

CLOVIS PLANNING COMMISSION MINUTES  
April 26, 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 Cunningham

Present: Commissioners Cunningham, Terrence, Hatcher, Chair Hinkle

Absent: Commissioner Antuna

Staff: Bryan Araki, City Planner  
Orlando Ramirez, Senior Planner  
George Gonzalez, Associate Planner  
Sean Smith, Associate Civil Engineer  
David J. Wolfe, City Attorney

MINUTES

The Commission approved the March 22, 2018, minutes by a vote of 4-0-1.

COMMISSION SECRETARY

None

PLANNING COMMISSION MEMBERS

Chair Hinkle stated that there would be time in a future meeting to review material presented to the Commission members at Planning Commission Academy. City Planner Araki assured that he would add it to the agenda for the next meeting.

COMMUNICATIONS AND REFERRALS

None

BUSINESS FROM THE FLOOR

None

CONSENT CALENDAR

None

PUBLIC HEARINGS

- A. Consider Approval Res. 18-\_\_, **R2018-01**, A request to approve a rezone of approximately 0.87 acres of land located at the northeast corner of Peach and Gettysburg Avenues from the R-A (Single-Family Residential – 24,000 Sq. Ft.) Zone

District to the R-1-MD (Single-Family Medium Density) Zone District. MDSG Development, LLC., owner/ applicant; Harbour & Associates, representative.

Associate Planner George Gonzalez presented the staff report.

Chair Hinkle sought and received confirmation that the project would fall under all regulations, and that there would be sidewalks.

Chair Hinkle inquired as to the nature of the work involving an overhead power lines. Associate Civil Engineer Sean Smith replied that he was uncertain, but assured that the power lines would be addressed when the plans come in.

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

Lorren Smith of Harbour & Associates, 839 Clovis Avenue, requested approval and provided information on the future of the power lines.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Terrence to approve R2018-01. The motion was approved by a vote of 4-0-1.

- B. Consider Approval Res. 18-\_\_, **R2018-02**, A request to approve a rezone of approximately 2.39 acres of property located at 1827 N. Locan Avenue from the R-A (Single Family Residential – 24,000 Sq. Ft.) Zone District to the R-1-B (Single Family Residential – 12,000 Sq. Ft.) Zone District. Laura Ossenberrg, owner; Pennca Properties, LLC, applicant; Harbour & Associates, representative.

Senior Planner Orlando Ramirez presented the staff report.

Chair Hinkle sought and received confirmation that this project would be consistent with what was allowed for adjacent properties.

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

Lorren Smith of Harbour & Associates, 839 Clovis Avenue, requested approval and offered to answer questions.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Cunningham to approve R2018-02. The motion was approved by a vote of 4-0-1.

- C. Consider items associated with approximately 795 acres generally bounded by Nees Avenue on the south, Big Dry Creek on the west, Enterprise Canal on the east, and Shepherd Avenue on the north, commonly referred to as the Dry Creek Preserve. City of Clovis, applicant.
  1. Consider Approval Res. 18-\_\_\_, A request to approve an environmental finding of a Mitigated Negative Declaration for the Dry Creek Preserve Master Plan, Annexation Agreement, General Plan Amendment GPA2016-06, Prezone R2016-07, and Vesting Tentative Tract Map TM6154.
  2. Consider Approval Res. 18-\_\_\_, A request to approve a Master Plan and Annexation Agreement for Focus Area 7 in the General Plan.

City Planner Bryan Araki presented the staff report, and offered to answer questions.

Commissioner Cunningham sought and received confirmation that the item would require two votes.

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

Dale Mitchell of 8300 N. Marion Avenue, a member of the Dry Creek Preserve Neighborhood Committee, provided background on the project from the neighborhood residents' perspective, from start to finish, including the cooperation that went into it and requested that this work be taken seriously.

Chair Hinkle expressed his appreciation that all parties were able to get together and work on this project.

