

Exhibit K:  
Planning Commission Resolutions

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 13321**

The Fresno City Planning Commission at its regular meeting on April 1, 2015, adopted the following resolution relating to Plan Amendment Application No. A-14-005.

WHEREAS, Plan Amendment Application No. A-14-005 has been filed with the City of Fresno by Brett Giannetta, on behalf of Russ Nakata, for approximately 5.0 net acres of property located on the northwest corner of East Nees and North Bond Avenues; and,

WHEREAS, on October 8, 2014, the District 6 Plan Implementation Committee reviewed the plan amendment and recommended approval; and,

WHEREAS, Plan Amendment Application A-14-005 proposes to amend the Fresno General Plan and the Woodward Park Community Plan for the subject property from the commercial recreation planned land use designation to the community commercial land use designation for 4.63 acres, and from the office commercial planned land use designation to the community commercial land use designation for 0.37 acre; and to amend the Woodward Park Community Plan Commercial Policy 1-4.3-e as follows: "...At the two identified community commercial nodes where up to ~~25~~ 30 acres may be developed, the total acreage may be distributed on three corners of the intersection," thus increasing the total allowable acreage on the two identified commercial community nodes from 25 to 30 acres; and; and,

WHEREAS, on April 1, 2015, the Fresno City Planning Commission conducted a public hearing to review the proposed plan amendment, received public testimony and considered the Development and Resource Management Department's report recommending approval of the proposed plan amendment; and,

WHEREAS, at the hearing four persons spoke in opposition to the proposed plan amendment application; and,

WHEREAS, the Planning Commission reviewed the subject plan amendment application in accordance with the land use policies of the Fresno General Plan and Woodward Park Community Plan; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this plan amendment, Environmental Assessment No. A-14-005/R-14-009/C-14-080, dated February 27, 2015, and is satisfied that the appropriate measures of development will adequately reduce or alleviate any potential adverse impacts either generated from the proposal, or impacting the proposal from an off-site source, and hereby concurs with the issuance of a Mitigated Negative Declaration; and,

WHEREAS, at that same hearing the Commission also reviewed related Rezone Application No. R-14-009 and Conditional Use Permit Application No. C-14-080 to allow for the development of a gas station with 8 fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room on a 1.85 acre portion of the 5.0 acre subject property.

NOW, THEREFORE, BE IT RESOLVED that Fresno City Planning Commission finds in accordance with its own independent judgment that there is no substantial evidence in the record, with the project specific mitigation imposed, that Plan Amendment Application No. A-14-005 may have additional significant effects on the environment that were not identified in the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 ("MEIR"), and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), the Commission finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Commission recommends Council adopt the mitigated negative declaration prepared for Environmental Assessment No. A-14-005/R-14-009/C-14-080;

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan as depicted by the attached Exhibit "A" and described within the staff report to the Planning Commission dated April 1, 2015, be approved.

