set up and

believes that all are getting used to it. His personal preference is to be able to directly receive comments from the public face-to-face and finds this a difficult situation, but he understands that circumstances mandate that we continue on as we are for the time being. He also stated that he echoes comments from the Assistant City Manager in that the City has reached a size that warrants video recording public hearings. He concluded by expressing special thanks to staff as they have done very well setting this up on short notice.

Commissioner Hinkle expressed gratitude to staff for putting things together so that the Planning Commission can still work with the public and the public can still be part of the process as they should be. He appreciates this and expressed his willingness to continue this in the future as needed.

Chair Hatcher thinks it went fairly smoothly considering we've never done it before. It would be nice if we could do it on video, and if there's any way for the public to give comments in a more live way, that would be more effective but understands it might be too problematic.

COMMUNICATIONS AND REFERRALS

Items of correspondence related to Agenda Item X-6.

BUSINESS FROM THE FLOOR

None.

CONSENT CALENDAR

Deputy City Planner Ramirez rescinded the previously-submitted request to cancel the April 23rd Planning Commission hearing and requested its reinstatement due to an item needing to be heard. The Planning Commission consented to the reinstatement.

PUBLIC HEARINGS

2. Consider Approval Res. 20-13, **TM6164**, A request to approve a one-year extension to the approved tentative tract map TM6164, located on the west side of Leonard Avenue at Dakota Avenue. DYP 6164 LP, owner; De Young Properties, applicant; Quad Knopf, Inc., representative.

Deputy City Planner Orlando Ramirez presented the staff report.

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

Deputy City Planner Ramirez informed that the applicant is in favor of staff's recommendation to extend.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Cunningham and seconded by Commissioner Hinkle to approve an extension to TM6164. The motion was approved by a vote of 4-0-1.

3. Consider Approval Res. 20-14, **TM6125**, A request to approve a one-year extension to an approved tentative tract map for property located near the northwest corner of Peach and Stuart Avenues. Beal Development, LLC, owner/applicant.

Deputy City Planner Orlando Ramirez presented the staff report.

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

Deputy City Planner Ramirez informed that the applicant indicated over the phone that they are in favor of the extension request.

Commissioner Cunningham inquired as to whether this is the first or second year extension request. Deputy City Planner Ramirez responded that it is the second extension request.

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 inquired as to the disposition of the road shown on the tract map as connecting to a development to the north, given that that existing development has a cul-de-sac in place. Supervising Civil Engineer Sean Smith responded that instead of connecting, the road would become a knuckle.

At this point, a motion was made by Commissioner Bedsted and seconded by Commissioner Cunningham to approve an extension to TM6125. The motion was approved by a vote of 4-0-1.

4. Consider approval Res. 20-15, **CUP2014-22A**, A request for a six-month review of an approved conditional use permit amendment for the hours of operation specific to an existing 24-hour drive-thru window use at the Del Taco restaurant located at 1415 Herndon Avenue. MTE Foods Inc., owner/applicant; Christina Solomon, representative.

City Planner Dave Merchen presented the staff report.

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

City Planner Merchen informed that the applicant provided a statement indicating agreement with the determination as recommended.

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

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

There being none, the Chair closed the public portion.

At this point, a motion was made by Commissioner Hinkle and seconded by Commissioner Bedsted to approve CUP2014-22A. The motion was approved by a vote of 4-0-1.

5. Consider approval Res. 20-16, **R2019-009**, A request to approve a rezone of approximately 4 acres of property located at the southwest corner of Temperance and Nees Avenues to be consistent with the underlying General Plan designation of MU-BC (Mixed Use- Business Campus). This request is to rezone the subject property from the R-A (Single Family Residential Very Low Density) Zone District to the C-P (Professional Office) Zone District. Beal Properties Inc., owner; Legacy Construction, applicant.

Assistant Planner Lily Cha presented the staff report.

Commissioner Cunningham sought clarification regarding the reciprocal access strip should the property to the south of the subject site develop. Assistant Planner Cha provided details. Deputy City Planner Ramirez expanded, informing that the current design is conceptual in nature and the exact location of the reciprocal access will be determined during the Site Plan Review process.

