



CITY *of* CLOVIS

AGENDA • PLANNING COMMISSION
Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2340
www.cityofclovis.com

December 14, 2023

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 November 16, 2023.

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 - A public hearing is an open consideration within a regular or special meeting of the Planning Commission, for which special notice has been given and may be required. When a public hearing is continued, noticing of the adjourned item is required as per Government Code 54955.1.

2. Consider Approval - Res. 23-____, CUP2023-009, Adopting a Class 2 Categorical Exemption from further environmental review under CEQA, and a request to approve a conditional use permit to allow for a three-bay, instant oil change service station use at 125 Shaw Avenue. Durban Development, LLC., owner and applicant; Sandra Fox, representative.

Staff: Marissa Jensen, Assistant Planner

Recommendation: Approve

ADMINISTRATIVE ITEMS - Administrative Items are matters on the regular Planning Commission Agenda other than Public Hearings.

ADJOURNMENT

MEETINGS & KEY ISSUES

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

January 25

February 22

March 28

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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
November 16, 2023

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

Flag salute led by Commissioner Bedsted

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

Absent: None

Staff: Dave Merchen, City Planner
George Gonzalez, Senior Planner
Eric Garcia, Planning Technician I
Ryan Burnett, Engineering Program Manager
Sean Smith, Supervising Civil Engineer
Chris Catalano, Business Workflow Analyst
Scott Cross, City Attorney
Matt Lear, City Attorney
Steve McMurtry, DeNovo Consulting Group (Virtual)

MINUTES – 6:02

ITEM 1 – APPROVED.

Motion by Commissioner Bedsted, seconded by Commissioner Hebert, to approve the October 26, 2023, minutes. Motion carried by unanimous consent.

COMMISSION SECRETARY – 6:02

ITEM 2 - City Planner Dave Merchen informed that Planning Commission meeting dates for 2024 had been distributed.

PLANNING COMMISSION MEMBERS COMMENTS – 6:03

Commissioner Hinkle inquired about the possibility of having some staff report documents available to the commissioners with a larger lead time. City Planner Merchen responded that staff will provide notice when these documents become publicly available.

PUBLIC COMMENTS – 6:03

None.

PUBLIC HEARINGS

ITEM 3 - 6:04

Consider items associated with approximately 77 acres of land located at the northeast corner of Shepherd and N. Sunnyside Avenues. Great Bigland, LP., owner/ applicant; Harbour and Associates, representative.

3A. EIR AND RELATED FINDINGS

CONSIDER APPROVAL, RES. 23-___, A RESOLUTION OF THE CITY OF CLOVIS PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL: (1) CERTIFY THE FINAL PROJECT ENVIRONMENTAL IMPACT REPORT FOR THE SHEPHERD NORTH PROJECT; (2) ADOPT CEQA FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATION; AND (3) ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM.

Action

Motion by Chair Antuna, Seconded by Commissioner Hinkle, to adopt a resolution recommending that the City Council 1) Certify the Final Project Environmental Impact Report for the Shepherd North Project; (2) Adopt CEQA Findings of Fact and a Statement of Overriding Consideration; and (3) Adopt a Mitigation Monitoring and Reporting Program. Motion failed 2-3 with Commissioners Bedsted, Hatcher, and Hebert voting no.

After the failure of the initial motion, an alternative motion was made. Motion by Commissioner Hatcher, Second by Commissioner Hebert, to adopt **Resolution 23-22**, a resolution recommending that the City Council withhold certification of the Final Project Environmental Impact Report for the Shepherd North Project, adoption of the CEQA Findings of Fact and Statement of Overriding Consideration, and adoption of a mitigation monitoring and reporting program. Motion carried 3-2, with Commissioner Hinkle and Chair Antuna voting no.

3B. GPA 2021-006 CIRCULATION AMENDMENT

CONSIDER APPROVAL, RES. 23-___, GPA2021-006, A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A REQUEST TO AMEND THE CIRCULATION ELEMENT OF THE GENERAL PLAN TO ALLOW FOR THE PLACEMENT OF A SHEPHERD AVENUE ACCESS POINT ON THE NORTH SIDE OF SHEPHERD AVENUE, BETWEEN N. SUNNYSIDE AND N. FOWLER AVENUES.

Action

Motion by Chair Antuna, Seconded by Commissioner Hinkle, to adopt a resolution recommending that the City Council approve a request to amend the circulation element of the General Plan to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. Motion failed 2-3 with Commissioners Bedsted, Hatcher, and Hebert voting no.

After the failure of the initial motion, an alternative motion was made. Motion by Commissioner Hatcher, seconded by Commissioner Hebert, for the Planning Commission to approve **Resolution 23-23**, a resolution recommending denial of a request to amend the circulation element of the General Plan to allow for the placement of a Shepherd Avenue access point on the north side of Shepherd Avenue, between N. Sunnyside and N. Fowler Avenues. Motion carried 3-2, with Commissioner Hinkle and Chair Antuna voting no.

3C. GPA 2021-005 LAND USE AMENDMENT

CONSIDER APPROVAL, RES. 23-___, GPA2021-005, A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A REQUEST TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN FOR THE DEVELOPMENT AREA (APPROXIMATELY 77 ACRES) FROM THE RURAL RESIDENTIAL LAND USE DESIGNATION TO THE MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION.

Action

Motion by Chair Antuna, Seconded by Commissioner Hinkle, to adopt a resolution recommending that the City Council approve a request to amend the land use element of the General Plan for the Development Area (approximately 77 acres) from the Rural Residential land use designation to the Medium-High Density Residential land use designation. Motion failed 2-3 with Commissioners Bedsted, Hatcher, and Hebert voting no.

After the failure of the initial motion, an alternative motion was made. Motion by Commissioner Hatcher, seconded by Commissioner Bedsted, for the Planning Commission to approve Resolution 23-24, a resolution recommending denial of a request to amend the land use element of the General Plan for the development area (approximately 77 acres) from the Rural Residential land use designation to the Medium-High Density Residential land use designation. Motion carried 3-2, with Commissioner Hinkle and Chair Antuna voting no.

3D. R2021-009 PREZONING

CONSIDER APPROVAL, RES. 23-___, R2021-009, A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A REQUEST TO PREZONE PROPERTY WITHIN THE DEVELOPMENT AREA (APPROXIMATELY 77 ACRES) OF THE PROJECT SITE FROM THE FRESNO COUNTY AL20 ZONE DISTRICT TO THE CLOVIS R-1-PRD ZONE DISTRICT.

ACTION

Action

Motion by Chair Antuna, Seconded by Commissioner Hinkle, to adopt a resolution recommending that the City Council approve a request to prezone property within the Development Area (approximately 77 acres) of the Project site from the Fresno County AL20 Zone District to the Clovis R-1-PRD Zone District. Motion failed 2-3, with Commissioners Bedsted, Hatcher, and Hebert voting no.

After the failure of the initial motion, an alternative motion was made. Motion by Commissioner Hatcher, seconded by Commissioner Hebert, for the Planning Commission to approve **Resolution 23-25**, a resolution recommending that the City Council deny a request to prezone property within the development area (approximately 77 acres) of the project site from the Fresno County AL20 zone district to the Clovis R-1-PRD zone district. Motion carried 3-2, with Commissioner Hinkle and Chair Antuna voting no.

3E. TM 6205 VESTING TENTATIVE TRACT MAP

CONSIDER APPROVAL, RES. 23-___, TM6205, A REQUEST TO APPROVE A VESTING TENTATIVE TRACT MAP FOR A 605-LOT SINGLE-FAMILY PLANNED RESIDENTIAL DEVELOPMENT SUBJECT TO THE CITY COUNCIL'S APPROVAL OF THE ANNEXATION AND SPHERE OF INFLUENCE EXPANSION.

Action

Motion by Chair Antuna, Seconded by Commissioner Hinkle, to adopt a resolution recommending that the City Council approve a vesting tentative tract map for a 605-lot single-family planned residential development. Motion failed 2-3, with Commissioners Bedstead, Hatcher, and Hebert voting no.

After the failure of the initial motion, an alternative motion was made. Motion by Commissioner Hatcher, seconded by Commissioner Hebert, for the Planning Commission to approve **Resolution 23-26**, a resolution recommending that the City Council deny a vesting tentative tract map for a 605-lot single-family planned residential development. Motion carried 3-2, with Commissioner Hinkle and Chair Antuna voting no.

3F. PDP2021-004 PLANNED DEVELOPMENT PERMIT

CONSIDER APPROVAL, RES. 23-___, PDP2021-004, A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A REQUEST TO APPROVE A PLANNED DEVELOPMENT PERMIT FOR A 605-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.

Action

Motion by Chair Antuna, Seconded by Commissioner Hinkle, to adopt a resolution recommending that the City Council approve a planned development permit for a 605-lot single-family residential development. Motion failed 2-3, with Commissioners Bedstead, Hatcher, and Hebert voting no.

After the failure of the initial motion, an alternative motion was made. Motion by Commissioner Hatcher, seconded by Commissioner Bedsted, for the Planning Commission to approve **Resolution 23-27**, a resolution recommending that the City Council deny a planned development permit for 605-lot single-family residential development. Motion carried 3-2, with Commissioner Hinkle and Chair Antuna voting no.

