



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2340

www.cityofclovis.com

January 27, 2022

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you require special assistance to access and/or participate in this Planning Commission meeting, please contact the Planning Division at (559) 324-2340 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

The Clovis Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission meetings: you are able to attend in person; you may submit written comments as described below; you may participate by calling in by phone (see “Verbal Comments” below); and you may view the meeting which is webcast and accessed at www.cityofclovis.com/planning-commission-agendas.

Written Comments

- Members of the public are encouraged to submit written comments at: www.cityofclovis.com/planning-commission-agendas at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:
 - Planning Commission Meeting Date
 - Item Number
 - Name
 - Email
 - Comment (please limit to 300 words or 3 minutes)
- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the Planning Commission noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.
- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the Planning Commission during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to the Planning



Commission during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Webex Participation

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the Planning Commission. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

Verbal Comments Made by Telephone or Webex

- If you wish to speak to the Commission on the item by telephone, you must contact the City Planner, Dave Merchen, at (559) 324-2346 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Planning Commission for up to five (5) minutes.

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CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

[1.](#) Planning Commission Minutes for the Meeting of December 16, 2021.

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

PUBLIC COMMENTS

This is an opportunity for the members of the public to address the Planning Commission on any matter within the Planning Commission's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to

be placed on the Agenda for a specific topic should contact the Planning Division and submit correspondence at least 10 days before the desired date of appearance.

PUBLIC HEARINGS

1. Consider items concerning Conditional Use Permit 2020-004, allowing the expansion of an existing athletic training facility to include outdoor training, activities, and events for a portion of an approximate .6 acre property located at 340 Clovis Avenue. Athletic Performance, applicant; David Standifer, representative.

1. Review compliance with the conditions of approval for Conditional Use Permit 2020-004.
2. Consider approval of Res. 22-____, a resolution amending the conditions of approval for Conditional Use Permit 2020-004.

Staff: Dave Merchen, City Planner

Recommendation: Approve

ADJOURNMENT

MEETINGS & KEY ISSUES

Regular Planning Commission Meetings are held at 6 P.M. in the Council Chamber. The following are future meeting dates:

February 24, 2022

March 24, 2022

April 28, 2022

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Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City of Clovis Planning Division, located in the Planning and Development Services building, between 8:00 a.m. and 4:00 p.m. Monday through Friday. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

CLOVIS PLANNING COMMISSION MINUTES
December 16, 2021

A 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 Cunningham.

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

Absent: None

Staff: Dave Merchen, City Planner
Ricky Caperton, Deputy City Planner
George Gonzalez, Senior Planner
Kelsey George, Assistant Planner
Joyce Roach, Planning Technician I
Sean Smith, Supervising Civil Engineer
Chris Catalano, Business Workflow Analyst
Wesley Carlson, City Attorney

MINUTES – 6:01

ITEM 1 – APPROVED.

Motion by Commissioner Bedsted, seconded by Commissioner Hatcher, to approve the November 18, 2021, minutes. Motion carried by unanimous vote.

COMMISSION SECRETARY – 6:02

None.

PLANNING COMMISSION MEMBERS COMMENTS – 6:02

Commissioner Cunningham expressed gratitude for the City Planner sending the Planning Commission members invitations to various functions.

PUBLIC COMMENTS – 6:03

Michael and Francis Caraker of 598 W. Minarets Avenue complained about Willow Creek Healthcare Center fence condition violating the facility's conditions of approval.

PUBLIC HEARINGS

ITEM 1 - 6:06 – APPROVED - **RES. 21-35, CUP2021-011**, A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A U-HAUL MOTOR VEHICLE RENTAL AND LEASING BUSINESS AT 270 SHAW AVENUE. GREEN PLANET, LLC, APPLICANT/REPRESENTATIVE; PUNJAB BHAVAN, LLC, PROPERTY OWNER.

Motion by Commissioner Hatcher, seconded by Commissioner Cunningham, for the Planning Commission to approve **Resolution 21-35**, a resolution approving a request for a conditional use permit allowing a U-Haul motor vehicle rental and leasing business at 270 Shaw Avenue. Motion carried by unanimous vote.

ITEM 2 - 6:21 – APPROVED - **RES. 21-36, TM6393**, A RESOLUTION APPROVING A REQUEST FOR A TENTATIVE TRACT MAP FOR A 7-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT ON PROPERTY LOCATED ON THE EAST SIDE OF TEMPERANCE AVENUE AT PALO ALTO AVENUE. GILL GAHEER DEVELOPMENT, LLC, APPLICANT; KAMALDEEP AND JAGVIR GAHEER TRUSTEES, OWNERS; R. W. GREENWOOD AND ASSOCIATES, INC., REPRESENTATIVE.

Motion by Commissioner Antuna, seconded by Commissioner Bedsted, for the Planning Commission to approve **Resolution 21-36**, a resolution approving a request for a tentative tract map for a 7-lot single-family residential development on property located on the east side of Temperance Avenue at Palo Alto Avenue. Motion carried by unanimous vote.

ITEM 3A - 6:28 – APPROVED - **RES. 21-37, CUP2021-013**, A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A 10-BED SENIOR ASSISTED LIVING FACILITY TO BE LOCATED AT 1817 N. LOCAN AVENUE; ITEM 3B – APPROVED - **RES. 21-38, CUP2021-014**, A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A 10-BED SENIOR ASSISTED LIVING FACILITY TO BE LOCATED AT 3019 POWERS AVENUE.

