

AGENDA ITEM: 1

CLOVIS PLANNING COMMISSION MINUTES January 24, 2019

A regular meeting of the Clovis Planning Commission was called to order at 6:00 p.m. by Chair Pro Tem Hinkle in the Clovis Council Chamber.

Flag salute led by Commissioner Cunningham

Present: Commissioners Antuna, Bedsted, Cunningham, Chair Pro Tem Hinkle

Absent: Chair Hatcher

Staff: Dwight Kroll, Director of PDS
Bryan Araki, City Planner
Orlando Ramirez, Deputy City Planner
George Gonzalez, Associate Planner
Lily Cha, Assistant Planner
Joyce Roach, Planning Assistant
Sean Smith, Associate Civil Engineer

MINUTES

1. The Commission approved the December 20, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

Deputy City Planner Orlando Ramirez introduced new Senior Planner Ricky Caperton.

PLANNING COMMISSION MEMBERS COMMENTS

None

COMMUNICATIONS AND REFERRALS

Items related to Agenda Items X-3, X-4, X-5, X-7 and X-8.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

2. Consider approval, Res. 19-01, **R2018-13**, A request to approve a rezone of approximately 2.75 acres of land located at the northeast corner of N. Clovis and Dakota Avenues from the C-M (Commercial – Light Manufacturing) and R-2 (Low Density Multiple Family Residential – 1 Unit/3,000 Sq. Ft.) Zone Districts to the C-2 (Community

Commercial) Zone District. City of Clovis, Clovis Colony Investors, LLC, owners; Jeay Dakota, LLC applicant.

Associate Planner George Gonzalez presented the staff report.

Chair Pro Tem Hinkle sought and received confirmation that the Planning Commission had previously approved this area for multi-use and high density residential. Associate Planner Gonzalez further explained that the subject site is currently part of the high density residential zoning, and that the apparent intention is to separate this site from that for commercial development, with the remainder intended to retain the current zoning for future multifamily development.

Commissioner Antuna sought elaboration regarding a recommendation from the Fresno Irrigation District versus staff's finding of consistency with the General Plan. Associate Civil Engineer Sean Smith responded that this is a routine response to draw attention and make sure that certain issues were considered during project review.

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

Eric Tienken of 528 W. Athens Avenue provided a brief statement regarding the project.

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

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

There being none, the Chair closed the public portion.

Chair Pro Tem Hinkle sought and received confirmation that there will be a street connecting with the housing projects to the north.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Bedsted to approve R2018-13. The motion was approved by a vote of 4-0-1.

3. Consider approval Res. 19-02, **CUP2018-05**, A request to approve a conditional use permit to allow for a Starbucks Coffee drive-through use with outdoor seating area for property located at the northwest corner of Santa Ana and Clovis Avenues. Hinds Investments L.P., owner/applicant. IT Architecture, Ian Robertson; representative.

Assistant Planner Lily Cha presented the staff report.

Commissioner Cunningham inquired as to whether the project under discussion this night covers the entire building or only the northern area of the building indicated by hash marks. Assistant Planner Cha responded that the entire building is under consideration, with the hash marks merely indicating the location of the proposed Starbucks, which will not be occupying the entire space.

Chair Pro Tem Hinkle expressed concern regarding the possibility of vehicles travelling from the north continuing to the southernmost drive and blocking traffic. To that end, he inquired as to the possibility of recommending the placement of signs indicating the north entrance as the drive-through entrance, preventing backing-up in the main drive aisle as well as relieving some

of the congestion in it. Assistant Planner Cha responded that this is something that can be required. Deputy City Planner Ramirez further explained that there are municipal code requirements regarding directional signs that can be implemented during the site plan review process.

Commissioner Cunningham sought and received confirmation that the entrance from Santa Ana Avenue indicated on the site plan is the only such entrance for both this site and the overall Costco site, as he recalled approving a single minor entrance-only with the Costco project, in deference to the residential development across the street.

Commissioner Antuna addressed the submitted correspondence by recalling the purpose of this entry's design is to deliberately complicate and therefore discourage exiting onto Santa Ana Avenue. She then inquired as to whether this entrance is specifically designated for Starbucks. Assistant Planner Cha responded that the entrance is for the entire site, as there are reciprocal access agreements in place.

