



**PLANNING COMMISSION OF THE CITY OF FOWLER
MEETING AGENDA
THURSDAY, JANUARY 4, 2024
6:30 P.M.
CITY COUNCIL CHAMBER
128 SOUTH 5TH STREET FOWLER, CA 93625**

In compliance with the Americans with Disabilities Act, if you need assistance or accommodations to access the City Council Chambers or participate in this meeting, please contact the Planning Secretary at (559) 834-3113 x118. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

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. 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.

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The telephone number and Zoom link listed below will provide access to the meeting via teleconference or video conference.

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

Telephone Number: (253) 215-8782

Meeting ID: 883 2321 5753

Passcode: 418006

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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.

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 Comment

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not described on this agenda. Presentations are limited to 5 minutes per person and no more than 15 minutes per topic.

4. APPROVE Minutes of December 7, 2023 Planning Commission Meeting.
5. Actions pertaining to Conditional Use Permit (CUP) No. 22-41:
 - i. APPROVE Resolution No. 699, providing an extension to CUP No. 22-41 to February 2, 2025.
6. Staff Communications
7. Commissioner Reports and Comments
8. Adjourn
9. *Next Resolution No. 700*

CERTIFICATION: I hereby certify that the foregoing agenda was posted for public review on Friday December 29, 2023.


Maria Aguilar
Planning Commission Secretary

MINUTES OF THE PLANNING COMMISSION OF THE CITY OF FOWLER

Thursday December 7, 2023

Chair Mellon called the meeting to order at 6:36 PM. Roll call was taken.

Commissioners Present: Chair Mellon, Vice Chair Kandarian (arrived at 6:38 PM), Hammer, Prado, Rodriguez

Commissioners Absent: None

City Staff Present: Community & Economic Development Director Gaffery, City Planner Marple, Deputy City Attorney Lear, Associate Planner Czeshinski and Planning Commission Secretary Aguilar

After Roll Call, agenda Title Updates were read into the record

3. Public Comment

None

4. Consent Calendar

- i. Approve amended minutes of June 1, 2023 Planning Commission Meeting**
- ii. Approve minutes of October 5, 2023 Planning Commission Meeting**

Motion made by Prado

Seconded by Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

5. CONSIDER Resolution No. 697 recommending approval to the City Council the naming of the neighborhood park in Tract 6274

Associate Planner Czeshinski presented the item.

Motion made by Hammer to approve Resolution No. 697, recommending approval to the City Council the naming of the neighborhood park in Tract 6274.

Seconded by Rodriguez

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriguez

Motion passes 5-0, approving Resolution No. 697.

6. APPROVE Resolution No. 698 adopting a Class 3 categorical exemption under CEQA and approving CUP No. 23-31 allowing for the construction of a new 35-foot tall, illuminated freestanding sign on Assessor's Parcel Number 345-240-07 (2331 E Valley Dr)

Associate Planner Czeshinski presented the item.

Motion made by Kandarian to approve Resolution No. 698 to adopt Class 3 categorical exemption under CEQA and to Approve CUP No. 23-31 for the construction of a 35-foot tall, illuminated sign.

Seconded by Hammer

Ayes: Mellon, Kandarian, Hammer, Prado, Rodriquez

Motion passes 5-0, approving Resolution No. 698.

7. Staff Communications

None

8. Commissioner Reports and Comments

None

9. Adjournment

Meeting adjourned at 7:04 PM by Chair Mellon



PLANNING COMMISSION MEETING

ITEM NO 5

REPORT TO THE PLANNING COMMISSION

DATE: January 4, 2024

FROM: DAWN E. MARPLE, City Planner

SUBJECT: Actions pertaining to Conditional Use Permit (CUP) No. 22-41:

- i. APPROVE Resolution No. 699, providing an extension to CUP No. 22-41 to February 2, 2025.