Motion by Commissioner Cunningham, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 21-37**, a resolution approving a request for a conditional use permit allowing a drive-a 10-bed senior assisted living facility to be located at 1817 N. Locan Avenue. Motion carried by unanimous vote

Motion by Commissioner Cunningham, seconded by Commissioner Hatcher, for the Planning Commission to approve **Resolution 21-38**, a resolution approving a request for a conditional use permit allowing a 10-bed senior assisted living facility to be located at 3019 Powers Avenue. Motion carried by unanimous vote.

ADJOURNMENT AT 6:43 P.M. UNTIL the Planning Commission meeting on January 27, 2022.

Paul Hinkle, Chair



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: January 27, 2022

SUBJECT: Consider items concerning Conditional Use Permit 2020-004, allowing the expansion of an existing athletic training facility to include outdoor training, activities, and events for a portion of an approximate .6 acre property located at 340 Clovis Avenue. Athletic Performance, applicant; David Standifer, representative.

1. Review compliance with the conditions of approval for Conditional Use Permit 2020-004.
2. Consider approval of Res. 22-____, a resolution amending the conditions of approval for Conditional Use Permit 2020-004.

Staff: Dave Merchen, City Planner

Recommendation: Approve

ATTACHMENTS:

1. Draft Resolution
2. Amended Conditions of Approval
3. Compliance Summary (Revised Jan 2022)
4. Applicant's Correspondence (12/15/21 & 1/14/22)

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission conduct a compliance review of CUP 2020-004 and the conditions of approval. Staff also recommends that the Planning Commission adopt a resolution amending the conditions of approval for CUP2020-004.

EXECUTIVE SUMMARY

In September of 2020, the Planning Commission approved Conditional Use Permit 2020-004, allowing the expansion of the existing Athletic Performance training facility to include various outdoor activities ("Project"). The conditions of approval required that a review of the conditions of approval be conducted after one year, with the results presented to the Planning Commission. At its October 28, 2021 meeting, the Planning Commission conducted a one-year review of CUP2020-004. After determining that the Project was out of compliance with several conditions

of approval, the Planning Commission adopted a resolution to that affect and required that staff bring the item back at the January 27, 2022 meeting for a second review. During the January 27, 2022 review, the Planning Commission will again review the status of the conditions of approval and may find that the Project is in compliance with the conditions of approval, modify the conditions of approval, or revoke the conditional use permit.

Since the October 28, 2021 meeting, the applicant has confirmed that no special events will be conducted on the site. For this reason, several conditions of approval that addressed special events are no longer applicable and staff is recommending that they be removed. After the removal of the special event conditions, the project will still be out of compliance with 8 conditions. Seven outstanding conditions are related to the construction of physical improvements; one focuses on annexation into the landscape maintenance district.

After the October 28, 2021 meeting, the applicant initiated the process of constructing the physical improvements by selecting a contractor to perform the work and directing the contractor to pull a permit with the City. However, the owner subsequently confirmed that they are in the process of purchasing the property and now intend to construct the required improvements and annex into the landscape maintenance district when that process is completed. Staff is recommending that the conditions be modified to require that all outstanding conditions be completed by May 2, 2022, and that the project return to the Commission to confirm the status of conditions of approval on May 26, 2022.

BACKGROUND

- General Plan Designation: Mixed Use Village-V
- Specific Plan Designation: Central Trading District
- Existing Zoning: C-3
- Lot Size: .6 Acres
- Current Land Use: Downtown Commercial
- Adjacent Land Uses:
 - North: Commercial
 - South: Commercial
 - East: Commercial
 - West: Chamber/Commercial

PROPOSAL AND ANALYSIS

In September of 2020, CUP2020-004 was approved by the Planning Commission to allow for the expansion of an existing health-fitness facility at the Project site as shown in Figure 1 below. Health and fitness facilities are a permitted use in the underlying C-3 Zone District subject to conditional use permit approval. The existing facility did not have a conditional use permit. Therefore, CUP 2020-004 recognized the existing “grandfathered” use while also allowing the replacement of existing parking stalls on the site with an outdoor training facility.

Operational Characteristics-Approved CUP2020-004

Conditional Use Permit 2020-004 authorized outdoor operational aspects of the Athletic Performance training business, specifically including adult soccer leagues and football training. With the addition of new perimeter fencing and athletic turf, the applicant also requested approval to conduct ancillary uses within the outdoor area, including event rental space and movie nights.

The potential for alcohol sales and food trucks to be part of special events held at the site was also allowed. Special events required the issuance of a separate administrative use permit (AUP).

Compliance with Conditions of Approval

With the September 2020 approval of CUP2020-004, a total of 40 conditions of approval were adopted. An evaluation on the status of each condition of approval is included within **Attachment 2**. At the October 28, 2021 review hearing, the operation was found to be out of compliance with at least 15 conditions. The majority of the compliance issues fell within 3 general categories as outlined below, including physical improvements, special events, and neighborhood impacts. Please refer to **Attachment 2** for the complete compliance determination.

Figure 1-Project Location

- *Special Events:* The original conditional use permit approval provided the opportunity for special events on the site. However, an administrative use permit (AUP) was required before any special events can occur. Special events were conducted at the site without the approval of the required AUP. In December of 2021, the applicant confirmed that no special events would be conducted on the site and this component of the operation can be removed from the conditional use permit (**Attachment 4**). As such, staff is recommending that the conditions of approval be amended to remove the conditions addressing special events (**Attachment 3**).



- *Public Improvements and Trash Enclosure Construction:* Conditions of approval require that sidewalk and frontage improvements be improved along the property where the outdoor activities are being conducted. The construction of a trash enclosure is also required.

The applicant initiated the process of completing the improvements by selecting a contractor to obtain the required permits and perform the work. After consultation occurred between the contractor and the City engineering staff, staff determined that the scope of the work was greater than originally expected and that engineered plans would be required before a permit could be issued.

