



**PLANNING COMMISSION OF THE CITY OF FOWLER  
AGENDA  
THURSDAY, JUNE 2, 2022  
6:30 P.M.  
CITY COUNCIL CHAMBER  
128 SOUTH 5TH STREET  
FOWLER, CA 93625**

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Planning Commission meetings are open to the public at the physical address listed above. There are numerous ways to participate in the Planning Commission meetings: you may attend in person, you may appear by telephone as described below, or you may submit written comments via email to [maguilar@ci.fowler.ca.us](mailto:maguilar@ci.fowler.ca.us). Please include your name and reference the agenda item you are commenting on, if any. Written comments received that do not specify an agenda item will be marked for the general public comment portion of the agenda. Emails received by 8:00 am on the date of the meeting will be provided to the Planning Commission at the meeting and made part of the record of proceedings but will not be read aloud.

Consistent with Government Code 54953 as amended by AB 361, and City Council Resolution No. 2522, this meeting may be accessed by members of the public or Planning Commission members via Zoom. The telephone number and Zoom.

En cumplimiento con la Acta de Americanos con Discapacidades si necesita asistencia o adaptaciones para acceder a las Cámaras del Concejo de la Ciudad o participar en esta reunión, comuníquese con el secretario de la ciudad al (559) 834-3113 x102. También puede ponerse en contacto con el secretario si necesita servicios de traducción. La notificación al menos 48 horas antes de la reunión permitirá a la Ciudad hacer arreglos razonables para garantizar la accesibilidad.

<https://us06web.zoom.us/j/88323215753?pwd=eFpXUIRXTXJvR05PSE1sZm02a1BsZz09>

**Telephone Number: (253) 215-8782**

**Meeting ID: 883 2321 5753**

**Passcode: 418006**

**Persons accessing the meeting will have an opportunity to provide comments at appropriate times during the meeting. To speak during a public comment period, press \*9 on your phone to raise your hand or click “raise hand” in the webinar. At the appropriate time, you will be prompted to unmute yourself, and asked to identify yourself when providing public comment.**

Any writing or document that is a public record and provided to a majority of the Planning Commission regarding an open session item on the agenda will be made available for public inspection at City Hall, in the City Clerk's office, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.fowlercity.org](http://www.fowlercity.org).

Resolutions and Ordinances - With respect to the approval of resolutions and ordinances, the reading of the title thereto shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Commissioner that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Planning Commission.

1. Meeting Called to Order
2. Roll Call
3. Public Presentation – (This portion of the meeting reserved for persons desiring to address the Commission on any matter not on this agenda. Presentations are limited to five minutes per person and no more than 15 minutes per topic).
4. APPROVE Minutes of the March 3, 2022, Planning Commission Meeting
5. Actions Pertaining to Conditional Use Permit Application No. 22-09, filed by Charlie Brown of Vigen, Inc., to establish a second drive-through use at 327 West Merced Street (APN: 343-340-11S).
  - 5.1. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301.
  - 5.2. APPROVE Resolution No. 673 approving Conditional Use Permit (CUP) Application No. 22-09, subject to the Conditions of Approval.
6. Commissioner Reports and Comments
7. Adjournment

Next Resolution No.: 674

CERTIFICATION: I, Maria Aguilar, Planning Secretary for the City of Fowler, California, hereby certify that the foregoing agenda was posted for public review on, Friday May 27, 2022.



Maria Aguilar  
Planning Secretary

***MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER***  
***Thursday, March 3, 2022***

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

Commissioners Present: Chair Mellon, Vice Chair Kandarian, Hammer, Prado

Commissioners Absent: Rodriguez

City Staff Present: Community Development Director Gaffery, City Attorneys Cross and Lear, City Planner Marple, Planning Secretary Aguilar

**AGENDA ITEM NO. 3**

**Public Presentation**

None.

Community Development Director Gaffery introduced two new staff in the department: Alfred Vasquez, Building Official and Thunderstorm Vue, Community Compliance Officer.

**AGENDA ITEM NO. 4**

**APPROVE Minutes of the December 2, 2021, Planning Commission**

Vice Chair Kandarian made a motion to approve the minutes from the December 2, 2021 meeting. Commissioner Prado seconded the motion. Motion carried by roll call vote: Ayes: Mellon, Kandarian, Hammer, Prado.

