



CITY of CLOVIS

AGENDA • PLANNING COMMISSION

Thursday, December 20, 2018

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

www.cityofclovis.com

Commission Members: Paul Hinkle, Chair, Amy Hatcher, Chair Pro Tem, Alma Antuna, Brandon Bedsted, Mike Cunningham

The Planning Commission welcomes you to this meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate at this meeting, please contact Planning Division staff at (559) 324-2340. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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 3:00 p.m. Monday through Friday. In addition, such writings and documents may be posted on the City's website at www.cityofclovis.com.

ABOUT THE MEETING

The Planning Commission consists of five Clovis residents appointed by the City Council to make decisions and recommendations on City planning issues. Decisions made by the Planning Commission may be appealed to the City Council.

After the approval of minutes, the Chairperson of the Planning Commission will ask for business from the floor. If you wish to discuss something which is NOT listed on the agenda, you should speak up at this time.

Next, the Planning Commission will discuss each item listed on the agenda. For the items on the agenda which are called "public hearings," the Planning Commission will try to follow the procedure listed below:

For each matter considered by the Commission, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from supporters of the project will then be taken, followed by testimony from those in opposition. The applicant will have the right to a final rebuttal presentation prior to closing the public hearing. Once this is complete, the Chairperson will close the public hearing and the Commission will discuss the item and cast their votes.

If you wish to speak on an item, please step to the podium and clearly state your name and address for the record. The Planning Commission wants to know how you feel about the items they are voting on, so please state your position clearly. In accordance with Section 13 of Article 2 of the Planning Commission Rules and Regulations governing length of public debate, all public testimony from those in support and in opposition to the project will be limited to five minutes per person. In order for everyone to be heard, please limit your comments to 5 minutes or less.

* * * * *

CALL TO ORDER

FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

- 1. Minutes from the November 15, 2018, Meeting
Recommendation: Approve

COMMISSION SECRETARY COMMENTS

PLANNING COMMISSION MEMBER COMMENTS

COMMUNICATIONS AND REFERRALS

BUSINESS FROM THE FLOOR

This is an opportunity for the members of the public to address the Planning Commission on any matter that is not listed on the Agenda.

PUBLIC HEARINGS

- 2. Consider Approval, Res. 18-____, TM6023, A request to approve a one-year extension to an approved vesting tentative tract map for property located on the south side of Ashlan Avenue, between Highland and Thompson Avenues. Wilson Homes, owner/applicant; Harbour & Associates, representative.

Staff: George Gonzalez, Associate Planner
Recommendation: Receive and File

- 3. Consider Approval, Res. 18-____, V2018-04, A request to approve a variance to reduce the front yard setback requirement of the R-1 (Single-Family Residential – 6,000 sq. ft.) Zone District for the construction of a 6-foot fence along Leonard Avenue for the property located at 811 Leonard Avenue. Barbara L. Brown, owner; City of Clovis, applicant/representative.

Staff: Orlando Ramirez, Deputy City Planner

Recommendation: Approve

- 4. Consider Approval, Res. 18-____, CUP2018-12, A request to approve a conditional use permit to allow a Dutch Bros Coffee drive-up/drive-thru window use for property located on the west side of N. Fowler Avenue, south of Herndon Avenue. Buchanan Crossroads, LLC, owner/applicant; Brady McGuiness, representative.

Staff: George Gonzalez, Associate Planner
Recommendation: Approve

NEW BUSINESS

- 5. Accept nominations and vote for Chair and Chair Pro Tem to serve for the next two years.

Staff: Bryan Araki, City Planner
Recommendation: Nominate and Vote

ADJOURNMENT

Meetings and Key Issues			
October 25, 2018	6:00 P.M.	Regular Meeting	Council Chamber
November 5, 2018	6:00 P.M.	Joint Meeting with Council	Council Chamber
November 15, 2018	6:00 P.M.	Regular Meeting	Council Chamber
December 20, 2018	6:00 P.M.	Regular Meeting	Council Chamber
January 24, 2019	6:00 P.M.	Regular Meeting	Council Chamber

CLOVIS PLANNING COMMISSION MINUTES
November 15, 2018

A regular 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 Hatcher

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

Absent: None

Staff: Bryan Araki, City Planner
Orlando Ramirez, Deputy City Planner
Lily Cha, Assistant Planner
Sean Smith, Associate Civil Engineer
Maria Spera, Planning Technician II

MINUTES

- 1. The Commission approved the October 25, 2018, minutes by a vote of 5-0.

COMMISSION SECRETARY

City Planner Bryan Araki noted that the Enchanted Evening event is taking place that evening and encouraged attendance if possible, as well as for the Christmas Tree Lighting event on December 3rd.

PLANNING COMMISSION MEMBERS COMMENTS

None

COMMUNICATIONS AND REFERRALS

Items related to Agenda Items X-2 and X-4.

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

- 2. Consider items associated with approximately 1.2 acres of land located at the northeast corner of Shaw and Fowler Avenues. Ahira Bbb Clovis Shaw LP, owner; Bowie Enterprises, Michael Bowie, applicant; Dirk Poeschel Land Development Services, representative.

- a. Consider Approval, Res. 18-59, A request to approve an environmental finding of a Mitigated Negative Declaration for General Plan Amendment GPA2018-04, Rezone R2018-10, and Conditional Use Permit CUP2018-06.
- b. Consider Approval, Res. 18-60, **GPA2018-04**, A request to amend the General Plan designation from Office to General Commercial and a text amendment to the Shaw Avenue Specific Plan permitting C-2 (Community Commercial) zoning and drive-thru uses for this specific site.
- c. Consider Approval, Res. 18-61, **R2018-10**, A request to approve a rezone from the C-P (Professional Office) Zone District to the C-2 (Community Commercial) Zone District.
- d. Consider Approval, Res. 18-62, **CUP2018-06**, A request to approve a conditional use permit to allow for a drive-thru car wash facility.

Assistant Planner Lily Cha presented the staff report.

Commissioner Antuna sought and received confirmation as to the placement of the project entry/exit points.

Chair Hinkle sought and received confirmation as to the placement of employee parking on the site. He also noted, based on observation of other carwash sites, that few people tend to park on such sites, alleviating any parking concerns.

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

Dirk Poeschel of 923 Van Ness Avenue, Fresno, provided background on the project and offered to answer questions.

Commissioner Cunningham informed that he had driven by a carwash product at the northwest corner of Villa and Shaw Avenues and noted that the noise in general was not an issue. However, there was a high-pitched, annoying sound generated by the startup of the drying apparatus, leading to Commissioner Cunningham inquiring if the applicant's system was of similar construction. Mr. Poeschel provided a detailed response on the noise generation issue, referring to the staff report discussion of the proposed sound wall.

Chair Hinkle sought and received confirmation that the project facility would recycle its water.

Chair Hinkle inquired as to whether the applicants have a facility at Willow and Nees Avenues, and whether the same equipment used at that site would be used at the proposed site. He had spent about an hour at the site and was pleased with his observations regarding both noise and parking. Mr. Poeschel responded positively to both inquiries.

Chair Hinkle followed up with an inquiry as to whether an additional lane could be added to the site at a later date to mitigate potential traffic stacking from increased use. His concern is that in the future citizens will be unable to wash cars at their residences due to state water mandates, thereby increasing the use of and traffic at carwash facilities. He wondered if it would be possible to require such a measure at a later date. Mr. Poeschel responded that there is no

evidence such a measure will be needed and deferred to Jose Benavides of JLB Traffic Engineering for more details. City Planner Araki also responded that traffic would be monitored for problems, but that at similar sites when stacking occurs, customers will either go to the vacuums first or continue on rather than increase the stacking. He cited the history of the traffic stacking at coffee service uses such as Starbucks for reference, and indicated that it would be possible to add another lane to the site in the future. Such projects as this can be brought back for review in the event of future problems.

Chair Hinkle stated his certainty that carwash facilities using recycled water would be required due to legislation in the future.

Jose Benavides, Civil and Traffic Engineer with JLB Traffic Engineering, 1300 E. Shaw, Fresno, provided detailed information regarding previous queueing studies for this product at the southeast corner of First and Bullard Avenues.

Commissioner Antuna expressed concern regarding the traffic at the school across the street and proximity between the site entrance and the street light. She inquired as to what indication the studies gave as to when customer presence would be anticipated and what times of day would have a lot of traffic in the area. Mr. Benavides and Associate Civil Engineer Sean Smith provided detailed responses.

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

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

There being none, the Chair closed the public portion.

Commissioner Antuna expressed her opinion that this is overall a good product, particularly in light of possible future legislative mandates regarding water concerns, her gratitude for an infill project developing a vacant lot, and stated that her traffic concern was addressed.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve a finding of a Mitigated Negative Declaration for GPA-2018-04, R2018-10, and CUP2018-06. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve GPA-2018-04. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve R2018-10. The motion was approved by a vote of 5-0.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Antuna to approve CUP2018-06. The motion was approved by a vote of 5-0.