The applicant has confirmed that he is in the process of purchasing the property and that he intends to include funding to complete the physical improvements as part of financing the purchase of the property. Considering this information, staff is recommending that the conditions of approval be amended to require that public improvements be completed no later than May 2, 2022. A follow up review by the Planning Commission on May 26, 2022 is also recommended.

- *Neighborhood Impacts:* Several conditions of approval were originally incorporated into the Project to increase its compatibility and minimize impacts to the surrounding neighborhood. A key element to ensuring compatibility is a condition requiring the installation of retractable fencing to keep balls and miscellaneous sports equipment within the site. Though sports netting has been installed, prior to the October 28, 2021 review it had proven inadequate to keep balls within the site. Concerns had also been expressed by the adjacent property owner to the north regarding sports equipment being bounced or kicked into the masonry wall along the common property line.

Since the Planning Commission's review was conducted on October 28, 2021, the applicant has made various changes to the operational practices employed on the site:

- Live 5 on 5 soccer matches have been discontinued.
- Soccer training activities are now directed to the south end of the outdoor training field, away from adjacent property and towards the existing Athletic Performance building.
- Training activities involving bouncing "medicine balls" or other training equipment against the wall on the northern property line have been discontinued.
- The outdoor training facilities are no longer rented out to third parties.

The operational changes described above have largely addressed the concerns previously identified regarding the project. Staff recommends that the conditions of approval for the project be amended to incorporate these operational criteria.

Potential Actions by the Planning Commission

This review of CUP2020-004 has been scheduled as a review of the Project's compliance with the conditions of approval. Pursuant to Section 9.82.060 of the Clovis Municipal Code, the Planning Commission may modify the conditions of approval or revoke the conditional use permit in conjunction with this review. The following alternative actions are available:

- Find the Project is in substantial compliance with the existing conditions of approval, in which case no further action is needed.
- Find that changes to the conditions of approval are appropriate and incorporate new and/or revised conditions of approval into CUP2020-004. With this alternative, the Commission may identify any timeline it deems appropriate for a follow up hearing to verify compliance with the amended conditions. Staff is recommending this alternative, with May 26, 2022 specified as the review date. New and revised conditions recommended by staff are included in Attachment 2.

- Find that the project is out of compliance with the existing conditions of approval and revoke CUP2020-004.
- Make other findings concerning the Project's compliance with conditions of approval and direct staff to take certain action, as determined by the Planning Commission.

California Environmental Quality Act

The original approval of CUP2020-004 in September of 2020 was found to be exempt from CEQA pursuant to a Class I categorical exemption, which exempts existing facilities. No action is proposed at this time that requires CEQA environmental review. Any action by the City to enforce conditions or to modify or revoke CUP2020-004, if required, is exempt from CEQA pursuant to a Class 21 categorical exemption, which exempts enforcement actions by regulatory agencies. No further review under the California Environmental Quality Act is required in conjunction with the review of the Project with regard to compliance with the conditions of approval.

REASON FOR RECOMMENDATION

The Planning Commission adopted 40 conditions of approval for CUP2020-004 in September of 2020. The conditions are intended to ensure compliance with the City regulations, and they allowed the Planning Commission to make the findings required to approve the use permit, including compatibility with the surrounding area. In October of 2021, the Planning Commission found that Project was out of compliance with at least 15 conditions.

The applicant is in the process of purchasing the subject property, which would include obtaining financing to construct the sidewalks and other physical improvements required by the conditions of approval. The process to construct the subject improvements has already been initiated. The applicant has incorporated operational changes into the project to address several compliance issues, including removal of any authority to conduct special events. Though additional time is required to construct the physical improvements, the applicant has demonstrated substantial progress towards correcting the project's non-conforming status. Amendments to the conditions of approval will formalize the changes made by the applicant to-date, and clear deadlines will be established for the completion of the remaining items.

Required Findings to Amend or Modify a Conditional Use Permit

Pursuant to Section 9.92.060 H of the Clovis Municipal Code, a conditional use permit may be revoked or modified by the review authority which originally granted the permit if any one of the following findings is made:

1. Circumstances under which the permit or approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit or approval can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require the revocation; or
2. The permit or approval was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval; or

3. One or more of the conditions of the permit or approval have not been substantially fulfilled or have been violated; or
4. The improvement/use authorized in compliance with the permit or approval:
 - a. Is in violation of a code, law, ordinance, regulation, or statute of the City, State, or Federal governments whether now existing or subsequently enacted; or
 - b. Operates in a manner that constitutes or is creating a public nuisance; or
 - c. Has ceased operation or has been abandoned (discontinued) in compliance with Chapter 84 of this title (Nonconforming Uses, Structures, and Parcels).

Finding number 1 can be made because the circumstances under which CUP2020-004 were granted have changed to a degree where the original finding made in conjunction with the approval of CUP2020-004, as outlined below, can no longer be made in a positive manner:

The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses and would not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other allowed uses operating nearby or adverse to the public interest, health, safety, convenience, or welfare of the City.

The circumstances that have changed including the identification of detrimental impacts to the adjacent property from conduct of outdoor activities at the site, including but not limited to safety and property damage concerns due to the inability of the project to retain balls within the project site, and noise and vibration concerns due to sports equipment being thrown, kicked, or bounced against the wall on the common property line. In light of these new circumstances, the conditional use permit finding identified above in italics can no longer be positively made.

Additionally, as described in the body of this staff report and further outlined in Attachment 2, several conditions of approval have not been substantially fulfilled or have been violated. Therefore, finding number 3 can be made.