**AGENDA ITEM NO. 5**

**Reorganization of Planning Commission**

Following a brief discussion, both parties agreed to continue in their current positions.

Vice Chair Kandarian motioned for Chair Mellon to continue as Chair, Commissioner Hammer seconded the motion. Motion carried by a roll call vote: Ayes: Kandarian, Hammer, Prado.

Chair Mellon motioned for Vice Chair Kandarian to continue as Vice Chair, Commissioner Hammer seconded the motion. Motion carried by a roll call vote: Ayes: Mellon, Hammer, Prado.

**AGENDA ITEM No. 6**

**RECOMMEND that the City Council of the City of Fowler accept the 2021 Annual Progress Report for the City of Fowler General Plan and Housing Element, and direct staff to submit the report to the California Office of Planning and Research (OPR), and the California Department of Housing and Community Development (HCD).**

Ms. Marple presented the item for recommendation by the Commission prior to approval by City Council. The progress report is due by April 1, 2022 to Governor's Office of Planning and Research and the State Department of Housing and Community Development. The report includes an update of the progress completed in 2021 on the General Plan. Ms. Marple provided a summary of progress and highlighted the housing update.

Commissioners asked questions about affordable housing. Ms. Marple and Mr. Gaffery provided responses.

Vice Chair Kandarian made a motion to recommend City Council accept the 2021 Annual Progress Report for the City of Fowler General Plan and Housing Element. Commissioner Prado seconded the motion. Motion carried by a roll call vote. Ayes: Mellon, Kandarian, Hammer, Prado

**AGENDA ITEM No. 7**

**Commissioner Reports and Comments**

Chair Mellon, Commissioner Prado, and Vice Chair Kandarian asked various questions regarding code enforcement, building permits, and planning projects. Staff provided responses.

Mr Gaffery provided an update on building permit activity and highlighted new processes that are expediting permit issuance.

Commissioners asked for progress reports on various projects around the city. Staff provided responses.

**AGENDA ITEM No. 8**

**Adjournment**

Chair Mellon made a motion to adjourn. Commissioner Prado seconded the motion. Motion carried by a voice vote and meeting was adjourned at 7:01 p.m.



## PLANNING COMMISSION OF THE CITY OF FOWLER

ITEM NO: **5**

### **REPORT TO THE PLANNING COMMISSION**

June 2, 2022

**FROM** DAWN E. MARPLE, City Planner

### **SUBJECT**

Actions Pertaining to Conditional Use Permit Application No. 22-09, filed by Charlie Brown of Vigen, Inc., to establish a second drive-through use at 327 West Merced Street (APN: 343-340-11S).

1. ADOPT a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301.
2. APPROVE Resolution No. 673 approving Conditional Use Permit (CUP) Application No. 22-09, subject to the Conditions of Approval.

### **RECOMMENDATION**

Staff recommend the Planning Commission adopt a Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, and approve Resolution No. 673 approving Conditional Use Permit (CUP) Application No. 22-09, subject to the Conditions of Approval (Attachment A), to establish a second drive-through use at 327 West Merced Street.

### **BACKGROUND**

The decision of the Planning Commission is final unless appealed to the City Council. The Planning Commission is empowered to grant or deny applications for CUPs and to impose reasonable conditions upon granting approval.

The applicant proposes to add an additional drive-through lane to the existing McDonald's restaurant located at 327 West Merced Street (Figure 1).

The subject parcel is zoned C-H (Commercial Highway) (Figure 2), and is planned for General Commercial land uses by the City of Fowler General Plan (Figure 3). The site (Figure 4) is

approximately 3.22 acres and is located on the southwest corner of East Merced and South 10th Streets (APN: 343-340-11S). Drive-through uses are subject to a CUP in accordance with Section 9-5.1305, subdivision (A)(5) of the Fowler Zoning Ordinance. The site is immediately surrounded by C-2, C-H, and RM-2 districts.

### Findings

The Fowler Zoning Ordinance Section 9-5.25.04 requires the Planning Commission to make the following findings for approval of a CUP:

1. *The site for the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.*

After reviewing the site plan, staff determined the property is of sufficient size to accommodate the additional drive-through lane, in addition to all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Fowler Zoning Ordinance.