Mr. Mitchell reminded the Commission that his committee had had significant concerns regarding the environmental document in November, they had worked with City staff on the studies, they have a high level of confidence in the environmental document, and to his knowledge there were few comments filed by the public or agencies, which in his experience is a sign of excellence.

Matt Smith with Woodside Homes, 9 River Park Place East, Suite #130, Fresno, expressed excitement and hope, providing background and the intended general development pattern from the developer perspective to give context.

Robert Lupe Alvarez of 5200 E. Cole Avenue expressed concern about the fencing behind his property, particularly the material to be used, and he requested that construction be a minimum of 200 feet from the property line and that there be no two-story homes behind his property.

Tom Bell of 5637 E. Cole Avenue provided some background on the annexation agreement, and stated that it protects the rights and lifestyles of the residents, and that though it's not perfect he hopes the Commission will appreciate all of the hard work that's gone into it.

Marcus Dibuduo of 5137 E. Cole Avenue provided context to the concerns of Bob (Robert Lupe Alvarez) and supported them. He was also primarily supportive of the annexation agreement while looking for clarification/modification of several points in it.

Troy McKinney of 5137 E. Teague Avenue, who also owns 5777 E. Teague Avenue (both of which are within the Dry Creek Preserve area), supports the residents' wish to preserve their lifestyle while also wishing to develop his second, large lot. Therefore, he supports this plan as being good and fair.

Dustin Hamel of 8163 N. Fowler Avenue expressed support for the project and appreciation for all who had worked on it.

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

Paul Peters of 8123 N. Fowler Avenue objected to the increase in traffic and accidents at Fowler and Teague Avenues, wanting Fowler improved/expanded first. He also objected to the aspects of the plan involving septic systems, irrigation systems, the right to protest development around him, and the waste system. He also stated that support isn't as high as claimed.

Marcus Dibuduo of 5137 E. Cole Avenue expressed 5% opposition for reasons he stated previously.

Russ Anderson, owner of 8309 N. Armstrong Avenue, expressed that he neither opposes nor supports the project, but rather has concerns: sewer hookup costs and timeframes, water rights, and setbacks for two-story homes. Otherwise, he thinks it's a good plan.

At this point, the Chair closed the public portion.

Commissioner Cunningham asked if the applicant wished to expound upon anything the speakers brought up.

City Attorney David Wolfe responded that they are willing to look at additional language in the annexation agreement before the City Council meeting. He provided information on the sewer deferral issue and offered to look at it some more. He also addressed the 120-day window brought up by one of the speakers.

Chair Hinkle inquired as to whether there was something that restricted developers from building two-story homes if within 100 feet of a property with a home behind the development.

City Planner Araki confirmed and explained the relevant condition.

Commissioner Terrence sought confirmation that this restriction would apply to the properties behind the gentleman who had raised this objection (Robert Lupe Alvarez).

City Planner Araki explained that this wouldn't necessarily be the case, as the condition states that it within 100 feet of the home, not the property line, and provided more explanation.

Commissioner Terrence inquired as to whether there had been discussion on restricting certain lots to single-story homes, as has happened previously on other projects.

City Planner Araki stated that it had been considered and explained the discussion that led to the decision that 100 feet from another residence is appropriate here.

Chair Hinkle expressed concern about the northern area of the project area having flooding/standing water that may affect the road set to go across that location. He also expressed concern that the Department of Fish and Wildlife has not contacted to make a final decision on whether or not this is a vernal pool or not, which would alleviate the City of Clovis from future problems or lawsuits. His concern is based on personal experience. He therefore requested a condition of approval addressing the outcome of inspection by the Department of Fish and Wildlife.

City Planner Araki responded that the Master Plan and environmental document would not include conditions, but that the environmental document would include mitigation where something could be added in based on evidence, then offered the opportunity to allow the biologist who performed the study to speak.

Kathy Kinsland, a wetlands biologist/senior scientist with Argonaut Ecological of 2377 Gold Meadow Way, Gold River, provided background information on and explanation of wetland studies, including that wetlands are regulated by the U.S. Army Corps of Engineers rather than the Department of Fish and Wildlife, as well as the results of her study on this particular project, addressing Chair Hinkle's concerns.

