



# Board Agenda Item 13

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DATE: March 7, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director  
Department of Public Works and Planning

SUBJECT: Initial Study Application No. 7163 and Amendment Application No. 3819

RECOMMENDED ACTION(S):

- 1. Consider and adopt the Mitigated Negative Declaration prepared for Initial Study Application No. 7163 including the Mitigation Monitoring and Reporting Program prepared for Amendment Application No. 3819; and**
- 2. Approve Ordinance pertaining to Amendment Application No. 3819 to modify existing M-3(c) (Heavy Industrial, Conditional) zoning on the subject 16.95-acre parcel and 2.06-acre parcel in order to allow for additional by-right land uses (Transportation Refrigeration Unit Truck and Trailer Storage, ancillary uses exclusive to the on-site Occupant to include Administrative Offices, Truck and Trailer Service Facilities, Fuel Dispensing Facilities, and Driver Dispatch Facilities).**

**The subject property is located on the southwest corner of E. North Avenue and S. Minnewawa Avenue, approximately one mile south of the nearest city limits of the City of Fresno (3037 S. Minnewawa Avenue) (Sup. Dist. 4) (APNs 331-080-58, 331-080-59).**

This item comes before the Board with a unanimous (8 to 0, one recusal) recommendation for approval from the Planning Commission and requires final action from the Board of Supervisors as required by the Fresno County Zoning Ordinance and state planning law.

ALTERNATIVE ACTION(S):

If the Board determines that the rezoning is not consistent with the General Plan, a motion to deny Amendment Application No. 3819 would be appropriate.

FISCAL IMPACT:

Pursuant to the County's Master Schedule of Fees, the applicant has paid \$7,729 in land use processing fees to the County for the processing of the Amendment Application request.

DISCUSSION:

A rezoning is a legislative act requiring final approval by the Board. Final action by the Board is also required for the adoption of the Initial Study Application (IS), filed concurrently with the rezoning application. If approved, the rezoning would then become effective 30 days after adoption.

The request as proposed and recommended for approval by the Planning Commission would entail adding a limited number of additional uses to the existing Conditional Heavy Industrial Zoning for the subject properties. Particularly, approval of the request would now permit the storage of Transportation Refrigeration Units (TRU's) on the subject properties; a use which was previously prohibited when the property was rezoned from agricultural to conditional industrial uses in 2009.

The area proposed for rezoning is designated General Industrial in the County-adopted Roosevelt Community Plan, which provides for a full range of manufacturing, processing and storage facility uses. The subject parcels, totaling approximately 19 acres, were rezoned from AL-20 (Limited Agricultural, 20-acre minimum parcel size) to Heavy Industrial, Conditional on October 27, 2009 when the Board of Supervisors approved Amendment Application No. 3782 rezoning the parcels to M-3(c) [Heavy Industrial, conditionally limited to self-storage, truck storage (excluding Transportation Refrigeration Units), and recreational vehicle storage]. The Board of Supervisors specifically excluded Transportation Refrigeration Unit (TRU) trucks and trailers on the property based upon noise concerns identified by opponents during public testimony in 2009.

The current request involves amending the M-3(c) zoning to add TRU truck and trailer storage and incidental uses exclusive to the on-site occupant including administrative offices, truck and trailer service facilities, fuel dispensing facilities, and driver dispatch facilities. A subsequent Site Plan Review (SPR) must be approved for any by-right land uses allowed under the M-3(c) Zone District prior to implementation of the use.

On January 26, 2017, the Planning Commission considered the subject application. After receiving staff's presentation and considering public testimony from the Applicant, the Commission voted 8 to 0 (one Commissioner recused) in favor of forwarding to the Board a recommendation adopting the Mitigated Negative Declaration prepared for the request and recommending approval of the proposed rezoning, subject to the Mitigation Measures, Conditions of Approval and mandatory Project Notes listed in the Staff Report.

A noise assessment was prepared by Bollard Acoustical Consultants, Inc. for the subject application. Based on the results of that assessment it was determined that future development involving the use of TRU trucks and trailers could comply with the Fresno County Noise Ordinance with incorporated Mitigation. Mitigation measures cited and incorporated into the environmental document include the construction of a noise barrier along specific property line segments, and parking of TRU's towards the center of the property. These requirements were reviewed by the Fresno County Department of Public Health, Environmental Health Division, and were determined to reduce potential noise-related impacts to less than significant levels and were made specific mitigation measures of the project.

If this Board determines that the proposed rezoning is consistent with the General Plan, a simple approval motion would be appropriate. If the Board determines that the rezoning is not consistent with the General Plan, denial of the application would then be appropriate citing the reasons for denial and the proposal's inconsistency with the General Plan.

REFERENCE MATERIAL:

BAI #17, October 27, 2009

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits 1 - 3  
Ordinance

CAO ANALYST:

John Hays