2. *The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.*

The property's Merced and 10th Street frontages are adequate in width to accommodate the proposed change. No additional traffic is anticipated, however existing on-site traffic is anticipated to clear more quickly

3. *The proposed use will have no adverse effect upon abutting property or the use thereof.*

Compliance with the proposed Conditions of Approval (Attachment A) for CUP Application No. 22-09 will ensure the proposed use has no adverse effects upon abutting properties or the uses thereof. The Fowler Zoning Ordinance requires walls of a sufficient height screen the headlights of vehicles in the drive-through lane from spilling into nearby residential properties, and that drive-through menu boards and their speakers must be directed away from residential properties. The addition of a second drive-through lane would reduce vehicle idle times and emissions.

4. *The conditions established by the Planning Commission and stated in the Resolution for the Conditional Use Permit are deemed necessary to protect the public health, safety and general welfare.*

The Conditions of Approval (Attachment A) will serve to accommodate the proposed uses while protecting the health, safety, and welfare of the public. The conditions are based upon standards contained within the Fowler General Plan and the Fowler Zoning Ordinance. Further, the proposed conditions will serve to implement the goals and objectives of the General Plan, which itself is intended to provide for logical and orderly development of the City in a manner that is beneficial to its residents.

## **ENVIRONMENTAL FINDINGS**

The City, as the Lead Agency under CEQA, determined that the proposed project is categorically exempt pursuant to CEQA Guidelines Section 15301, as the project consists of only minor alterations to the property involving a negligible expansion of an existing use.