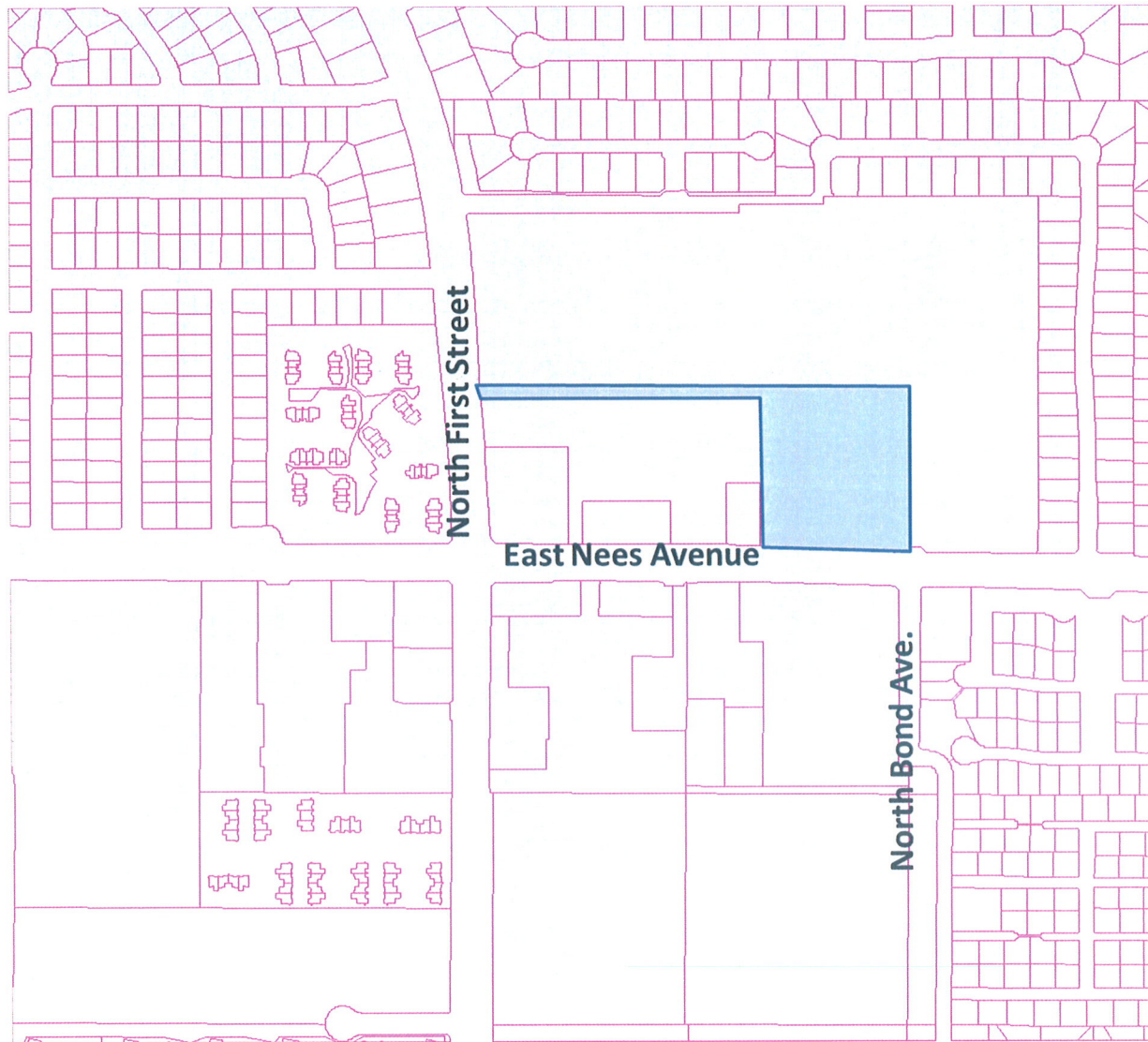
The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Medina, seconded by Commissioner Garcia.

VOTING:       Ayes - Medina, Garcia, Vasquez, Torrosian  
              Noes - Reed  
              Not Voting - Catalano  
              Absent - Holt

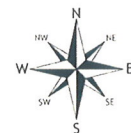
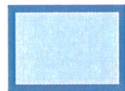
DATED: April 1, 2015

  
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Jennifer K. Clark, Secretary  
Fresno City Planning Commission

Resolution No. 13321  
Plan Amendment Application No. A-14-005  
Filed by Brett Giannetta, on behalf of Russ  
Nakata  
Action: Recommend Approval



**Subject Property**



Not To Scale

## VICINITY MAP

**Plan Amendment No. A-14-005,  
Rezone No. R-14-009**

**Conditional Use Permit Application No. C-14-080**

PROPERTY ADDRESS

780 East Nees Avenue

## DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

**APN:** 402-220-67

**Zone District:** C-R/UGM/cz and C-P/UGM/cz

**By:** S. Pagoulatos, March 12,2015

**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 13322**

The Fresno City Planning Commission, at its regular meeting on April 1, 2015, adopted the following resolution relating to Rezone Application No. R-14-009.

WHEREAS, Rezone Application No. R-14-009 has been filed with the City of Fresno to rezone the property as described below:

REQUESTED ZONING: C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) for 5.0 acres

EXISTING ZONING: C-R/UGM/cz (*Commercial Recreation/ Urban Growth Management/ conditions of zoning*) for 4.63 acres  
C-P/UGM/cz (*Commercial Office/ Urban Growth Management/ conditions of zoning*) for 0.37 acres

APPLICANT: Brett Giannetta, on behalf of Russ Nakata

LOCATION: Located on the northwest corner of East Nees and North Bond Avenues

APN's: **402-220-67**

LEGAL DESCRIPTION: See attached Exhibit "A".