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

Yan Robertson of 1462 N. Van Ness Avenue provided background on the project, expressed agreement with the signage comments, 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.

At this point a motion was made by Commissioner Bedsted and seconded by Commissioner Antuna to approve CUP2018-05 with an added condition regarding signage. The motion was approved by a vote of 4-0-1.

4. Consider approval Res. 19-03, **CUP2018-11**, A request to approve review findings and amended conditions of approval associated with an approved conditional use permit to allow for seasonal outdoor recreation and entertainment events for the property located at 841 Clovis Avenue.

Planning Assistant Joyce Roach presented the staff report.

Chair Pro Tem Hinkle inquired as to whether the sale of structures resembling mini-houses that had been present on the subject site was part of the permit approval. Planning Assistant Roach responded that it is not, staff having researched this after being made aware of the presence of the sheds Tuesday morning of this week. The applicants had been made aware, and removed the sheds by the end of Wednesday. City Planner Bryan Araki further clarified that staff is currently in contact with the applicants, prompted by the applicant, regarding what uses are permitted or not on their property.

Deputy City Planner Ramirez sought and received confirmation that the Planning Commission members had received and been able to open an email with correspondence from the applicants.

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

Shanna Collotzi of 2788 E. Omaha Avenue provided information on the operation of the events since the initial approval of the conditional use permit and offered to answer questions.

Commissioner Cunningham stated that the reason for the Commission requesting this six-month review was due to the applicants being deficit in several issues, such as placing merchandise on the lot before receiving approval from the City, leading to a testing period. He noted, for the record, that though the applicants have several letters from community groups they served, they had not only failed to clean up their site within seventy-two hours after the pumpkin patch event, but that it was another seven days after and that the City had to make them aware of the requirement, and that there was also an issue with temporary signs. He inquired as to what the applicants can do to convince him and the Commission that City staff will not have to spend time ensuring the rules are being followed.

Ms. Collotzi responded that she had the opportunity to meet with staff to go over what is allowed under the conditional use permit, how communication needs to flow, and what the applicants' responsibilities entail. She expressed confidence in both her understanding and her awareness of her resources to answer questions.

Commissioner Cunningham remarked that, though the structures were removed before he could measure, there is a condition that there must be ten feet from the property line before a structure is placed in the event of future approval of exhibition, and that the sheds appeared to be within this setback. He emphasized that businesses must follow what rules are set out by the City, and that during his tenure on the Planning Commission, this is the only business where the Commission has had to come back to inform an applicant that something is prohibited.

Ms. Collotzi apologized, explaining that the source of the issue was her misunderstanding of what are and are not approved uses for that property.

Commissioner Cunningham sought and received confirmation that Ms. Collotzi understood that, if approved, this project would have another mandatory review before the Planning Commission in one year's time.

Commissioner Antuna expressed her concurrence with Commissioner Cunningham's statements, then added that the applicant had addressed her initial concerns with the project. She remarked that after reading the staff report, it does indeed seem that the issues that have arisen are due to the applicants' lack of understanding, as they claimed. This was followed by an encouragement to meet the conditions, in particular those regarding deadlines, as that is something she will consider during the next review. She concluded with an expression of excitement for future events, as the ones already run were good for Clovis and a great service to the community.

Ms. Collotzi inquired, in regards to meeting or exceeding deadlines, if she can submit required site plans sixty or ninety days ahead of the event, rather than the required thirty days. Planning Assistant Roach responded that such would be fine with staff.

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 Pro Tem Hinkle expressed concern that the applicant has presented a record of noncompliance and he would like for the project to come back before Planning Commission in six months, to ensure that the applicants understand how the City of Clovis operates. He remarked that most applicants ask before doing things, while these applicants seem to do things and assume it's allowed if they don't hear anything against it.

Commissioner Bedsted echoed the concern and remarked that he had come to the same decision regarding a six-month review period in order to make sure the City's expectations are upheld.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve CUP2018-11 with a modification to condition #4 to require a six-month review. The motion was approved by a vote of 4-0-1.

