

**MEETING AGENDA  
CITY OF SELMA  
PLANNING COMMISSION**

**June 22, 2020  
6:00 PM**

City of Selma Council Chambers  
1710 Tucker Street  
Selma, CA 93662

Teleconference Phone Number: + 1(646) 876-9923  
Access Code: 844-8191-9246

Call to order at **6:00 p.m.**

Flag salute led by Commissioner Sekhon

Roll Call: Commissioners Niswander, Coury, Fedor, Garcia, Gonzalez, Sekhon, Singh

**Potential Conflicts of Interest:** *Any Commissioner who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.*

**ORAL COMMUNICATIONS**

**NOTICE(S) TO THE PUBLIC:** *At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.*

**CONSENT CALENDAR**

All items listed under consent calendar are considered routine. The complete consent calendar will be enacted by one motion by Roll-Call Vote. For purposes of discussion any Commission Member may have an item removed from the consent calendar and made part of the regular agenda. The Commission can then approve the remainder of the consent calendar.

1. Consideration and necessary action on the minutes of the May 26, 2020 meeting.

**PUBLIC HEARINGS**

2. Consideration and Necessary Action on CONDITIONAL USE PERMIT NO. 2020-14 - Consideration of a Resolution recommending that the Planning Commission approve a Conditional Use Permit to allow the selling of Beer & Wine (Type 41 Alcoholic Beverage License) for Chicken Shack located at 2940 McCall Street, Suite 112 Selma, CA. (APN: 358-220-39) and a Notice of Exemption regarding the same.

**PRESENTATIONS**

3. Presentation of an update and overview of the Downtown Overlay Zone and opportunity to gain the Planning Commission and community's input on what they would like for this area. The Planning Commission is to consider a recommendation to update the existing zoning code for the downtown core. This includes a recommendation for a Downtown Overlay Zone to be added to the City's proposed zoning code update under its SB 2 grant funding.

## **ORAL COMMUNICATIONS**

***NOTICE(S) TO THE PUBLIC:*** *At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.*

## **ADJOURNMENT**

- *Any writings or documents provided to a majority of the Selma Planning Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 1710 Tucker Street during normal business hours.*
- *In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (559) 891-2200. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.*

**DRAFT  
CITY OF SELMA  
MINUTES OF PLANNING COMMISSION MEETING  
May 26, 2020**

Chairman Niswander called the meeting of the Selma Planning Commission to order at 6:00 p.m. in the Council Chambers. Commission members answering roll call were Fedor, Garcia, Gonzales, Coury, Sekhon, and Chairman Niswander. Commissioner Singh was absent.

Also present were City Attorney Neil Costanzo, Planner Kira Noguera by phone.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

Chairman Niswander asks if any Commissioner has any conflict of interest and to identify the item and to excuse him or herself.

Chairman Niswander asks for a consensus for a vote on the consent calendar.

Commissioner Gonzales makes the motion to approve minutes for March 23, 2020.

Commissioner Coury seconds the motion to approve the minutes for March 23, 2020.

Chairman Niswander ask for roll call vote to approve minutes for March 23, 2020.

Sabino Cayetano Building/Planning Technician takes roll call vote to approve the minutes for March 23, 2020. Commissioners as follows voted yes: Commissioners, Coury, Fedor, Garcia, Gonzales, Sekhon, and Chairman Niswander. Commissioner Garcia abstained from the vote and Commissioner Singh was absent.

**PUBLIC HEARINGS**

**Consideration of TENTATIVE PARCEL MAP 2020-006, an application filed by Fahrney Land Management, LLC. The 34.19 acre property is zoned CR (Regional Commercial). The proposal will result in five parcels varying in size from 2.96 acres to 9.16 acres. The project is exempt from CEQA (APN 348-191-06S & -18).**

Chairman Niswander describes the agenda item to the Planning Commission.

Planner Kira Noguera describes agenda item to the Planning Commission.

Chairman Niswander asks if commissioners have any questions of staff.

Commissioner Garcia asks if the application is being made to speed up development for maps we have had already for a few years.

Planner Kira Noguera responds that map in the past has expired and the final was never approved and a new map needed to be approved to continue with new development.

Chairman Niswander asks if there are any questions for staff. Asks if the applicant has anyone to speak in favor of agenda.