Chair Hinkle inquired as to when this study was performed. Kinsland responded that she was unsure in her recall, but that it may have been in the fall of 2017, or in the December-January period, but that it was fairly recent.

Chair Hinkle questioned the dominant presence of a wetland grass, to which Kinsland responded that though it is there at points, the area does not meet all of the criteria of a wetland.

Chair Hinkle inquired as to the fact that the soil that had been 'ripped.' Kinsland explained that historically there had been a wetland there years ago that someone had filled in, ripping the soil hardpan and basically draining the area, including more detail.

Chair Hinkle inquired as to whether Kinsland had excavated the area and how deep it went. Kinsland confirmed that she had, and that she went fourteen to sixteen inches. Chair Hinkle sought confirmation that the excavation had not gone down to hardpan if any existed, to which Kinsland replied that she did not encounter any hardpan. Chair Hinkle stated his belief that this would be evidence of no subsoiling/ripping, to which Kinsland responded that this is not necessarily the case, as she did not know what had been done after the ripping, such as excavating and moving the material, or filling it in with other material, such as from pool contractors. Chair Hinkle stated that if the basin was higher than previously, then there is the possibility that the hardpan is deeper than the excavation went. Kinsland confirmed that that is a possibility but that such does not make this area a wetland any longer.

Commissioner Cunningham sought and received confirmation that Kinsland was involved in the biological study for the Dry Creek Preserve area, and that the report had addressed the historical presence of a wetland.

Commissioner Cunningham remarked that, having watched this process for several years, he was impressed with the collaboration between Woodside, the homeowners, and the City staff.

Commissioner Hatcher remarked that, having seen the previous attempts to get this through, this master plan is very specific and thorough, and expressed appreciation for all of the work that has gone into it.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve a finding of Mitigated Negative Declaration for the Dry Creek Preserve Master Plan, Annexation Agreement, General Plan Amendment GPA2016-06, Prezone R2016-07, and Vesting Tentative Tract Map TM6154. The motion was approved by a vote of 3-1-1 with Chair Hinkle voting no.

Commissioner Hatcher inquired as to whether there would be the need for new verbiage if there are changes to the annexation agreement before it goes to City Council. City Attorney Wolfe assured that this would not be the case, as the bones of the agreement are already in place. City Planner Araki assured that if there were any major changes, then the agreement would likely come back before the Commission, but not if the changes are minor.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve a Master Plan and Annexation Agreement for Focus Area 7 in the General Plan. The motion was approved by a vote of 4-0-1.

D. Consider items associated with eight properties located at the northwest corner of Teague and Fowler Avenues. Woodside 06N, LP, Inland Star Distribution Centers, Inc., a California Corporation, Paul and Monique Krause, Suzanne Robertson, Darell and Katherine Kroeker, Charles F. and Lisa J. Keller, Suhardi Tjuanta Trustee, owners; Woodside 06N, LP, applicant; Yamabe and Horn Engineering Inc., representative

1. Consider Approval Res. 18-\_\_, **GPA2016-06**, A request to re-designate approximately 48.61 acres from Rural Residential (1 lot per 2 acres) to Low Residential (2.1 to 4 lots per acre).
2. Consider Approval Res. 18-\_\_, **R2016-07**, A request to prezone approximately 48.61 acres from the County R-R (Rural Residential) Zone District to the R-1 (Single Family Residential) Zone District, and prezone 9.52 acres from County R-R Zone District to the City R-R Zone District.
3. Consider Approval Res. 18-\_\_, **TM6154**, A request to approve a vesting tentative tract map for a 95-lot single-family subdivision on 43.23 acres.

City Planner Bryan Araki presented the staff report.

Commissioner Cunningham inquired as to whether Fowler Avenue will be widened as part of this project and to what extent. City Planner Araki responded that it will be widened to its full extent, with further details provided. Associate Civil Engineer Smith also provided more details.