ADJOURNMENT AT 10:00 P.M. UNTIL the Planning Commission meeting on December 14, 2023.

Alma Antuna, Chairperson



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: December 14, 2023

SUBJECT: Consider Approval - Res. 23-____, CUP2023-009, Adopting a Class 2 Categorical Exemption from further environmental review under CEQA, and a request to approve a conditional use permit to allow for a three-bay, instant oil change service station use at 125 Shaw Avenue. Durban Development, LLC., owner and applicant; Sandra Fox, representative.

Staff: Marissa Jensen, Assistant Planner

Recommendation: Approve

ATTACHMENTS:

1. Res. 23-____, CUP2023-009
2. Site Plan and Floor Plan
3. Applicant's Operational Statement
4. Correspondence from Commenting Agencies

CONFLICT OF INTEREST

None.

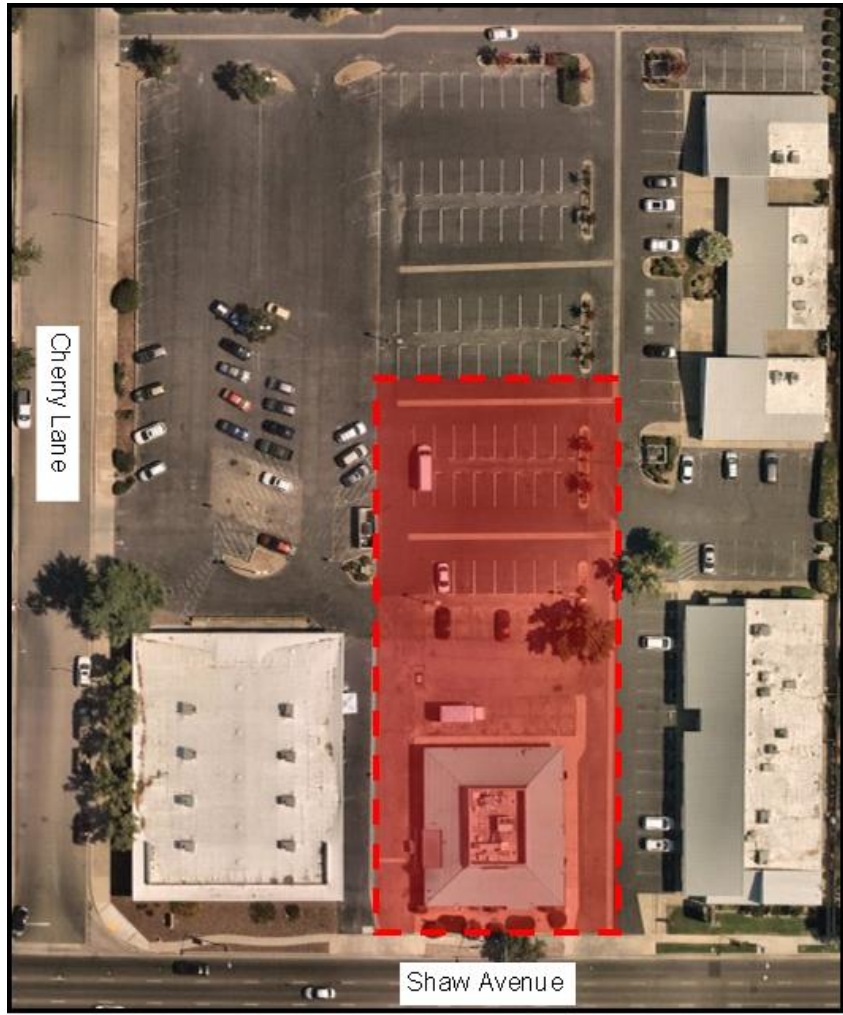
RECOMMENDATION

Staff recommends that the Planning Commission adopt Res. 23-____, adopting a Class 2 Categorical exemption from CEQA and approving Conditional Use Permit (CUP) 2023-009, subject to the conditions of approval listed as **Attachment 1A**.

EXECUTIVE SUMMARY

As shown in **Figure 1** below, the applicant is requesting approval of a conditional use permit (CUP) for a three-bay, instant oil change service station to be located on property near the northeast area of Shaw Avenue and Cherry Lane, hereinafter referred to as, the "Project". The Project includes an approximately 1,450 square foot instant oil change facility with associated site improvements. Approval of this request would allow the applicant to proceed with a site plan review. Although the site plan review process is reviewed administratively at the staff level, a conceptual site plan has been provided in **Attachment 2** for informational purposes.

FIGURE 1 Project Location



BACKGROUND

- General Plan Designation: G-C (General Commercial)
- Existing Zoning: C-2 (Planned Commercial Center)
- Lot Size: ±0.76 acres
- Current Land Use: Vacant Retail Building
- Adjacent Land Uses:
 - North: Commercial/ Residential
 - South: Commercial
 - East: Commercial
 - West: Commercial
- Previous Entitlements: CUP14
SPR77-47, A, A3, A4
SPR87-41

The project site was originally developed in 1977. Throughout the years, the site has seen many different retail and commercial uses. The subject parcel was originally developed as a Pizza Hut restaurant but was most recently utilized as a synthetic grass retail store that relocated in 2022. Since then, the former synthetic grass retail store building sat abandoned. The approval of this use permit would allow for the existing building to be demolished and a new ±1,450 square foot instant oil change facility to be constructed.

PROPOSAL AND ANALYSIS

The applicant is requesting approval of this CUP for the construction and operation of an instant oil change facility as shown in **Attachment 2**. The oil change facility includes a roughly 1,450 square foot main building, consisting of three (3) service bays, parking lot with 24 vehicle spaces, and a vehicle stacking lane that widens from two lanes into three. The proposed oil change establishment offers oil change, vehicle inspection, engine and cabin air cleaning and filtration replacement, light bulb replacement and other small-scale vehicle services.

Existing Site and Surrounding Area

The subject site is approximately ±0.76 acres and located adjacent to existing commercial properties near the northeast area of Shaw Avenue and Cherry Lane. The existing site is developed with a vacant ±5,000 square foot building. The surrounding area is developed with commercial land uses, including two multi-tenant retail buildings to the east and Hind's Hospice Thrift Store to the west. The adjacent sites and the Project site are accessed through shared driveways and have shared parking. A reciprocal access agreement between the subject property and the adjacent properties was previously prepared and recorded with the site's development in the 1970's. The subject parcel and surrounding area are zoned C-2, Community Commercial. The C-2 Zone District requires an approved conditional use permit for vehicle service stations.

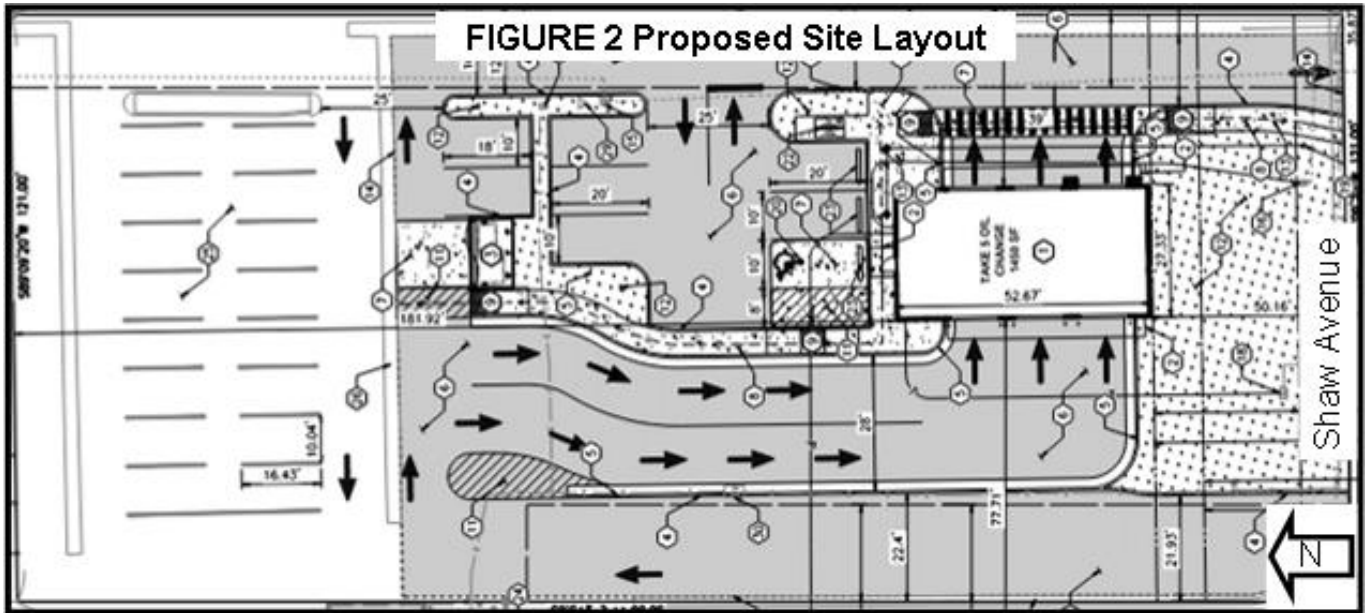
Project Operations

The applicant has provided an operational statement (**Attachment 3**) outlining the operations of the proposed Project. The proposed hours of operation are between the hours of 7:00 a.m. and 6:00 p.m. from Monday through Friday, 8:00 a.m. and 6:00 p.m. on Saturday, and 9:00 a.m. to 5:00 p.m. on Sunday. The applicant anticipates servicing approximately 45 vehicles per day. The projected number of employees for the oil change facility is between 6 and 10 staff members, working different shifts.

