

Exhibit M
Planning Commission Resolution No. 13685

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13685**

The Fresno City Planning Commission, at its meeting on September 16, 2020, adopted the following Resolution relating to Conditional Use Permit Application No. P20-00545.

WHEREAS, Conditional Use Permit Application No. P20-00545 was filed by Terri Dickerhoff of CGR Development on behalf of SKW Tulare LLC and pertains to approximately ±0.55 acres located on the northwest corner of North Cedar Avenue and East Tulare Street. The applicant requested authorization to develop a new 3,131 sq. ft. 7-11 convenience store and gas station. Development will include four fuel dispensers, a fuel island canopy, a trash enclosure, and six parking spaces; and

WHEREAS, the Conditional Use Permit did not include nor authorize an Alcoholic Beverage Control (ABC) Sales License as part of the proposed project application; and

WHEREAS, on July 23, 2020, the Planning & Development Director made the necessary Findings to approve the Conditional Use Permit in accordance with FMC Chapter 15, Section 15-5306; and

WHEREAS, on August 11, 2020, an appellant submitted an appeal of the Planning & Development Director's decision in the approval of the Conditional Use Permit; and

WHEREAS, the Commission conducted a noticed public hearing to review the proposed application, received public testimony, and considered the Planning & Development Department report recommending the Planning & Development Director's approval of the Conditional Use Permit be upheld; and

WHEREAS, the Commission considered the Conditional Use Permit application in accordance with the policies of the Fresno General Plan, the Citywide Development Code, and the information provided in the staff report subject to compliance with the Conditions of Approval, dated July 23, 2020; and,

WHEREAS, the Commission reviewed the environmental assessment prepared for this Conditional Use Permit application under Environmental Assessment No. P20-00545, dated July 23, 2020.

BE IT RESOLVED that the Fresno City Planning Commission hereby upholds the Planning & Development Director's approval of Conditional Use Permit Application No. P20-00545, per the following required Findings made in accordance with FMC Section 15-5306 and Housing Element Findings per California Government Code Section 65583:

Findings per Fresno Municipal Code Section 15-5306

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code.*

The proposed service station and convenience store is permitted in the NMX (Neighborhood Mixed Use) zone district by Conditional Use Permit and is conditioned to comply with all applicable provisions of the Code

- B. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted.*

The proposed service station and convenience store is consistent with the General Plan and Downtown Neighborhoods Community Plan.

- C. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements.*

The proposed service station and convenience store will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements. The project proposes a compatible architectural design consistent with the character of the area and has been conditioned to comply with all relevant sections of the development code that apply, specifically but not limited to regulations regarding the operation of service station use, traffic and circulation, building and safety requirements, and fire regulations. The project has been reviewed by Planning, Building & Safety, Traffic Planning, and the Fire Department. All comments received have been incorporated into the conditions of approval for the project. Compliance with the conditions will be required prior to the project receiving its final building permit.

- D. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.*

The proposed service station and convenience store is surrounded by urban uses, including commercial and residential uses at this developed intersection. The use is compatible with the planned land use for the location and surrounding area, indicating that it will remain compatible for the foreseeable future. Tulare Street is classified a major street (Collector), and the NMX zoning designation is assigned to all properties on both sides of Tulare Street between the intersections of Tulare Street and South First Street and Tulare Street and North Chestnut Avenue.

- E. The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.*

The proposed service station and convenience store is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services have been provided to serve the property and were reviewed for consistency with the requirements of the NMX (Neighborhood Mixed Use) planned land use and zone district.

- F. The proposed use is consistent with the Fresno County Airport Land Use Compatibility Plan (as may be amended) adopted by the Fresno County Airport Land Use Commission pursuant to California Public Utilities Code Sections 21670-21679.5.*

The proposed project is consistent with the Fresno County Airport Land Use Compatibility Plan. The project site is not located within any of the safety boundaries areas of the airports located in Fresno County.

Findings per California Government Code Section 65583

- A. The reduction in residential densities on sites within the Housing Element inventory included in the proposed Development Permit and Planned Development is consistent with the goals and objectives of the Fresno General Plan, and is consistent with the Housing Element; and*

The reduction in residential densities on sites within the Housing Element inventory and the proposed Conditional Use Permit is consistent with the goals and objectives of the Fresno General Plan. The proposed use as a service station and convenience store is an allowable use per the Citywide Development Code subject to Conditional Use Permit approval. Additionally; the project is consistent with the Housing Element in that the project is developing at an allowed density as noted below.

- B. The remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Section 65584. The capacity quantification for all income categories is as follows:*

This project is located on a parcel listed in the 2013-2023 RHNA Housing Element Sites Inventory, which anticipates seven units of moderate housing at this site. The 2013-2023 RHNA obligations for moderate are 3,228 units and the existing surplus capacity is 952 units for a total existing capacity of 4,180 units. This project proposes the construction of a convenience store and gas station with zero units of housing, thus this project will result in the loss of seven moderate units from the Sites Inventory, resulting in a the surplus capacity of 945 units. As the remaining sites identified in the Housing Element are adequate to meet the requirements of Section 65583.2 of the California Government Code and to accommodate the City's share of the regional housing need pursuant to Section 65584, this project is consistent with the Housing Element.

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NOW, THEREFORE BE IT RESOLVED that the Fresno City Planning Commission hereby approves the CEQA environmental assessment determination for the project and Conditional Use Permit Application No. P20-00545, in accordance with the Conditions of Approval dated July 23, 2020.

The foregoing was adopted by the Fresno City Planning Commission upon a motion by Commissioner Sodhi-Layne, seconded by Commissioner Diaz.

VOTING: Ayes -Vang, Bray, McKenzie, Diaz, Sodhi-Layne
 Noes - None
 Not Voting -Hardie
 Absent -Criner

DATED: September 16, 2020



Dan Zack, AICP, Acting Secretary
Fresno City Planning Commission

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Action: Application Approval Upheld