Scott Farhney at 3105 Highland Ave, Selma, Ca speaks in favor of agenda.

Chairman Niswander asks is there a reason for the size of the parcels.

Brandon Broussard at Yamabe & Horn Engineering 2985 N Burl Ave, suite 101, Fresno, Ca speaks in favor of agenda.

Commissioner Fedor asks is the existing road now going to be an easement through all the lots.

Brandon Broussard responds yes, the road will run through all the lots.

Commissioner Fedor asks if it is a private road.

Brandon Broussard responds by saying yes it would be considered a private road for all the properties.

Chairman Niswander asks commissioners for any other questions.

Commissioner Garcia asks if there's an agreement with developers for each parcel.

Brandon Broussard responds with that one group owns this property.

Scott Farhney responds that Farhney Land Management owns the property and that it had a development agreement but nothing current.

Commissioner Garcia asks if development agreement is close to expiring or still ongoing.

Scott Farhney responds that the agreement is still ongoing.

Chairman Niswander asks commissioners for any other questions.

City Attorney Neil Costanzo responds that it's a possibility that it can be split up again but for now it's the development of the hotel.

Brandon Broussard responds if split we would do a lot line adjustment.

Chairman Niswander asks if anyone wants to speak in an opposition of the agenda. Being none, Chairman Niswander closes the public portion.

Chairman Niswander entertains the motion for approval if no one has anything to add.

Commissioner Garcia motions for approval of resolution 2020-02 approving TPM 2020-006.

Commissioner Coury seconds the motion for approval of resolution 2020-02 approving TPM 2020-006.

Chairman Niswander asks Sabino Cayetano to call roll call for approval.

AYES: Fedor, Coury, Garcia, Gonzalez, Sekhon & Niswander  
NOES:  
ABSTAIN:  
ABSENT: Singh

Chairman Niswander entertains the motion for adjournment.

Commissioner Gonzales makes the motion for adjournment.

Commissioner Coury seconds the motion for adjournment.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 6:17 p.m.

Respectfully submitted,

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Sabino Cayetano  
Building Planning Technician

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Glenn Niswander, Chairman  
of the Planning Commission

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Kira Noguera  
Secretary of the Planning Commission

**SELMA PLANNING COMMISSION  
STAFF REPORT**

Meeting Date: June 22, 2020

**TO:** Selma Planning Commission  
**FROM:** Community Development Department  
**SUBJECT:** AGENDA ITEM NO. 2  
Submittal No. 2020-0014: Conditional Use Permit

**Summary and Purpose**

The purpose of this agenda item is to hold a public hearing to consider a Conditional Use Permit requesting to allow the selling of Beer & Wine (Type 41 Alcoholic Beverage License) at 2940 McCall Avenue Suite 112, Selma, CA (APN:358-220-39).

**Application Information**

Applicant: Sonia Sidhu, 1619 North Piccadilly Lane, Clovis CA 93619  
Project Location: 2940 McCall Avenue Suite 112, Selma, CA (APN:358-220-39)  
Applicant's Proposal: To sell Beer & Wine (Type 41 Alcoholic Beverage License) at a restaurant located at 2940 McCall Avenue, Selma, CA  
Land Use; General Plan; Zoning: Commercial; Neighborhood Commercial; C-1.

**Summary and Purpose**

This site is currently the location of a 4,600 ft.<sup>2</sup> restaurant. The applicant would like to operate a restaurant called Chicken Shack at the location. The applicant has applied for a Conditional Use Permit to allow for the sale of beer and wine at the restaurant (with a Type 41 Alcoholic Beverage License). The City of Selma Municipal Code provides regulations regarding the sale of alcohol. Pursuant to Section 11-8-2 (18) of the Municipal Code, "Serving of alcoholic beverages in a restaurant is subject to a conditional use permit and site plan review." Because a restaurant is already located on the site, a site plan review is not required.

The applicant proposes to continue operating the restaurant space in the existing 4,600 square foot building during the hours of 11:00 AM – 10:00 PM. The property is zoned as Neighborhood Commercial (C-1) and restaurants are a permitted use in this zone district.