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

Alondra Williams, Senior Development Manager for Legacy Construction, expressed gratitude to staff for their accommodation throughout the process, support of 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.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve R2019-009. The motion was approved by a vote of 4-0-1.

6. Consider items associated with approximately 50.80 acres of property located in the southwest area of Teague and N. Fowler Avenues. Multiple property owners; Woodside Homes of Fresno, LP., applicant; Yamabe & Horn Engineering, Inc., representative.

- a. Consider Approval, Res. 20-17, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2019-006, Prezone R2019-007, Prezone R2020-002, & Vesting Tentative Tract Map TM6284.
- b. Consider Approval, Res. 20-18, **GPA2019-006**, A request to amend the General Plan to re-designate approximately 34.3 acres from Rural Residential (1 lot per 2 acres) classification to Low Density Residential (2.1 to 4 DU/Ac) classification.
- c. Consider Approval, Res. 20-19, **R2019-007**, A request to approve a prezone of approximately 36.80 acres from the County R-R (Rural Residential) Zone District to the Clovis R-1 (Single-Family Residential) and R-R (Rural Residential) Zone Districts.
- d. Consider Approval, Res. 20-20, **TM6284**, A request to approve a vesting tentative tract map for a 74-lot single-family subdivision on 32.19 acres of land.

Associate Planner George Gonzalez presented the staff report and addressed several points that had been asserted in written comments from surrounding property owners and interested parties.

Commissioner Bedsted, referencing one of the opposition letters, inquired as to the maximum allowable number of units possible in a future development on the properties proposed to be prezoned from County Rural Residential to Clovis Rural Residential. Associate Planner Gonzalez provided the maximum number under current applicable standards, informing that any development on those nine properties above the current Rural Residential designation will require both a general plan amendment and accompanying CEQA analysis.

Commissioner Bedsted stated that he chose to address this in order to clarify for the record that as long as the development was greater than ten acres, it would fall under the 2.3 unit per acre limit imposed by the Dry Creek Preserve Master Plan.

Commissioner Hinkle referenced a letter the Commission had received earlier in the day, from Amardeep Aulakh in support of the project, seeking and receiving clarification that the current access easement road used to access his property from Fowler Avenue would not be used as part of the proposed project.

Commissioner Hinkle sought and received confirmation that the fire apparatus access road would be closed off to regular traffic while still being accessible to the fire department.

Commissioner Hinkle sought information regarding the potential widening of Sunnyside Avenue in connection with this project. Associate Planner Gonzalez provided details.

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

Matt Smith, Land Acquisition Manager of Woodside Homes, provided background on the project and offered to answer questions.

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

Correspondence from Dale Mitchell was placed into the record, as he wished for an opportunity to speak in person.

Correspondence from Amardeep Aulakh in support of the project was read and then placed into the record.

Correspondence from Rick Warren in support of the project was read and then placed into the record.

Correspondence from Charles Merrill in support of the project was read and then placed into the record.

Correspondence from Dean Uhrig in opposition of the project was read and then placed into the record.

Correspondence from Katherine Ross in opposition of the project was read and then placed into the record.

Correspondence from Phillip Ross in opposition of the project was read and then placed into the record.

Correspondence from Kathleen Powell in opposition of the project was read and then placed into the record.

Correspondence from Corey File was read and then placed into the record.

Correspondence from Troy McKinney in support of the project was read and then placed into the record.

Correspondence from Charles Keller was read and then placed into the record.

Correspondence from Norman Morrison was placed into the record, as it was received after 3:00 p.m.

Dale Mitchell informed that he had been part of the formation of the Dry Creek Preserve Master Plan and that, despite the numerous neighborhood committee meetings, they were unable to get their view for their neighborhood memorialized into any kind of plan previously. After Woodside Homes came into the process, they were at first confrontational until the City Council instructed them to work and compromise with the neighborhood and create a master plan. The two most important features of the DCP Master Plan are the 2.3 unit per acre limitation on any development and the requirement for projects to be a minimum of ten acres in size to be developed beyond the rural residential standards, providing the reasoning behind these two features. He concluded by expressing that the Woodside development is entirely consistent with the DCP Master Plan.

Correspondence from Marcus DiBuduo was read and then placed into the record, as his phone connection was lost.