Typical deliveries for the Project include oil, boxed oil, coolant drums, and other materials. The site is expected to receive deliveries during the hours of operation. Oil deliveries can be expected via a 5-compartment oil tanker truck and smaller box trucks for boxed oils and coolant drums. In addition, smaller light duty, small delivery vehicles can be expected for all other supplies not listed above.

Proposed Site Layout

Figure 2 showcases the proposed site layout which includes a ±1,450 square foot building with bay doors orienting to the east and west. The bay doors are accessible via two one-way lanes located along the west side of the site. Parking stalls are proposed along the north end of the site. A pedestrian pathway is provided from Shaw Avenue to the front of store.



Development Standards

Development standards for the C-2 (Community Commercial) Zone District require a minimum setback of 30-feet to the parking area from face-of-curb, and 40-feet to structures from face-of-curb along Shaw Avenue. This required setback area is required to be landscaped.

Section 9.40.190(B)(13) of the Clovis Municipal Code (CMC) requires the proposed building and service bays to be oriented in a way that does not directly face or be viewable from the Shaw Avenue right-of-way. The applicant's initial design had the bay doors oriented towards Shaw Avenue. Staff worked with the applicant to come up with a design that would accommodate the requirement for the doors to be oriented to the east and west instead.

If approved, the Project will be vetted through the Site Plan Review (SPR) process to ensure applicable development standards are met.

Access, Circulation & Parking

As shown on the site plan (**Attachment 2**), the Project would be accessed via two (2) existing points of ingress/egress, along Shaw Avenue. The site is also accessible from Cherry Lane, through reciprocal driveways of the adjacent commercial site to the west. There will be no substantial changes to the overall traffic flow between the Project site and its surrounding areas; the circulation pattern will remain largely unchanged. To avoid vehicular traffic stacking onto Shaw Avenue, the site has been designed to guide the entry to the bay doors through lanes that originate deeper within the site.

The Project proposes 24 vehicle spaces. Per Section 9.32.040 of the CMC, service stations require a parking ratio of one (1) space for each 200 square-feet of floor area, plus three (3) spaces for each service bay. The proposed project includes three (3) service bays and a total building area of 1,450 square-feet. However, because the service bays constitute a majority of the square-footage and there are no public areas, building area is limited to a 50 square-foot office. The required parking would be 10 vehicle spaces (9 spaces for the service bays, and 1 for the office area). The design as proposed would satisfy the minimum standard for parking.

Architecture

Architectural concepts were provided with the initial application submittal and will be thoroughly vetted through the SPR process. As a franchise business, the Take 5, oil change facility will have some specific franchise branding. Staff will work with the applicant on determining the appropriate amount of branding to incorporate into the building design. Staff will also work with the applicant on establishing an overall building design that would be harmonious with the existing surrounding developments.

Review and Comments by Agencies

The Project was distributed to all City Divisions as well as outside agencies, including Caltrans, Clovis Unified School District, Fresno Irrigation District, Fresno Metropolitan Flood Control District, AT&T, PG&E, and the San Joaquin Valley Air Pollution Control District.

Comments received are attached (**Attachment 4**) only if the agency has provided concerns, conditions, or mitigation measures. Routine responses and comment letters are placed in the administrative record and provided to the applicant for their records.

Public Comments

The City published notice of this public hearing in *The Business Journal* on Monday, November 27, 2023. A public notice was also sent to property owners within 300 feet of the project site boundaries. Staff have not received any inquiries prior to the finalization of the staff report.

California Environmental Quality Act (CEQA)

City staff has determined that this Project is exempt from further environmental review under CEQA pursuant to CEQA Guidelines Section 15302, subdivision (b) (Class 2 – Replacement or Reconstruction) because the Project proposes to merely replace the current commercial structure with a new structure without increasing the size or capacity of the site. Based on staff's review, the exceptions identified under CEQA Guidelines section 15300.2 would not be triggered as a result of the Project. It has been determined with certainty that the proposed Project has no possibility of causing a significant effect on the environment, and therefore the Project is categorically exempt from CEQA. Therefore, a Notice of Exemption has been completed. Staff will file the Notice with the County Clerk if the exemption is adopted, and the Project is approved.

REASON FOR RECOMMENDATION

The Project is consistent with the goals and policies of the General Plan, CMC, and the C-2 Zone District. Based on the following findings, staff is recommending that the Planning Commission approve CUP2023-009, subject to the conditions of approval listed as **Attachment 1A**.

Conditional Use Permit 2023-009

The findings to consider when making a decision on a CUP application include:

1. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of the Development Code.

The subject Project is allowed within the C-2 Zone District with an approved conditional use permit. The Project will be in compliance with applicable provisions, development standards and subject to the conditions of approval. This Project will undergo site plan review (SPR) to further ensure that the site layout and development standards are met. During the SPR review, the height, setbacks, parking standards, and aesthetics will be reviewed to ensure that applicable standards are met.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

This Project is consistent with the 2014 Clovis General Plan. The underlying General Plan land use designation of General Commercial would remain unchanged, and the proposed use is acceptable within the underlying General Plan land use designation of General Commercial, according to the 2014 Clovis General Plan.

3. 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 Project proposes to replace an existing building that has sat unused for several years. The site is located along the Shaw Avenue corridor which has commercial uses of various kinds, including service-related automotive uses. The Project complements the commercial uses and will not be out of the ordinary as it relates to the character of the surrounding area. Minor architectural modifications will be required through the site plan review process, in effort to better match the immediate surrounding building designs. Further, the Project will maintain the general circulation pattern by retaining primary ingress/egress from Shaw Avenue.

4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.

The Project will occupy and operate within the existing site that is physically suitable in size and shape and has the infrastructure in place to support it. The Project will be required to comply with all conditions from Public Utilities and Engineering, which will further ensure the site is suitable for the proposed use. Site specific details will be evaluated through the site plan review process.

5. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

The Project will comply with all applicable public health standards. Further, as a redevelopment project, adequate provisions (i.e., water, sanitation, utilities, etc.) are readily available and accessible to the proposed use. Although modifications and/or

upgrades may be required to the existing infrastructure, the overall site can be adequately served.

Details and final approval will occur during engineering review if approved. This review will ensure utility services are sufficient to accommodate the Project and impose conditions for upgrades as needed. There are no concerns related to public utilities and services.

6. The proposed Project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA.

As identified above under the California Environmental Quality Act heading of this staff report, the Project was determined to be exempt from further environmental review. Therefore, the Project has been reviewed in compliance with CEQA.

ACTIONS FOLLOWING APPROVAL

If approved, the Project will continue with a site plan review.

NOTICE OF HEARING

Property owners within 300 feet notified: 33

Prepared by: Marissa Jensen, Assistant Planner

Reviewed by:



Dave Merchen
City Planner

RESOLUTION 23-_____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS ADOPTING A CLASS 2 CATEGORICAL EXEMPTION FROM FURTHER ENVIRONMENTAL REVIEW UNDER CEQA, AND APPROVING CONDITIONAL USE PERMIT 2023-009 FOR A THREE-BAY, INSTANT OIL CHANGE SERVICE STATION AND FINDING THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO A CLASS 2 CATEGORICAL EXEMPTION

WHEREAS, Durban Development, LLC (Applicant), 106 Foster Avenue, Charlotte, NC, 28203, and Sandra Fox (Representative), 409 Pine Street, Suite 200, Klamath Falls, OR, 97601, applied for Conditional Use Permit (CUP) 2023-009 for a three-bay, instant oil change service station on ±0.76-acres of property located at 125 Shaw Avenue, in the City of Clovis (Project); and

WHEREAS, the City published notice of the public hearing in the Fresno Business Journal on Monday, November 27, 2023, mailed public notices to property owners within 300 feet of the Project site more than ten (10) days prior to the Planning Commission hearing, and otherwise posted notice of the public hearing according to applicable law; and

WHEREAS, a duly noticed public hearing was held on December 14, 2023; and

WHEREAS, the Planning Commission considered the CEQA analysis outlined in the staff report and elsewhere in the Administrative Record which determined the Project meets the requirements of a Class 2 (Replacement or Reconstruction) Categorical Exemption pursuant to CEQA Guidelines section 15302, subdivision (b); 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, and the conditions of approval attached hereto as **Attachment A** to this Resolution, which are incorporated herein by this reference.

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

1. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15302, subdivision (b) and here by adopts a Class 2 (Replacement or Reconstruction) Categorical Exemption from further environmental review.
2. CUP2023-009 is hereby approved with incorporation of the conditions of approval (**Attachment A** to this Resolution).
3. The Project satisfies the required findings for approval of a CUP, as follows:
 - a. The proposed use is conditionally allowed within, and would not impair the integrity and character of, the subject zoning district and is in compliance with all of the applicable provisions of the City's Development Code.

