

**MINUTES OF THE FOWLER CITY COUNCIL AND
FOWLER PLANNING COMMISSION
SPECIAL JOINT WORKSHOP
MAY 4, 2006**

Planning Commission Chairman Mukai called the meeting to order in the Council Chambers at 6:43 p.m. Roll call was taken.

Planning Commissioners present: Mukai, Mellon & Parra. Zadourian arrived at 6:56 p.m.
Planning Commissioners absent: Monis
Councilmembers present: Simonian, Shaw, Aguayo, Cardenas & Nagata

City staff present: City Manager Elias, City Clerk Davis, Planning Secretary Stone, Community Development Director Deaver, Police Chief Jamgochian, Planning Consultant O'Neal, City Attorney Yang

DISCUSSION REGARDING UPDATE OF THE FOWLER ZONING ORDINANCE

Planning Consultant O'Neal began a presentation on updating the City's zoning ordinance by giving an overview and some technical detail on zoning. He stated that the importance of a zoning ordinance is to implement the General Plan (GP) and provide standards for the orderly growth of the City. State law requires that the GP be the blueprint for developing a city, and zoning should be consistent with the GP. When Fowler's GP was updated a few years ago, the GP Committee did their best to make sure that the existing zoning could be used to implement the GP. A GP policy was adopted that requires an update of the zoning ordinance, particularly where it is not consistent with existing zoning.

Mr. O'Neal went on to explain that the zoning ordinance creates a stable pattern of development. It ensures compatibility between different types of development and land uses. Another purpose is to minimize traffic congestion, provide safe and effective traffic circulation and adequate parking requirements. It should support economic development, redevelopment and mixed-use, through innovative standards.

The last update to the City's zoning ordinance occurred in 1979. Since then, it has been amended several times, and zoning practices have changed. The City has since adopted residential design guidelines that have not yet been incorporated into the ordinance. He said that the main objectives of updating the zoning ordinance should be: to eliminate inconsistencies and make the document more "user friendly"; modernize the code by including more current uses as permitted by use permit; incorporate all amendments adopted over the years into the text of the ordinance; make it more consistent with the GP, including the broad-scale rezoning of properties to achieve consistency; and to introduce new issues such as mixed-use, design review, and "smart growth" principles.

Mr. O’Neal spoke of the difference between form-based zoning which describes desired development patterns, and traditional zoning which has more strict regulations and requirements, such as with setbacks and parking. He said that a combination of both types of zoning is possible. Another consideration should be to discuss the decision making process on matters such as site plans. The update would also provide an opportunity to implement policies and standards related to billboards, parking, through-lots, subdivision design, landscaping, open space, design review and mixed uses. He noted that the challenge will be to replicate the good points of Fowler and to build in affordability and neighborhood quality.

Mr. O’Neal also spoke of the State law concerning “density bonus.” The law says that if a developer provides housing for low or moderate income persons, the City must grant up to a 25 percent density bonus, plus additional incentives. He recommended that the City be proactive by implementing a density bonus ordinance.

Chairman Mukai called for a recess at 7:46 p.m. The workshop reconvened at 7:50 p.m.

A discussion began. Questions were asked regarding several aspects of the zoning ordinance update, including processes related to design review and approval of projects. Planning Consultant O’Neal noted that the City has the authority to set forth design guidelines, and these guidelines should be given to a developer during the project application process. He noted that thought should be given to the additional responsibilities that would be generated for City staff when incorporating these policies and procedures.

A suggestion was made that there be a way to recoup costs related to an applicant appealing a decision. City Manager Elias stated that currently an appellant is required to show legitimate reasons for appeal. City Attorney Yang added that the City should make sure of having definitive standards in the appeals process and to enforce those standards. It should be made clear that the Planning Commission’s decisions are final, except in very rare circumstances. It was noted that some of the larger cities have appeal fees based on the size or complexity of the projects.

The formation of a Design Review Committee to receive more input in matters such as design themes, elevations, and storefront facades, was discussed. The committee could be made up of members of City staff, the business sector, and members of the Planning Commission and Council. It was suggested that the Commission and Council take some time to think about what they want Fowler to look like, and bring these ideas for discussion at the next meeting.

A question was asked regarding streamlining of the C.U.P. process. Mr. O’Neal stated that a possible procedure could be to have an interim permit approach that would not require a public hearing. This would be a long-term use permit that is issued by staff, with provisions for revocation if the business does not comply with the C.U.P. requirements. The process would alleviate some of the time constraints that arise due to the Planning Commission meeting only once a month. It was asked how often Planning

Commissions in other cities meet and whether they are paid. Mr. O'Neal stated that most small communities meet once a month and large communities meet twice. City Manager Elias replied that some cities pay their commissioners a small stipend on a per meeting basis.

A comment was made regarding the possibility of including landscaping requirements in the zoning ordinance. Mr. O'Neal stated that the zoning ordinance may not be the place for such stipulations, but a City ordinance could be the correct tool. Landscaping requirements are also addressed as one of the conditions of approval for tract maps.

ADJOURNMENT

The group discussed the best way to proceed in scheduling future workshops on the zoning ordinance. The consensus was that the next joint meeting would be held on Thursday, June 1, 2006 at 6:30 p. m. The workshop was adjourned at 9:14 p. m.