EXECUTIVE SUMMARY

This action will provide the applicant with additional time to work towards the completion of CUP No. 22-41. Ultimate construction of the development proposed under CUP No. 22-41 would provide a commercial center within the southernmost extension of the city limits. The project is consistent with the City of Fowler's General Plan goals and policies.

BACKGROUND

Approved Project

As it sits, the project has been approved for the development of:

- A 7.96-acre travel center (sometimes referred to as a "travel stop") located between Buford Drive and Golden State Boulevard containing the following:
 - Eight (8) diesel fueling dispensers (includes diesel, diesel exhaust fluid, and biodiesel) with a 3,280-square-foot diesel fuel canopy.
 - Eight (8) gasoline fueling dispensers (16 fueling positions) for automobiles with a 3,440-square-foot gasoline canopy.
 - A propane gas tank not exceeding 1,000 gallons, available to the public.
 - A weigh station consisting of one (1) truck scale.
 - 97 total truck parking stalls: 89 uncovered and 8 under canopy.
 - 63 total automobile parking stalls; 51 uncovered and 12 under canopy.
 - One (1) 9,000-square-foot building that will include:
 - i. A driver's lounge, game room, ATMs, Check Cashing, and Wi-Fi.

- ii. Restroom facilities that include showers and laundry.
- iii. Two (2) quick service restaurants.
 - o Construction of Buford Drive.
 - o Access via an entrance-only driveway from westbound Manning Avenue, five (5) driveways connecting to Buford Drive, and one (1) driveway connecting to Golden State Boulevard.
 - o Construction of a stormwater ponding (retention) basin on approximately 1.57 acres.
- A 10,000-square-foot truck tire repair, lube, and wash building with three (3) vehicle bays and 11 auto parking stalls.
- A 4,627-square-foot dine-in restaurant and 58 auto parking stalls.
- A 4,378-square-foot restaurant with a drive through with 51 auto parking stalls.
- A 3,116-square-foot restaurant with a drive through with 35 auto parking stalls.
- A four-story, 120-room hotel with a building area of approximately 40,000 square feet, with 118 automobile parking stalls and 8 RV parking stalls.

Prior Approvals

The project has secured several previous approvals, including:

- Approval of CUP No. 17-03 by the Planning Commission on January 9, 2020.
- Approval of an extension for CUP No. 17-03 by the Planning Commission on March 4, 2021, extending the approval to January 9, 2023.
- Approval of an extension for CUP No. 17-03 by the Planning Commission on December 1, 2022, extending the approval to January 9, 2024.
- Approval of CUP No. 22-41 by the Planning Commission on February 2, 2023, which modified CUP No. 17-03.

Under the latest approval, CUP No. 22-41 is set to expire on February 2, 2024, unless granted an extension.

Request for an Extension of the Conditional Use Permit

In accordance with the City of Fowler Zoning Ordinance Section 9-5.414, all rights granted by a use permit shall expire after the time frame specified in the approval, or within one (1) year if no timeframe is specified. Prior to the February 2, 2024, expiration date referenced-above, project applicant, Mr. Tom Buford, submitted a request for an extension of CUP No. 22-41.

Due to market conditions, the cost of construction is much higher than originally anticipated by the applicant. These higher costs have increased the amount of capital required by the applicant to facilitate construction of the project. As a result, additional time has been requested to address this issue.

Pursuant to Section 9-5.415 of the City of Fowler Zoning Ordinance, upon showing of good cause by the applicant prior to expiration of the approval of the use permit, the Commission may grant

an extension of time within which to exercise the rights granted. Due to the circumstances described above, staff recommends the Planning Commission extend the applicant's deadline to exercise the rights granted by CUP No. 22-41 by one (1) additional year to February 2, 2025.

PUBLIC NOTICE

This item does not require a public hearing and was noticed as a part of the Planning Commission Agenda.