ACTIONS FOLLOWING APPROVAL

Pursuant to staff's recommendation, a third review and public hearing will be scheduled to review the status of the amended conditions of approval on May 26, 2022. At that time the Planning Commission may find the Project to be in compliance with the conditions of approval, further modify the conditions of Conditional Use Permit 2020-004, or revoke Conditional Use Permit 2020-004, pursuant to the criteria in Section 9.92.060 of the Clovis Municipal Code.

NOTICE OF HEARING

Notice of Public Hearing was published in The Business Journal on January 14, 2022.

Prepared by:


 Dave Merchen
 City Planner

**DRAFT
RESOLUTION 22-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS
MAKING REVIEW FINDINGS ASSOCIATED WITH CONDITIONAL USE PERMIT
2020-004 AND AMENDING THE CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT 2020-004**

WHEREAS, on September 24, 2020, the Planning Commission approved Conditional Use Permit CUP2020-004, allowing the expansion of an existing athletic training facility at 340 Clovis Avenue to include various outdoor activities (the “Project”); and

WHEREAS, the conditions of approval required that a review of the Project be completed after one year to determine compliance with the conditions of approval, with the results presented to the Planning Commission; and

WHEREAS, the Planning Commission conducted a one-year review of CUP2020-004 on October 28, 2021 at which time it determined that the Project had failed to achieve compliance with at least 15 conditions of approval; and

WHEREAS, the Planning Commission directed staff schedule a follow up noticed public hearing on January 27, 2022 to perform a second compliance review of the conditions of approval, at which time the Planning Commission may find the Project to be in compliance with the conditions of approval, modify the conditions of CUP2020-004, or revoke CUP2020-004, pursuant to Section 9.92.060 of the Clovis Municipal Code; and

WHEREAS, a duly noticed hearing was held on January 27, 2022; and

WHEREAS, a public notice was sent out to area residents within 300 feet of said property boundaries and published in The Business Journal ten days prior to the public hearing scheduled to consider the compliance review; and

WHEREAS, the Project proponents are actively working with staff in the City of Clovis Planning and Development Services to comply with the conditions of approval, including but not limited to the discontinuing special events, incorporating revised operational practices; and initiating the process to construct required physical improvements; and

WHEREAS, a review of the conditions of approval for the Project indicates that the Project continues to be out of compliance with some of the conditions of approval; and

WHEREAS, modifications to the conditions of approval are appropriate to reflect the changes to the scope of the project, operational changes made by the applicant, and to identify a specific deadline for the completion of outstanding conditions; and

WHEREAS, the Planning Commission has had an opportunity to review and consider the entire Administrative Record relating to the Project, which is on file with the Department, and reviewed and considered those portions of the Administrative Record determined to be necessary to make an informed decision, including, but not necessarily limited to, the staff report, the written materials submitted with the request, and the verbal and written testimony and other evidence presented during the public hearing.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, THE PLANNING COMMISSION RESOLVES AND FINDS AS FOLLOWS:

1. The Project is out of compliance with one or more conditions of approval, as more fully detailed in Attachment A.
2. Circumstances under which the permit or approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit or approval can no longer be made in a positive manner, and the public convenience, health, interest, safety, or welfare require an amendment to the conditions of approval.
3. The applicant has modified the operational characteristics of CUP2020-004 to address, in part, the non-conforming status of the original conditions of approval and those changes require amendments to the conditions of approval.
4. Amendments to the conditions of approval for CUP2020-004 are hereby approved as outlined in Attachment B.
5. The Planning Commission could not make the findings necessary for continued operation of CUP2020-004 without the amended conditions of approval set forth in Attachment B to this Resolution.
6. Staff is hereby directed to schedule a noticed public hearing on May 26, 2022 to perform a third compliance review of the conditions of approval, at which time the Planning Commission may find the Project to be in compliance with the conditions of approval, further modify the conditions of CUP2020-004, or revoke CUP2020-004, pursuant to Section 9.92.060 of the Clovis Municipal Code.
7. Any action by the City to enforce conditions, or to modify or revoke CUP2020-004, if ultimately required, is exempt from CEQA pursuant to a Class 21 categorical exemption, which exempts enforcement actions by regulatory agencies. No further review under the California Environmental Quality Act is required in conjunction with the review of the project with regard to compliance with the conditions of approval.
8. The basis for the findings is detailed in the January 27, 2022 staff report, which is hereby incorporated by reference, the entire Administrative Record, as well as the evidence and comments presented during the public hearing.

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on January 27, 2022, upon a motion by _____, seconded by _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 22-____
DATED: January 27, 2022

Paul Hinkle, Chair

ATTEST: _____
Renee Mathis, Secretary

ATTACHMENT A
Compliance Summary

(See Staff Report Attachment 3)

ATTACHMENT B
Conditions of Approval

(See Staff Report Attachment 2)

Conditions of Approval – CUP2020-004

Modified on January 27, 2022 (~~Shown in Red Underline & Strikeout~~)

PLANNING DIVISION CONDITIONS

(Dave Merchen, Division Representative – (559) 324-2346)