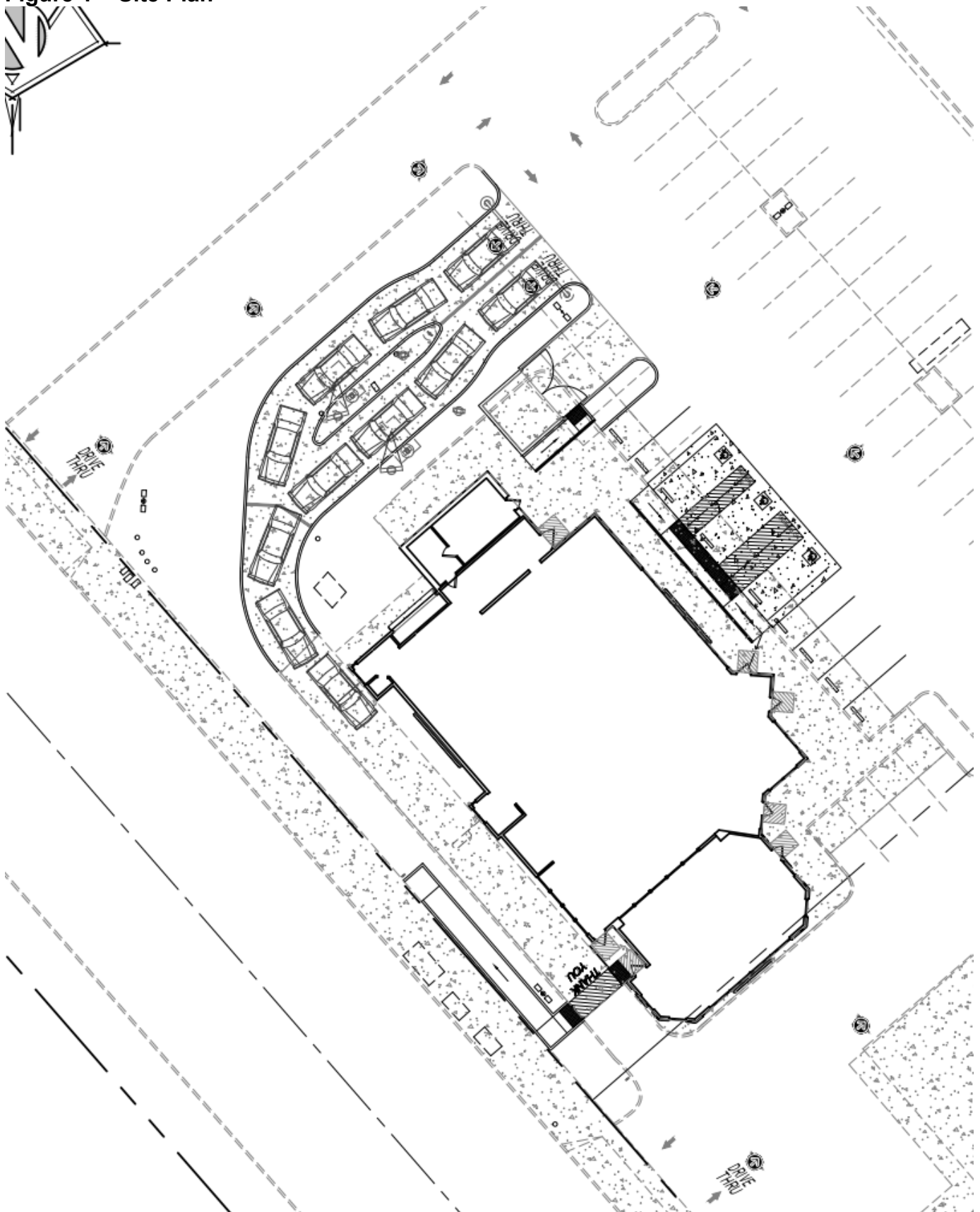
## **CONFLICT OF INTEREST**

Staff is not aware of any conflicts of interest.

### **Attachments:**

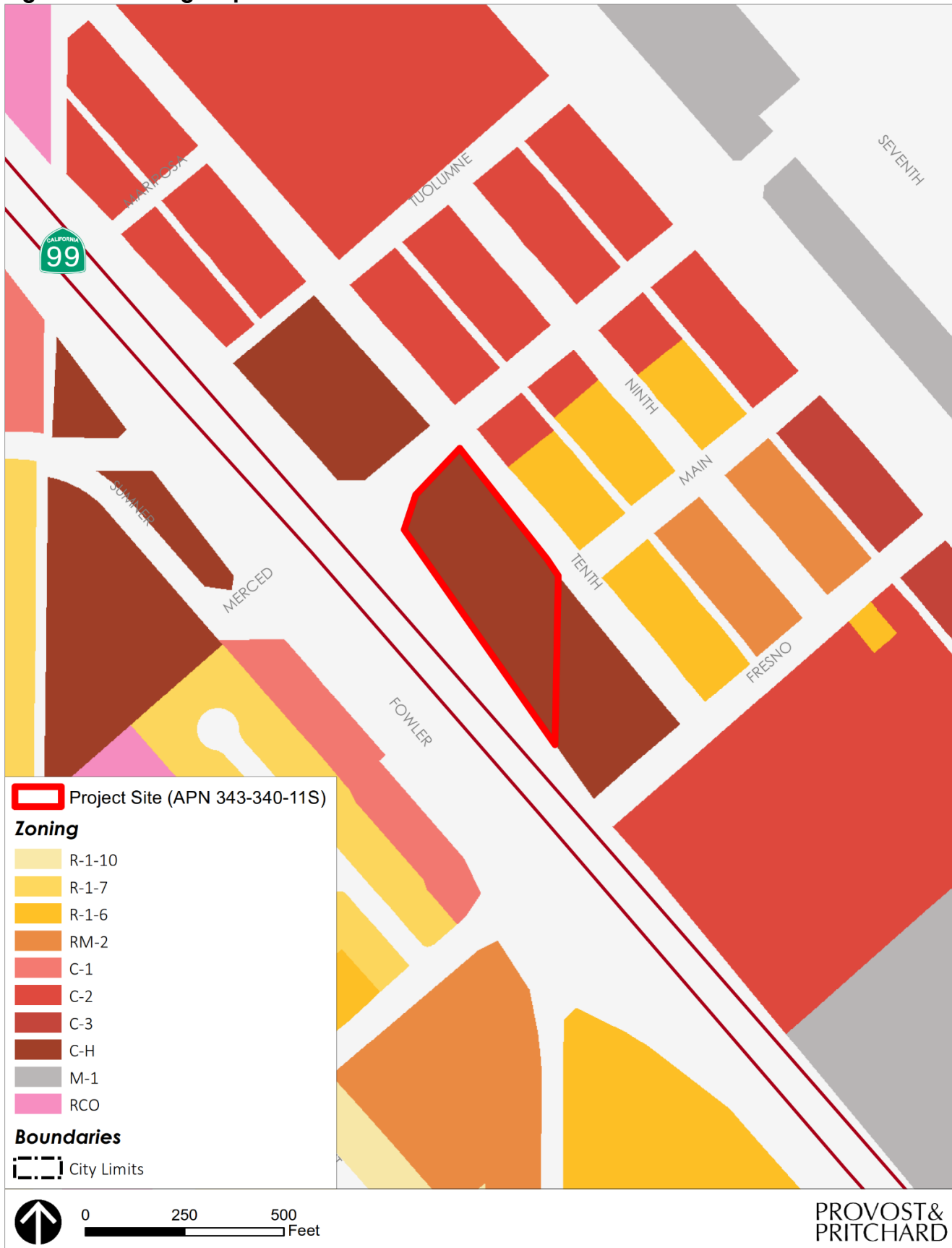
- Figure 1 – Site Plan
- Figure 2 – Zoning Map
- Figure 3 – General Plan Land Use Map
- Figure 4 – Aerial Photo
- Resolution No. 673
- Attachment A