3. Consider approval Res. 18-63, **V2018-03**, A request to approve a variance to reduce the setback requirements of the R-1-B (Single-Family Residential – 12,000 sq. ft.) Zone District for the property located at 1827 N. Locan Avenue. Laura Ossenber, owner; Pennal Properties, LLC, applicant/representative.

Planning Technician II Maria Spera presented the staff report.

Commissioner Cunningham inquired as to the nature of the strip of land connecting the remainder lot to Locan Avenue, seeking and receiving confirmation that both that lot and Parcel D would have access from Locan Avenue and that Parcels A, B, and C would be accessed from Lester Avenue.

Chair Hinkle expressed a similar confusion regarding the access right-of-way strip on the map. He then sought and received confirmation regarding to which lots the setback variance would apply. City Planner Araki provided a detailed explanation.

Commissioner Antuna sought and received confirmation that the applicant would need to adhere to the conditions imposed by the Fresno Metropolitan Flood Control District.

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

Manny Penn of 3370 Loyola Avenue provided background information on the project and offered to answer questions.

Chair Hinkle sought and received confirmation that there would be no access to Locan Avenue from the Lester Avenue parcels.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Bedsted to approve V2018-03. The motion was approved by a vote of 5-0.

4. Consider approval Res. 18-64, **R2018-12**, A request to approve a comprehensive rezone to the P-F (Public Facilities) Zone District to bring properties designated Public, Water, and School, into conformance with the General Plan. City of Clovis, applicant.

City Planner Bryan Araki presented the staff report.

Chair Hinkle sought and received confirmation that this project is a 'cleanup' action to tighten loose ends when it comes to compliance.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Antuna and seconded by Commissioner Cunningham to approve R2018-12. The motion was approved by a vote of 5-0.

OLD BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT AT 6:48 P.M. UNTIL the Planning Commission meeting on December 20, 2018.



CITY *of* CLOVIS

MEMO TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: December 20, 2018

SUBJECT: Consider Approval, Res. 18-____, TM6023, A request to approve a one-year extension to an approved vesting tentative tract map for property located on the south side of Ashlan Avenue, between Highland and Thompson Avenues. Wilson Homes, owner/applicant; Harbour & Associates, representative.

On November 12, 2018, the applicant submitted a formal written request for a one-year extension of Vesting Tentative Tract Map TM6023. After further research of the approved project, it was found that TM6023 remains valid until December 12, 2019. The Planning Commission and City Council approved TM6023 on November 17, 2016 and December 12, 2016, respectively.

Municipal Code Section 9.102.110(D)(4)(a) grants a time limit of 36 months from the date of approval for Vesting Tentative Tract Maps. The applicant will need to follow up with an extension request in October or November of 2019 for the Planning Commission's consideration prior to the expiration of the map.



CITY of CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 18-___, V2018-04, A request to approve a variance to reduce the front yard setback requirement of the R-1 (Single-Family Residential – 6,000 sq.ft.) Zone District for the construction of a 6-foot fence along Leonard Avenue for the property located at 811 Leonard Avenue. Barbara L. Brown, owner; City of Clovis, applicant/representative.

ATTACHMENTS: Figure 1: Location Map
 Exhibit "A": Conditions of Approval
 Attachment 1: Draft Resolution
 Attachment 2: Correspondence
 Exhibit "B": Site Plan

CONFLICT OF INTEREST

"None"

RECOMMENDATION

Staff recommends that the Planning Commission approve Variance V2018-04, subject to the attached conditions of approval listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting the approval of a variance to the setback requirements of the R-1 (Single-Family Residential) Zone District for the property located at 811 Leonard Avenue. Approval of this variance would allow for the construction of a six-foot fence along a portion of the front property line. Additionally, approval of the variance would memorialize the front yard setback of the existing residence located on the subject property. This variance request is necessary as a result of the required street right-of-way dedication for completion of this segment of Leonard Avenue. Approval of this variance would allow for the installation of the fence and memorialize the new setback to the existing residence.

BACKGROUND

General Plan Designation: Medium Density Residential (4.1 to 7.0 DU/Ac)

Specific Plan Designation: Loma Vista Specific Plan

Existing Zoning: R-1 (Single-Family Residential -2.1 to 4.0 DU/Ac)

Lot Size: Approximately 2.43 acres

Current Land Use: Low Density Residential

Adjacent Land Uses:

- North: Enterprise Canal & Vacant Residential
- South: Medium Density Residential
- East: Enterprise Canal and Vacant Residential
- West: Public Facility (Surface Water Treatment Plant)

Previous Entitlements: CUP2015-08
R2014-14
TM6127

PROPOSAL AND ANALYSIS

History

In December of 2014, the City Council approved the rezoning of approximately 74.84 acres, including the subject property, from the County AE-20 Zone District to the R-1 (Single-Family Residential) Zone District under Prezone R2014-14. The rezoning action was consistent with both the General Plan Land Use Diagram and the Loma Vista Specific Plan and took effect on completion of annexation into the City of Clovis under Reorganization RO285.

On January 11, 2016, Woodside Homes received City Council approval of a Conditional Use Permit (CUP2015-08) and Tentative Tract Map (TM6127), for the property located at the northeast area of Barstow and De Wolf Avenues, approving a gated Planned Residential Development. Conditions of approval associated with Tentative Tract Map TM6127 included requirements for acquiring right-of-way along Leonard Avenue and improving the public right of way. The subject property was designated as a remainder and was not included in the development proposal.

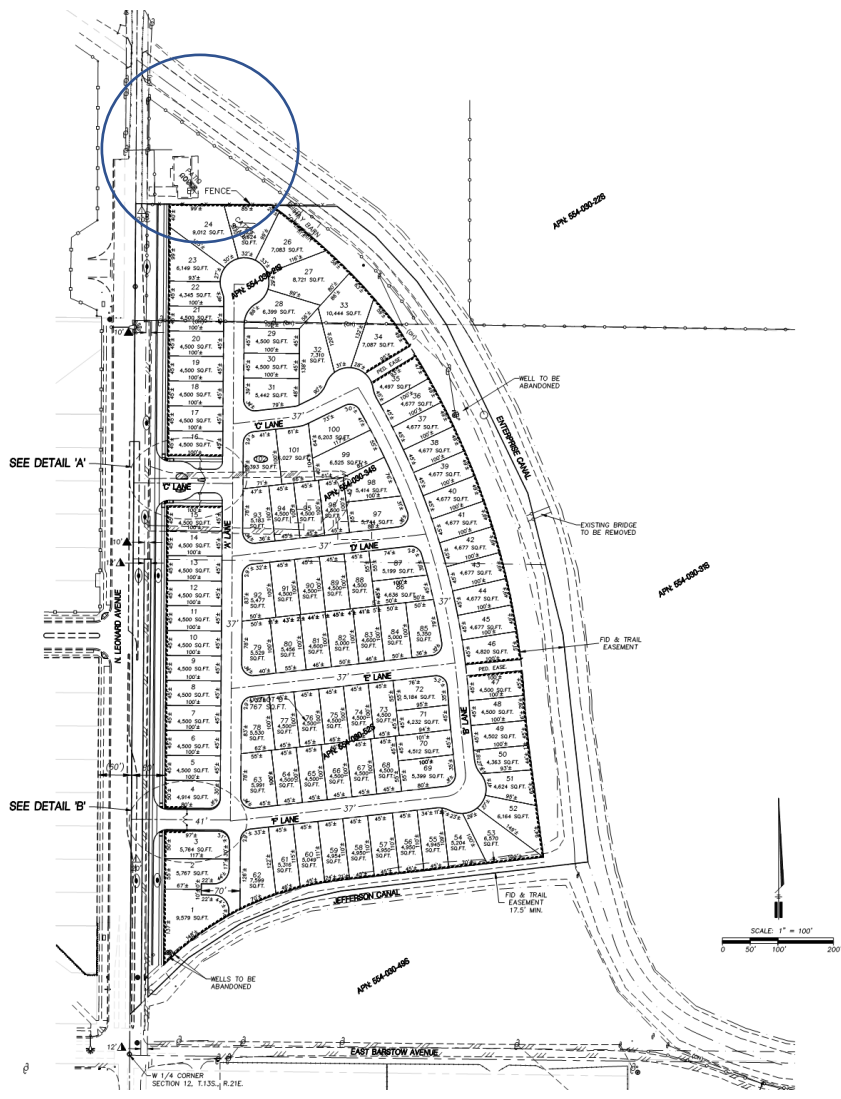


Figure 1a: TM6127

Variance Request

The applicant is requesting a variance to deviate from the front yard setback requirement of the R-1 Zone District for placement of a six-foot fence on the front property line along the northern segment of the property (Exhibit “B”). The applicant’s request is necessary in order to maintain privacy into the side and back yard which will be affected by the proposed widening of Leonard Avenue, scheduled to begin in the near future. Typically, if fencing is proposed in the front yard, fencing is limited to a maximum of three-foot high, if opaque fencing material is utilized; however, see-through fencing is permitted to be constructed at a greater height. This requirement is to ensure that there is sufficient line-of-sight for egressing vehicles. The placement of the proposed six-foot high fence along the northern section of the realigned front property line would not be detrimental to ingress or egress from the existing drive which is located at the southern end of the property.