1. Conditional Use Permit CUP2020-004 shall be reviewed ~~in one year~~ for compliance with the conditions of approval at the May 26, 2022 Planning Commission or as soon thereafter as possible if no meeting is held on that date. Planning staff shall schedule a review of the use and present its findings to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit for revocation.
2. This conditional use permit allows for the continued use of the existing health/fitness facility with expansion into the outdoor area. No special events, facility rentals, or occupancy or use by third party operators are permitted within the outdoor training area.
3. ~~This conditional use permit allows for the operation of outdoor events specific to assembly/meeting facilities as an outdoor venue with the ability to serve alcohol during seasonal events such as Big Hat Days, Clovis Rodeo weekend, and similar events approved by planning staff.~~
4. ~~An operational statement and detailed site plan shall be submitted to the Planning and Development Services Department no less than thirty days prior to each event.~~
5. ~~Event operational hours shall not exceed 9:00am to 11:00 pm and will be reviewed on an event specific basis.~~
6. Operation of this site shall conform to the Clovis noise and vibration standards (CMC9.22.080 and 9.22.100).
7. Training activities within the outdoor area shall be designed and directed to avoid balls or other sports equipment being bounced, thrown, or hit against the wall along the northern property line.
8. Soccer activities shall be limited to training with no striking. Training shall be directed towards the south end of the outdoor field. No “live” soccer play shall be permitted.
9. ~~The applicant shall obtain administrative use permit approval prior to conducting any food truck events, special events, and outdoor movie nights and prior to renovation of the exterior of the building or any site modifications.~~
10. ~~The applicant's administrative use permit application shall also include any request to conduct a special or promotional event expected to draw above average numbers of people. The applicant shall include all requested events as part of the~~

~~administrative use permit process for approval to the Director, Police Chief, Fire Chief, or their designees, not less than thirty (30) days prior to the event, arrangements that address security, parking, canopies, and traffic. Valet parking and parking agreement(s) with additional neighboring businesses can be considered for event parking.~~

- ~~11. This conditional use permit approval specifically allows for alcohol consumption use for the property located at 340 Clovis Avenue, subject to all applicable Alcoholic Beverage Control ("ABC") license requirements.~~
- ~~12. Any proposed outdoor seating shall be surrounded by a fence, minimum 42" in height, if alcoholic beverages are to be served in a patio area. Patrons shall not be allowed to enter or exit the patio area through any exterior gates. Patrons shall exit the patio through the licensed premises only, except in cases of emergency. Any exterior gate on the fenced patio shall be alarmed or designed to discourage use in non-emergency situations.~~
13. The applicant shall obtain site plan review amendment approval prior to renovation of the exterior of the building or any site modifications.
14. The applicant shall operate the use in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties and tenants.
15. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.
16. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.
17. CUP2020-004 is approved per the site plan marked as Attachment 3 to the September 24, 2020 staff report for this project.
18. With respect to parking conditions, if the Director determines that parking is inadequate or the use otherwise results in a parking nuisance, the Director may bring forth to the Planning Commission an amendment to this conditional use permit to address those parking issues and the Planning Commission shall have the right to amend the parking conditions. This right shall remain for a period of one (1) year from operation, which for the purposes of this condition shall mean the business being fully open to the public. The initiation of an amendment by the Director within the one year period is sufficient to trigger this condition. Nothing in this condition shall affect any other rights the City may have to amend or revoke the conditional use permit.
19. The operator shall be responsible to assure there is no overnight camping on the site.
20. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.

21. The applicant shall keep free and clear the access between the subject site and adjacent businesses.
22. The operator is responsible for site maintenance in relation to its operation. Daily cleanup of litter and debris related to the business is required.
23. In addition to permanent perimeter fencing, the applicant shall utilize retractable fencing within the outdoor areas ~~for directional, queuing, staging and pedestrian seating areas~~ to ensure that balls and other sports equipment used in training activities are retained within the site. It is the applicant's responsible to ensure that fencing design is adequate to retain equipment within the site. Retractable fencing shall be reviewed through the site plan review process. ~~Fencing shall be retracted when not in use.~~

POLICE DEPARTMENT CONDITIONS

(Chris Hutchison – Department Representative – (559) 324- 3463)

24. The hours of operation of the outdoor use shall occur only between the hours of 9:00am and 11:00pm, seven days a week.
25. ~~During special events in the area drawing above average numbers of people who congregate on the sidewalks and gathering areas near the sidewalk, the Police Department may request that the business post an employee in the sidewalk area. That employee's primary responsibility is to ensure that alcoholic beverages are not passed from any patio/serving area to the public areas outside the patio or alcohol serving areas. In the event the business is unable to effectively staff this position, the Police Department may request the patio and/or alcohol serving area be closed for the duration of the special event.~~
26. The business shall supply adequate litter disposal receptacles in the patio area. They shall match the appearance of the building and not deter from their design.
27. The applicant shall ensure compliance with all criminal and administrative state, county, and city laws by the applicant, employees, patrons, and their associates on or near the use.
28. The business will establish and maintain crime prevention measures to enhance public safety. This is also intended to eventually reduce calls for police service to the site. The permit holder(s) and their agents, employees or representatives shall notify the Police Department of all violations of local, state, or federal law that occur at the site, related to the site, or near the site. This notification shall take place immediately upon an employee, manager, or owner learning of such violation. The police department realizes that if a business representative is notifying the police of incidents that calls for service to their business may increase slightly. This condition is intended to enhance the safety of the public, both at the site and in the surrounding area. This condition is also intended to mitigate the cost of the city police services as a result of law enforcement problems generated by the site.

29. The Clovis Police Department may close the operation of any event in the interest of public safety and welfare. Any violations of these conditions could be cause for closure of any event by an on-duty police supervisor. These conditions are set forth in the interest of public safety and welfare and are to be adhered to by the business owners throughout the duration of any and all events.

~~30. Any events with sales or service of alcohol will require a Daily Use Permit from the California Department of Alcoholic Beverage Control.~~

FIRE DEPARTMENT CONDITIONS

(Rick Fultz - Department Representative – (559) 324-2214)

Roads / Access

31. **Pedestrian Exit Gates:** Install two exit gates with panic hardware and approved exit signs and lighting. Minimum width of gate opening shall be 48”.