WHEREAS, the above-named applicant is requesting a zoning change on the above property in order to rezone the property consistent with the Woodward Park Community Plan and the City of Fresno General Plan; and,

WHEREAS, on October 8, 2014, the District 6 Plan Implementation Committee reviewed the rezone application and recommended approval; and,

WHEREAS, the Fresno City Planning Commission on April 1, 2015, conducted a public hearing to review the proposed rezone, received public testimony and considered the Development and Resource Management Department's report recommending approval of the proposed rezone; and,

WHEREAS, at the hearing four members of the public spoke in opposition to the proposed rezone application; and,

WHEREAS, the Fresno City Planning Commission has reviewed the environmental assessment prepared for this rezone, Environmental Assessment No. A-14-005/R-14-009/C-14-080, dated February 27, 2015, and is satisfied that the appropriate measures of development will adequately reduce or alleviate any potential adverse impacts either generated from the proposal, or impacting the proposal from an off-site source, and hereby concurs with the

issuance of a Mitigated Negative Declaration; and,

WHEREAS, at that same hearing the Commission also reviewed related Plan Amendment Application No. A-14-005 and Conditional Use Permit Application No. C-14-080 to allow for the development of a gas station with 8 fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room on a 1.85 acre portion of the 5.0 acre subject property.

NOW, THEREFORE, BE IT RESOLVED that Fresno City Planning Commission finds in accordance with its own independent judgment that there is no substantial evidence in the record, with the project specific mitigation imposed, that Rezone Application No. R-14-009 may have additional significant effects on the environment that were not identified in the Fresno General Plan Master Environmental Impact Report SCH No. 2012111015 ("MEIR"), and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), the Commission finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Commission recommends Council adopt the mitigated negative declaration prepared for Environmental Assessment No. A-14-005/R-14-009/C-14-080.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that the requested C-1/UGM/cz (*Neighborhood Shopping Center*) zone district be approved with the following additional conditions of zoning:

1. Pedestrian walkways shall be provided within the site to connect the community commercial portion of the site with the planned office and existing residential neighborhood to the north in future phases of the project. The pedestrian pathways should connect E. Niles Avenue to E. Nees Avenue; and
2. Any future special permit that includes the construction of the North First Street drive access shall be noticed to all property owners within 500 feet of the subject property pursuant to Fresno Municipal Code Section 12-401-F-2.

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

VOTING:           Ayes - Medina, Garcia, Vasquez, Torrosian  
                      Noes - Reed  
                      Not Voting - Catalano  
                      Absent - Holt

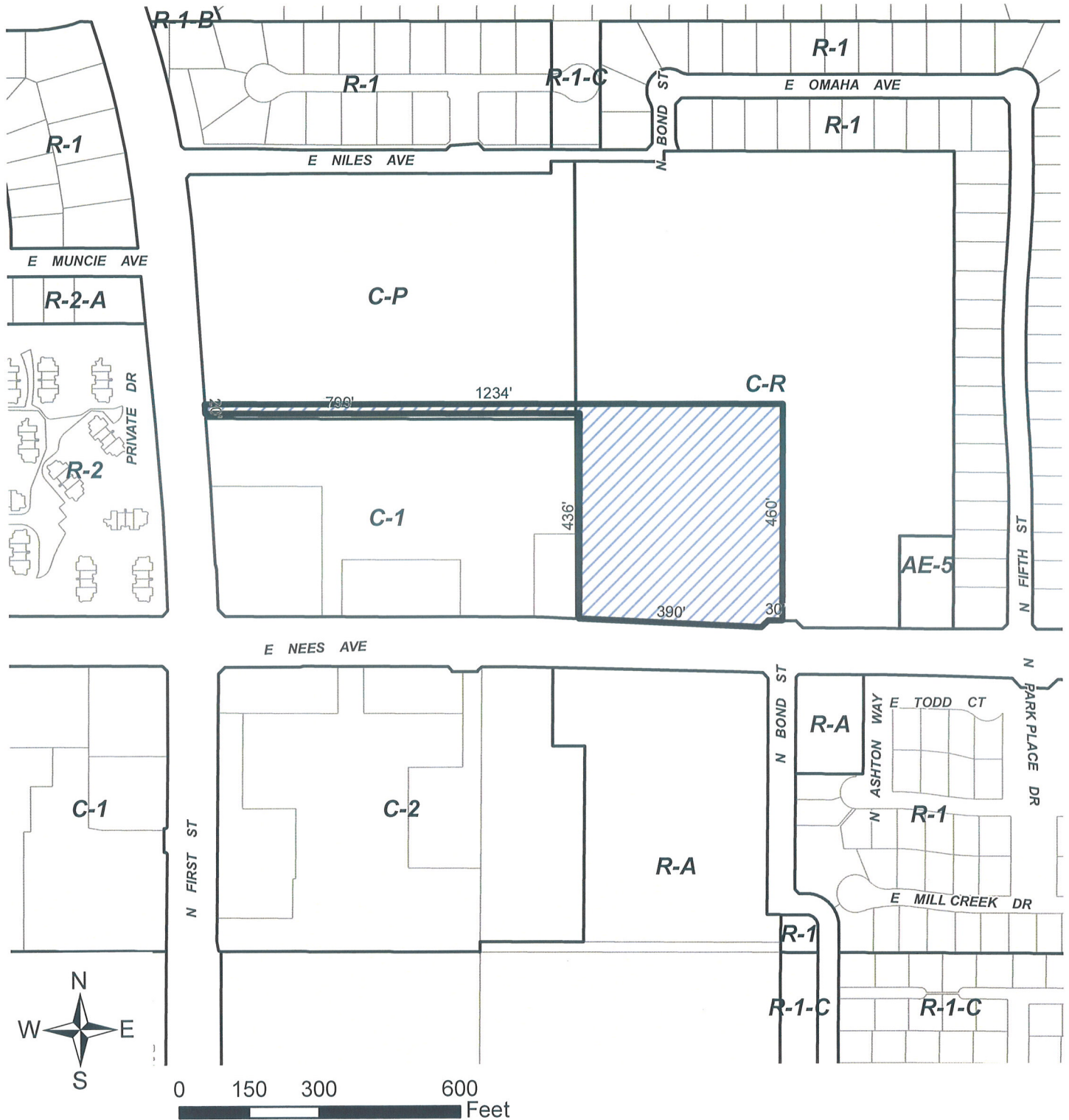
Planning Commission Resolution No. 13322  
Rezone Application No. R-14-009  
April 1, 2015  
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DATED: April 1, 2015