The City's street widening Project will also affect the existing residence. The new alignment will shift the property line eastward, encroaching into the front yard setback of the existing residence. The new property line will be placed at 16.5 feet from the wall of the residence, further necessitating the need for a variance to the setback requirements of the R-1 Zone District.

The purpose of the request is to provide conformity through the variance process in order for the property owner to maintain the needed privacy into the side yard and maintain the existing residence at its current location.

Variance Findings

Under State law, four findings of fact must be considered in order to grant a variance to the development standards of any zone district.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.

Applicant's Statement: "The parcel in question includes an existing home that was constructed in 1971. The property owner recently deeded a portion of the street right-of-way to the City for road construction. The remaining parcel resulted in a front yard set-back that is not in compliance with the code. Other neighboring properties are not faced with similar circumstance."

Staff Response: Street widening projects occasionally impact existing homes where special provisions are necessary to protect the property owner's security and safety. This variance request will allow the existing property to comply with the new setbacks imposed by development of a street right-of-way system. Staff supports the reduction of the front yard setback.

Finding 2: Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, a right that is possessed by other property owners under like conditions in the vicinity having identical zoning classification.

Applicant's Statement: "No other property owners in the neighborhood face similar circumstances. The particular issues faced by this property owner are a direct result of the requirement to deed a portion of her land for street right-of-way purposes. Previous to that action, her property was in conformance to all applicable zoning codes."

Staff Response: The variance is required of the property in order for the City to widen Leonard Avenue and provide the property owner with continued privacy of their yard. Therefore, staff supports a reduction in the front yard setback of the subject lot.

Finding 3: The granting of the variance will not be materially detrimental to the public welfare

or injurious to property and improvements in the vicinity of which the property is located.

Applicant's Statement: "The granting of this variance does not affect any other property within the vicinity. Other homes in the area are currently behind a subdivision/development maintained block wall and therefore are physically set apart from the particular issues facing this property owner."

Staff Response: The granting of this variance will not detract or detrimentally affect adjacent property owners or the general public welfare. The proposed fence setback would not negatively affect the site nor area properties. The setback for the residence would be consistent with the setbacks allowed for the adjacent tentative map TM6127.

Finding 4: The granting of such variance will not be contrary to the objectives of the General Plan.

Applicant's Statement: "The granting of this variance doesn't contradict the objects of the General Plan, but will assist in maintaining a mix of housing types and densities in the immediate vicinity."

Staff Response: The subject lot is designated single-family residential. The objectives of the General Plan would not be compromised by the granting of this variance request.

Setbacks are to ensure provision of open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation, and direct sunlight; separation of incompatible land uses, and space for privacy and landscaping. Staff feels that providing the reduction in the required street front setback from 20-feet to 16.5-feet, and allowing for placement of solid wood fencing at the new front property, line will not affect the listed provisions because the existing location of the home and the proposed fence location will not affect potential line-of-sight concerns.

Public Comments

A public notice was sent to area residents within 400 feet of the property boundaries. Staff has not received any inquires prior to finalization of the staff report.

Review and Comments from Agencies

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

Comments received are attached 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.

California Environmental Quality Act (CEQA)

This Project is in substantial conformance with the environmental impact report performed for the General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed Project, therefore, subject to CEQA Sections 15162 and 15182 no further environmental review is required for this Project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, December 5, 2018.

REASON FOR RECOMMENDATION

After evaluating this variance request subject to the “Findings of Fact”, staff is able to support the request to reduce the setback requirements of the R-1 (Single-Family) Zone District for the property at 811 Leonard Avenue. This request will allow the property owner to be in compliance with setback requirements.

This staff report and attachments provide the evidentiary support for the necessary findings for approval of a variance request. The findings to consider when making a decision on a variance application include:

1. The request does not constitute a use variance and is, therefore, within the scope of State Planning Law;
2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
4. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
5. The granting of such a variance will not be contrary to the objectives of the General Plan.
6. That, based upon the Initial Study and comments received; there is no substantial evidence that the Project will have a significant effect on the environment.

FISCAL IMPACT

None.

ACTIONS FOLLOWING APPROVAL

None.

NOTICE OF HEARING

Property owners within 400 feet notified:	25
Interested individuals notified:	10

Prepared by: Orlando Ramirez, Deputy City Planner

Reviewed by: 
Bryan Araki
City Planner

J:\Planning Projects\VAR\ 2018\V2018-04 (811 Leonard)\PC 12-20-18\V2018-04, Staff Report

**FIGURE 1
PROJECT LOCATION MAP**



EXHIBIT "A"
Conditions of Approval – V2018-04

Planning Division Conditions

(Orlando Ramirez, Deputy City Planner – (559) 324-2345)

1. Development of this site shall be consistent with the General Plan Land Use Diagram and Loma Vista Specific Plan.
2. All conditions of approval for CUP2015-08, R2014-14 and TM6127 shall be incorporated into this project approval.
3. Any further exceptions to the R-1 Zone District or the conditions of this variance shall require a separate variance action.
4. The granting of this variance will allow for the construction of a six-foot fence along the northern boundary of the subject property's Leonard Avenue frontage.
5. Six-foot fencing shall be limited to the area indicated in the applicant's Exhibit "B".
6. This variance approves a front yard setback of 16.5 feet to the front wall of the existing residence. Any additions to the front of the residence shall maintain the 16.5-foot setback.
7. Any proposed expansion to the front porch shall not extend beyond the existing posts.
8. The garage shall maintain a 20-foot setback.

DRAFT RESOLUTION

**DRAFT
RESOLUTION 18-___**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING
A VARIANCE TO REDUCE THE SETBACK REQUIREMENTS OF THE R-1 (SINGLE FAMILY
RESIDENTIAL) ZONE DISTRICT FOR THE PROPERTY LOCATED AT 811 LEONARD
AVENUE**

WHEREAS, The City of Clovis, 1033 Fifth Street, Clovis, CA 93612, has applied for a Variance V2018-04; and

WHEREAS, this is a request to approve a variance to reduce the setback requirements for the property located at 811 Leonard Avenue, in the City of Clovis; County of Fresno, California; and

WHEREAS, a public notice was sent out to area residents within 400 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on December 20, 2018; and

WHEREAS, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

1. That the request does not constitute a use variance and is, therefore, within the scope of State Planning law;
2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
4. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
5. The granting of such a variance will not be contrary to the objectives of the General Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve V2018-04, subject to the attached conditions labeled Exhibit "A".

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on December 20, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 18-_____
DATED: December 20, 2018

Paul Hinkle, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

ORLANDO RAMIREZ
DEPARTMENT OF PLANNING AND
DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

DEVELOPER

CLAUDIA CAZARES, CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 93612

PROJECT NO: **2018-004**
ADDRESS: **811 LEONARD AVE.**
APN: **554-030-65S**

SENT:

11/1/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
3G	\$0.00	NOR Review	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$0.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$0.00		Total Service Charge: \$50.00		

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 2/28/19 based on the site plan submitted to the District on 10/08/18 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.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan 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 VAR No. 2018-004

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

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

- 1. a. Drainage from the site shall REMAIN AS EXISTING.
 - b. Grading and drainage patterns shall be as identified on Exhibit No.
 - 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.

CL
VAR
No. 2018-004

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

CL
VAR
No. 2018-004

- 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. — See Exhibit No. 2 for additional comments, recommendations and requirements.





 Debbie Campbell
 Design Engineer



 Robert Villalobos
 Project Engineer



554-030-65S
811 Leonard Ave

-  Property Lines
-  554-030-65S

1" = 50'



10/4/2018





CITY *of* CLOVIS

REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

SUBJECT: Consider Approval, Res. 18-____, CUP2018-12, A request to approve a conditional use permit to allow a Dutch Bros Coffee drive-up/drive-thru window use for property located on the west side of N. Fowler Avenue, south of Herndon Avenue. Buchanan Crossroads, LLC, owner/applicant; Brady McGuinness, representative.

ATTACHMENTS:

- Figure 1: Location Map
- Exhibit "A": Conditions of Approval
- Attachment 1: Draft Resolution
- Attachment 2: Correspondence
- Exhibit "B": Proposed Site Plan
- Exhibit "C": Commercial Center Site Plan
- Exhibit "D": Elevations

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit CUP2018-12, subject to the attached conditions of approval listed in Exhibit "A."