~~32. **Floor Plans:** Provide seating diagrams to Fire Department for review and approval and any required permits for various events such as tents, stages, generators, and beer gardens.~~

33. The interior of the gym may not be used in conjunction with any outside events due to overcrowding.

DEPARTMENT OF PUBLIC HEALTH

(Kevin Tsuda – Department Representative – (559) 600-3271)

34. The Applicant shall refer to the attached Health Department requirements. If the list is not attached, please contact the Department for the list of requirements.

ENGINEERING DEPARTMENT CONDITIONS

(Sean Smith Department Representative – (559) 324-2363)

(Paul Armendariz – (559) 324-2649)

Dedications and Street Improvements

35. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.

36. The applicant shall remove and repair all damaged or broken concrete improvements, such as but not limited to the following list. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.

37. Remove drive approaches on Clovis Avenue, and replace with City standard curb, gutter and sidewalk.

38. The existing backflow prevention assembly shall be tested by an approved AWWA certified tester with the results sent to the City Utilities Division.
39. All above conditions addressing Dedications and Street Improvements shall be completed no later than May 2, 2022.

Irrigation and Landscaping Facilities

40. The applicant shall provide a request by the property owner for annexation to and a covenant for the Landscape Maintenance District. The property owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment is \$72.96, or 3 Equivalent Dwelling Units (EDU) at \$24.32 per EDU, which is subject to change prior to issuance of building permit and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase this parcel that it is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount. Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District. This condition shall be completed no later than May 2, 2022.
41. The applicant shall modify and construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be designed to accommodate for future grading of the alley. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues. This condition shall be completed no later than May 2, 2022.
42. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.
43. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.

Conditions of Approval – CUP2020-004
(As approved by the Planning Commission)

Condition of Approval	Status as of 10/28/21	Status as of January 27, 2022
1. Conditional Use Permit CUP2020-004 shall be reviewed in one year for compliance with the conditions of approval. Planning staff shall schedule a review of the use and present its findings to the Planning Commission. Should the use be found to be in noncompliance, the Commission may schedule the use permit for revocation.	In compliance. The annual review is being conducted on 10/28/21.	In compliance. Recommend condition be modified to require a review on May 26, 2022.
2. This conditional use permit allows for the continued use of the existing health/fitness facility with expansion into the outdoor area.	In compliance.	In compliance. *Recommend condition be modified to clarify that no special events, facility rentals, or occupancy or use by third party operators are permitted within the outdoor training area.
3. This conditional use permit allows for the operation of outdoor events specific to assembly/meeting facilities as an outdoor venue with the ability to serve alcohol during seasonal events such as Big Hat Days, Clovis Rodeo weekend, and similar events approved by planning staff.	In compliance.	In compliance. *Recommend condition to be deleted to remove allowance for special events.
4. An operational statement and detailed site plan shall be submitted to the Planning and Development Services Department no less than thirty days prior to each event.	Out of compliance. Special events have been conducted without operational statements and detailed site plans.	*Recommend condition to be deleted to remove allowance for special events.
5. Event operational hours shall not exceed 9:00am to 11:00 pm and will be reviewed on an event specific basis.	Out of compliance. Event hours for special events have not been submitted for review.	*Recommend condition to be deleted to remove allowance for special events.
6. Operation of this site shall conform to the Clovis noise and vibration standards (CMC 9.22.080 and 9.22.100).	Out of compliance. Neighboring property owner has reported that medicine balls, soccer balls, & misc. sports equipment are bounced against masonry walls on common property line creating noise and vibration disruption in the adjacent business office.	In compliance. Operational practices have been modified so that balls are not bounced on wall of adjoining property. Recommend that a condition be added to specifically address this operational practice.
7. New condition recommended. (Blank space added to allow for consistency with numbering in Attachment 2).		
8. New condition recommended. (Blank space added to allow for consistency with numbering in Attachment 2).		

Conditions of Approval	Status as of 10/28/21	Status as of January 27, 2022
9. The applicant shall obtain administrative use permit approval prior to conducting any food truck events, special events, and outdoor movie nights and prior to renovation of the exterior of the building or any site modifications.	Out of compliance. Special events have been conducted without requesting an administrative use permit. (AUP Application Submitted October 18, 2021)	*Recommend condition to be deleted to remove allowance for special events.
10. The applicant's administrative use permit application shall also include any request to conduct a special or promotional event expected to draw above average numbers of people. The applicant shall include all requested events as part of the administrative use permit process for approval to the Director, Police Chief, Fire Chief, or their designees, not less than thirty (30) days prior to the event, arrangements that address security, parking, canopies, and traffic. Valet parking and parking agreement(s) with additional neighboring businesses can be considered for event parking.	Out of compliance. No administrative use permit has been approved.	*Recommend condition to be deleted to remove allowance for special events.
11. This conditional use permit approval specifically allows for alcohol consumption use for the property located at 340 Clovis Avenue, subject to all applicable Alcoholic Beverage Control ("ABC") license requirements.	In compliance. (No alcohol consumption has been requested.)	*Recommend condition to be deleted to remove allowance for special events.
12. Any proposed outdoor seating shall be surrounded by a fence, minimum 42" in height, if alcoholic beverages are to be served in a patio area. Patrons shall not be allowed to enter or exit the patio area through any exterior gates. Patrons shall exit the patio through the licensed premises only, except in cases of emergency. Any exterior gate on the fenced patio shall be alarmed or designed to discourage use in non-emergency situations.	In compliance. (No alcohol consumption has been requested.)	*Recommend condition to be deleted to remove allowance for special events.
13. The applicant shall obtain site plan review amendment approval prior to renovation of the exterior of the building or any site modifications.	In compliance (late). Site plan review application submitted in March 2021 after some site modifications were completed.	In compliance.
14. The applicant shall operate the use in a manner that does not generate noise, odor, or vibration that adversely affects any adjacent properties and tenants.	Out of compliance. See condition #6.	In compliance. Operational practice has been modified so that balls are not bounced on wall of adjoining property. Recommend that a condition be added to specifically address this operational practice.