  
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Jennifer K. Clark, Secretary  
Fresno City Planning Commission

Resolution No. 13322  
Rezone Application No. R-14-009  
Filed by Brett Giannetta, on behalf of  
Russ Nakata  
Action: Recommend Approval

# EXHIBIT A



R-14-009

APN: 402-220-67 (portion)

780 East Nees Avenue



C-R/UGM/cz and C-P/UGM to C-1/UGM/cz, 5.00 Acres



**FRESNO CITY PLANNING COMMISSION  
RESOLUTION NO. 13323**

The Fresno City Planning Commission, at its meeting on April 1, 2015, adopted the following resolution relating to Conditional Use Permit Application No. C-14-080.

WHEREAS, Conditional Use Permit Application No. C-14-080 has been filed with the City of Fresno by Brett Giannetta, on behalf of Russ Nakata, for approximately 1.85 acres of property located on the northwest corner of East Nees and North Bond Avenues; and,

WHEREAS, Conditional Use Permit Application No. C-14-080 seeks authorization for the development of a gas station with 8 fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room; and,

WHEREAS, on October 8, 2014, the District 6 Plan Implementation Committee unanimously recommended approval of the proposed project; and,

WHEREAS, on April 1, 2015, the Fresno City Planning Commission reviewed the subject conditional use permit application in accordance with the policies of the Fresno General Plan and Woodward Park Community 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 special permit conditions; and,

WHEREAS, at that same hearing the Commission reviewed related Plan Amendment Application No. A-14-005 and Rezone Application No. R-14-009; 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.

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-14-080 may have a significant effect on the environment with the implementation of the mitigation measures as identified by the Mitigated Negative Declaration which was prepared for Environmental Assessment No. A-14-005/R-14-009/C-14-080 dated February 27, 2015.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Conditional Use Permit Application No. C-14-080 authorizing the development of a gas station with 8 fueling stations, a minimart with an Alcoholic Beverage Control Type 20 alcohol license, an office and a storage room subject to the Development and Resource Management Department Conditions of Approval dated April 1, 2015 and contingent upon City Council approval and effectuation of Plan Amendment Application


PLANNING COMMISSION RESOLUTION No. 13323  
Conditional Use Permit Application No. C-14-080  
April 1, 2015  
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No. A-14-005, Rezone Application No. R-14-009 and the related Environmental Assessment No. A-14-005/R-14-009/C-14-080 dated February 27, 2015.

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

VOTING:           Ayes - Medina, Garcia, Vasquez, Torrosian  
                      Noes - Reed  
                      Not Voting - Catalano  
                      Absent - Holt

DATED: April 1, 2015

  
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Jennifer K. Clark, Secretary  
Fresno City Planning Commission

Resolution No. 13323  
Conditional Use Permit No. C-14-080  
Filed by Brett Giannetta on behalf of  
Russ Nakata  
Action: Approved