City Attorney David Wolfe expressed that, though Mr. Morrison's letter arrived after 3:00 p.m., since this is a noticed public hearing, it should be read into the record as the other items of correspondence were, as long as they arrived before the close of the public hearing.

Correspondence from Norman Morrison was read and then placed into the record.

City Attorney Wolfe clarified that, in the case of verbal participation, there is a little flexibility for the Chair to allow someone to finish a comment going beyond the three-minute limit. This could be an option for Mr. Mitchell, whose final comment was interrupted by reaching the three-minute limit.

Chair Hatcher allowed Deputy City Planner Ramirez to offer Mr. Mitchell the chance to finish his interrupted comment.

Mr. Mitchell stated that the concerns raised in the opposing correspondence are the same issues that were addressed during the many meetings that took place during the formation of the DCP Master Plan, and expressed that at the time of the master plan's approval, there had been a strong consensus across the Dry Creek Preserve. However, he is troubled that a project that is consistent with and will implement that plan is facing objections, and asks the Commission to uphold the approved development standards.

Chair Hatcher inquired as to whether Mr. DiBuduo had been able to call back in. Deputy City Planner Ramirez responded that staff apparently hadn't been able to reach him.

At this point, the Chair closed the public portion.

Chair Hatcher sought clarification, for the record, regarding a comment from one of the letters about new mitigation measures in the revised traffic study. Associate Planner Gonzalez confirmed that, as Chair Hatcher had understood, there were no new mitigation measures in the revised traffic study and that he had informed Mr. Corey File of such.

Chair Hatcher sought clarification regarding several comments from the correspondence for the sake of the record. The first item was a comment in one of the letters regarding wear-and-tear on the County roads. Chair Hatcher sought and received confirmation that the City will not have any control over updating or fixing these roads until they are annexed. Associate Planner Gonzalez also informed that there could potentially be agreements between the two entities regarding maintenance of certain roads; however, that has yet to be determined in regards to the subject streets.

Chair Hatcher next inquired as to how long completion of the annexation is expected to take. Associate Planner Gonzalez responded that, provided the project moves forward and is

approved, then the annexation is likely to be complete by the end of the year, before the project is developed and generate traffic on those roads.

Chair Hatcher then sought clarification regarding a comment mentioning that the Master Plan had standards of development of 2.3 units per acre that would be interspersed with less dense development. Chair Hatcher recalled no such standard from the Master Plan, and wondered if it was merely the writer's desire. Associate Planner Gonzalez confirmed that there is no such standard, providing a detailed explanation for what the standard actually is.

Chair Hatcher finally referenced the letter commenting on the emergency vehicle access, seeking and receiving confirmation that Fresno County not approving it as a road is moot at this point, as it is not currently planned to be one and there are no plans for annexation of it at this time.

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

Mr. Smith expressed his gratitude to staff for keeping the doors of the City open and providing the public hearing during these strange times, as Woodside is under commitments to the four project site landowners on when escrow must be closed by.

Commissioner Bedsted expressed his gratitude to staff for the presentation and to members of the public for their feedback and input. There had been a great deal of effort and compromise that went into the Dry Creek Preserve Master Plan and this project, he believes, conforms to that Master Plan. Therefore, he is in support of it.

Commissioner Cunningham stated that he echoes Commissioner Bedsted's comments and is ready to make a motion.

Chair Hatcher expressed her agreement that this project is consistent with the Master Plan, which took a lot of time and effort to put together. She expressed her appreciation for how many members of the public in the area came forward with comments in support and opposition, in light of everything being closed due to Covid19. She sees this project as consistent and will vote in favor.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve a finding of a Mitigated Negative Declaration for GPA2019-006, R2019-007, R2020-002, and TM6284. The motion was approved by a vote of 4-0-1.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve GPA2019-006. The motion was approved by a vote of 4-0-1.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve R2019-007. The motion was approved by a vote of 4-0-1.

At this point, a motion was made by Commissioner Cunningham and seconded by Chair Hatcher to approve TM6284 with the modified conditions of approval. The motion was approved by a vote of 4-0-1.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT AT 7:51 P.M. UNTIL the Planning Commission meeting on April 23, 2020.



Amy Hatcher, Chair