EXECUTIVE SUMMARY

The applicant is requesting approval of a conditional use permit to allow a Dutch Bros Coffee drive-up/drive-thru window use for the property located on the west side of N. Fowler Avenue, south of Herndon Avenue. Approval of this conditional use permit will allow the applicant to continue processing development drawings. Conditions of approval are attached under Exhibit "A," establishing standards for construction and operation. Issues to consider with this request include providing adequate vehicle stacking for the drive-up window area, screening, queuing lane, hours of operation, parking stalls, and building signage.

BACKGROUND

- General Plan Designation: General Commercial
- Existing Zoning: C-2 (Community Commercial)
- Lot Size: Approximately 0.6 acres
- Current Land Use: Landscaping, Parking, Drive Aisle
- Adjacent Land Uses:
 - North: Commercial
 - South: Public Facility (School District Facilities)
 - East: Vacant
 - West: Commercial
- Previous Entitlements: SPR98-13 (Commercial Center)

PROPOSAL AND ANALYSIS

Project Site and Drive-Up Lane Vehicle Stacking

The applicant is requesting approval of a conditional use permit for the installation of a drive-up/drive-thru window service in association with a 778 square foot Dutch Bros Coffee establishment to be developed at this site. The Dutch Bros establishment would utilize dual drive-up lanes along the southeastern side of the proposed building. Drive-up window standards for the City of Clovis require a minimum of eight vehicular stacking spaces from the throat of the drive-up window lane to the service window. The dual drive-up lanes as proposed by the applicant accommodates 16 stacked vehicles, which exceeds the City's requirement.

Staff Recommendations

Although the applicant's proposed site plan meets the City's vehicle stacking requirements, staff has concerns with traffic circulation impacts and public safety. Currently, the existing drive aisle located west of the proposed site experiences high traffic volumes as a result of the adjacent commercial businesses and the Educational Employees Credit Union (EECU) Automated Teller Machine (ATM) pedestrian kiosk. If not designed properly, vehicles stacking in the drive-up dual lanes may block the circulation of traffic along the southern drive aisle of the shopping center. An additional concern is the potential for the drive-thru lane stacking or backing up into southbound Fowler Avenue, therefore, potentially impacting the flow and safety of vehicles traveling southbound on Fowler Avenue.

In an effort to address these concerns, the applicant met with City Planning and Engineering staff on several occasions to try and mitigate any potential circulation conflicts. The applicant modified the initial site plan (see Exhibit "B") to minimize traffic movement impacts. The proposed site plan modifies the existing 90 degree parking stalls along the southern drive aisle to diagonal parking stalls in order to accommodate a 10 foot drive-thru queuing lane and a 20 foot drive aisle width. The queuing lane will provide an additional vehicle stacking area to minimize traffic circulation impacts and prevent vehicles from backing into Fowler Avenue. The "No Stop Area" striping will prevent vehicles from blocking the drive aisle between the

queuing lane and the entrance to the drive-thru.

Additionally, the existing median island at the main entry along the northern drive aisle will be shortened to allow a greater turning radius for vehicles attempting to travel south along the existing drive aisle in front of EECU. Finally, the construction of this establishment will require installation of a median island worm on Fowler Avenue, in front the northern drive aisle. This worm modification will prevent vehicles exiting the shopping center from turning left on Fowler Avenue (northbound) which has been a constant circulation issue. The worm installation was a deferred mitigation measure included in the original approval of the shopping center. The additional traffic that will be generated by the proposed drive-thru facility has been determined by the City Engineer to require the installation of the worm.

Drive-thru Lane Screening

The dual drive-thru lanes are proposed approximately 28 feet from the Fowler Avenue street frontage, running parallel to Fowler Avenue. As vehicles follow this course, the headlights are not expected to interfere with traffic on Fowler Avenue because the dual drive-thru lanes would be separated from Fowler Avenue by landscaping along the frontage. Furthermore, the applicant will be required to provide a combination of a 3-foot high masonry wall and landscaping along the Fowler Avenue frontage and the southern drive entrance. Measurement shall be from the top of curb of the dual drive-thru lane.

Hours of Operation

The applicant is requesting to operate the drive-thru use between the hours of 5:00 am to 11:00 pm daily. These hours are consistent with similar uses where the subject site is surrounded by commercial uses. The zoning ordinance does not otherwise prohibit hours of operation within commercial zone districts. As a result, staff does not oppose the requested hours of operation for the drive-thru use.

Architectural Elevations

The proposed elevations include materials consistent with commercial developments found throughout the City of Clovis (see Exhibit "D"). The developer is utilizing materials such as stucco, wood siding, slate tile, and metal awning and will include elements that are architecturally compatible with the center.

Setbacks and Landscaping

The project site is required by the City's Commercial Design Standards to include a 30-foot landscape setback from face of curb to parking and a 40-foot landscape setback to any structure along the Fowler Avenue street frontage. The applicant's proposed site plan meets this requirement. There are several trees that may require removal to accommodate the drive-thru lane. The City has a Tree Preservation Ordinance which requires mitigation for removal of trees approved through the site plan review process. Specific review of the landscape plan and tree replacement plan will take place with the site plan review application.

Parking

The proposed site is part of the existing Buchanan Crossroads Shopping Center that shares reciprocal parking and access. A parking ratio of 4.7 stalls per 1,000 square feet of building area throughout the center is required by Section 9.32.040 (Number of parking spaces required) of the Municipal Code. For the project site, the applicant's site plan will remove 18 parking stalls and provided nine new parking stalls, which reduces the number of stalls by 9 parking stalls; however, a shopping center parking analysis showed that there are approximately 155 stalls available in the shopping center above what is required by Code. Therefore, staff's proposed parking stall configuration is consistent with the Code when factored into the entire shopping center count.

Signage

The Buchanan Crossroads shopping center is zoned C-2 (Community Commercial), which permits the placement of one freestanding sign on both the Herndon and Fowler Avenue street frontages, to be shared between designated tenants within the shopping center. There is currently an existing multiple tenant freestanding sign along the Herndon and Fowler Avenue street frontages. Per code, the Dutch Bros Coffee establishment will not be granted its own freestanding sign for the project site. The applicant must work with the shopping center to utilize one of the panels on the existing freestanding signs. All building-mounted signs shall be individual channel lettered and conform to the requirements of the Clovis Sign Ordinance.

Public Comments

A public notice was sent to area residents within 900 feet of the property boundaries. Staff has not received comments or concerns from the public upon finalization of this report.

Review and Comments from Agencies

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

Comments received are attached 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.

Consistency with General Plan Goals and Policies

Staff has evaluated the Project in light of the General Plan Land Use goals and policies. The following goals and policies reflect Clovis' desire to maintain Clovis' tradition of responsible planning and well managed growth to preserve the quality of life in existing neighborhoods and ensure the development of new neighborhoods with an equal quality of life. The goals

and policies seek to foster more compact development patterns that can reduce the number, length, and duration of auto trips.

Goal 3: Orderly and sustainable outward growth into three Urban Centers with neighborhoods that provide a balanced mix of land uses and development types to support a community lifestyle and small town character.

Goal 6: A city that grows and develops in a manner that implements its vision, sustains the integrity of its guiding principles, and requires few and infrequent amendments to the General Plan.

Policy 6.2 **Smart growth.** The city is committed to the following smart growth goals.

- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Mix land uses.
- Strengthen and direct development toward existing communities.
- Take advantage of compact building design.

California Environmental Quality Act (CEQA)

The Project is in substantial conformance with the environmental impact report performed for the General Plan. No major revisions will be required with the adopted Environmental Impact Report to accommodate the proposed projects; therefore, subject to CEQA Sections 15162, no further environmental review is required for this project.

The City published notice of this public hearing in *The Business Journal* on Wednesday, December 5, 2018.

REASON FOR RECOMMENDATION

The Project is consistent with the goals and policies of the General Plan, Development Code and the C-2 (Community Commercial) Zone District. Therefore, staff recommends that the Planning Commission approve CUP2018-12, subject to the conditions of approval listed as Exhibit "A."

The findings to consider when making a decision on a conditional use permit 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 this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific 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;

- 4. The subject parcel is physically suitable in size and shape for the type and density/intensity of use being proposed;
- 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; and
- 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. (§ 2, Ord. 14-13, eff. October 8, 2014)
- 7. The Planning Commission finds the project in substantial conformance with the environmental analysis performed for the General Plan.

FISCAL IMPACT

None.

ACTIONS FOLLOWING APPROVAL

None.

