

**Excerpt from Draft Minutes
Planning & Zoning Commission
Meeting of April 7, 2016**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning On An Approximately 12.4-Acre Tract Zoned PD-52 For The Local Retail District And Located On The North Side Of Keller Springs Road East Of Josey Lane To Amend Planned Development District 52 To Allow For Automobile Equipment & Rental, Amending The Official Zoning Map Accordingly. Case No. 04-16Z2 Home Depot. Case Coordinator: Michael McCauley.

McCauley presented the case to allow a retail store to have on-site rental of trucks and panel vans as an accessory use. Staff recommended approval with stipulations. Lastly he advised that staff did not receive any comments on the case.

Dan Zoldak, 4694 W Jacquelyn Ave., Fresno, California, did not make a formal presentation; he stated that he read and understood the stipulations. Chair McAninch asked if he was aware that Stipulations 3, 4 and 5 were from the prior action by the Commission that have not yet been completed. Mr. Zoldak replied that he was and stated they had already made application regarding the sign and were moving forward to correct those items. He further stated that Home Depot and the staff understand that they must meet the stipulations and was willing to react on them immediately.

Kiser noted that the last time Home Depot was before the Commission, they had allowed an increase in outdoor display over the amount allowed by City ordinance. Yet Home Depot has violated the stipulations as they used even more outside storage than had been permitted. He was now concern about the current request for even more outside display area. He said the location they have chosen for the vans at the front door of the shopping center and also in the rear where traffic congestion and circulation is very confusing and dangerous. He noted that the applicant would not be allowed to use “for rent” signs or flags; he stated he has a real problem with them asking for more outside space when they have not complied with what was previously approved. He also noted that the area was very unsightly.

Mr. Zoldak stated they had already taken action to clean up the site. Kiser advised that he drove by an hour before the meeting and the place was filthy; he noted stacks of pallets and empty pots in violation; with sod, fertilizer and mulch stacked in areas that were not designated for outside storage or display. He recalled that during the previous request, they had agreed to having the allowable outdoor storage areas marked in yellow and crosshatched to clearly indicate where the locations were. Mr. Zoldak said he agreed with painting the ground where the storage area is. He also agreed to a stipulation that approval would be null and void unless adhered to prior to a certain date. He stated they met with the Planning staff to pick the best location for the parking of the vans and stated they were willing to consider other locations.

Daniel-Nix asked the applicant if he was saying that staff recommended the area for parking the vans and Mr. Zoldak clarified that they presented a plan and they didn’t receive any comments about it, but they were open to other suggestions.

Kraus asked if the rental of the vehicles would operate out of the contractor area or the general area and Mr. Zoldak replied that he believed it was out of the contractor area but he was not entirely sure. Discussion ensued about where the rental trucks and vans could be stored.

McCauley stated the maximum box truck was 26' long not including the length of the cab and it would be difficult to park it along the northern most part where the wall is unless it was parallel parked.

Chair McAninch opened the public hearing and there were no speakers. She offered the applicant the opportunity for closing remarks.

Mr. Zoldak requested approval noting that they were willing to take care of the Commission's concerns.

Chair McAninch closed the public hearing.

Romo suggested that there were 12 spaces between rows 58 and 38 which were between two median islands that would be a good spot to allow for parking as well as circulation. He felt the two median islands would help block it off and designate the spot.

Chadwick suggested continuing the case to the May 5 meeting to garner consensus.

Kraus suggested a motion to approve with specific direction on the parking and a stipulation that all conditions must be adhered to prior to receiving the Certificate of Occupancy could be reached.

*** Kraus moved approval of Case No. 04-16Z2 Home Depot with a stipulation that the parking for the rental vehicles be moved to that last full double row to the northeast and that it be between the second and third island and all of the other staff stipulations, and the stipulation that before they get a C.O., all the stipulations that they had before that they hadn't met have to be corrected; and that the parking spaces would be stripped off so it is clearly delineated; and that the public hearing be closed; second by Kiser.** Chair McAninch underscored to the applicant that all stipulations must be met before the C.O. would be issued and if the applicant was unsure about the limits of the authorized outside area, he should speak with staff because a specific drawing exists indicating the areas. Mr. Zoldak stated he understood. Chair McAninch also stated that the six rental vehicles must be parked in those designated areas only at all times and asked the applicant if he understood. Mr. Zoldak replied affirmatively. **The motion was approved with a 6-2 vote (Sundaran and Daniel-Nix opposed, Nesbit absent)**