

Attachment 6

Resolutions

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13349**

The Fresno City Planning Commission, at its regular meeting on November 18, 2015, adopted the following resolution relating to Rezone Application No. R-15-005.

WHEREAS, Rezone Application No. R-15-005 has been filed with the City of Fresno to rezone the subject property as described below:

REQUESTED ZONING: C-5/UGM (*General Commercial/Urban Growth Management*) zone district

EXISTING ZONING: AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district

APPLICANT: Dirk Poeschel, Land Development Services, Inc.

LOCATION: Southwest corner of North Brawley Avenue and West Herndon Avenue

APN: 507-030-12ST (portion)

DESCRIPTION
OF PROPERTY
TO BE REZONED: As described and depicted on the attached Exhibit "A".

WHEREAS, Rezone Application No. R-15-005 has been filed by Dirk Poeschel, on behalf of Gary Chester, with the City of Fresno to rezone property as depicted in the attached Exhibit "A"; and,

WHEREAS, the proposed Rezone Application No. R-15-005 requests to amend the Official Zone Map to reclassify the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the C-5/UGM (*General Commercial/Urban Growth Management*) zone district; and

WHEREAS, the proposed rezone will maintain consistency with the Fresno General Plan, the Bullard Community Plan and the Sierra Sky Park Land Use Policy Plan (subject to the review and approval of the related conditional use permit request); and,

WHEREAS, the District 2 Plan Implementation Committee recommended approval of the rezone application at their meeting on March 23, 2015; and,

WHEREAS, the Fresno City Planning Commission on November 18, 2015, reviewed the subject rezone application in accordance with the policies of the Fresno General Plan, the Bullard Community Plan and the Sierra Sky Park Land Policy Use Plan; and,

WHEREAS, during the November 18, 2015, hearing, the Commission received a staff report and related information, environmental documents and considered testimony from the applicant and the public, with one supporting and six opposing statements presented, and considered the Development and Resource Management Department's report recommending approval of the requested zoning change.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that the rezone application may have a significant effect on the environment as identified by, and evaluated within, the Finding of Conformity prepared for Environmental Assessment No. R-15-005/C-15-025 dated November 6, 2015.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that the zone district of the real property described in Exhibit "A", located in the City of Fresno and shown on the Official Zone Map of the City of Fresno, is modified from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the C-5/UGM (*General Commercial/Urban Growth Management*) zone district for the subject property be approved.

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The foregoing Resolution was adopted by the Fresno City Planning Commission, upon a motion by Commissioner Garcia, seconded by Commissioner Catalano.

VOTING: Ayes - Garcia, Catalano, Medina, Reed, Vasquez, and Torossian
 Noes - None
 Not Voting - None
 Absent - Holt

DATED: November 18, 2015



Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13349
Rezone Application No. R-15-005
Filed by Dirk Poeschel
Action: Recommend Approval

Attachment: Exhibit A

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13350**

The Fresno City Planning Commission, at its meeting on November 18, 2015, adopted the following resolution relating to Conditional Use Permit Application No. C-15-025.

WHEREAS, Conditional Use Permit Application No. C-15-025 has been filed with the City of Fresno by Dirk Poeschel, on behalf of Gary Chester, for approximately ± 2.7 acres of a ± 8.73 acre property located at 6985 North Brawley Avenue on the southwest corner of North Brawley and West Herndon Avenues; and,

WHEREAS, Conditional Use Permit Application No. C-15-025 seeks authorization for the development of a Chevron gas station with 12 fueling stations, a $\pm 3,500$ square-foot convenience store, and a drive-through car wash, and requests authorization to establish a State of California Alcoholic Beverage Control alcohol license Type 20 for the convenience store; and,

WHEREAS, on March 23, 2015, the District 2 Plan Implementation Committee unanimously recommended approval of the proposed project; and,

WHEREAS, on November 18, 2015, the Fresno City Planning Commission, reviewed the subject conditional use permit application in accordance with the policies of the Fresno General Plan, Bullard Community Plan and Sierra Sky Park Land Use Policy Plan; and,

WHEREAS, the Commission conducted a public hearing to review the proposed conditional use permit, received testimony from the applicant and the public, and considered the Development and Resource Management Department's report recommending approval of the proposed conditional use permit subject to conditions of approval; and,

WHEREAS, at that same hearing the Commission reviewed related Rezone Application No. R-15-005 to reclassify the subject property depicted in Exhibit "A" from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the C-5/UGM (*General Commercial/Urban Growth Management*) zone district; and,

WHEREAS, the Fresno City Planning Commission considered the proposed conditional use permit relative to the staff report and environmental assessment issued for the project; and,

WHEREAS, the Fresno City Planning Commission invited testimony with respect to the proposed conditional use permit and heard from one supporting and six opposing commenters.

NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission hereby finds and determines that there is no substantial evidence in the record to indicate that Conditional Use Permit Application No. C-15-025 may have a significant effect on the environment with the implementation of the mitigation measures as identified by the Finding of Conformity which was prepared for Environmental Assessment No. R-15-005/C-15-025 dated November 6, 2015.

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Conditional Use Permit Application No. C-15-025
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BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Conditional Use Permit Application No. C-15-025 authorizing the development of drive-through car wash and Type 20 alcoholic beverage license in conjunction with a proposed gas station and convenience store allowed by right subject to the Development and Resource Management Department Conditions of Approval dated November 18, 2015.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Garcia, seconded by Commissioner Catalano.

VOTING: Ayes - Garcia, Catalano, Medina, Reed, Vasquez, Torossian
 Noes - None
 Not Voting - None
 Absent - Holt

DATED: November 18, 2015



Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13350
Conditional Use Permit Application No.
C-15-025
Filed by Dirk Poeschel on behalf of Gary
Chester
Action: Approved

Attachment: Exhibit A