

**MINUTES OF THE FOWLER CITY PLANNING COMMISSION MEETING**  
**September 6, 2018**

Vice Chair Mukai called the meeting to order at 6:30 p.m. Roll call was taken.

Commissioners Present: Mukai, Kandarian, Mejia

Commissioners Absent: Mellon, Fernandez

City Staff Present: City Manager/City Clerk Davis, City Attorney Cross,  
Fire Chief Lopez, Planning Consultant Marple,  
Planning Secretary Zavala

**APPROVAL OF MINUTES FOR AUGUST 2, 2018:**

Commissioner Kandarian made a motion to approve the Minutes for August 2, 2018, seconded by Commissioner Mejia. Motion carried by unanimous voice vote.

**AGENDA ITEM NO. 5.**

**Public hearing to consider Conditional Use Permit (CUP) No. 18-04 to authorize the construction of drive-through facilities and an oversized marquee sign at the southeast corner of South 10th Street and Vacated Fowler Avenue (APN: 343-201-08).**

Ms. Marple presented a brief summary of the proposed project and marquee sign. The applicant is proposing two drive-thru facilities and an oversized marquee sign. The site is approximately one and a half acres, and zoned C-H (Highway Commercial). It is within the Highway Beautification Overlay District. Building A is intended for Jack in the Box, and is approximately 2800 square feet. Building B is approximately 3400 square feet; it does not have a tenant. Jack in the Box will be operated by Fresno Foods, LLC. They have 25 restaurants in and around the Fresno area. They are proposing for the Jack in the Box to be a 24-hour operations facility. The dining area is expected to close at midnight, with the drive thru open 24-hours. The Facility will have 24-hour video surveillance. The proposed CUP also includes a 675 square foot, in area, marquee sign. The maximum size a marquee sign could be is 500 square feet, unless brought up with a CUP. The project was subject to the California Quality Act, and analyzed under Class 32 exemption.

Commission had questions about the size and placement of the marquee sign. Commission asked about spaces for the sign as to which businesses would possibly be placed in the marquee sign. Ms. Marple explained the size and placement of the marquee. Commission was also advised that two out of the five spaces would be filled by this proposed project, and possibly the new Taco Bell being built in town.

**PUBLIC PRESENTATIONS**

Ernest Mata, Fowler Resident, expressed concerns of the traffic congestion on 10<sup>th</sup> street, especially with the truck route. Mr. Mata also wanted to know if there were going to be any screening for headlights, due to residences living right across the street from drive thru. Fire Chief Lopez advised Mr. Mata of a revised traffic study, as well as a remapping of the truck route to keep truck congestion away from 10<sup>th</sup> street. Mr. Mata was also advised that a head light screen is part of the conditions that must be met in plans before the project could be approved for permits.

Veronica Salmeron-Sosa, Fowler Resident, expressed some concern for the size of the marquee sign. Ms. Sosa also expressed concern of the traffic congestion and possible crime the proposed project will create. Ms. Marple explained the applicant was not present so she would not be able to speak on behalf of the applicant. Ms. Saleron-Sosa was also advised that there is a traffic study being done about the congestion of traffic on 10<sup>th</sup> Street.

Melisa Squeo, Fowler Resident, asked the commission about the new commercial buildings being built on Merced, rather than on Golden State Boulevard. Commission explained to Ms. Squeo of the General Plan of the City of Fowler is made to have commercial buildings being built in the areas of Merced and 10<sup>th</sup> Streets.

Commissioner Kandarian made a motion to reconsider CUP 18-04 at a later date with an updated site plan, elevation of building and sign, a reconsideration of business hours, and a traffic study of 10<sup>th</sup> and Merced, seconded by Commissioner Mejia and carried by a unanimous vote: Ayes: Mukai, Kandarian, Mejia. Noes: None. Abstain/Absent: Mellon, Fernandez.

## **AGENDA ITEM NO. 6.**

### **COMMUNICATIONS:**

Commissioner Kandarian asked about the car lot on Adams and 8<sup>th</sup> Street, in regards to the cars on the lot not being allowed on there. Ms. Marple explained that a cite has been issued by the city Code Enforcer, Nolasco Baxa, and she Ms. Marple will notify Mr. Baxa of the concern of the commission.

### **City Planner Report**

Ms. Marple presented a status on the Growth Management Ordinance which was enacted in 2004. The Growth Management Ordinance was enacted to implement policies for quality of life. The Growth Ordinance has two objectives: (1) Desirable population housing growth should not exceed 6% in any single year, and (2) Desirable population housing growth rate should not exceed the average of the planned growth rate through 2025 of 3% in any rolling 5-year period. Staff went back to 2004, to get a baseline as to where they are with growth.

The growth ordinance only applies to single family and multi-family permits, both issues and finaled. There was one year that exceeded the annual growth population of 6% which was 2007. Three years exceed the 5-year rolling growth populations which are 2008, 2009, and 2010. As of 2017, Fowler is at 3½% of the average rolling population growth allowed. In 2017, the City of Fowler has 41 building permits finaled. The City of Fowler is anticipating 69 new dwellings in 2018, based off of the number of issued but not yet finaled permits. These new dwellings include the Magill Terrace Multi-Family Housing as well as other projects in the works. The anticipated permits will fall well in the annual and 5-year Growth Objectives. In the Growth Ordinance, there is a criteria for new development. New development such as subdivisions, new and old, will come forwards to the Planning Commission. Some are being finaled, and new building permits will be pulled for those projects. Staff will review the Growth Ordinance when a project is proposed and bring the report up to the Commission with the impact the project would have on the annual and 5-year growth rate.

Within the Growth Ordinance there is a criteria for review and processing project. The order is as followed:

1. Projects that are consistent with the general plan which are within the existing city limits or seek to infill property.
2. Projects that are consistent with the general plan but which are not within the city limits and require annexation.

3. Projects that are not consistent with the general plan and require general plan amendment and annexation. Such projects shall not be accepted for filing unless directed by the Planning Commission

Staff has not received any projects requiring General Plan Amends and Annexation for the city to consider. The Growth Management Ordinance limits annexation of more than 40 acers of land for residential development, unless required to comply with Local Agency Formation Commission policies and procedures. Those projects that do include more than 40 acres need consideration to be made by the city prior to initiating annexation. Staff has received partial tentative maps that would require annexation, but until they are complete with acreage of potential annexation staff could not prioritize them. If the request for annexation does exceed 40 acres, it will be brought to the Planning Commission as well as City Council.

Commissioner Kandarian made a motion to adjourn, seconded by Commissioner Mejia. The motion carried and meeting was adjourned at 7:30 p.m.