5. Consider approval Res. 19-04, **CUP2018-15**, A request to approve a conditional use permit for a proposed Government Facility with associated customer service for the property located at 3500 Pelco Way. Cook Land Company, owner/applicant; Arc Tec, representative.

Deputy City Planner Orlando Ramirez presented the staff report.

Commissioner Cunningham inquired as to amount of tax revenue the City would lose with a government entity taking over the subject building. Deputy City Planner Ramirez, unfamiliar with that information, deferred to Community and Economic Development Director Andy Haussler. Director Haussler provided information explaining that there would be no loss of tax revenue for the City.

Commissioner Cunningham followed up with an inquiry as to what, if any, commitment the property owner or applicant has made to maintain a nearby memorial free of trash or graffiti, or if this issue had even been considered yet. Deputy City Planner Ramirez responded that staff had not considered such, and deferred to the applicant as they will be acquiring the memorial site.

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

Jim Fulton of 1731 Technology Drive, San Jose, the project architect made a few brief statements then deferred to Todd Cook for questions.

Todd Cook of 11600 E. Herndon Avenue provided information on their plans regarding the memorial.

Commissioners Cunningham and Bedsted expressed gratitude for Mr. Cook's assurances as to the future of the memorial.

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 inquired as to how the parking for the site will work, given the numbers involved. Deputy City Planner Ramirez provided a detailed explanation.

Commissioner Cunningham followed up with an inquiry as to what other county entity(ies) is present within this center. City Planner Araki provided some information and deferred to Mr. Cook, who provided detailed information regarding the extent of their company's ownership of the campus.

Commissioner Cunningham then sought and received confirmation that all buildings under that ownership are under reciprocal access agreements.

Chair Pro Tem Hinkle expressed gratitude to the Cook Company and all others involved for what they are attempting to accomplish, providing an opportunity for some Clovis residents to drive to a job within Clovis, and remarked that he sees no problems with the project.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Cunningham to approve CUP2018-15 with a clarification to the heading. The motion was approved by a vote of 4-0-1.

6. Consider approval Res. 19-05, **R2018-14**, A request to apply development standards to an existing M-U (Mixed Use) Zone District for 28.6 acres of property generally located between Sierra Avenue and Fifth Street along the Veterans Parkway alignment (Planning Area #9) of the Central Clovis Specific Plan.

Director of PDS Dwight Kroll presented the staff report.

Commissioner Bedsted inquired as to whether there will be road infrastructure built back to the library pad, or whether the traffic circle/roundabout will open into parking areas. Director Kroll provided a detailed explanation.

Commissioner Bedsted followed up by seeking and receiving confirmation that the intended traffic flow will allow access all the way through to the DeBenedetto property as well as provide an obstruction-free view corridor to that property. Director Kroll provided a detailed explanation, then stated that the creation of this view corridor will affect the future library as well as landscaping, and that staff will work with the DeBenedetto family on their project.

Commissioner Cunningham followed up by seeking and receiving confirmation that, though the entire area is under consideration, the focus is on only a portion of the area. He then noted for the record that he had attended the January 10th meeting regarding the conceptual rollout of the County Library, noted flexibility in their proposal, and agreed with the need for a view corridor with direct access to the DeBenedetto property.

Commissioner Cunningham sought and received confirmation that this is the current conception for the area. Director Kroll also stated that this conceptual is supported by a traffic study, providing some details on the options examined.

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

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

Kurt Vote of 265 E. River Park Circle, Suite #310, Fresno, on behalf of the DeBenedetto family, stated their opinion that the district development standards being adopted with this project should be included in the resolution for the sake of clarity. He then requested the removal of a restriction that requires a conditional use permit for certain dwelling units, as such would be unfair to their project. Such restrictions should be discussed when the Planning Commission reviews their multifamily project. Mr. Vote then expressed gratitude for staff's efforts to ensure visibility for his clients' property, and informed that a piece of correspondence submitted relates to Item X-7 rather than this one.

Cora Shipley of 830 Third Street expressed concern regarding traffic, as her home is right next to the parking lot of the current Veterans Memorial District Building. She fears Third Street turning into only an entrance/exit for this facility as well as the impact of traffic on homes east of the roundabout. She expressed doubt that a roundabout that seems similar in size to those at Fresno State will fit in the proposed location. To conclude, she expressed her preference for an entrance/exit onto Clovis Avenue, and for Director Kroll to design the architecture of the library building.

