

MINUTES OF THE CITY OF FOWLER PLANNING COMMISSION
SPECIAL MEETING
August 16, 2007

Chairman Mukai called the meeting to order at 6:30 p.m.

Commissioners present: Mukai, Parra, Monis, Fernandez
Commissioners absent: Mellon

City Staff Present: City Attorney, David Wolfe, Planning Consultant,
Bruce O’Neal, Community Development Director,
Randy Deaver Planning, Secretaries Jennie
Navarrette and Tammy Stone

Approval of the Minutes of the Planning Commission Meeting for June 14, 2007.

A motion was made by Commissioner Mukai and seconded by Commissioner Monis to approve the minutes of June 14, 2007. The minutes were approved by unanimous vote.

Approval of Minutes of the Special Joint Workshop for July 12, 2007.

A motion was made by Commissioner Monis and seconded by Commissioner Mukai to approve the minutes of July 12, 2007. The minutes were approved by unanimous vote.

Commissioner Parra is present at 6:35 p.m.

Public Presentation: No one spoke at the public presentation.

Chairman Mukai states that the Zoning Ordinance Amendment and Variance application will be taken up as separate items and re-numbered on the Agenda. The Zoning Ordinance Amendment is Number 5 and Variance is Item Number 6 and other numbers on the Agenda are adjusted down. All members of the Planning Commission agree to re-numbering the Agenda items.

Public Hearing to Consider Zoning Ordinance Amendment No. 07-02 for Property Located at 230 and 304 N. 8th Street (Sol Development Associates)

Bruce O’Neal gives staff report recommending approval of this item to the City Council to be heard at a separate meeting. The meeting is preliminarily scheduled for their first meeting in September. Mr. O’Neal indicates that this item is linked to both the adoption of the General Plan in 2003 and to the Update of the Zoning Ordinance which is ongoing. This property was determined to be appropriate for Community Commercial designation in the General Plan as an outlying location for community shopping center. This would support the downtown area generally in the Merced and Goldenstate area.

The General Plan was adopted showing the site as Community Commercial but zoning remains M-1 and C-3 and C-2 on the site. The General Plan has been adopted and the Zoning Ordinance Amendment is anticipated to be adopted. The applicant would like zoning implemented so the entire site can be marketed now as a community shopping center with correct zoning and he has chosen to move ahead. There is no development or site plan at this time. It is recommended that the site plan come before the Planning Commission.

Bruce O'Neal comments regarding the feasibility of designation of form based code for this site, C-2 zoning is recommended. One choice is a recommendation that the council continue this item until the form based code issue and the Zoning Ordinance update is resolved. Mr. O'Neal indicates that this project is consistent with the General Plan

In response to a question by Commissioner Monis, Mr. O'Neal advised that the Zoning Ordinance update should be completed within 60 to 90 days wrapping up the public hearings and 30 days thereafter for finalization by commission and council.

Applicant, Bill Robinson is present from Sol Development Associates in Fresno representing the applicant, Nick Dahya the owner of SHIV Hotels, LLC. The application is for a C-2 rezone to allow the applicant to identify major tenants. Mr. Robinson feels that Form Based Code would be too restrictive for the proposed uses. The applicants have no objection to the site plan coming before the commission.

A Motion was made by Chairman Mukai to adopt a Resolution Approving Zoning Ordinance Amendment No. 07-02 (Sol Development Associates, LLC) with the addition that the Site Plan Review will come before the commission and this was seconded by Commissioner Monis and passed by a 4-0-0-1 vote.

Commissioner Monis excused from the meeting at 6:55 p.m. because she owns property directly behind the subject property so she cannot participate.

Public Hearing to Consider a Variance Application No. 07-02, a proposal filed by Josephine Perez to Reduce the Front and Side Yard Setbacks in the R-1-12 Zone District for Property Located at 119 S. 1st Street.

Staff report given by Bruce O'Neal recommending approval of Variance Application No. 07-02 for reduced front and side yard setbacks. The current zoning is R-1-12. The zone district that has been applied is not the appropriate zone district for this neighborhood. With the adoption of the General Plan zoning will be changed to R-1-7 which is the most compatible zone.

A Motion was made by Commissioner Parra to adopt a Resolution Approving Variance Application No. 07-02 and this was seconded by Commissioner Fernandez and passed by a 3-0-1-1 vote.

Communications:

Bruce O’Neal thanks the Planning Commission for the Special Hearing and indicates that there are currently no items for the September Planning Commission Regular Meeting. Mr. O’Neal states that the next regular Planning Commission Meeting will be in October. It was discussed that the best opportunity to discuss the Zoning Ordinance Update would be in September because there will be no regular meeting.

Randy Deaver addressed the Planning Commission with regard to a concern that was expressed at the last meeting by Commissioner Mellon regarding weapons being sold at the Johnny Quik store. Mr. Deaver indicated that he researched the issue of laws with the Police Chief and there are no laws prohibiting the display of the weapons. Mr. Deaver advised the Commission that the weapons are stored in a locked cabinet in the store. He also checked with ACE Hardware regarding sale of knives and as a practice they do not sell knives to minors unless they are with an adult.

Adjournment

There being no further business to discuss the meeting was adjourned at 7:05 p.m.