Chair Hinkle inquired as to the level of similarity between the future development of Fowler Avenue and the currently developed southern portion. Associate Civil Engineer Smith confirmed that there will be similarity.

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

Matt Smith of Woodside Homes provided background information on the project and offered to answer questions.

Commissioner Hatcher inquired as to possible accommodations involving two story houses in regards to the previously stated concerns. Mr. Smith provided details on the discussion and consideration given towards that topic during the process, and expressed willingness to work with the concerned homeowner on an individual basis.

Chair Hinkle inquired as to the applicant's intention to follow a Fresno Metropolitan Flood Control District recommendation for two stub streets. Mr. Smith responded that he and his engineer have met with and are in discussions with FMFCD on possible alternatives. Chair Hinkle followed up with a detailing of the affected lots and a possible alternative, inquiring as to whether that alternative had been considered. Mr. Smith responded with some likely actions that would be taken in terms of those lots, stating that there are multiple possibilities being explored to satisfy FMFCD. Chair Hinkle expressed concern about one lot in particular losing space to an easement when it's not large. Mr. Smith responded that they can work with FMFCD to find the best approach for that lot.

Adam Lee of Yamabe and Horn Engineering offered to answer questions on flood control or other issues.

Chair Hinkle inquired as to the proposed action for a particular lot with a high rise from north to south, and if there will be any terracing. Mr. Lee confirmed that the mound will be spread out according to Flood Control's grade requirements, and that there is no plan for terracing. Chair Hinkle expressed concern for homes being flooded as happened in other developments. Mr. Lee responded that if current plans do not meet the requirements, they will not be signed off and more information will be sought to make workable modifications.

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

Dale Mitchell of 8300 N. Marion Avenue stated that as far as he is aware, the project is in compliance with the Master Plan that was just approved, providing details on mitigation and compromises agreed on for the project.

Tom Bell of 5637 E. Cole Avenue praised Woodside as a partner, feared possible alternative developers if this project is not approved, and stated that issues with Fowler Avenue need to be fixed, and that this project will help with those issues.

Dan Miller of 5563 E. Cole Avenue spoke in support of the project and praised Woodside Homes, Marcus Dibuduo, and City Planner Araki.

A neighbor speaking on behalf of Jeff Evans mentioned a letter Mr. Evans had sent, receipt of which was confirmed by Chair Hinkle.

Chuck Keller expressed that he can't oppose the project given the mitigations agreed to, but expressed concern about the timeline for expanding Fowler Avenue, due to the high number of accidents at the intersection of Fowler and Teague Avenues, requesting a signal or roundabout and the identity of the agency or commission to recommend or make this decision. Chair Hinkle replied that staff will look into this later.

Dustin Hamel of 8163 N. Fowler Avenue expressed concern about the driving conditions on Fowler Avenue, and that though he's aware the street will be developed in front of the project he was wondering if there's a way to improve more of the street. In spite of his concerns, he still supports the project.

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

A resident spoke against not the project but the traffic issue on Fowler Avenue, believing that this should be dealt with before development.

Robert Alvarez of 5200 E. Cole Avenue expressed concern about the block wall and requested contact with Mr. Smith regarding that issue and the two-story house issue.

Marcus Dibuduo of 5137 E. Cole Avenue requested clarification on applicant vs ownership of the master plan and its relation to this proposed tract. City Planner Araki confirmed that the City of Clovis is the applicant and owner of the master plan, which is now approved regardless of the future of the Woodside project and will be going before the City Council. Mr. Dibuduo expressed some concern over the boundary separating rural residential from the new development, such as in the case of Mr. Alvarez's property.

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

Mr. Smith addressed some of the concerns of the neighborhood speakers regarding buffering between the rural residents and the new development.

At this point, the Chair closed the public portion.

Commissioner Hatcher requested that staff address the concerns regarding Fowler Avenue. Associate Civil Engineer Smith provided details on what is planned currently to mitigate the traffic, also stating that staff is in discussion with Woodside regarding suggestions provided by the traffic study, and that such traffic issues are constantly under review by the City.

