



CITY OF FOWLER
PLANNING COMMISSION MEETING
November 3, 2011
MINUTES

Chairman Mukai called the meeting to order at 6:35 p.m.

Commissioners Present: Gary Mukai, Craig Mellon, Sandie Monis and Mark Rodriquez

Commissioners Absent: Henry Fernandez

City Staff Present: City Attorney, Scott Cross, Planning Consultant, Bruce O'Neal, Police Chief, Michael Brand and Planning Secretary Corina Burrola

Approval of Minutes:

Commissioner Monis moved to approve the minutes for October 6, 2011 and was second by Vice-Chair Mellon and passed by a roll call vote of 4-0-0-1.

Public Presentation:

There were no public presentations (Public Presentation closed at 6:37 p.m.).

Agenda Item No. 5:

Public Hearing to Consider Conditional Use Permit No. 11-04, a Proposal Filed by Rosa Espinoza to Allow Alcohol Sales (Type 41 – Beer and Wine for Bona Fide Public Eating Place) for a Restaurant Located at 106A E. Merced Street, Vice-Chair Mellon recused himself from the panel due to his business being within 500 feet of said applicant and is within the conflict of interest. Bruce O'Neal presented to the Commission a briefing of the Staff Report stating the applicant proposes to serve wine and beer at an existing restaurant. ABC has issued a Type 41 liquor license to allow beer and wine pending approval of a Conditional Use Permit by the City. If the City does not approve the CUP the license will be terminated. The restaurant has three full-time employees; hours of operations are 10:00 am to 10:00 pm serving lunch and dinner. In preliminary discussion, the applicant has considered expansion of the restaurant into the adjacent 106B E. Merced Street Ice Cream shop but that proposal has been abandoned. The site and all surrounding properties are located in the Form Bases Code Area wherein the restaurants are permitted by right. A CUP is required for all uses selling alcohol for consumption on or off site. The decision of the Planning Commission on the CUP is final unless appealed to the City Council. Commissioner Monis brought up the late hours of operation for the restaurant for the Community; the hours can be amended if needed.

Fowler Resident and representative, Remy Juarez took the podium and made it clear to the Commission that the restaurant is not a sports bar, there will be televisions set up in the restaurant for entertainment to the patrons. Mr. Juarez feels that even if the restaurant hours are till 10:00 pm and the residents of Fowler turn in early he will let his employees know to close the restaurant early if needed. Customers will be limited to 2 to 3 alcoholic beverages, if the patron has had more than enough they will not continue serving alcohol to the customer and if needed Mr. Juarez will drive the customer home for safety. Chairman Mukai asked Mr. Juarez if he read and reviewed the Conditions of Approval and if he understands them, Mr. Juarez stated he received his copy glanced at them but really hadn't had a chance to review

them fully but will do so after tonight's hearing. Chairman Mukai suggested that he review the Conditions carefully so that he understands what is expected.

Commissioner Monis asked Mr. Juarez if he will have definite hours or will they close if business is slow. Mr. Juarez stated that if the CUP is approved to sell alcohol, business hours will be from 10:00 am to 10:00 pm only because food sales are ranging from \$200.00 to \$450.00 a day without the selling of alcohol and if alcohol is sold sales will go up. In the future Mr. Juarez also would like to renovate the former Ice Cream Shop into a hang out place for the younger generation where they can hang out and play video games instead of having the kids hang out at the local park and keep them out of trouble.

There were no other public presentations pertaining to Conditional Use Permit No. 11-04, (Public hearing closed at 6:52 pm).

A motion was made by Chairman Mukai to approve Conditional Use Permit No. 11-04 to allow alcohol to be served at the restaurant located at 106A E. Merced Street, this was second my Commissioner Monis and passed on a roll call vote of 3-0-1-1.

Communications:

Bruce mentioned the adoption of Zoning Ordinance for Design Reviews of Multi-Family and Commercial Developments a couple of attempts have been make to bring up the very first Design Review meeting to review two projects one of which will be submitted to the Commission and the other will be staff reviewed.

Veteran's Monument Dedication will be held on Veteran's Day, November, 11, 2011 at 11:00 am.

No other business was discussed and the meeting was adjourned at 7:02 pm.



Gary Mukai
Chairman



Corina Burrola
Planning Secretary