NOTICE OF HEARING

Property owners within 900 feet notified:	29
Interested individuals notified:	10

Prepared by: George Gonzalez, MPA, Associate Planner

Reviewed by: Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**

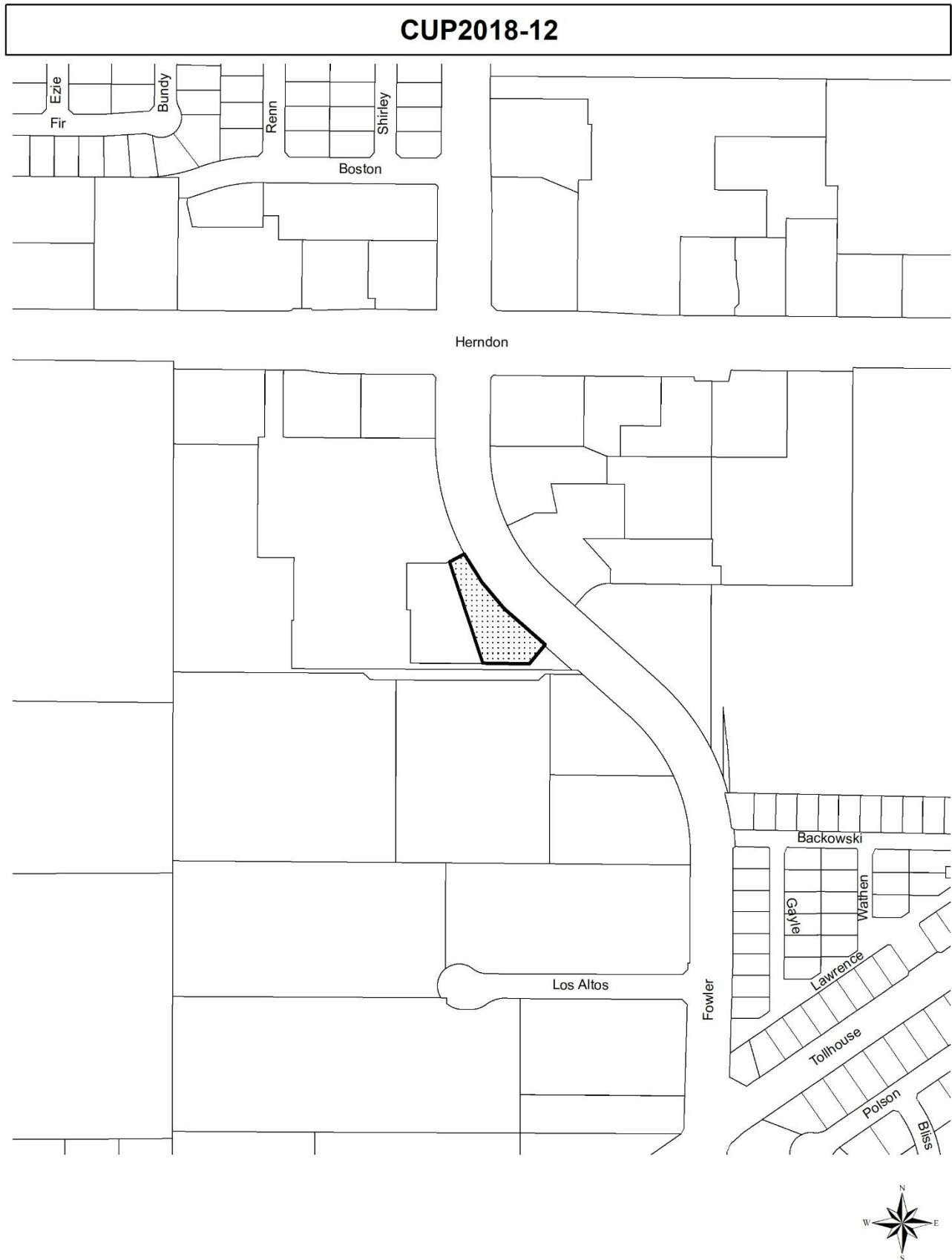


EXHIBIT "A"
Conditions of Approval – CUP2018-12

Planning Division Conditions

(George Gonzalez, MPA, Associate Planner – (559) 324-2383)

1. All conditions of this use permit shall be addressed prior to operation of this facility.
2. The applicant shall comply with Section 9.26.020 of the City of Clovis Development Code requiring a Site Plan Review.
3. This use permit is granted for a drive-up/drive-thru window use in association with a Dutch Bros Coffee establishment for property located on the west side of Fowler Avenue, south of Herndon Avenue.
4. Conditional Use Permit CUP2018-12 may be reviewed in one year after operation for compliance with the conditions of approval. Planning staff may conduct a review of the use and may present these findings to the Planning Commission. Should the use be found to be in non-compliance, the Commission may schedule the use permit for revocation.
5. The dual drive-up lanes shall be screened through the use of a combination of a 3-foot high masonry wall and landscaping along the Fowler Avenue street frontage and the south drive entrance. The top of the wall and landscaping shall measure 3' high from the top of curb of the drive-thru lane. Adequacy of this treatment shall be reviewed during the Site Plan Review phase. Any removal of the landscaping in areas approved to be used in place of a screen wall will be required to be replaced within 60 days with mature plants or a masonry wall matching the existing.
6. This conditional use permit is approved per the attached Exhibit "B" of this report. Specific details will be evaluated with the site plan review. Any major modification will require an amendment to this CUP. The proposed building elevations shall include elements that are architecturally compatible with the center.
7. The applicant shall modify the parking stalls per the attached Exhibit "B" of this report.
8. The applicant shall provide a 10-foot drive-thru queuing lane and a 20-foot drive aisle width per the attached Exhibit "B" of this report.
9. The applicant shall provide "No Stop Area" striping between the queuing lane and the entrance of the drive-thru per the attached Exhibit "B" of this report.
10. The existing median island along the northern drive aisle shall be shortened.
11. The applicant shall install a median island worm on Fowler Avenue, in front of the northern drive aisle.

12. The drive-thru hours of operation shall be between 5:00 am to 11:00 pm daily.
13. All landscaping shall conform with the City of Clovis Water Efficient Landscape Ordinance.
14. All exterior lighting shall not interfere with the driving safety of vehicular traffic per Planning Division standards.
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. This use is not permitted its own freestanding sign.
17. All employee parking shall occur on site.
18. Succession or abandonment of this use for a period exceeding 90 days shall be cause for scheduling of a revocation hearing for this conditional use permit.
19. Operation of the site shall conform to the Clovis noise and vibration standards (CMC §9.22.080 and §9.22.100).
20. The parking lot, landscaping and open areas shall be kept free of litter and debris through routine maintenance.
21. Setbacks shall be measured to the exterior face of the framing of the structure. Exceptions to the setbacks are identified in §9.24.100, of the Clovis Development Code.
22. All conditions of SPR98-13 and any other applicable conditions are hereby referred to and made a part of this conditional use permit.
23. The developer shall replace all trees that will be removed as a result of the Project and mitigate per the Tree Preservation Ordinance.
24. The applicant shall provide the following landscaping setbacks per the Commercial Development Standards:
 - Fowler Avenue – 30 feet face of curb to parking/ 40 feet face of curb to structure.

County of Fresno Health Department Conditions

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

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

Fresno Irrigation District Conditions

(Jeremy Landrith, FID Representative - 233-7161 ext. 7407)

26. The Applicant shall refer to the attached FID correspondence. If the list is not attached, please contact the District for the list of requirements.

Fresno Metropolitan Flood Control District Conditions

(Robert Villalobos, FMFCD Representative – (559) 456-3292)

27. Applicant shall comply with the requirements of the FMFCD.

Fire Department Conditions

(Gary Sawhill, Department Representative - 324-2224)

28. **Additional Fire Lane Signage:** Due to the anticipated heavy use of this popular business additional Fire Lane signage will be required on the east bound south curb side of this area of the existing fire lane. (see site plan)

29. Signs shall be installed per detail below.

- **Fire Lane Sign**

Signs marking fire lanes, as shown in figure 1, may be required in addition to curbs marked as fire lanes. The signs shall be installed per Figure 3. Spacing of such signs to be within five feet (5') of each end of curbed areas and spaced a maximum of twenty-five feet (25') apart thereafter. Depending on the situation, additional signage may be required. Signs must face oncoming vehicular traffic.

Signs shall be 12" x 18" x .080" aluminum with white engineer grade reflective sheeting.

ENGINEERING / UTILITIES / SOLID WASTE DIVISION CONDITIONS

(Sean Smith, Engineering Division Representative – 324-2363)

(Paul Armendariz, Department Representative – 324-2649)

(Scott Redelfs, Solid Waste Division Representative – 324-2648)

30. The applicant shall provide on-site improvements and a vehicle stacking plan that does not impede the circulation and flow of traffic within the drive aisles and drive approaches of the existing commercial site and the travel lanes of Fowler Avenue. The on-site improvements and vehicle stacking plan shall be to the approval of the City Engineer.