Commissioner Cunningham inquired as to the possibility of a four-way stop at the intersection of Fowler and Teague Avenues. Associate Civil Engineer Smith responded that, according to the traffic study, the intersection is not ready yet for a four-way stop, and that the next step in years to come will be a signal.

Commissioner Cunningham sought and received confirmation that the traffic study suggestions are following state guidelines. Associate Civil Engineer Smith confirmed that they are actually national guidelines, and that there is ability on the engineer's part to make things even safer.

Commissioner Hatcher inquired in to at what point the City will take action due to number of accidents regardless of the traffic study. Associate Civil Engineer Smith responded that this hasn't happened yet, and gave an example of an intersection changed due to accident monitoring.

Chair Hinkle remarked that there is plenty of room for the proposed left turn lane on Fowler Avenue from Teague to Trenton Avenues when the widening occurs. Associate Civil Engineer Smith responded that left turn movements will be accommodated as long as it is safe to do so.



Chair Hinkle remarked that there currently seems to be potential trouble getting into the project area. Associate Civil Engineer Smith responded that if it's possible to accommodate two left turns into the site, they will do so.

City Planner Araki informed that this is a county area, and that there is a lot of coordination between City Staff and Fresno County, as regards who to contact when issues come up.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve GPA2016-06. The motion was approved by a vote of 4-0-1.

At this point a motion was made by Commissioner Cunningham and seconded by Commissioner Hatcher to approve R2016-07. The motion was approved by a vote of 4-0-1.

Chair Hinkle remarked that while an area may be rural today, in the future that may change as an area is developed. He also remarked that a consideration should be what will be in place fifty years from now instead of twenty years. In addition, he pointed out SB827 as something that changes development throughout California in a concerning manner, and may impact the Dry Creek Preserve Master Plan.

Commissioner Terrence stated that the Commission wants this transition to be as seamless as possible, applauded the cooperation between the developer, staff, and residents as something that isn't always seen and is becoming more prevalent and encouraged this communication to continue.

Commissioner Hatcher requested that Woodside work a bit more with the neighbors to minimize the impact to those who would be impacted by two story houses.

Commissioner Cunningham praised the work Woodside has done in working with the neighbors and has no reason to believe it will stop, and supports the project.

Chair Hinkle read the item then stated that he would be voting against it as before due to his concerns regarding the wet area and the protection of the City of Clovis in that issue.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve TM6154. The motion was approved by a vote of 3-1-1 with Chair Hinkle voting no.

- E. Consider Approval Res. 18-\_\_\_, **R2018-03**, A request to prezone approximately 3.11 acres of land located on the east side of Armstrong Avenue, between Nees and Teague Avenues, from the County RR (Rural Residential) Zone District to the Clovis R-R (Rural Residential) Zone District. Ishkhan Bayrakdarian, owner/ applicant.

Senior Planner Orlando Ramirez presented the staff report.

Chair Hinkle sought and received confirmation that a nearby property had received approval for similar prezoning recently to even out the boundary and promote more orderly development.

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

Ishkhan Bayrakdarian offered to answer any questions.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve R2018-03. The motion was approved by a vote of 4-0-1.

- F. Consider Approval Res. 18-\_\_\_, **OA2018-02**, A request to amend the Sign Ordinance to allow a transfer of sign area from a freestanding sign to on-building. City of Clovis applicant.

City Planner Bryan Araki presented the staff report.

Community and Economic Development Director Andy Haussler, as the applicant, offered to answer questions.

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

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

There being none, the Chair closed the public portion.

At this point a motion was made by Commissioner Hatcher and seconded by Commissioner Terrence to approve OA2018-02. The motion was approved by a vote of 4-0-1.

OLD BUSINESS

None

NEW BUSINESS

A request to change the Planning Commission meeting schedule for May was approved by consensus.

ADJOURNMENT AT 8:51 P.M. UNTIL the Planning Commission meeting on May 17, 2018.