Type 41 ABC License – On Sale Beer & Wine – Eating place - Authorizes the sale of beer and wine for consumption on premises where sold. *Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes).* Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The business is an approved use in the district and meets parking requirements for the location as long as the business maintains the standard of 1 parking space for each four (4) seats.

### **Environmental (CEQA)**

This project is exempt under California Environmental Quality Act (CEQA) Article 19 §15301 - Existing Facilities.

### **Notice of Public Hearing**

The Public Notice was published one time in The Selma Enterprise on June 10, 2020. The adjacent property owners within 300 feet were notified of the hearing by the City via letter on June 10, 2020.

### **Findings**

Staff recommends that the Planning Commission make the following findings with regards to Conditional Use Permit No. 2020-0014:

- 1) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Section to adjust said use with land and uses in the neighborhood.
- 2) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- 3) That the proposed use will have no adverse effect on property within a three hundred foot (300') radius of the permitted use thereof. In making this determination, the Planning Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation, setbacks, height of buildings, walls and fences, landscaping, outdoor lighting, signs, such other characteristics as will affect surrounding property.
- 4) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 5) That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.
- 6) That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

### **Conditions**

Based on the approved findings, staff recommends that Conditional Use Permit No. 2020-0014 be approved subject to the following conditions:

1. The project shall operate in accordance with City of Selma Municipal Code Section 11.16.01 – 11.16.10. Conditional Uses.

2. Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.
3. Approval does not authorize any deviation from Fire and Building Codes.
4. Applicant to maintain all licenses and/or permits required by the State.
5. Should the site be converted to a more intensified use, parking requirements will be re-analyzed, which may result in a reconfiguration of the site.
6. The proposed project shall comply with all standard City of Selma Municipal Code.
7. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Selma, and other regulatory agencies.
8. An approved and listed security system shall be reviewed and approved by the Selma Building Official and Selma Police Department. The approved security system shall be installed and shall meet the requirements as approved.
9. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Selma after a public hearing and following the procedures outlined in the Selma Municipal Code.
10. Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the market. If lighting does not currently exist, it shall be provided within 60 days of this approval. Details to be worked out with staff.
11. The premises shall remain clean and free of debris at all times.

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**Recommendation**

Staff recommends approval of Resolution No. 2020-03, approving Conditional Use Permit 2020-0014.

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Kira Noguera, Contract Planner  
Community Development Department