Figure 1 – Site Plan





**Figure 2 – Zoning Map**



**Figure 3 – General Plan Land Use Map**

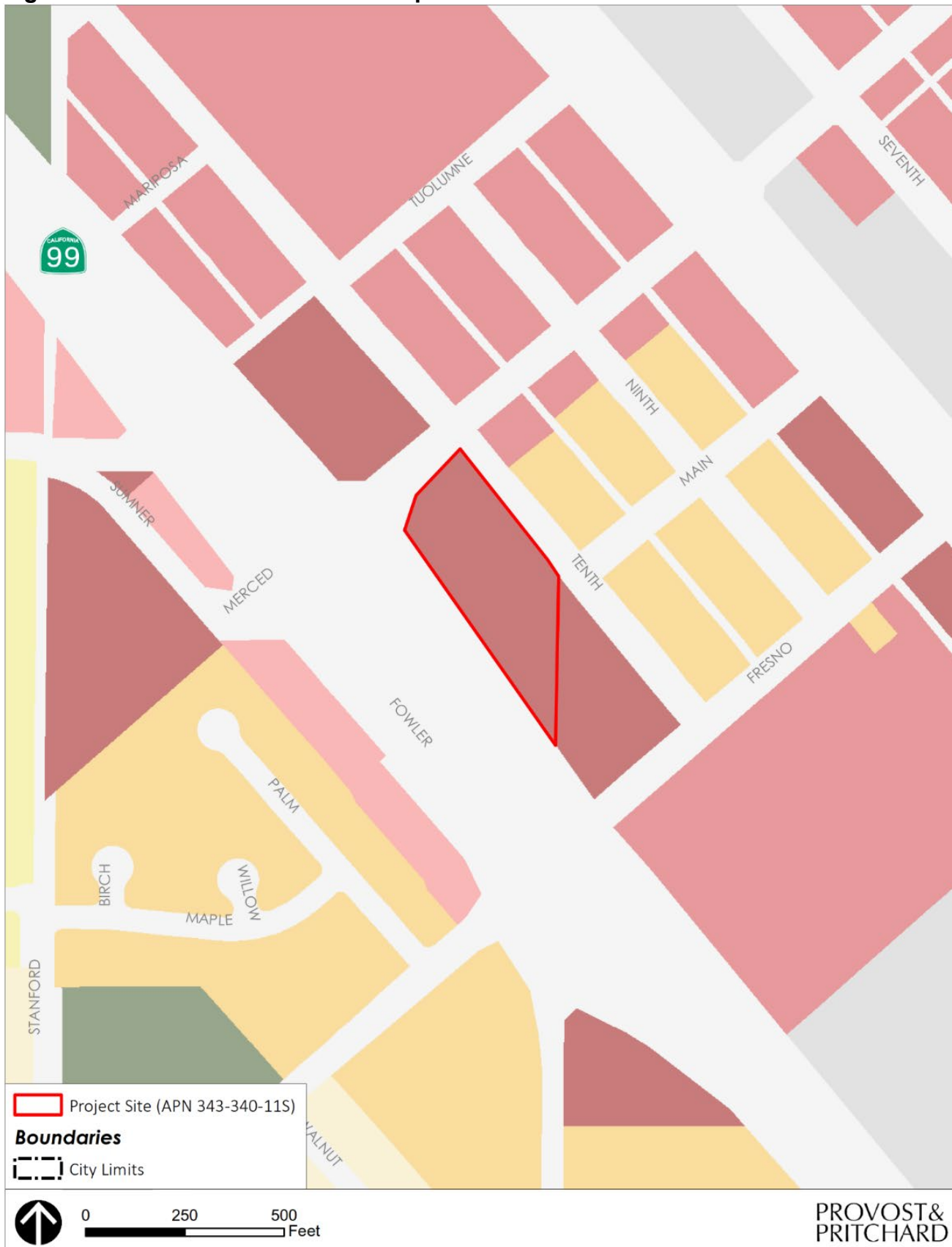
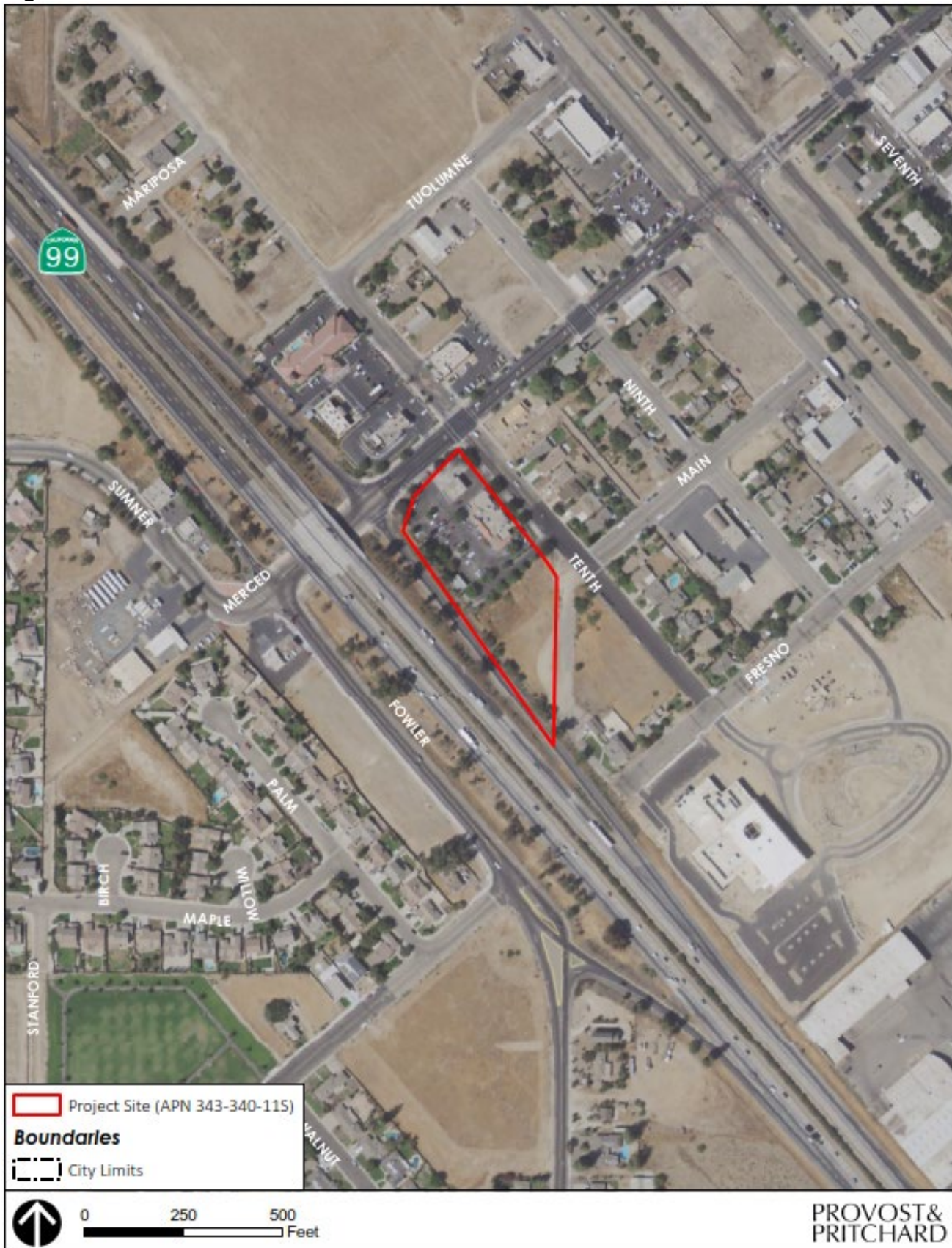


