

PLANNING COMMISSION SPECIAL MEETING  
NOVEMBER 13, 2008, 6:30 p.m.  
FOWLER CITY COUNCIL CHAMBERS

**MEMBERS PRESENT:** Chairman Mukai, Vice-Chair Mellon, Commissioner Fernandez (arriving at 6:37 p.m.), Commissioner Monis, Commissioner Parra

**STAFF PRESENT:** City Manager Elias, City Planner O'Neal, Community Development Director Deaver, Building Official Navarrette, City Attorney Cross, Administrative Assistant Mukai.

**CALL TO ORDER:** Chairman Mukai called the meeting to order at 6:30 p.m.

**APPROVAL OF MINUTES:** Chairman Mukai asked that the minutes identify who submitted them and asked that Jennie Navarrette be noted as submitting the minutes. Commissioner Mellon moved to approve the minutes of the October 2, 2008, meeting as noted. Second by Commissioner Parra, MSC.

**PUBLIC PRESENTATIONS:** There were no public presentations.

**Public Hearing to Consider Conditional Use Permit No. 08-04, A Proposal Filed by Metro PCS, Inc. To Permit Co-Location of Antennas on the Existing T-mobile Cell Tower Located at 114 N. Sumner Avenue (APN 343-340-01).** The Public Hearing was opened at 6:33. City Planner O'Neal pulled this item to be rescheduled and re-noticed at a later date. The individual who filed the CUP is no longer employed with Metro PCS, Inc. and Mr. O'Neal is waiting for word from the applicant. The Public Hearing was closed at 6:33 p.m.

**Public Hearing to Consider Conditional Use Permit No. 08-05, A Proposal Filed by Roberto Aguilar, to Open an Italian Restaurant (Fratello's Bistro) and Allow Alcohol Sales (Type 41 – Beer and Wine for Bona Fide Public Eating Place) Located in an Existing Building at 121 E. Merced Street in the C-2 Zone District (APN 343-171-02).** The Public Hearing opened at 6:35 p.m. Commissioner Mellon recused himself due to a conflict of interest (he has a business within 500 ft. of the proposed business). City Planner O'Neal reported that the applicant has a history with operating an Italian Restaurant in Kingsburg. The operating hours of the proposed restaurant are 11:00 a.m. – 9:00 p.m. serving lunch and dinner. The ABC has approved the Type 41 license pending the approval of the Planning Commission and fulfilling the 24 conditions. Mr. Aguilar (applicant) is aware of and agrees to the 24 conditions. City Manager Elias asked about

restrictions in sidewalk dining and the serving of alcoholic beverages. Code Enforcement Officer Navarrette stated that besides requiring an Encroachment and Maintenance Agreement, the owner would have to fence in the outdoor eating area, which is a City Ordinance. Chairman Mukai moved to approve Conditional Use Permit No. 08-05, seconded by Commissioner Monis. Motion carried by a 4-0 roll call vote. The Public Hearing closed at 6:43. p.m.

**Public Hearing to Consider Zoning Ordinance Update and Zoning Map. The Zoning Ordinance applies to all property in the City and Consists of a Zone Map Designating Certain Districts and a Set of Regulations Controlling the Use of Land, the Density of Population; the Use and Location of Structures; the Appearance of Certain Uses and Structures; the Location and Size of Signs; and the Provision of Off-Street Parking.** The Public Hearing was opened at 6:44 p.m. City Planner O'Neal was congratulated on the final document presented. He noted that red on the zoning map indicated any changes in the zoning regulation. The Public Hearing notice was included in all water bills and was posted in the Fowler Ensign. He explained that the update was needed to achieve consistency with the general plan. He also stated that it has been almost 5 years since the General Plan was updated and should be re-examined for consistency with the San Joaquin Valley Blueprint plan.

City Manager Elias noted that the Wong property on West Fresno St. facing Hwy. 99 needed to change from M-1 to the C-2 zone. There are 3 residential units in the area N. of Merced St. through the downtown core between Golden State Blvd. And the 99 Corridor. Chairman Mukai stated that the tenor of the Valley Blueprint was towards higher density. And, City Planner O'Neal stated that average density is the key. We are looking at higher density for affordable housing. Presently within the city limits Fowler averages 2 units per acre (including schools and industrial). The Blueprint may want 4 units per acre. The trend is towards smaller lots and higher density units. The new density will not include schools, churches, etc which would reflect a unit size per acre closer to 3 or 4 units per acre.

City Planner O'Neal stated that most of the comments received on the initial study and Negative Declaration were in support of the zoning ordinance changes. He briefly commented on the discussion of recreational vehicle parking in August in regards to the new zoning ordinance. He brought the current issue regarding accessory structures specifically regarding a complaint received from the Fowler Ranch Area. He stated that the current ordinance states that an accessory structure must be built no more than 10 ft. from the rear property line. The new proposed ordinance states that an accessory structure may be located on the rear property line but may not take up more than 20% of the back yard. Community Development Director Deaver and Building Official Navarrette both stated that according to the building code, if an accessory building is under 120 sf., no permit is required, which makes it difficult to know the locations of these structures ahead of time and advise of the restrictions.

Albert Sanchez, Fowler resident, spoke in favor of the accessory structure that he built in his yard

Howard Hamilton, 2301 E. Michelle, the neighbor who filed the complaint spoke against the accessory structure.

Rick Darling, Fowler resident, spoke against the project.

City Planner O'Neal reminded everyone that the focus is on accessory structures in general, not on this specific issue. The Planning Commission recommendation would be forwarded to the Council. He stated that this structure is in violation of the existing code, but would not be in violation of the new code.

After a discussion on wording of the ordinance, Chairman Mukai moved to have a sliding scale set back (i.e. R-1-10=10 ft; R-1-7=7 ft; etc.); second by Commissioner Parra; motion carried by unanimous voice vote. Chairman Mukai moved to define playground equipment and accessory structures to have a distinction between them; second by Commissioner Monis; Motion carried by unanimous voice vote. Chairman Mukai moved to change total height on accessory buildings to a maximum height of 10 ft, and the maximum height of playground equipment of 12 ft.; second by Commissioner Parra; motion carried by unanimous voice vote. City Planner O'Neal will present the revisions at the 12/4/08 Planning Commission meeting. He will also research what the regulations are in other cities regarding accessory structures/buildings.

Commissioner Fernandez moved to continue approval of the Zoning Ordinance Update to the 12/4/08 Planning Commission meeting; second by Commissioner Monis; motion carried by a 4-1 voice vote, Chairman Mukai voting no.

**COMMUNICATIONS:** City Manager Elias stated that there will be a workshop for the City Council and Commissioners regarding the Brown Act and AB1234 (Ethics) in December (TBA). The Brown Act includes changes, one of which affects the public presentation portion of the meetings.

Chairman Mukai commended Jennie Navarrette on her retirement and her many years of dedicated service.

Armon Khasigian, Fowler resident, asked if the Commission would be discussing off street parking and signage. He was advised that these items are available in the text of the ordinance and are available for review.

The next meeting is December 4, 2008.

The meeting was adjourned at 8:30 p.m. by Chairman Mukai.

Karen Mukai  
Planning Secretary