Conditions of Approval	Status as of 10/28/21	Status as of January 27, 2022
15. Cessation or abandonment of this use for a period exceeding 60 days shall result in the scheduling of a revocation hearing for this site.	In compliance.	In compliance.
16. All signage for this use shall conform to the City of Clovis Sign Ordinance and shall require a separate sign review and permit.	Out of Compliance. A non-conforming mural has been painted on the wall of the building, including business logo.	In compliance. Non-conforming mural has been painted over.
17. CUP2020-004 is approved per the site plan marked as Attachment 3 to the September 24, 2020 staff report for this project.	In compliance.	In compliance.
18. With respect to parking conditions, if the Director determines that parking is inadequate or the use otherwise results in a parking nuisance, the Director may bring forth to the Planning Commission an amendment to this conditional use permit to address those parking issues and the Planning Commission shall have the right to amend the parking conditions. This right shall remain for a period of one (1) year from operation, which for the purposes of this condition shall mean the business being fully open to the public. The initiation of an amendment by the Director within the one-year period is sufficient to trigger this condition. Nothing in this condition shall affect any other rights the City may have to amend or revoke the conditional use permit.	In compliance.	In compliance.
19. The operator shall be responsible to assure there is no overnight camping on the site.	In compliance.	In compliance.
20. The applicant shall make provisions for refuse service in an approved refuse container(s) on the subject property.	Out of compliance. (Required trash enclosure has not been constructed).	Out of compliance. Recommend condition be modified to require that trash enclosure be constructed by May 2, 2022.
21. The applicant shall keep free and clear the access between the subject site and adjacent businesses.	In compliance.	In compliance.
22. The operator is responsible for site maintenance in relation to its operation. Daily cleanup of litter and debris related to the business is required.	In compliance.	In compliance.
23. In addition to permanent perimeter fencing, the applicant shall utilize retractable fencing within the outdoor areas for directional, queuing, staging and pedestrian seating areas.	Partial compliance. Permanent perimeter fencing along Clovis Avenue was installed in September 2021. Retractable fencing has generally been inadequate to prevent balls	In compliance. Operational practices modified to prevent live soccer matches which created greatest opportunity for errant balls to

Conditions of Approval	Status as of 10/28/21	Status as of January 27, 2022
Retractable fencing shall be reviewed through the site plan review process.	from entering adjacent property and roadway.	enter adjacent properties and street right of way. Recommend conditions be modified to confirm this revised operational practice.
Police Department Conditions		
24. The hours of operation of the outdoor use shall occur only between the hours of 9:00am and 11:00pm, seven days a week.	In compliance.	In compliance.
25. During special events in the area drawing above average numbers of people who congregate on the sidewalks and gathering areas near the sidewalk, the Police Department may request that the business post an employee in the sidewalk area. That employee's primary responsibility is to ensure that alcoholic beverages are not passed from any patio/serving area to the public areas outside the patio or alcohol serving areas. In the event the business is unable to effectively staff this position, the Police Department may request the patio and/or alcohol serving area be closed for the duration of the special event.	In compliance.	In compliance.
26. The business shall supply adequate litter disposal receptacles in the patio area. They shall match the appearance of the building and not deter from their design.	In compliance.	In compliance.
27. The applicant shall ensure compliance with all criminal and administrative state, county, and city laws by the applicant, employees, patrons, and their associates on or near the use.	Partial compliance. Gym customers intermittently block driveways on adjacent properties when they park their vehicles illegally. Applicant routinely directs customers not to block driveways, which has limited the occurrence.	Partial compliance. Gym customers intermittently block driveways on adjacent properties when they park their vehicles illegally. Applicant routinely directs customers not to block driveways, which has limited the occurrence. Note: No specific instances have been reported since Oct 28, 2021 regarding blocked driveways.
28. The business will establish and maintain crime prevention measures to enhance public safety. This is also intended to eventually reduce calls for police service to the site. The permit holder(s) and their agents, employees or representatives shall notify the Police Department of all violations of local, state, or federal law that occur at the site, related to the site, or near the site. This notification shall take place immediately upon an employee, manager, or	In compliance. (No calls for service from the site have been noted, though it is unclear whether crime prevention measures have been established.)	In compliance. (No calls for service from the site have been noted, though it is unclear whether crime prevention measures have been established.)

Conditions of Approval	Status as of 10/28/21	Status as of January 27, 2022
owner learning of such violation. The police department realizes that if a business representative is notifying the police of incidents that calls for service to their business may increase slightly. This condition is intended to enhance the safety of the public, both at the site and in the surrounding area. This condition is also intended to mitigate the cost of the city police services as a result of law enforcement problems generated by the site.		
29. The Clovis Police Department may close the operation of any event in the interest of public safety and welfare. Any violations of these conditions could be cause for closure of any event by an on-duty police supervisor. These conditions are set forth in the interest of public safety and welfare and are to be adhered to by the business owners throughout the duration of any and all events.	In compliance.	In compliance.
30. Any events with sales or service of alcohol will require a Daily Use Permit from the California Department of Alcoholic Beverage Control.	In compliance. (No alcohol sales have been requested).	In compliance. Recommend condition to be deleted to remove allowance for special events.
Fire Department Conditions		
31. <i>Pedestrian Exit Gates:</i> Install two exit gates with panic hardware and approved exit signs and lighting. Minimum width of gate opening shall be 48”.	Partial compliance. Gates installed as of 10/20/21, but no locks, hardware, signs, or lighting had been installed at that time.	In compliance.
32. <i>Floor Plans:</i> Provide seating diagrams to Fire Department for review and approval and any required permits for various events such as tents, stages, generators, and beer gardens.	In compliance. (No special structures, generators, or beer gardens noted).	In compliance. Recommend condition to be deleted to remove allowance for special events.
33. The interior of the gym may not be used in conjunction with any outside events due to overcrowding.	In compliance.	In compliance. Recommend condition to be deleted to remove allowance for special events.
Department of Public Health		
34. The Applicant shall refer to the attached Health Department requirements. If the list is not attached, please contact the Department for the list of requirements.	In compliance.	In compliance.
Engineering Department Conditions		

