

MINUTES OF SPECIAL PLANNING COMMISSION MEETING  
November 15, 2007

Chairman Mukai called the meeting to order at 6:34 p.m.

Commissioners Present: Mukai, Monis, Parra, and Mellon  
Commissioners Absent: Fernandez

City Staff Present: City Manager David Elias, Development Director Randy Deaver, City Attorney Scott Cross, Public Works Superintendent David Weisser and Planning Secretaries Tammy Stone and Jennie Navarrette

**Approval of the Minutes of Planning Commission Meeting for October 4, 2007:**

Discussion regarding minutes of October 4, 2007. A motion was made by Commissioner Monis and seconded by Commissioner Mellon to approve the minutes of the Planning Commission Meeting of October 4, 2007. This passed by unanimous vote.

**Public Presentation**

No one spoke at the public presentation.

**Public Hearing to Consider the Conditional Use Permit No. 07-02, A Proposal to Allow Alcohol Sales at the Johnny Quick Food Store Located at 125 E. Sumner Avenue (Filed by Baba Nanak Corporation)**

Commissioner Mellon is excused by the City Manager because he lives within 500' radius of the project and has a conflict. Commissioner Monis is not within the 500' radius.

Randy Deaver, Community Development Director advised the commission that the applicant requested a signature for his ABC license for sale or transfer and there was no CUP in place because the Site Plan was approved in January of 2004. At a later time the Ordinance was changed to require a CUP for any establishment selling alcohol.

Mr. Deaver gave the Staff Report in the absence of Bruce O'Neal, Planning Consultant. Mr. O'Neal had a family emergency and apologized for not being present.

The applicant is not present. Discussion was held regarding the necessity for the applicants to be present and possibly continuing the meeting until applicants can be present. Commissioner Mukai states the applicant should be present to make sure he understands the conditions. Commissioner Monis requests that the specific wording of the City Standards regarding signage be included in the conditions.

Slide presentation of the site are reviewed and Randy Deaver points out specific problems with the site that need to be resolved.

David Weisser, Public Works Superintendent indicates that he advised the operators of the store that there was a leak somewhere in the premises which resulted in the high water bills and also advised them that they needed to secure the electrical panel and it is still not secured. Discussion regarding the pay phone in front of the business.

David Elias states specific reasons that the applicants should be present:

1. What happens if the CUP is not granted regarding transfer of ownership?
2. Is there a current application to the ABC?
3. The location of the pay phone?

A continuation is clearly in order to address these issues and make the applicant aware that they need to be present. Notification to ABC as well. A discussion regarding the knife display which is included in Item #13 of the conditions of approval.

Craig Mellon of 1003 Sequoia Court, expresses a concern that the store is in violation of the American Disabilities Act in that there is not adequate room to maneuver a wheel chair inside the store due to the closeness of the aisles and this may also be a fire violation.

The applicants are now present at 6:55 p.m.. The applicants advised that they were waiting in the Building Department.

Staff Report continued by Randy Deaver.

Applicant states that this is a transfer of ownership and they would like to upgrade from a ABC license 20 to a 21 which would be for the sale of hard liquor. Discussion regarding the ABC license and what type of alcohol could be sold.

Randy Deaver states that Bruce O'Neal contacted the ABC and was given the information that the license was for a 20 which would be for the sale of beer and wine only.

Copy of Staff Report given to the applicants for their review of the conditions of approval.

Comments by Chairman Mukai regarding conditions of approval and the applicants understanding for the improvement of the property.

The slide presentation of the current condition of the property is shown for the applicants and explanation of the current unacceptable conditions are stated by Randy Deaver regarding the weeds, signage, the gate to the electrical panel being open, the pavement, and the debris.

The applicants advise that they are in the process of installing cameras and automatic lights which will alleviate some of the problems.

Scott Cross, City Attorney states that the commission can proceed today with the current application and then the applicants can come back with another CUP application to upgrade to a 21 ABC license.

Applicant Sukdir Brar 2873 Whitmore Avenue, Clovis, California 93619 and answers questions of the planning commission.

Applicant indicates that the site will be cleaned up by the end of the month, November 30<sup>th</sup>. The ownership was changed within a month.

Applicant, Paul Sendhi indicates they will comply with the ADA requirements which have to be met to comply with the rules of the California Lottery. The applicants feel they are in compliance with ADA requirements and if they are not, they will comply.

Applicant Sendhi requests that the current CUP application for ABC license 20 be approved to continue with their business.

Comments by Chairman Mukai that the applicants should have a clear understanding of what is in the conditions of approval to ensure that the sale of liquor on the property is going to be safe for the public and the City of Fowler there is also confusion as to what type of liquor license is being applied for.

Chairman Mukai makes a Motion to Table Action on this item until the regular scheduled Planning Commission meeting on December 6, 2007 to see improvements made on the property and to ensure the applicants have a good understanding of conditions of approval.

There is a consensus as to the additional conditions of approval to be imposed:

- 1) ADA compliance and to look into enforcement.
- 2) Elimination of the pay phone (staff to research issue).
- 3) Attachment of the specific section of City Ordinance regarding signs.
- 4) Issue of #21 ABC license.

Applicant says they will have the property cleaned up by the next meeting and supply new pictures. Applicant definitely wants the type 21 ABC license.

Discussion regarding the two types of licenses and the application process. A comment was made that the city could waive the fee for an additional CUP application if the applicant upgrades their ABC license to a 21. David Elias indicates that waiver of fees would be a decision for the City Council however he sees no justification for waiver of fee for separate CUP for the change upgrading to the type 21 liquor license for additional staff time.

City Manager doubts that a new application in regards to the ABC license type 21. would be approved until after the first of the year due to the holidays and the work entailed to process the application and approval by the ABC and by the city. The applicant would like to strike reference

to the type 21 license and just proceed with the type 20 license at this time.

Motion by Commissioner Mukai to table action on CUP application 07-02 until the December 6, 2007, motion seconded by Commissioner Parra. Motion is passed by a 3-0-1-1 vote.

**Communications:**

City Manager, David Elias reminds Planning Commission of the Employee Appreciation dinner on December 13, 2007.

No other business was discussed and the meeting was adjourned at 7:35 p.m.