At this point, the Chair closed the public portion.

Director Kroll provided some clarifications regarding the resolution and residential unit issues brought up by Mr. Vote. Chair Pro Tem Hinkle sought and received confirmation that the change regarding residential units would also apply to properties to the north.

Commissioner Cunningham explained that he had attended several meetings during which the roundabout had been brought up with concerns expressed regarding it, and that a roundabout was the most sensible of the possible options examined for this site.

Chair Pro Tem Hinkle expressed agreement with Mrs. Shipley regarding the roundabout, but concluded after listening to the report and discussion, as well as previous discussions regarding roundabouts, that it was the best solution for reducing traffic speed and increasing safety.

Commissioner Cunningham remarked that the State is in agreement as the City will be forced to adopt a roundabout in the near future at the intersection of Temperance and Alluvial Avenues.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Bedsted to approve R2018-14 with amendments/revisions. The motion was approved by a vote of 4-0-1.

7. Consider approval Res. 19-06, **SPR2018-02**, A request to approve a site plan review for a proposed public facility, including a senior activity center, transit facility, health care clinic, and future pad for Fresno County Library on property located on the north side of Third Street at Veteran's Parkway. City of Clovis, owner/applicant.

City Planner Bryan Araki presented the staff report.

Chair Pro Tem Hinkle remarked that the proposed roundabout appears comparable in size to the one at Woodward Park, coming east off of Blackstone Avenue. City Planner Araki agreed that it might be, elaborating that the most important purpose of the design is to increase pedestrian safety.

Commissioner Antuna informed that she had worked on the Central Clovis Specific Plan and so found it particularly exciting to see this going from a basic concept to an actual design.

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

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

Kurt Vote of 265 E. River Park Circle, Suite #310, Fresno, spoke on behalf of DeBenedetto Properties, prefacing his remarks with a statement that they are strongly in favor of the Landmark Commons project and that the work done so far has been exceptional. However, he and his clients object to the orientation of the site plan and library pad, stating that though the library is not under consideration at this meeting, the site plan includes a very large footprint for it. He believes that this will screen the DeBenedetto property from the roundabout and invalidate the view corridor. He provided background on his client's acquisition of their property, as indicated in the submitted correspondence, then went on to explain how the current site plan appears to violate agreements between his client and the City regarding obstructing their property's visibility.

At this point, the Chair closed the public portion.

Commissioner Antuna inquired as to whether Director Kroll could address Mr. Vote's statements regarding visibility for the DeBenedetto property. Director Kroll responded with a detailed explanation that addressed Mr. Vote's expressed concerns.

Chair Pro Tem Hinkle emphasized that a site plan for the Fresno County Library pad has not yet been submitted, then sought and received confirmation that what is currently before the Commission will memorialize accommodation of a view corridor for the DeBenedetto property when that project is submitted.

Commissioner Cunningham remarked on the existence of two competing interests (Fresno County and the DeBenedetto family) for the Planning Commission and City Council to attempt to balance, and pointed out that not everyone will be happy at the end of the process. He expressed his belief that, despite this, the Commission is taking the correct course of action by memorializing assurances of a site view corridor for the DeBenedetto property while still leaving options reasonably open for the County's future library site plan. He informed that over the course of several meetings, the proposed library footprint has reduced, which provides more flexibility to accommodate all parties' interests, and he looks forward to the process moving forward.

At this point a motion was made by Commissioner Bedsted and seconded by Commissioner Antuna to approve SPR2018-02. The motion was approved by a vote of 4-0-1.

8. Receive and File, A presentation of the Planned Residential Development (PRD) Ordinance discussing its history, implementation, evolution, and project standards. There is no staff report for this presentation. This is a verbal presentation.

Director of PDS Dwight Kroll presented the staff report.

Commissioner Cunningham interjected with an inquiry as to whether one of the projects covered in the report was approved with no sidewalks as an experiment or as the future of the PRD ordinance. Director Kroll responded with the rest of his presentation, as that is part of it.