- b. The proposed use is consistent with the General Plan and any applicable specific plan.
 - c. 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.
 - d. There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.
 - e. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed.
 - f. The proposed Project has been reviewed in compliance with the provisions of the CEQA.
4. The Planning Commission could not make the findings necessary for approval of CUP2023-009 without the conditions of approval set forth in **Attachment A** to this Resolution.
 5. The basis for the findings is detailed in the December 14, 2023 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 December 14, 2023, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 23-____
DATED: December 14, 2023

Alma Antuna, Chair

ATTEST: _____
Renee Mathis, Secretary

**CONDITIONS OF APPROVAL
CUP2023-009**

**PLANNING DIVISION CONDITIONS
(Marissa Jensen, Division Representative – (559) 324-2338)**

1. This conditional use permit approval allows for a three-bay, instant oil change service station at 125 Shaw Avenue.
2. This conditional use permit is not transferable to another location.
3. This conditional use permit does not permit or otherwise allow for the operation of the site and/or uses other than explicitly described in the accompanying staff report.
4. A separate site plan review (SPR) and approval shall be required prior to the construction of any structures and/or prior to any site modifications and shall comply with development standards prescribed for the General Commercial land use designation, C-2 (Community Commercial) zone district, and other applicable standards as determined by the Planning Division during the SPR review process.
5. Reciprocal access and parking shall be provided and maintained between this site and surrounding sites.
6. The site and its exterior shall remain maintained and free from debris and trash. This includes no outdoor stacking of empty crates, boxes, and/or pallets along the exterior of the structures.
7. There shall be no outside storage of materials, supplies, or equipment in any area of the site except inside a closed building or behind a six (6'-0") foot visual barrier intended to screen such area from view of adjoining properties and from the street.
8. No outdoor display of merchandize is permitted unless approved through a separate Administrative Use Permit.
9. Vehicles shall not be stored or parked outside of the building overnight. All storage of materials shall occur within the building.
10. The applicant shall keep access between the subject sites and adjacent businesses free and clear of obstructions. Any delivery vehicles shall not stop, park, load, or unload merchandise in a manner that could obstruct ingress or egress to adjacent business(es).
11. Cars shall not be parked or stacked in drive aisles. Drive aisles are to remain clear.
12. The applicant shall operate in a manner that complies with the Clovis Municipal Code so that it does not generate noise, odor, or vibration that adversely affects any adjacent properties.
13. Outdoor speaker systems and buzzers are prohibited as part of this use.

14. Operation of the site shall conform with the Clovis General Plan noise standards and not generate any noise in excess of 65 CNEL to the outside of any structure nor 45 decibels to the interior of any structure.
15. All signs for this use shall comply with the Clovis Sign Ordinance and require separate sign permits. Temporary signs shall be per Code and the use of mascots and sign waivers shall be prohibited.
16. The applicant shall consult with the City of Clovis Building Division on any building code requirements. All conditions of this Conditional Use Permit shall be addressed prior to operation of the facility.
17. Any future request to expand the use shall be subject to an amendment to the CUP.
18. An abandonment or cessation of this use for a period exceeding 90 days shall cause this approval to be scheduled for revocation.
19. Applicant must have on file a current City of Clovis Business License prior to conducting business.
20. CUP2023-009 may be reviewed at any time for compliance with the conditions of approval. Clovis Planning staff may conduct a review of the use in regard to conditions of approval and may present findings of this review to the Planning Commission.

POLICE DEPARTMENT COMMENTS

(Michael Sweeten, Police Department Representative – (559) 324-3494)
(Sean O'Brien, Police Department Representative – (559) 324-3468)

21. Security cameras shall be installed to cover at a minimum the lobby, entrance and exits. The video shall be retained for a minimum period of 30 days. Video shall be made available to Clovis PD upon request in conjunction with a criminal investigation.
22. The sidewalks and parking lots shall be reasonable illuminated to enhance public safety and deter criminal activity. The lighting shall be shielded in a manner to that it does not create a nuisance for neighboring properties.
23. The property must be maintained and cared for in a manner that increases public safety and follows the Clovis Municipal Code and all other applicable City codes. All lighting, gates and fences shall be maintained and in working order, and landscaping shall be kept clean and free of debris and other hazards.
24. The site owner shall maintain all structures and adjoining fences/walls and keep them free of graffiti. All forms of graffiti shall be removed within 48 hours.
25. If the property is alarmed, 24-hour contact information for the responsible party shall be maintained with the Clovis Police Department Dispatch Center.

COUNTY OF FRESNO HEALTH DEPARTMENT

(Kevin Tsuda, County of Fresno Health Representative – (559) 600-3271)

26. The applicant shall refer to the attached Fresno County Health Department correspondence. If the list is not attached, please contact the agency for the list of requirements.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

(Antony Zaragoza, FMFCD Department Representative – (559) 456-3292)

27. The applicant shall refer to the attached Fresno Metropolitan Flood Control District correspondence. If the list is not attached, please contact the District for the list of requirements.

FRESNO IRRIGATION DISTRICT

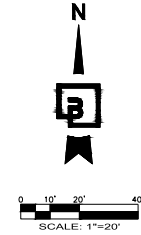
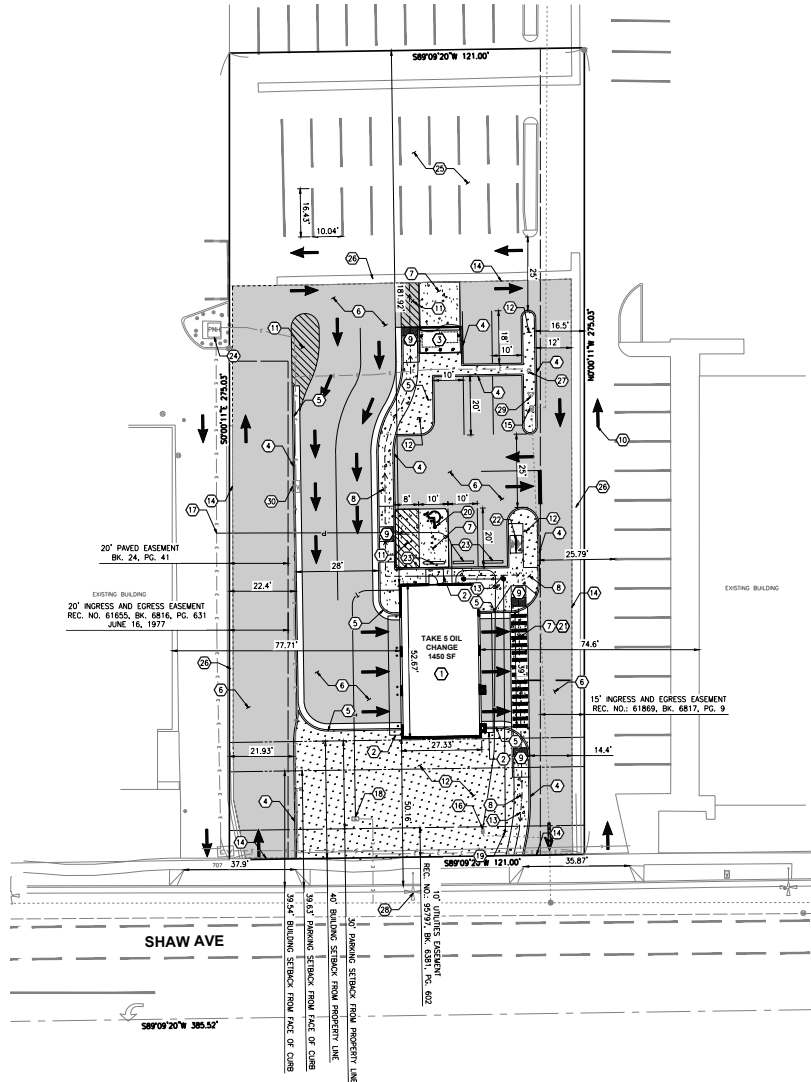
(Chris Lundeen, FID Department Representative – (559) 233-7161)

28. The applicant shall refer to the attached Fresno Irrigation District correspondence. If the list is not attached, please contact the District for the list of requirements.



