

Exhibit S – Planning Commission Resolution No. 13840

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13840**

The Fresno City Planning Commission, at its regular meeting on March 6, 2024 adopted the following resolution relating to Zoning Inquiry Application No. P23-02357:

WHEREAS, Zoning Inquiry Application No. P23-02357 was filed by Edward Mason, of Bauer's Auto Wrecking, and pertains to a ± 0.71-acre site between West Voorman and West Nielsen Avenues, west of North Thorne Avenue; and,

WHEREAS, Zoning Inquiry Application No. P23-02357 requested specific information about the subject site with respect to compliance with the Fresno Municipal Code (FMC) Zoning Ordinance, and specifically requested written confirmation that the use of the subject property for a Tow Yard satisfies relevant zoning laws of the City based on the following facts and evidence. Alternatively, the applicant requested the Planning Director provide a written statement of the specific circumstances that exist that result in a violation of zoning laws, and particularly any violations of Policy and Procedures No. C-002 dated June 14, 2011; and,

WHEREAS, Planning and Development Department staff conducted research of the subject property based on available records and prepared a Zoning Inquiry response letter dated September 26, 2023 which concluded that while the business and site as it currently exists is not in conformance with the standards and requirements for paving of vehicle storage areas per Policy and Procedure No. C-002, according to the current zoning ordinance the business is a legal non-conforming use and, absent any expansion and/or change in use, could continue to operate indefinitely; and,

WHEREAS, on October 10, 2023, the Planning and Development Department's zoning inquiry response was appealed by the applicant and the item was referred to the Planning Commission for consideration; and,

WHEREAS, on February 7, 2024, the Planning Commission conducted a public hearing to review the Planning and Development Department's zoning inquiry response and the applicant's appeal and considered the Planning and Development Department's report recommending denial of the appeal; and,

WHEREAS, during the February 7, 2024 hearing, the Planning Commission received and considered the Planning and Development Department's report recommending the Planning Commission deny the appeal and uphold staff's determination that Bauer's Towing is not in conformance with Policy and Procedure No. C-002, is a legal non-conforming use and could continue to operate indefinitely, and provided the opportunity for consideration of testimony from the applicant and the public; and,

WHEREAS, two (2) members of the public spoke in support of the applicant's appeal and no members of the public spoke in opposition of the applicant's appeal; and,

WHEREAS, after closure of public comment and deliberation by the Planning

Commission, the Planning Commission unanimously voted to continue the appeal to March 6, 2024, and encouraged the applicant to work with staff to prove that the site is paved; and,

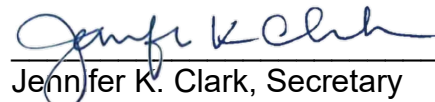
WHEREAS, on March 6, 2024, the Planning Commission conducted a subsequent public hearing to review the Planning and Development Department's zoning inquiry response and the applicant's appeal and considered the Planning and Development Department's report recommending denial of the appeal; and,

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission, based upon information presented at the February 7, 2024 and March 6, 2024 hearings, made a motion to uphold staff's recommendation to deny the appeal and uphold staff's response letter for Zoning Inquiry Application No. P23-02357.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Chair Vang, seconded by Commissioner Lyday.

VOTING: Ayes - Vang (Chair), Lyday, Criner
 Noes - Diaz, Bray,
 Not Voting - Hardie (Vice Chair)
 Absent - Wagner

DATED: March 6, 2024



Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13840
Zoning Inquiry Application No. P23-02357
Filed by Edward Mason of Bauer's Auto
Wrecking
Action: Approved