31. The applicant shall provide right-of-way acquisition, free and clear of all encumbrances and/or improve to City standards the following streets. The street improvements shall be in accordance with the City's specific plans and shall match existing improvements. The applicant's engineer shall be responsible for verifying the type, location, and grades of existing improvements.
- a) Fowler Avenue - improve with a median island worm to restrict a left-turn egress from the commercial center per Document No. 2000-0093536, Fresno County Records, and permanent paving and overlay as necessary to match the existing permanent pavement.

DRAFT RESOLUTION

ATTACHMENT 1

DRAFT
RESOLUTION 18-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A
CONDITIONAL USE PERMIT TO ALLOW A DUTCH BROS COFFEE DRIVE-UP/DRIVE-THRU
WINDOW USE FOR PROPERTY LOCATED ON THE WEST SIDE OF N. FOWLER AVENUE, SOUTH
OF HERNDON AVENUE AND FINDING THE PROJECT IN SUBSTANTIAL CONFORMANCE WITH
THE ENVIRONMENTAL ANALYSIS PERFORMED FOR THE GENERAL PLAN**

WHEREAS, Buchanan Crossroads, LLC., 7090 N. Marks Avenue, Suite #102, Fresno, CA, 93711, has applied for a Conditional Use Permit CUP2018-12; and

WHEREAS, this is a request to approve a conditional use permit to allow a Dutch Bros Coffee drive-up/drive-thru window use for property located on the west side of N. Fowler Avenue, south of Herndon Avenue, in the City of Clovis, County of Fresno; and

WHEREAS, a public notice was sent out to area residents within 900 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on December 20, 2018; and

WHEREAS, the proposed Conditional Use Permit CUP2018-12, was assessed under the provisions of the California Environmental Quality Act (CEQA) and the potential effects on the environment were considered by the Planning Commission, together with comments received and public comments, and the entire public record was reviewed; and

WHEREAS, the Planning Commission does find the project in substantial conformance with the environmental impact report performed for the General Plan.

WHEREAS, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with the request including the conditions attached as Exhibit "A" to this resolution and incorporated herein by this reference, and hearing and considering the testimony presented during the public hearing; and:

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 this Development Code;
2. The proposed use is consistent with the General Plan and any applicable specific 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;
4. The subject parcel is physically suitable in size and shape for the type and density/ intensity of use being proposed;
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; and
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. (§ 2, Ord. 14-13, eff. October 8, 2014)

- 7. The Planning Commission finds the project in substantial conformance with the environmental analysis performed for the General Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clovis Planning Commission does approve CUP2018-12, subject to the attached conditions labeled Exhibit "A."

* * * * *

The foregoing resolution was adopted by the Clovis Planning Commission at its regular meeting on December 20, 2018, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

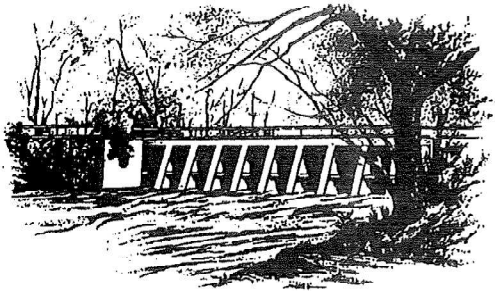
PLANNING COMMISSION RESOLUTION NO. 18-_____
DATED: December 20, 2018

Paul Hinkle, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

CORRESPONDENCE

ATTACHMENT 2



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
 FAX (559) 233-8227
 2907 S. MAPLE AVENUE
 FRESNO, CALIFORNIA 93726-2208

October 22, 2018

Mr. George Gonzalez
 Planning Division
 City of Clovis
 1033 Fifth Street
 Clovis, CA 93612

RE: Site Plan Review SPR2018-23 and CUP2018-12
 S/W Herndon and Fowler avenues

Dear Mr. Gonzalez:

The Fresno Irrigation District (FID) has reviewed the Site Plan Review SPR2018-23 for which the applicant proposes the construction of a coffee shop with drive-thru, APN: 491-050-63s. This application is being processed concurrently with CUP2018-12. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property as shown on the attached FID exhibit map.
2. For informational purposes, FID's active Clovis – S. Br. No. 155 runs southerly and crosses Fowler Avenue approximately 350 feet southeast of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Fowler Avenue or in the vicinity of this facility, FID requires it review and approve all plans.
3. For informational purposes, FID's active Clovis – W. Br. No. 155 runs westerly along the south side of Herndon Avenue and crosses Fowler Avenue approximately 490 feet north of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Herndon Avenue, Fowler Avenue or in the vicinity of this facility, FID requires it review and approve all plans.

George Gonzalez
RE: SPR2018-23, CUP2018-12
October 22, 2018
Page 2 of 2

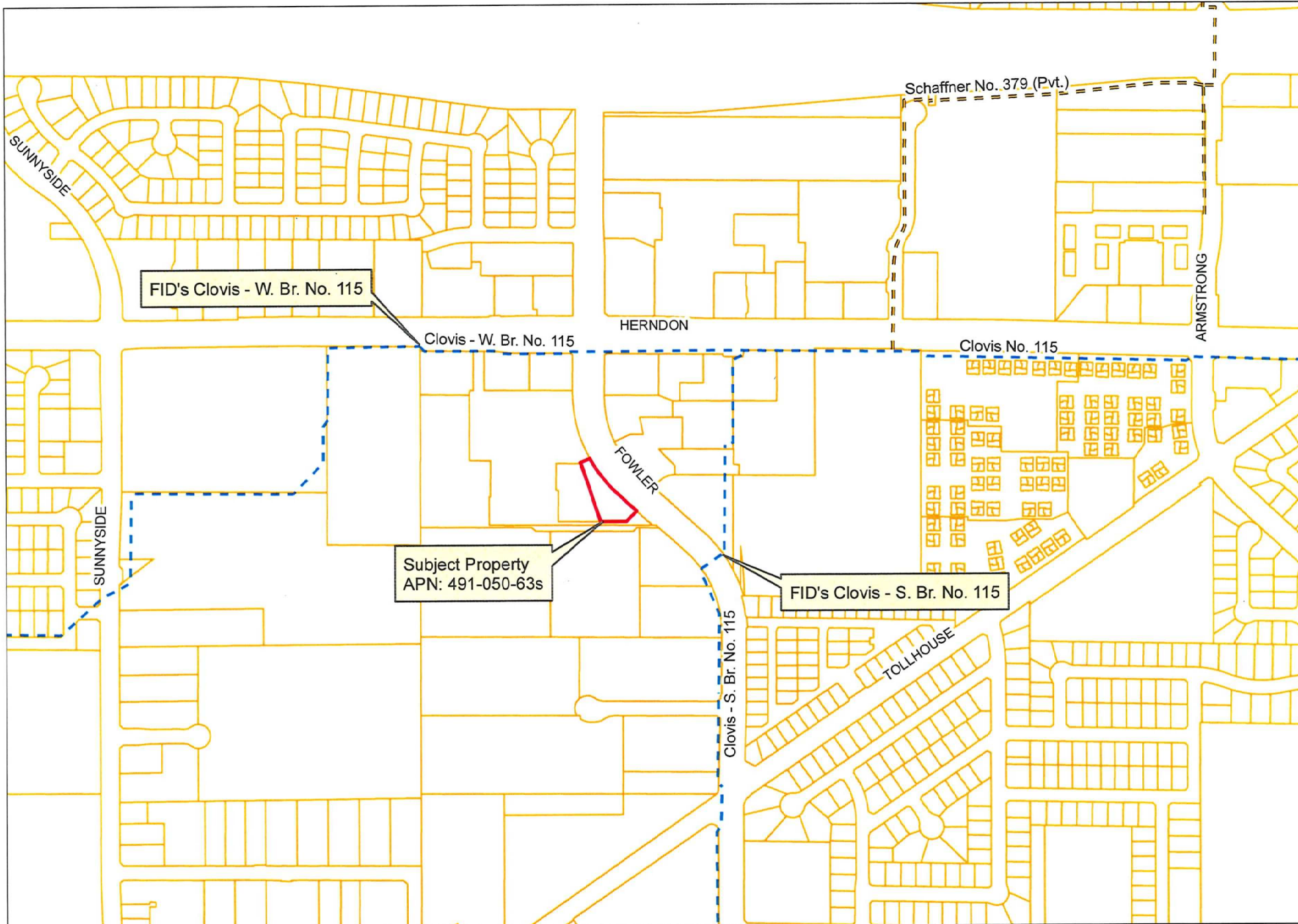
Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or clundeen@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachment



FID's Clovis - W. Br. No. 115

Clovis - W. Br. No. 115

Clovis No. 115

Subject Property
APN: 491-050-63s

FID's Clovis - S. Br. No. 115

Clovis - S. Br. No. 115

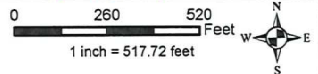
Schaffner No. 379 (Pvt.)