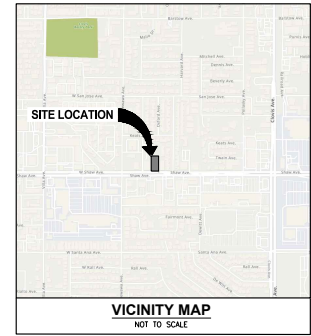
Know what's below.
Call before you dig.
Dial 811

TAKE 5 OIL CHANGE - CLOVIS, CA PRELIMINARY SITE PLAN



PROJECT DATA

NAME: TAKE 5 OIL CHANGE - CLOVIS, CA
 ADDRESS: 125 SHAW AVE, CLOVIS, CA
 PARCEL AREA: 33,275 SF (0.76 ACRES)
 PROJECT AREA: 22,546 SF (0.52 ACRES)
 PARCEL #: 497-212-35
 ZONE: COMMUNITY COMMERCIAL (C-2)
 GENERAL PLAN DESIGNATION: GENERAL COMMERCIAL (CC)
 TRASH ENCLOSURE: 9' x 14'
 PARKING:
 EXISTING PARKING STALLS: 16
 NEW PARKING STALLS: 8 TOTAL
 (1 ACCESSIBLE)
 (7 REGULAR)
 PROPOSED GROUND COVER SUMMARY:
 NEW/REPLACED IMPERVIOUS AREA: 18,623 SF
 NEW/REPLACED LANDSCAPE AREA: 3,923 SF
 EXISTING IMPERVIOUS AREA TO REMAIN: 10,589 SF
 EXISTING LANDSCAPE AREA TO REMAIN: 140 SF
 IMPERVIOUS TOTAL: 29,212 SF (87.8%)
 PERVIOUS TOTAL: 4,063 SF (12.2%)
 33,275 SF (100.0%)

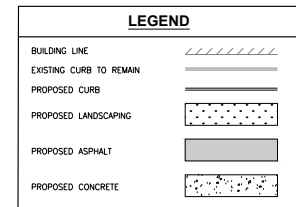


ACCESSIBLE PATH OF TRAVEL NOTE:

WALKWAYS ALONG ACCESSIBLE ROUTES OF TRAVEL SHALL BE CONTINUOUSLY ACCESSIBLE, A MINIMUM 48" IN WIDTH, HAVE A MAXIMUM 1.5% CROSS SLOPE, AND SHALL HAVE RAMPS COMPLYING WITH ADA STANDARDS WHERE NECESSARY TO CHANGE ELEVATION AT A LONGITUDINAL SLOPE EXCEEDING 5% (1:20).

7) SITE PLAN NOTES:

1. LOCATION OF TAKE 5 OIL CHANGE BUILDING. SEE ARCHITECTURAL PLANS FOR DETAILS.
2. LOCATION OF AWNING OUTLINE. SEE ARCHITECTURAL PLANS FOR DETAILS.
3. PROPOSED 9'X14' CANI TRASH ENCLOSURE WITH CONCRETE PAD.
4. PROPOSED CONCRETE BARRIER CURB, TYPICAL.
5. PROPOSED CURB AND GUTTER, TYPICAL.
6. PROPOSED ASPHALT PAVEMENT, TYPICAL.
7. PROPOSED ON-SITE CONCRETE PAVEMENT, TYPICAL.
8. PROPOSED ON-SITE CONCRETE SIDEWALK, TYPICAL.
9. PROPOSED ACCESSIBLE RAMP, TYPICAL.
10. PROPOSED DIRECTIONAL PAVEMENT MARKINGS, TYPICAL.
11. PROPOSED STRIPING, STRIPES 4" WIDE, 45 DEGREE, 24" O.C. SAFETY WHITE, TYPICAL.
12. PROPOSED LANDSCAPE AREA, TYPICAL.
13. PROPOSED ACCESSIBLE PATH, TYPICAL. SEE ACCESSIBLE NOTE THIS SHEET.
14. NEAT SARCUT LINE. HOT TAR SEAL JOINT, TYPICAL.
15. EXISTING IRRIGATION METER.
16. PROPOSED DOMESTIC WATER CONNECTION. UTILIZE EXISTING SERVICE.
17. PROPOSED POWER CONNECTION. UTILIZE EXISTING SERVICE.
18. PROPOSED TELECOMMUNICATIONS CONNECTION. UTILIZE EXISTING SERVICE.
19. PROPOSED SEWER CONNECTION. UTILIZE EXISTING SERVICE.
20. PROPOSED ACCESSIBLE STALL.
21. PROPOSED CONTINENTAL TYPE PEDESTRIAN CROSSWALK.
22. PROPOSED BICYCLE RACK.
23. PROPOSED CONCRETE WHEEL STOP.
24. EXISTING TRANSFORMER.
25. EXISTING PARKING STALLS TO REMAIN.
26. EXISTING CONCRETE VALLEY GUTTER.
27. EXISTING SITE LIGHT.
28. EXISTING STREET LIGHT.
29. EXISTING HYDRANT.
30. EXISTING POWER VAULT. RELOCATE TO AVOID CURB.



PRELIMINARY SITE PLAN
125 SHAW AVE
CLOVIS, CA 93612

TAKE 5 OIL CHANGE

For



Scale:
Horizontal: 1" = 20'
Vertical: N/A

Designed: JMB
Drawn: JMB
Checked: JMB
Approved: JMB
Date: 11/13/2023

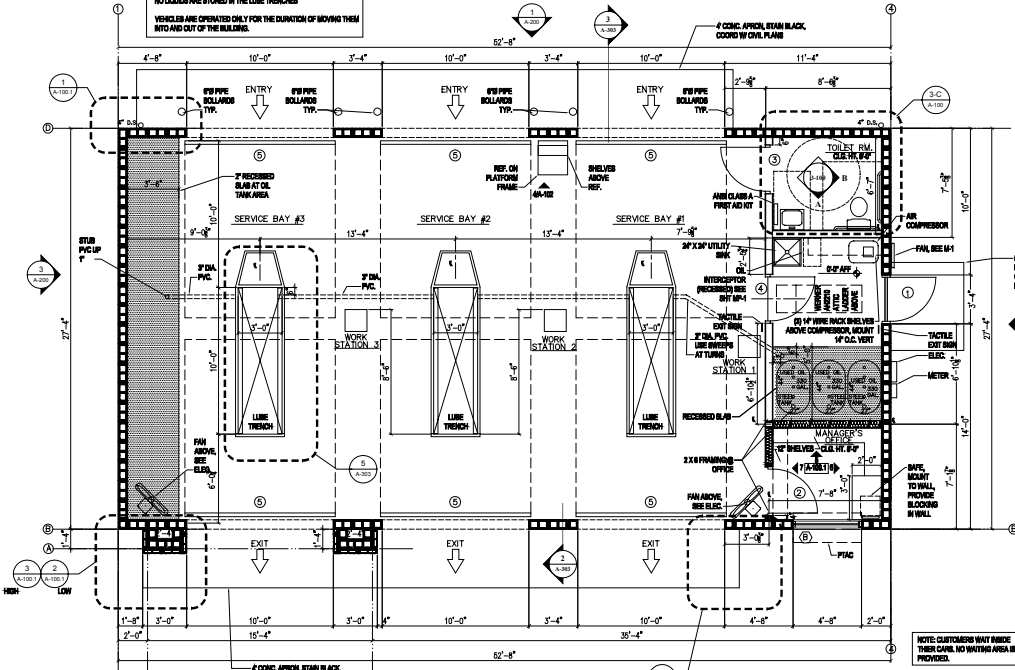
Borghausen
Consulting Engineers, Inc.
10255 77th Avenue South
Manteca, CA 95266
408-251-6222
borghausen.com



Attachment 2

PRELIMINARY NOT FOR CONSTRUCTION

OPERATIONAL NOTES:
 CLASS 1 LIQUIDS ARE NOT STORED IN THIS BUILDING.
 CLASS III LIQUID (AFTER OIL) IS STORED IN THE BACK ROOM AREA WHICH IS VENTILATED AS REQUIRED. SEE MECHANICAL SHEETS.
 NO LIQUIDS ARE STORED IN THE LUBE TRENCHES.
 VEHICLES ARE OPERATED ONLY FOR THE PURPOSE OF MOVING THEM INTO AND OUT OF THE BUILDING.



1 PLAN
 1/4" = 1'-0"

FINISH SCHEDULE

AREA	FLOOR	BASE	WALLS	CEILING	CLG. HT.	REMARKS
SERVICE BAYS	CONC. SEALED *	CONC. CURB	1/2" PLYMD.	NONE	OPEN (13'-4" TRUSS HT)	* SMOOTH FINISH, STAINED B-C PLYMD. NOTE 1,2,3,4,8,9,10
MANAGER'S OFFICE	CONC. SEALED *	VINYL	1/2" PLYMD.	1/2" PLYMD.	8'-0"	* SMOOTH FINISH, STAINED B-C PLYMD. NOTE 1,2,3,4,8,9,10
TOILET RM.	CONC. SEALED *	VINYL	1/2" PLYMD.	1/2" PLYMD.	8'-0"	* SMOOTH FINISH, STAINED B-C PLYMD. NOTE 1,2,3,4,8,9,10,11
WASTE OIL	CONC. SEALED *	CONC. RECESSED SLAB	1/2" PLYMD.	NONE	OPEN (13'-4" TRUSS HT)	* SMOOTH FINISH, STAINED B-C PLYMD. NOTE 1,2,3,4,8,9,10