Chair Pro Tem Hinkle expressed gratitude for providing the Commission with the requested information, which is a good start to helping them make future decisions while still expressing their opinions. Director Kroll responded with an explanation of some of the materials provided.

Commissioner Bedsted expressed gratitude; as the newest commissioner, he found that there had been many precedents with which he was unfamiliar, and this report provided details of those precedents and changes over time.

Commissioner Bedsted followed up with an inquiry as to whether this report had been compiled based on the Commission's request. Director Kroll responded that the City Planner had put it together while also informing the Commission that though it is still a work in progress, it was a desire of staff to articulate and catalogue this information.

City Planner Araki reiterated that this is a work in progress, providing some information on what will be included as it progresses.

Commissioner Bedsted followed up with a statement of his belief that the document will be rounded out by providing information on how the variances created with the use of the ordinance have manifested, particularly in terms of negative effects, as the Commission does not wish to perpetuate bad behavior. On the other hand, they do want to compliment/support those changes with positive effects. He requested an electronic copy of the Excel table, as he sees it as a useful tool for the Commission.

Commissioner Cunningham endorsed Commissioner Bedsted's request and expressed gratitude to Director Kroll, City Planner Araki, and staff for taking the time to put together the report and supporting documents. He views his position of Planning Commissioner as a bridge between development, staff, and the community. Though he has safety firmly in mind when he considers projects (focusing on lack of sidewalks and narrower streets), he tries to keep an open mind, and would be very interested in hearing from the development community on how they have arrived at the PRD Ordinance as the best workable solution for their projects.

Director Kroll brought up the issue of driverless vehicles as a future technological change that will affect our pattern of development and the utility of the PRD ordinance in granting the flexibility to address this and other such changes in the future. Commissioner Cunningham pointed out current collision avoidance technology in vehicles as one such technological change/precedent.

Chair Pro Tem Hinkle inquired as to whether the Planning Commission would be meeting again with the City Council and Planning staff to go over this material and perhaps provide an update. Director Kroll responded that he will be giving a similar presentation to the City Council, with the future joint meeting as a time for discussion.

Chair Pro Tem Hinkle followed up with a reminder that several commissioners intend to attend Planning Academy this year and will be bringing back more information, remarking that often they find that Clovis has been ahead of the curve when it comes to changes. He also expressed his gratitude for the work the City Planner and staff had done so far.

At this point, the Chair opened the floor to those in the public who may wish to comment.

Bill Walls of Lennar Homes of Fresno provided details on a current project of theirs that had need to use the PRD ordinance and why, specifically referencing 'intermixing,' as an example of using it to make a project feasible with the variety of needs affecting the housing market.

Chair Pro Tem Hinkle informed that at Planning Academy last year, there had been discussion regarding 'intermixing,' explaining it and its purpose. He remarked that, from his studies, developers are going to see a change in demand over the next five years. He concluded with an expression of gratitude for the input and appreciation for the use of intermixing to balance out a neighborhood.

Mr. Walls agreed that it does provide balance, explaining how it also provides value. Chair Pro Tem Hinkle expressed agreement, remarking that such allows residents to live in a better community and then uphold higher community standards as a result.

At this point, the Chair closed the public portion.

At this point, the item was received and filed.

There was brief discussion regarding which members of the Commission will be attending the Academy.

Commissioner Antuna expressed gratitude for staff's efforts, praising the usefulness of the spreadsheet and in particular how it will allow her to examine data from before her tenure on the Planning Commission.

City Planner Araki suggested that this may be a good time to start thinking about putting together a field trip for the Planning Commission to visit projects that used the PRD Ordinance, reminding that there had been a similar trip arranged two or three years ago.

Commissioner Antuna expressed agreement with this proposal.

Commissioner Cunningham expressed that such an excursion would be beneficial, reflecting on a tour he and Commissioner Antuna had taken of Wilson products they had taken recently and its usefulness in understanding the developer's perspective on those products. He will appreciate getting the viewpoint of the more neutral perspective of PDS staff.


OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 8:20 P.M. UNTIL the Planning Commission meeting on February 28, 2019.

 FOR AMY HATCHER
Amy Hatcher, Chair