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.

Legend

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



Date Saved: 5/30/2018 9:00:02 AM
Path: C:\Users\clundeen\Desktop\CMaster_2018\0501.mxd



County of Fresno

DEPARTMENT OF PUBLIC HEALTH

David Pomaville, Director
Dr. Sara Goldgraben, Health Officer

October 19, 2018

LU0019701
2604

George Gonzalez, Associate Planner
City of Clovis
Planning and Development Services Department
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Gonzalez:

PROJECT NUMBER: **CUP2018-12, SPR2018-23**

CUP2018-12, SPR2018-23, A conditional use permit/site plan review request for construction of a new coffee shop with drive-thru proposed.

APN: 491-050-63S

ZONING: C-2

ADDRESS: SWC Herndon & Fowler Avenues

Recommended Conditions of Approval:

- Prior to issuance of building permits, the applicants will be required to submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Prior to operation, the applicants shall apply for and obtain permits to operate a food facility from the Fresno County Department of Public Health, Environmental Health Division. A permit, once issued, is nontransferable. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). For more information please contact the local Certified Unified Program Agency (CUPA) at (559) 600-3271.
- The proposed facility construction and project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to your City's municipal code.

Promotion, preservation and protection of the community's health

1221 Fulton Street /P. O. Box 11867, Fresno, CA 93775

(559) 600-3271 • FAX (559) 600-7629

The County of Fresno is an Equal Employment Opportunity Employer

www.co.fresno.ca.us • www.fcdph.org

REVIEWED BY:

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II

(559) 600-3271

KT

cc: Rogers, Moreno & Kalugin-Environmental Health Division (CT. 57.01)
Michael Thomason- Applicant (michael@thomasondevelopment.com)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

GEORGE GONZALEZ
PLANNING AND DEVELOPMENT SERVICES
CITY OF CLOVIS
1033 FIFTH STREET
CLOVIS, CA 936112

DEVELOPER

MICHAEL THOMASON, BUCHANAN
CROSSROADS, LLC
7090 N. MARKS AVE., SUITE 102
FRESNO, CA 93711

PROJECT NO: **2018-012**

ADDRESS: **SWC HERNDON AND FOWLER AVE.**

APN: **491-050-63S**

SENT: 11/13/18

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
6D	\$6,345.00	NOR Review *	\$50.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review *	\$109.00	Amount to be submitted with first grading plan submittal.
Total Drainage Fee: \$6,345.00		Total Service Charge: \$159.00		

* The Development Review Service Charge shown above is associated with CL SPR 2018-023 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 2/28/19 based on the site plan submitted to the District on 10/15/18 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.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan 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 CUP No. 2018-012

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

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

- 1. a. Drainage from the site shall BE DIRECTED TO THE EXISTING ON-SITE SYSTEM.
- b. Grading and drainage patterns shall be as identified on Exhibit No.
- 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.


CL CUP No. 2018-012

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

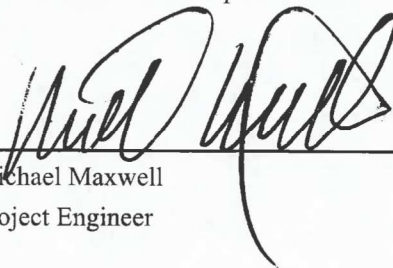
Page 3 of 3

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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



Michael Maxwell
Project Engineer

CL
CUP
No. 2018-012

OTHER REQUIREMENTS
EXHIBIT NO. 2

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.

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.

Development No. Clovis CUP 2018-012

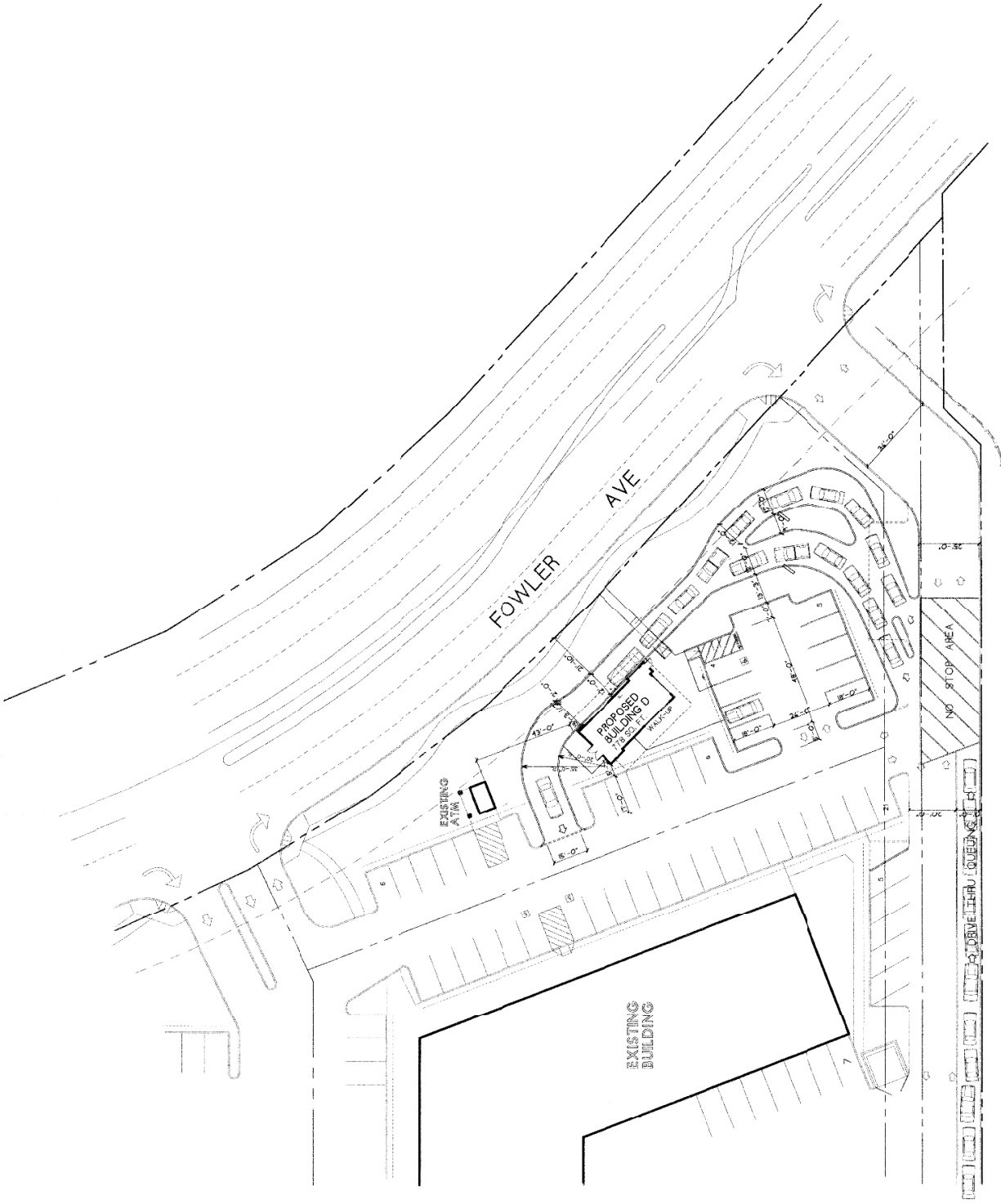


EXHIBIT "B"