NOTE 1: PAINT EXPOSED WALL SURFACE (OIB OR FIBO)
 NOTE 2: PAINT EXPOSED CEILING
 NOTE 3: ALL INTERIOR FINISHES ARE TO MEET TABLE 803.6 OF THE NBCB.
 NOTE 4: INTERIOR PAINT COLOR TO BE EGGSHELL WHITE (SW 7006 "EXTRA WHITE") EXCEPT WHERE NOTED.
 NOTE 5: SEE STRUCTURAL DWGS FOR RECESSED SLAB DETAILS.
 NOTE 6: STAIN - HACO INFUSION REACTIVE CONC. STAIN (SEMIRA RED 40002084)
 NOTE 7: SEALER - H&P PRO SERIES SOLVENT BASED DECAORATE CONC. SEALER (CL548)
 NOTE 8: ALL INTERIOR WALL FINISH TO BE ACRYLIC WASHABLE SEMI-ENAMEL PAINT
 NOTE 9: ALL INTERIOR TRIM TO BE "INDUSTRIAL GRAY" (SW 7017 "DORIAN GRAY")
 NOTE 10: ALL INTERIOR WALL PANEL AT TOILET ROOM TO BE ACRYLIC WASHABLE SEMI-ENAMEL PAINT

DOOR SCHEDULE

MARK	SIZE	DOOR TYPE	DOOR FINISH	FRAME	FRAME FINISH	HARDWARE	ELEV.	REMARKS
1	3' x 7'-4"	FLUSH H.M.	PAINT	DK BRONZE EXT	H.M.	PAINT DK BRONZE EXT	SET 1	1 CLOSER, LOCKSET, THRESHOLD. NOTE 1,2,5
2	3' x 7'	FLUSH H.M.	PAINT	GRAY EXT	H.M.	PAINT GRAY EXT	SET 2	2 LOCKSET, HALF GLASS (TINTED), CLOSER. NOTE 1,2,4
3	3' x 7'	FLUSH H.M.	PAINT	GRAY EXT	H.M.	PAINT GRAY EXT	SET 3	3 LOCKSET, CLOSER. NOTE 1,2, 6
4	3' x 7'	FLUSH H.M.	PAINT	GRAY EXT	H.M.	PAINT GRAY EXT	SET 4	4 LOCKSET, CLOSER. NOTE 1,2
5	10' x 11'-0"	UPWARD ACTING	FACTORY FINISH	CLOPAY "CHOCOLATE"	H.M.	FACTORY FINISH CLOPAY "CHOCOLATE"	-	5 3 CENTER SECTIONS GLASS. NOTE 3,4

WINDOW SCHEDULE

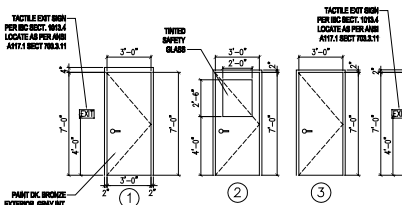
MARK	SIZE	FIXED GLASS	DOUBLE PANEL, LOW-E GLASS, TINTED	ALUM.	ANODIZED / DARK BRONZE EXT - PAINT GRAY INT	REMARKS
B	4'-8" x 4'-0"	FIXED GLASS	DOUBLE PANEL, LOW-E GLASS, TINTED	ALUM.	ANODIZED / DARK BRONZE EXT - PAINT GRAY INT	NOTE 4

OVERHEAD DOOR VENDOR - CLOPAY, USE SHEET A-100, NO SUBSTITUTIONS
 CONTACT: RORY PHILLIPS, COMMERCIAL SALES MANAGER, CSR@CLOPAY.COM, 1-800-828-8301 OPTION 6, 872-800-1046
 NOTE 1: HARDWARE TO BE LEVER ACTION AND MEET ALL ADA REQUIREMENTS
 NOTE 2: HARDWARE TO BE COMMERCIAL GRADE
 NOTE 3: HARDWARE PER MANUF. REQUIREMENTS
 NOTE 4: SAFETY GLAZING TO MEET ANS Z97.1 CLASS A
 NOTE 5: DARK BRONZE PAINT COLOR TO BE (SW 6074 "TURKISH COFFEE")
 NOTE 6: EXTERIOR DOOR WHEN INDICATED ON PLAN 1/4-100

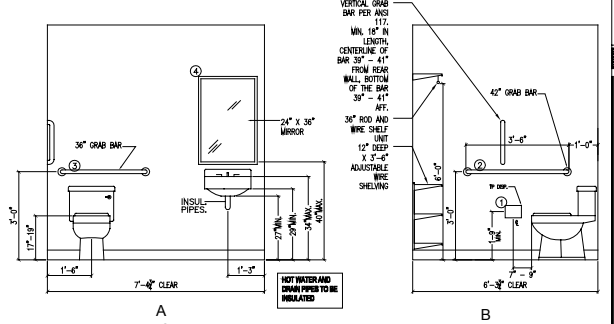
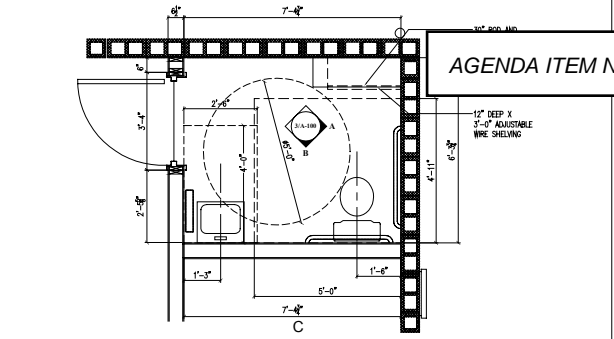
2 SCHEDULES
 1/4" = 1'-0"

SET 1	DESCRIPTION
1 1/2" PAIR HINGES NRP MORTISED DEADBOLT AND LOCKSET COMBINED WITH THUMB TURN INSIDE AND KEYPED OUTSIDE. ONE ACTION OPERATED BOTH LEFT AND LOCKSET	
CLOSER	FULL WEATHERSTRIP
SNEEP	RAIN GUT ON FRAME OVERHEAD THRESHOLD
FLOOR STOP	SLIDERS
FLOOR STOP	FLOOR STOP
SET 2	1 1/2" PAIR HINGES LOCKSET - KEYPED OUTSIDE, PUSH BUTTON INSIDE
FLOOR STOP - COOR. LOCATION W/ AC UNIT	
FLOOR STOP	
SET 3	1 1/2" PAIR HINGES LOCKSET - KEYPED OUTSIDE, PUSH BUTTON INSIDE
CLOSER	
WALL STOP	
TACTILE SIGN W/ INTERNATIONAL SYMBOL: MEN/WOMEN	
SET 4	1 1/2" PAIR HINGES LOCKSET - PASSAGE
1 STOP - FLOOR MTD.	
CLOSER	
SLIDERS	

NOTE: ALL FIN. HARDWARE TO BE ADA COMPLIANT



3 DOOR ELEVATIONS
 1/4" = 1'-0"

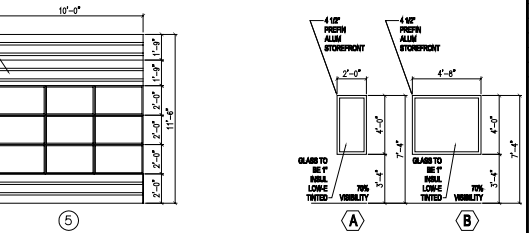


TOILET DETAILS
 1/2" = 1'-0"

TOILET ACCESSORIES SCHEDULE

MARK	LOCATION	DESCRIPTION	MOUNTING HEIGHT
1	TOILET ROOM	TOILET PAPER DISPENSER	22" AFF. TO OPERABLE PARTS
2	TOILET ROOM	42" GRAB BAR	36" AFF. TO TOP
3	TOILET ROOM	36" GRAB BAR	36" AFF. TO TOP
4	TOILET ROOM	18" x 30" MIRROR	40" AFF. TO BOTTOM OF REFLECTIVE SURFACE
5	TOILET ROOM	VERTICAL GRAB BAR	SEE 3/A100
6	TOILET ROOM	PAPER TOWEL DISPENSER	48" AFF. TO OPERABLE PARTS
8	TOILET ROOM	UNDER LAVATORY GUARD	LAVATORY SUPPLY & DRAIN PIPES

NOTES:
 1. ALL TOILET ACCESSORIES SHALL BE LOCATED AND MOUNTED TO MEET ALL REQUIREMENTS OF THE ADA AND ALL LOCAL ACCESSIBILITY CODE REQUIREMENTS.
 2. ALL TOILET ACCESSORIES SHALL BE BY BROROX OR EQUAL.
 3. PROVIDE FLOORING PER MANUFACTURER'S RECOMMENDATIONS.



4 WINDOW ELEVATIONS
 1/4" = 1'-0"

AGENDA ITEM NO. 2.

**TAKE 5 OIL CHANGE
 3 BAY CMU TOWER PROTO**

112 E. N. W. NORTH AVENUE
 CHARLOTTE, NORTH CAROLINA 28204
 PHONE: 704.375.1000
 WWW.CHILDREY-ROBINSON.COM

CHILDREY ROBINSON ASSOCIATES

05-08-2019

PLAN AND SCHEDULES

A-100



PROJECT OVERVIEW AND APPROVAL CRITERIA RESPONSE NARRATIVE

Conditional Use Permit and Site Plan Application Take 5 Oil Change

125 Shaw Avenue
Clovis, California 95367

Prepared by:
Barghausen Consulting Engineers, Inc.