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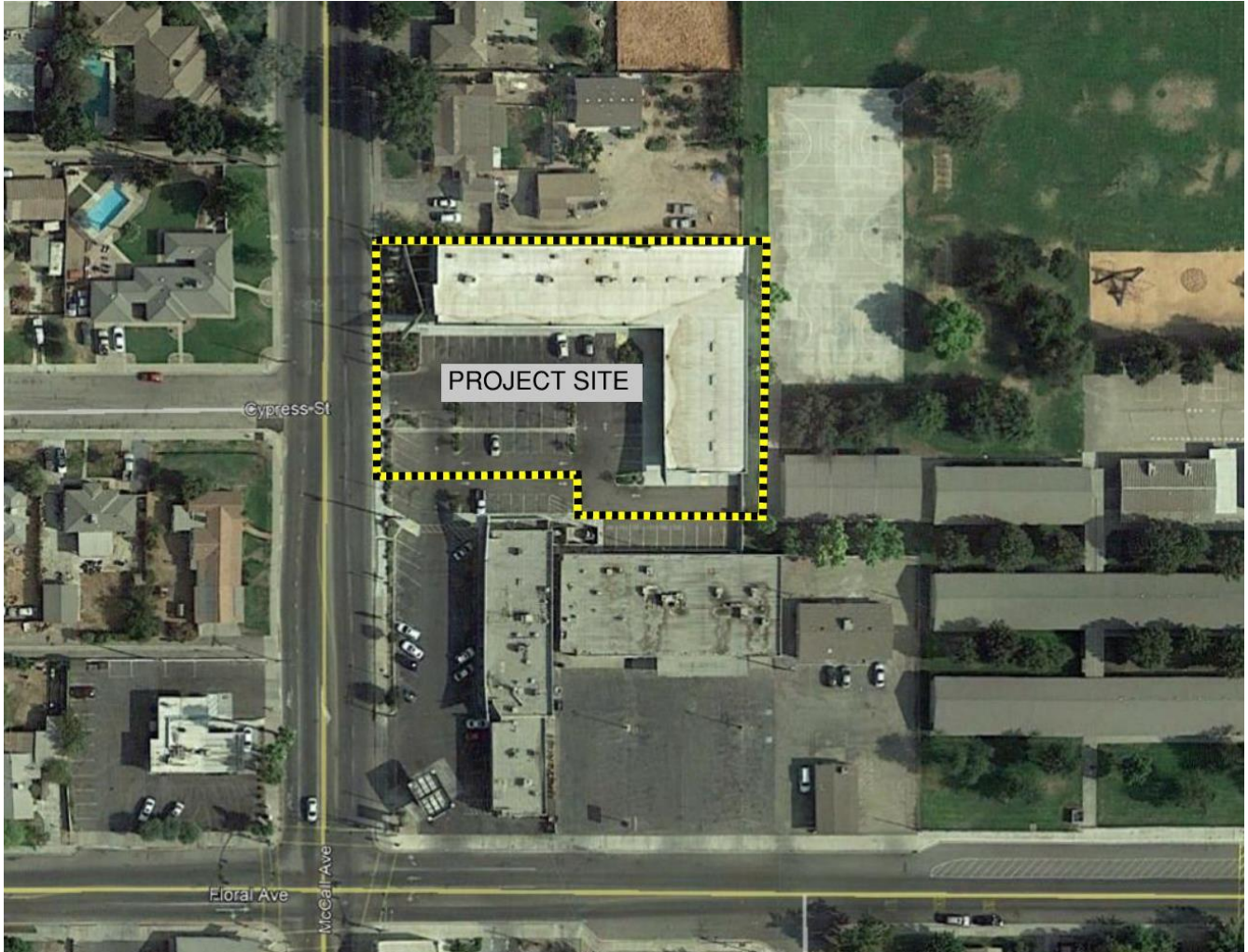
Teresa Gallavan  
City Manager

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***Attachments***

1. Location Map
2. Resolution No. 2020-03 approving Conditional Use Permit 2020-0014

## Project Location Map



**RESOLUTION NO. 2020-03**

**A RESOLUTION OF THE CITY OF SELMA PLANNING  
COMMISSION APPROVING CONDITIONAL USE PERMIT  
NO. 2020-0014**

**ABC LICENSE TYPE 41 BEER & WINE  
2940 MCCALL AVENUE SUITE 112, SELMA CA 93662 (APN 358-220-39)**

**WHEREAS**, on June 22, 2020, Selma Planning Commission considered a conditional use permit application filed by Sonia Sidhu. The Conditional Use Permit No. 2020-0014 application was filed for the purposes of permitting a Beer & Wine ABC Type 41 license at 2940 McCall Avenue Suite 112, Selma, CA (APN:358-220-39); and

**WHEREAS**, the public hearing was noticed in accordance with all applicable state and local laws; and

**WHEREAS**, the Selma Planning Commission conducted a public hearing, as heretofore specified, and considered the proposal and the Planning Division Staff Report together with all public testimony of interested parties; and

**WHEREAS**, the Planning Commission, as the lead agency, examined the whole record and found that Section 15301 of the California Environmental Quality Act provides that projects consisting of the operation of existing facilities involving negligible or no expansion of use beyond that previously existing may qualify as a Class 1 Categorical Exemption.

**WHEREAS**, the Selma Planning Commission deliberated and prepared its Findings for denying Conditional Use Permit No. 2020-0014 which are stated and included in this Resolution.

**FINDINGS:**

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Section to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse effect on property within a three hundred foot (300') radius of the permitted use thereof. In making this determination, the Planning Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation, setbacks, height of buildings, walls and fences, landscaping, outdoor lighting, signs, such other characteristics as will affect surrounding property.

4. That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
5. That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.
6. That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.