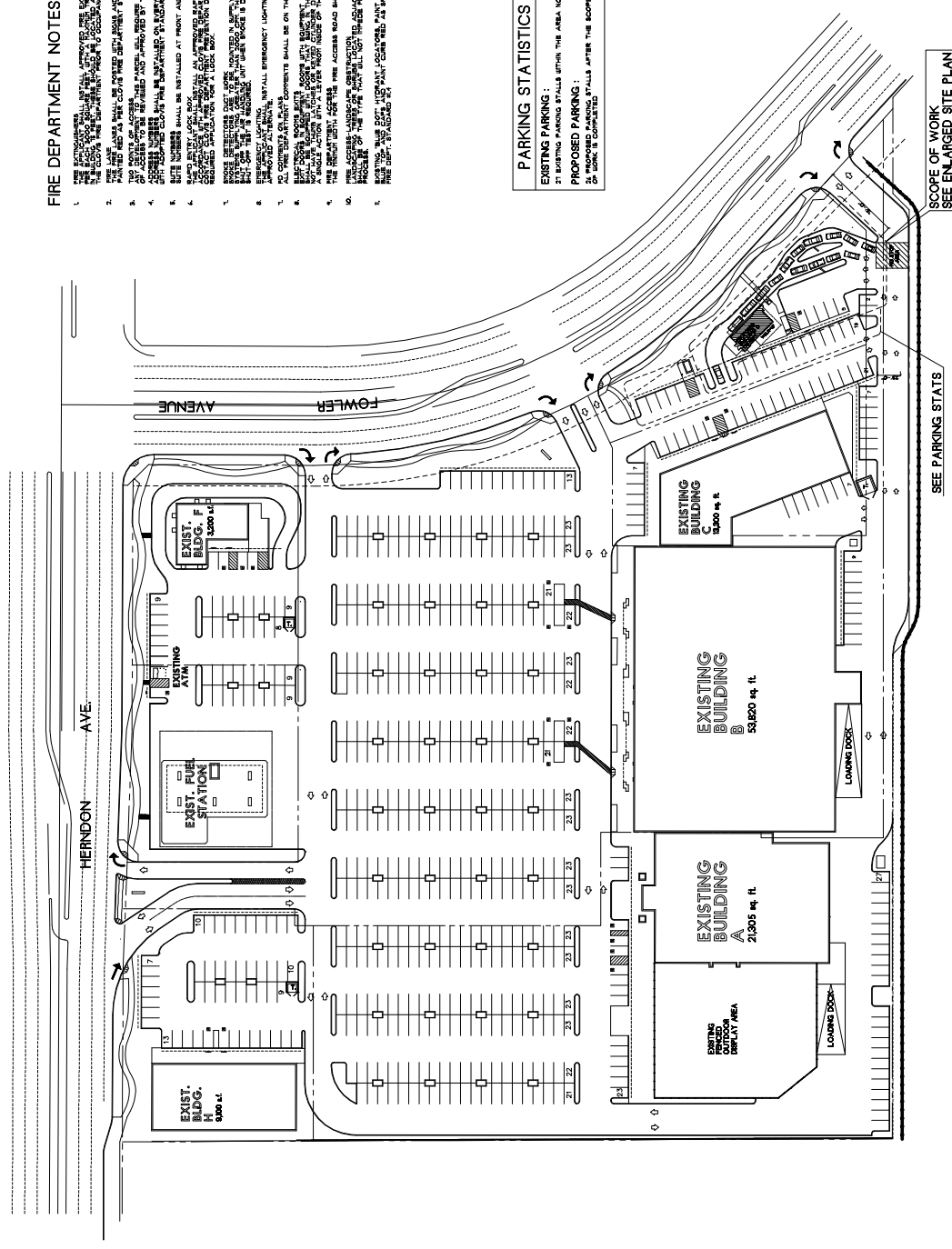
ENLARGED SITE PLAN
SCALE: 1" = 20'-0"
DEC. 7, 2008 9804

REVISIONS

FIRE DEPARTMENT NOTES

1. THE APPROVED FIRE DEPARTMENT PLAN SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR REVIEW AND APPROVAL. THE APPROVED PLAN SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR REVIEW AND APPROVAL. THE APPROVED PLAN SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR REVIEW AND APPROVAL.
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PARKING STATISTICS
 EXISTING PARKING: 21 EXISTING PARKING SPACES WITHIN THE AREA NOTED
 PROPOSED PARKING: 25 PROPOSED PARKING SPACES WITHIN THE AREA NOTED
 25 PROPOSED PARKING SPACES WITHIN THE AREA NOTED

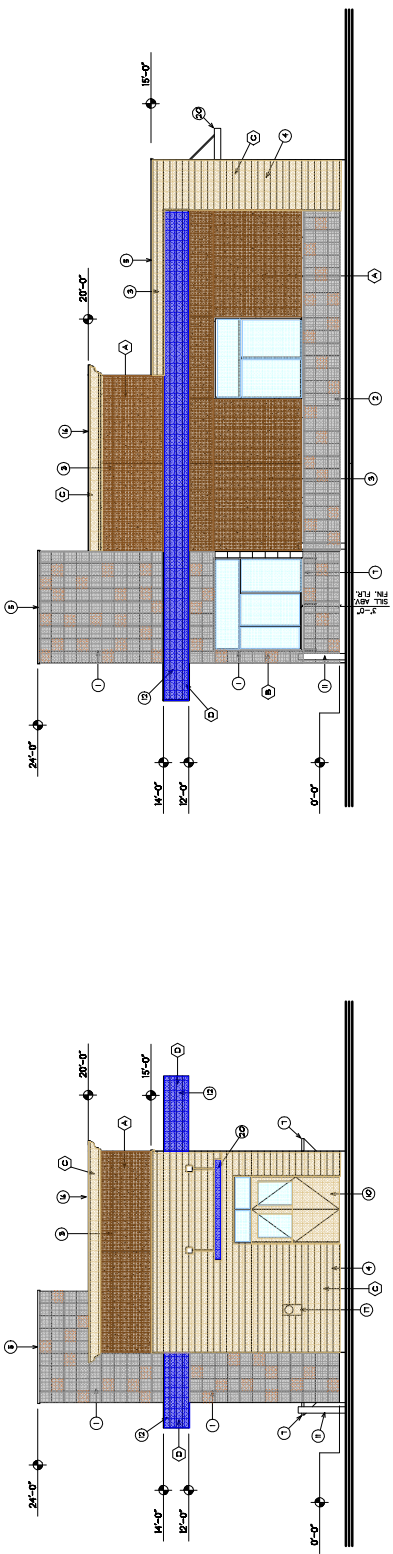


EXISTING SITE PLAN
 SCALE: 1/4"=1'-0"

EXHIBIT "C"

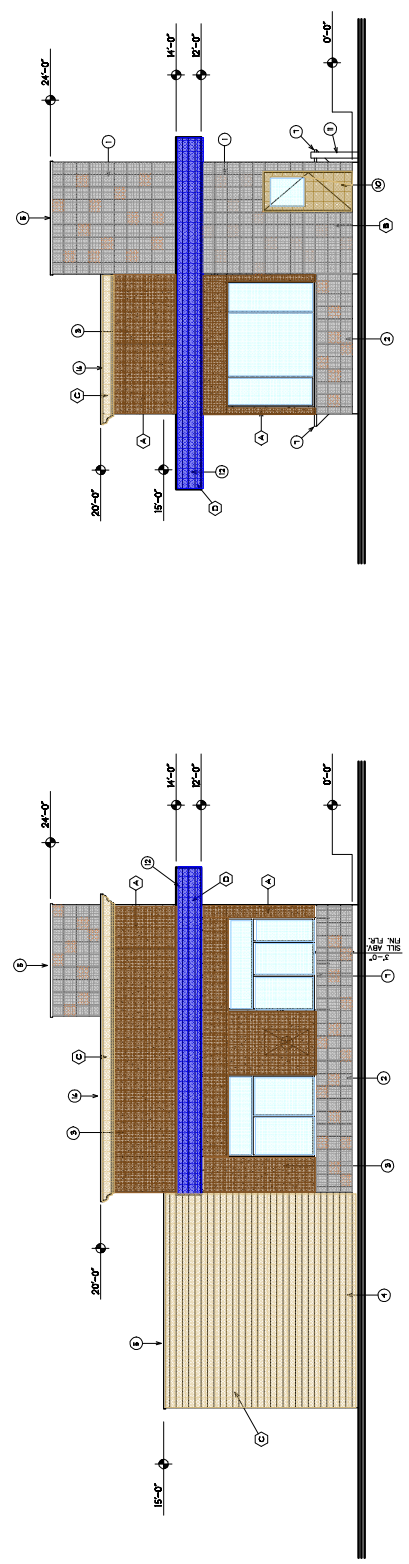


Professional Engineer
 State of California
 License No. 10000
 Date: 10/10/2010
 Job No. 10000
 A-1
 OF 2 SHEETS



WEST ELEVATION
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

EAST ELEVATION
SCALE: 1/4" = 1'-0"

MATERIAL SCHEDULE

1. SLATE TILE - COLOR TO MATCH EXISTING BUILDING
2. SLATE TILE - COLOR TO MATCH EXISTING BUILDING
3. STUCCO 1/2" WITH 1/2" SCREWS
4. HARDWOOD OR ALTERNATE: NICHIA VINTAGE WOOD
5. GALVANIZED SHEET METAL PARAPET CAP
6. LIGHTED SIGN
7. STAINLESS STEEL SERVICE TRAY
8. METAL SCUMPER
9. 2 X 2 JOIST/RAFTER
10. 2 X 2 JOIST/RAFTER
11. 2 X 2 JOIST/RAFTER
12. METAL ANNING
13. ADDRESS NUMBERS HEIGHT AND LOCATION PER LOCAL STANDARDS
14. UNFINISHED
15. BACKUP MENU BOARD
16. PARAPET
17. ELECTRICAL RETER VERIFY LOCATION

COLOR SCHEDULE

- A. GLODEN - COPPER PRINNY
- B. GLODEN - CAMEL TAN
- C. GLODEN - PEARL WHITE
- D. DUTCH BROTHERS BLUE

EXHIBIT "D"