November 28, 2023

Our Job No. 22897

PROJECT OVERVIEW

Overview

This Take 5 Oil Change project is located on Assessor Parcel Number 497-212-35 and is addressed as 125 Shaw Avenue, Clovis, California. The project proposes to demolish the existing structure (a vacant single-story 4,943 square-foot commercial building) and to redevelop the 33,275 square-foot (0.764 acre) parcel with a 1,450 square-foot, three-bay Take 5 Oil Change building. The proposal includes revisions to the southern portion of the site with enhanced landscaping, a dedicated trash/recycle enclosure, reconstructed parking (removal of nine (9) spaces from the existing 38), new asphalt paving, and three (3) queuing lanes to access the structure.

The structure is oriented with entrance bay doors on the west side and exit bay doors on the east side. Two queuing lanes start northeast of the building, extend south, and diverge into three lanes – one to each bay door. Vehicles can enter either the east or west driveway to access the queuing lanes.

The property is currently zoned Community Commercial (C-2) and is identified as General Commercial (GC) in the General Plan. The development requires a Conditional Use Permit, Variance, and Site Plan Review.

Based on a review of the FEMA flood maps available online, the site is located within Flood Zone X in an area determined to be outside of the 0.2% annual chance of floodplain.

Take 5 Oil Change Introduction

Take 5 Oil Change, known for providing an enjoyable customer-focused experience with fast, friendly drive-through service, is a growing quick-serve lube, oil, and filter company with more than 500 locations in 18 states. The company started in 1984 as a traditional rapid-change oil change shop in Louisiana. In 1996, they revamped the business model and created the first stay-in-your-car, 5-minute oil change concept. In 2016, Take 5 Oil Change began offering franchise opportunities. Take 5 Oil Change is one of the fastest-growing franchises in the industry. The stores also provide vehicle inspections, coolant services and wiper blade replacement. The company strives to give back, raising funds and collecting donations for the Children's Miracle Network, hospitals, and the Folds of Honor supporting families of military and first responder personnel.

Site Design and Orientation

The layout of this site is designed to create the best possible flow and the maximum queuing of vehicles possible to reduce the impact and spillover onto Shaw Avenue and the shared access/drive-aisles.

An ADA path will connect the main sidewalk on Shaw Avenue to the east side of the structure and extend to the parking lot north of the building. Clearly marked crosswalks are proposed across the exits of the bay door area.

Vehicular circulation moves north from Shaw Avenue at either the east or west driveway, and then south into the two queuing lanes northeast of the building. The queuing lanes can accommodate approximately 13 total vehicles. Each bay within the building holds one vehicle. Drivers then exit the building facing east at the shared access/drive aisle. They can either travel north through the adjacent commercial center or south to the driveway at Shaw Avenue.

Architecture

The proposed building is visually interesting and will be constructed with a variety of high-quality building materials and painted with simple, bold colors (red, brown, and tan). Vertical and horizontal façade breaks

are created with tower structure and the 11-foot 6-inch tall by 10-foot 1-inch wide bay doors with approximately 50% clear glass on the north and south sides. Building massing and modulation have been incorporated into the design of the building. Canopy awnings are provided over all entrances and service doors, and a 336 square-foot canopy covers the customer walk-up service window providing weather protection.

Signs and Lighting

Signs are proposed to be permitted separately. Signs will match the red of the structure as well as introduce the signature Take 5 yellow.

Site lighting is important for the safety and security of customers, pedestrians, and employees. Outdoor lighting and illumination at the site includes parking lot security lighting and pedestrian scale lighting. Exterior lighting will be installed on the building façade. All lights will include shields to direct light toward the project site and to keep glare away from the adjacent land uses and right-of-way.

Operations

Take 5 Oil Change offers the following services: oil change, vehicle inspection, engine and cabin air cleaning and filtration, light bulb replacement, undercoating, power steering and transmission fluid change, wiper placed installation, air filter replacement, seasonal tire changeover, and, at select locations, a car wash. The Shaw Avenue site does not include a car wash. All products are of high quality and from renowned brands.

The anticipated hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 9:00 a.m. to 5:00 p.m. Sunday. No appointments are necessary.

Approximately 45 vehicles are expected to visit the site each day.

A typical store will have six to ten employees depending on volume and demand. Usually, there are three to five full-time positions created with each new store.

All oil is delivered above ground, either on a five-compartment oil tanker truck roughly 30 feet in length or FedEx/UPS mail vans. Boxed oils and coolant drums are delivered via a 22-foot box truck. Waste oil is piped (PVC piping) into steel drums for collection and proper disposal. Approximately 880 gallons of bulk oil are stored on-site at any given time, sometimes less; the maximum storage capacity is 1760 gallons.

Solid Waste and Recycling

Take 5 Oil Change's proposal includes a 126 square-foot (9 feet by 14 feet) trash and recycle enclosure designed to be consistent with the colors and materials with the main structure and accessible by truck from the front. The structure is located north of the building and can be accessed by the east-west drive aisle. The enclosure and approach are concrete to accommodate the waste hauler vehicles and to prevent deterioration of the drive-aisle.

Conclusion

The Take 5 Oil change project is proposed to enhance and repurpose a parcel on a main thoroughfare in the City and to serve as a redevelopment and commercial in-fill. Take 5 Oil Change is a successful business that will promote improvement of the existing commercial area; the company sites are known to be clean and well maintained, providing quick service from very friendly and knowledgeable staff. The proposed quick-serve oil change project will provide enhanced landscaping and pedestrian access and is sited to prevent traffic issues both on- and off-site.



2907 S. Maple Avenue
Fresno, California 93725-2208
Telephone: (559) 233-7161
Fax: (559) 233-8227

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

October 27, 2023

Marissa Jensen
Planning Division
City of Clovis
1033 Fifth Street
Clovis, CA 93612

RE: Conditional Use Permit Application No. CUP2023-009
N/E Shaw and Minnewawa avenues

Dear Ms. Jensen:

The Fresno Irrigation District (FID) has reviewed the Conditional Use Permit Application No. CUP2023-009 for which the applicant requests for demolition of an existing development and construction of a three-bay drive through oil change service station, APN: 497-212-35. This is being processed concurrently with V 2023-001 and SPR 2023-007. FID has the following comments:

1. FID previously reviewed and commented on the subject property on May 30, 2023, as Development Review Committee Applications No. 2023-016 and on February 20, 2018, as Development Review Committee Application No. 2018-07. Those comments and conditions still apply, and a copy has been attached for your review.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com.

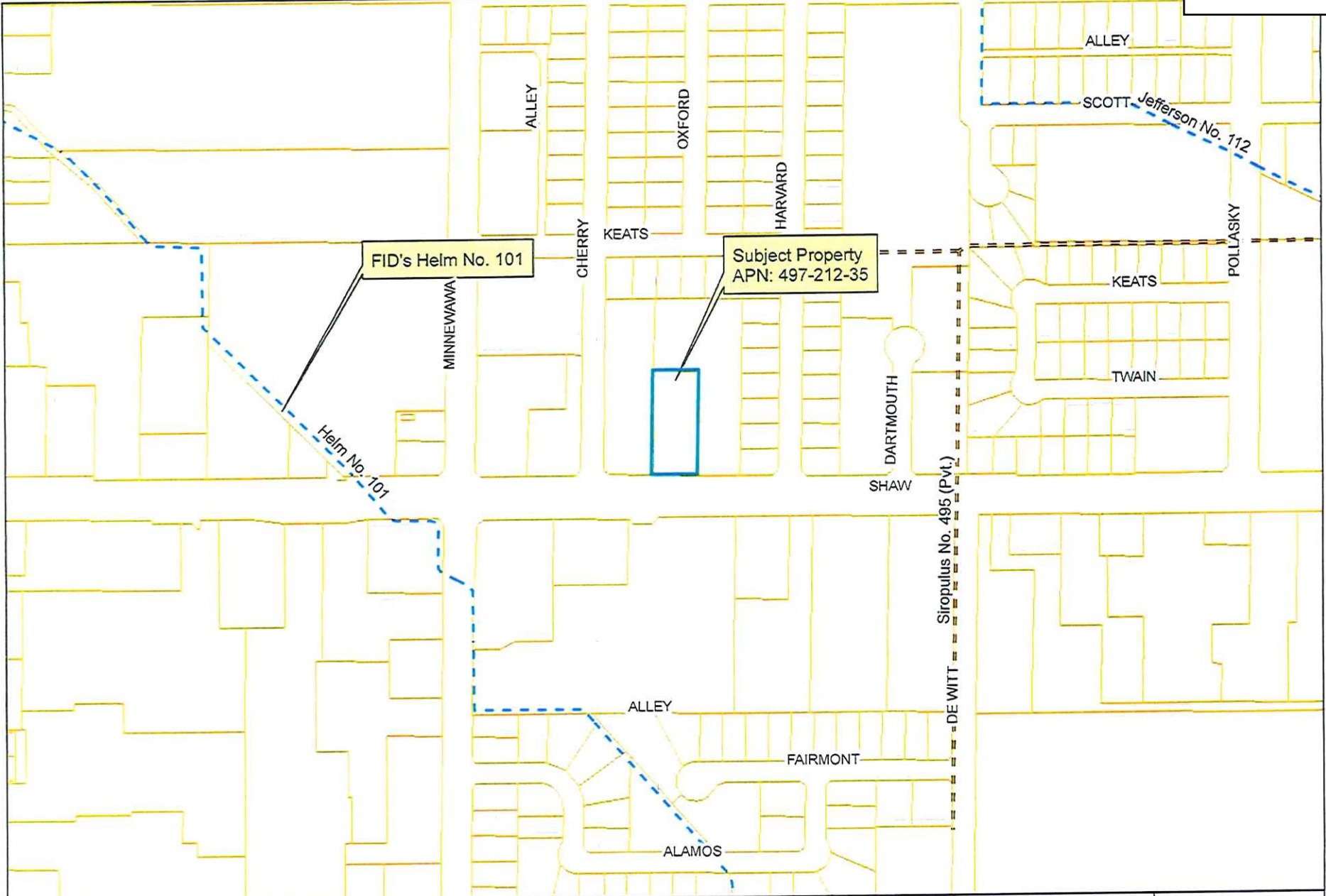
Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment

Attachment 4

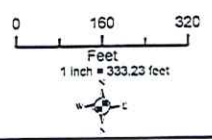
G:\Agencies\Clovis\Conditional Use Permit\CUP2023-009\CUP2023-009.doc



Legend	
FID Canal	FID Pipeline
Private Canal	Private Pipeline
Abandoned Canal	Abandoned Pipeline
Stream Group	Other-Creek/River
Other-Pipeline	Railroad
Streets & Hwys	Parcel
FID Boundary	FMFCD Acquired Basins
FID Boundary	FMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\fidgis\20230223 FID Master.mxd
 Spatial Reference
 Name: NAD 1983 StatePlane California IV FIPS 0404



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS**

AGENDA ITEM NO. 2.

Page 1 of 3

PUBLIC AGENCY

MARISSA JENSEN
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH ST.
CLOVIS, CA 93612

DEVELOPER

PHILIP SPENCE, DURBAN DEVELOPMENT
106 FOSTER AVENUE
CHARLOTTE, NC 28203

PROJECT NO: **2023-007**

ADDRESS: **125 SHAW AVENUE**

APN: **497-212-35**

SENT: **October 27, 2023**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
4C	\$5,831.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
S	\$3,021.00	Grading Plan Review *	\$153.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$8,852.00		Total Service Charge: \$203.00		

* The Development Review Service Charge shown above is associated with CL CUP 2023-009, CL CUP 2023-009, CL VAR 2023-001 and is currently proposed to develop in conjunction with this permit. Payment for this entitlement shall satisfy the amount due on the associated permits.

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District’s Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District’s reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 3/07/24 based on the site plan submitted to the District on 10/05/23 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Creditable storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Creditable drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Creditable facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

CL SPR No. 2023-007

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

CL SPR No. 2023-007

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. a. Drainage from the site shall
 b. Grading and drainage patterns shall be as identified on Exhibit No. 1.
 c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.

2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
 Developer shall construct facilities as shown on Exhibit No. 1 as
 None required.

3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:
 Grading Plan
 Street Plan
 Storm Drain Plan
 Water & Sewer Plan
 Final Map
 Drainage Report (to be submitted with tentative map)
 Other
 None Required

4. Availability of drainage facilities:
 a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).
 b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
 c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
 d. See Exhibit No. 2.

5. The proposed development:
 Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)
 Does not appear to be located within a flood prone area.

6. The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

AGENDA ITEM NO. 2.

Page 3 of 3

CL SPR No. 2023-007

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
 - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
 - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.

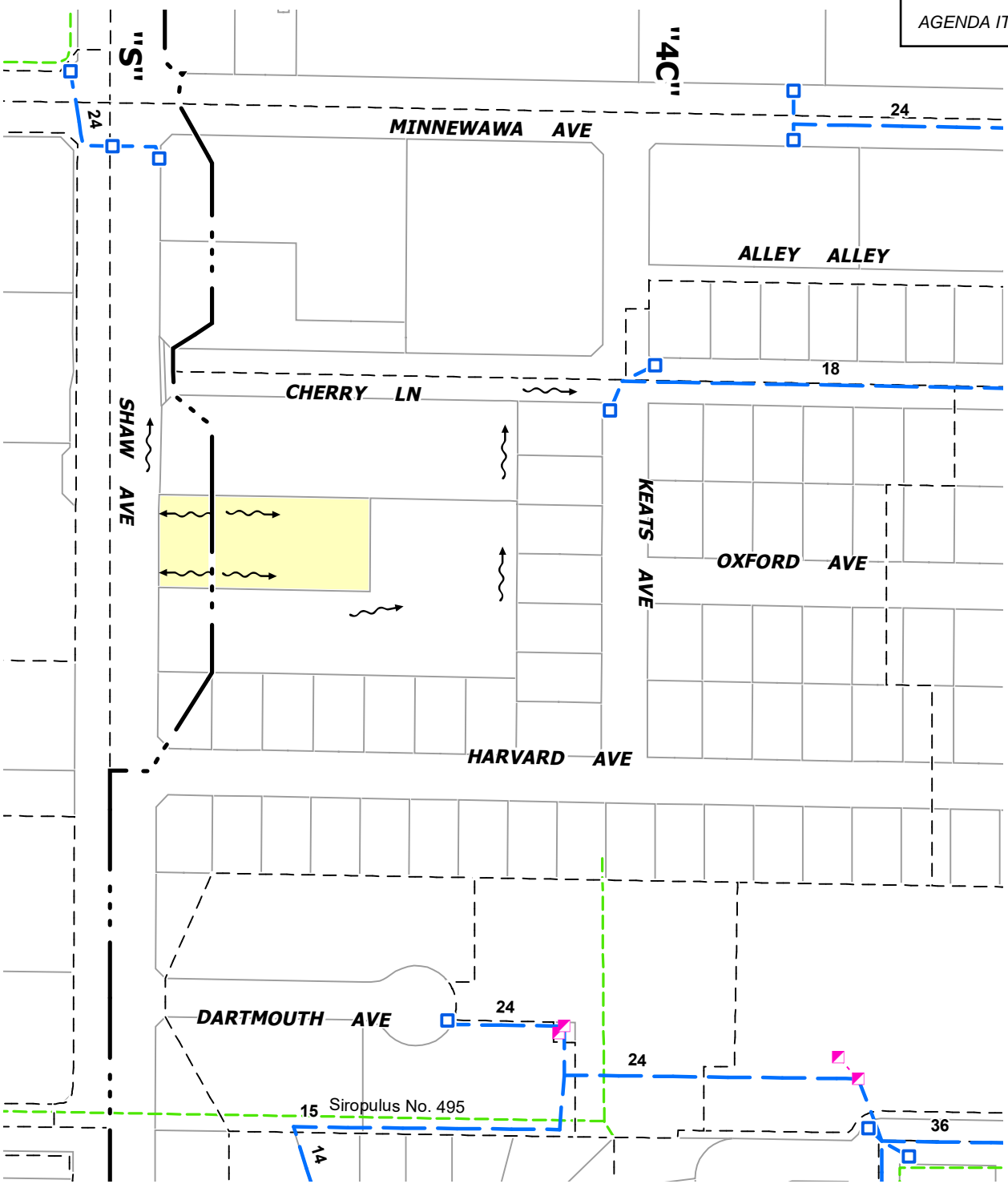
Debbie Campbell
Design Engineer, RCE

Digitally signed by Debbie Campbell Date: 10/27/2023 11:57:58 AM

Anthony Zaragoza
Engineer III

Digitally signed by Anthony Zaragoza Date: 10/24/2023 4:27:35 PM

NOTE: THIS MAP IS SCHEMATIC DISTANCES, AMOUNT OF CREDITABLE FACILITIES, AND LOCATION OF INLET BOUNDARIES ARE APPROXIMATE.



LEGEND

- Existing Master Plan Facilities
- Private Facilities
- Existing FID Facilities
- Inlet Boundary
- Drainage Area Boundary
- Direction Of Drainage
- Limits Of CL SPR 2023-007



CL SPR 2023-007

DRAINAGE AREAS "4C" & "S"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



Prepared by: coreym
 Date: 10/12/2023
 Path: K:\Autocad\DWG\SE\XHIBIT\CLSPR2023-007.mxd

OTHER REQUIREMENTS

EXHIBIT NO. 2

The minimum finish floor elevation shall be 352.67 (U.S.G.S. Datum).

Approximately 0.57 acres of the CL SPR 2023-007 site is located within the District's local Drainage Area "4C". Permanent drainage service is available for this portion of the site provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet near the intersection of Cherry Lane and Keats Avenue, as shown on Exhibit No. 1. The remaining 0.28 acres of the site is located within Drainage Area "S", and permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet in Shaw Avenue, as shown on Exhibit No. 1.

The City shall verify that drainage covenants are in place for the portion of CL SPR 2023-007 located in Drainage Area "4C" to allow surface runoff to reach the existing Master Plan inlet.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas shall not be connected to the District's system. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements is available on the District's website at: www.fresnofloodcontrol.org or contact the District's Environmental Department for further information regarding these policies related to industrial site requirements.