CONDITIONS:

1. The project shall be in accordance with Zoning Ordinance Section 11.16.01 – 11.16.10. Conditional Uses.
2. Full compliance with all conditions of approval stated in this document shall be achieved prior to the issuance of any Certificates of Occupancy or as modified by the Community Development Director. Any minor modifications shall be submitted to the Director to review and determine compliance with the original Conditions of Approval.
3. Approval does not authorize any deviation from Fire and Building Codes.
4. Applicant to maintain all licenses and/or permits required by the State.
5. Should the site be converted to a more intensified use, parking requirements will be re-analyzed, which may result in a reconfiguration of the site.
6. The proposed project shall comply with all standard City of Selma Municipal Code and Subdivision Map Act requirements.
7. This approval is subject to the business owner being in good standing with all laws of the State of California, including the Alcohol Beverage Control (ABC), City of Selma, and other regulatory agencies.
8. An approved and listed security system shall be reviewed and approved by the Selma Building Official and Selma Police Department. The approved security system shall be installed and shall meet the requirements as approved.
9. The City reserves the right to periodically review the area for potential problems. If problems (on-site or within the immediate area) including, but not limited to, public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct result from the proposed land use, the conditional use permit may be subject to review and revocation by the City of Selma after a public hearing and following the procedures outlined in the Selma Municipal Code.

10. Sufficient lighting shall be provided throughout the site to provide a safe environment for patrons of the market. If lighting does not currently exist, it shall be provided within 60 days of this approval. Details to be worked out with staff.

11. The premises shall remain clean and free of debris at all times.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Selma Planning Commission hereby takes the following actions:

1. That the foregoing recitals and findings are true and correct and incorporated by this reference as though fully set forth at this point.
2. The Planning Commission approves Conditional Use Permit No. 2020-0014 subject to the Findings of Fact and made a part of this Resolution.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 22nd day of June, 2020 by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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GLENN NISWANDER CHAIRMAN  
OF THE PLANNING COMMISSION

ATTEST:

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Kira Noguera, Secretary, Selma City Planning Commission

**SELMA PLANNING COMMISSION  
STAFF REPORT**

Meeting Date: June 22, 2020

**TO: Selma City Council**  
**FROM: Community Development Department**  
**SUBJECT: AGENDA ITEM No. 3**

Central Core and Downtown Overlay Zone

**Summary and Purpose**

The purpose of this agenda item is to provide an opportunity to give an update and overview of the Downtown Overlay Zone and gain the Planning Commission and community's input on what they would like for this area. The Planning Commission is to consider a recommendation to update the existing zoning code for the downtown core. This includes a recommendation for a Downtown Overlay Zone to be added to the City's proposed zoning code update under its SB 2 grant funding.

The proposed Downtown Overlay Zone boundaries extend from Branch Street/Wright Street/Arrants Street to the north, McCall Avenue/Mill Street/Centerville and Kingsburg Canal to the east, and Sylvia Street to west.

The Community Development Department has been working with Fresno Council Of Governments'(FCOG) Circuit Planning Team, Rincon Consultants, in developing this overlay zone. This staff report is to inform and gather input from the Planning Commission on how to proceed with the vision and goals for the Downtown Overlay Zone.

The following are the Central Core and Downtown Overlay Zone recommendations from City Staff:

Establish a Central Core and Downtown Selma Overlay Zone to provide a consistent vision for the downtown core of the city. The overlay zone would include the following recommendations:

- Allow for mixed-use, residential, and other uses deemed appropriate or to be encouraged for the downtown
- Update the zoning code to be consistent with policies adopted in the Selma 2035 General Plan
- Codify the proposed overlay within the City Code
- Provide building and design guidance for future development of the downtown core
- Encourage a pedestrian-friendly, vibrant downtown using Complete Streets strategies
- Preserve the small-town character and charm of Selma
- Create a distinct architectural theme
- Establish downtown as a family-friendly, entertainment destination
- Include opportunities for public-private partnerships

**Application Information**

Applicant: City of Selma

**Project Location:**

The boundaries extend from Branch Street/Wright Street/Arrants Street to the north, McCall Avenue/Mill Street/Centerville and Kingsburg Canal to the east, and Sylvia Street to west.

**Zoning:**

The proposed downtown overlay is currently zoned: C-B-D, C-S, C-2, C-O, R-1-7 and R-3. The existing City Code has not yet established development standards for the C-B-D, C-S, C-O, or R-1-7 zones.

**Notice of Public Hearing**

Informational item only.

**Recommendation**

This is an informational item for discussion and to provide direction to staff on this item.