ENVIRONMENTAL REVIEW

An addendum to a previously approved Environmental Impact Report (EIR) was adopted on February 2, 2023. The original EIR was adopted by the Planning Commission on January 9, 2020, in addition to a Findings of Fact and Statement of Overriding Considerations. Providing an extension of time on a previously approved project would not have the potential to affect the environment. No changes are proposed outside of what was previously analyzed and approved under the aforementioned addendum, and none of the conditions described in CEQA Guidelines Section 15162, which requires the preparation of a subsequent EIR, have occurred. Therefore, no further environmental analysis is necessary.

GENERAL PLAN CONSISTENCY

This previously approved project, which would be facilitated by this action, is consistent with the following General Plan goals and policies:

General Plan Goal LU-1

Growth occurs logically and efficiently.

General Plan Goal LU-3

Thriving commercial centers are located throughout the City.

General Plan Goal ED-2

Fowler's businesses improve the quality of life by providing retail, personal, and business service amenities locally.

General Plan Goal ED-4

Fowler maintains a supportive business climate that helps attract and retain new and existing businesses.

General Plan Policy LU-1

Development shall occur in accordance with the planned land uses as shown on Figure 4-1: Land Use Diagram.

General Plan Policy CDES-18

New commercial projects are designed in such a way that they enhance Fowler's character.

General Plan Policy CDES-20

A minimum of 10% of the total surface area of all commercial developments shall be landscaped.

General Plan Policy ED-5

Discourage passive land uses, underutilization of land, and vacant structures on available commercial sites.

General Plan Policy ED-6

Encourage activities that attract participants to Fowler and promote economic development.

FISCAL IMPACT

The project would result in the collection of development impact fees for commercial projects in accordance with the most current development impact fee schedule at the time that the project application was received by the City. Development of the site would also increase the assessed value of the property and therefore generate additional ongoing property tax revenue to the City.

CONFLICT OF INTEREST

Staff is not aware of any conflicts of interest.

Attachments

- Attachment 1: Resolution No. 699

RESOLUTION NO. 699

**RESOLUTION OF PLANNING COMMISSION OF THE CITY OF FOWLER
TO APPROVE AN EXTENSION TO CONDITIONAL USE PERMIT NO. 22-41**

WHEREAS, Conditional Use Permit (CUP) No. 22-41 was approved by the Planning Commission on February 2, 2023; and

WHEREAS, subsequent to the approval of CUP No. 22-41, the applicant, Tom Buford, has not exercised the rights approved under CUP No. 22-41 due to market conditions and higher construction costs than those which were originally anticipated; and

WHEREAS, pursuant to Fowler Municipal Code Section 9-5.414, the rights allowed by conditional use permits expire within the time specified in the approval of the conditional use permit, or within one (1) year if a timeframe for expiration was not specified; and

WHEREAS, pursuant to Fowler municipal Code Section 9-5.415, the Planning Commission may provide extensions to conditional use permits upon a showing of good cause or extraordinary circumstances by the applicant, if the applicant requests an extension prior to the expiration of a conditional use permit; and

WHEREAS, the applicant has requested an extension to CUP No. 22-41 prior to its expiration date of February 2, 2024; and

WHEREAS, City staff has found that increased and unforeseen costs due to market conditions constitutes a showing of good cause for the approval of an extension; and

WHEREAS, CUP No. 22-41 has been previously analyzed for its impacts to the environment under the California Environmental Quality Act and the approval of an extension of CUP No. 22-41 would not necessitate further environmental analysis; and

WHEREAS, extensions of previously approved conditional use permits do not require a public hearing and the item was noticed as a part of the Planning Commission Agenda; and

WHEREAS, the City of Fowler Planning Commission considered an extension to CUP No. 22-41 at its regularly scheduled meeting on January 4, 2024 at 6:30 p.m., or as soon thereafter as the item could be considered.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fowler:

1. Hereby approves an extension to CUP No. 22-41, extending the expiration date to February 2, 2025.

PASSED, APPROVED AND ADOPTED this 4th day of January 2024, at a regular meeting of the Fowler Planning Commission by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Craig Mellon, Chair

ATTEST:

Maria Aguilar, Secretary of the Planning Commission