Figure 4 – Aerial Photo





## **RESOLUTION NO. 673**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOWLER APPROVING CONDITIONAL USE PERMIT APPLICATION NO. 22-09**

**WHEREAS**, an application for Conditional Use Permit 22-09 has been received, requesting to allow a second drive-through lane for an existing restaurant (“Project”) in a C-H (Commercial-Highway) zoned district, on an approximately 3.22-acre parcel (APN: 343-340-11S) located at 327 East Merced Street, on the southwest corner of East Merced and South 10th Streets (“Site”); and

**WHEREAS**, the application was deemed complete by the City of Fowler Community Development Department and has been reviewed for compliance with the Fowler Zoning Ordinance; and

**WHEREAS**, the Project requires approval of a Conditional Use Permit in accordance with Article 25 of the Fowler Zoning Ordinance; and

**WHEREAS**, the City determined the Project is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301, Existing Facilities, and no additional environmental analysis is required; and

**WHEREAS**, a public hearing notice was duly published informing the public that the Categorical Exemption and Project would be considered for approval at a Planning Commission meeting held on June 2, 2022 at 6:30 p.m.; and

**WHEREAS**, the Planning Commission reviewed the proposed Conditional Use Permit and considered the staff report, CEQA Categorical Exemption, and all evidence presented at the Planning Commission duly noticed public hearing on June 2, 2022, including oral and written public testimony on the Project and the Categorical Exemption.

**NOW THEREFORE, BE IT RESOLVED** the Planning Commission of the City of Fowler, based upon the entire record of proceedings, makes the following findings with regard to the Conditional Use Permit 22-09 for the Project:

1. The Project is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301, Existing Facilities, and that no additional environmental analysis is required.
2. Conditional Use Permit No. 22-09 for the Project is approved, subject to the conditions of approval contained in **Attachment A**.
3. The Site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance to adjust such use with the land and uses in the neighborhood.

4. The Site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use. No significant effects on the surrounding street system are anticipated.
5. The proposed use will not have an adverse effect upon abutting property or the use thereof.
6. The conditions established by the Planning Commission described in **Attachment A** of this Resolution for Conditional Use Permit 22-09 are deemed necessary to protect the public health, safety and general welfare.

**PASSED, APPROVED AND ADOPTED** this 2nd day of June 2022, at a regular meeting of the Planning Commission of the City of Fowler by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**APPROVED:**

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Craig Mellon, Chair

**ATTEST:**

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Maria Aguilar, Secretary of the Planning Commission

**RESOLUTION NO. 673**  
**Attachment A - Conditions of Approval**

**Use Permit Conditions**

1. Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking space.
2. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.
3. If parallel to and visible from a public street, the drive-through lane shall be appropriately screened with landscaping or other material so as to visually screen vehicles in the drive-through lane from the public right-of-way. The drive-through shall include either a 3-foot masonry wall or landscaping deemed acceptable by the City Planner to adequately shield adjacent residents from vehicle headlights.

**Site Plan Conditions**

4. Comply with the property development standards of the C-H (Commercial - Highway) zone district.
5. All proposals of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
6. Drive-through signage shall comply with FMC Section 9-5.22.17, Special Use Signs, and be approved under separate permit.

**Grading and Drainage:**

7. Any changes to the parking lot or drive-thru isles shall require a grading plan, site improvement plan, and any related documents. Plans and a building permit application shall be submitted to the Community Development Department. The applicant shall obtain permits for all on-site and off-site improvements.

**Landscaping:**

8. Any changes to on-site and off-site landscape and irrigation shall require plans and a building permit application submitted to the Community Development Department.
9. New or modified landscaping shall be drought tolerant and the irrigation system shall be low water consumption, shall only contain drip or micro-spray irrigation, and shall comply with all provisions of the Water Conservation in Landscaping Act (Gov. Code § 65591, et seq.).

**Water:**

10. The applicant shall upgrade domestic water service to current City standards.

**Utilities:**

11. All new electric, cable TV, telephone, internet, etc. services on the site shall be undergrounded.