Conditions of Approval	Status as of 10/28/21	Status as of January 27, 2022
35. For new onsite ADA paths of travel that connect to the City sidewalk, the applicant shall replace enough sidewalk to provide a compliant landing with appropriate transitions to existing sidewalk grades.	Out of compliance.	Out of compliance. Recommend condition be modified to require that the frontage improvements be constructed by May 2, 2022.
36. The applicant shall remove and repair all damaged or broken concrete improvements, such as but not limited to the following list. The City Engineer may require the repair of additional improvements if they are damaged prior to occupancy.	Out of compliance.	Out of compliance. Recommend condition be modified to require that the frontage improvements be constructed by May 2, 2022.
37. Remove drive approaches on Clovis Avenue, and replace with City standard curb, gutter and sidewalk.	Out of compliance.	Out of compliance. Recommend condition be modified to require that the frontage improvements be constructed by May 2, 2022.
38. The existing backflow prevention assembly shall be tested by an approved AWWA certified tester with the results sent to the City Utilities Division.	Out of compliance.	Out of compliance. Recommend condition be modified to require that the backflow prevent assembly be constructed by May 2, 2022.
39. New condition recommended. (Blank space added to allow for consistency with numbering in Attachment 2).		
40. The applicant shall provide a request by the property owner for annexation to and a covenant for the Landscape Maintenance District. The property owner shall request annexation to and provide a covenant for the Landscape Maintenance District. The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment shall be obtained from the City for the tax year following the recordation of the final map. The estimated annual assessment is \$72.96, or 3 Equivalent Dwelling Units (EDU) at \$24.32 per EDU, which is subject to change prior to issuance of building permit and is subject to an annual change in the range of the assessment in the amount of the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI Index), plus two percent (2%). The owner/developer shall notify all potential lot buyers before they actually purchase this parcel that it is a part of a Landscape Maintenance District and shall inform potential buyers of the assessment amount.	Out of compliance.	Out of compliance. Recommend condition be modified to require that LMD annexation be completed by May 2, 2022.

Conditions of Approval	Status as of 10/28/21	Status as of January 27, 2022
Said notification shall be in a manner approved by the City. The owner/developer shall supply all pertinent materials for the Landscape Maintenance District.		
41. The applicant shall modify and construct one (1) City of Clovis standard Type III trash enclosure (M-2 and M-3) including solid metal gates. The applicant shall provide paved access to and from the trash enclosure that must be accessible between 6 a.m. to 2:30 p.m. on the day(s) of service. The solid waste collection vehicles shall not be required to backup to service the trash enclosure. The trash enclosure shall be positioned to have front loading solid waste vehicle access. The concrete pad shall be designed to accommodate for future grading of the alley. The concrete pad shall be inspected by the City prior to pouring of concrete. All access driveways to and from the trash enclosure shall be a minimum of 26' in width with large turn radius. Trash enclosures shall be setback a minimum of 5' from all driveways to minimize impact of gates left open and mitigate any visibility issues.	Out of compliance.	Out of compliance. Recommend condition be modified to require that trash enclosure be constructed by May 2, 2022.
42. The trash enclosure shall be used only for trash and recycling bins. The applicant is prohibited from storing other items in the enclosure and storing trash or recycling bins outside the enclosure.	Out of compliance.	Out of compliance. Recommend condition be modified to require that trash enclosure be constructed by May 2, 2022.
43. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.	In compliance.	In compliance.

From: David R. Standifer <david@apfresno.com>
Sent: Wednesday, December 15, 2021 7:50 AM
To: David Merchen
Subject: Re: [External] Re: AUP Status & Check-in

Hi Dave

My business Athletic Performance will not be planning on hosting special events such as

Movie night

Rentals for company to hold outdoor dinners or casino night

We will not host any 5v5 adult soccer leagues

The only thing my business will be doing is the training of our athletes, soccer training with no striking and all activities will be aimed at our building, youth soccer for ages 3-8 and our football training for high school, college and the professional athletes

David Standifer

From: david@apfresno.com
Sent: Friday, January 14, 2022 4:45 AM
To: David Merchen
Subject: Re: [External] Re: AUP Status & Check-in

Good Morning David

The financials have been submitted to the owner and should have the answer on my company buying the building end of next week. Once the building is bought the contractor I am using has been instructed to start the permit process to get the work done.

David

On 2022-01-12 11:59, David Merchen wrote:

Hi David,

I'll be preparing the staff report for the January 27th Planning Commission meeting for the 2nd review of CUP 2020-004 over the next couple of days. Can you address the following questions at your earliest convenience?

1. What is the status of your efforts to purchase the property? Late last year you indicated that your offer to purchase the property had been accepted. Is this still on track, and is there a schedule?
1. What is the status of your efforts to complete the frontage improvements and trash enclosure? I know that you had hoped to have these completed by the time the project came back to the Commission in January. I believe that we've been contacted by a contractor and engineer, but that plans have not been received for the work. What's the latest?

Thanks.

Dave