

Planning Commission Minutes Excerpt
July 22, 2020

- 4.1 Modification to the Pre-annexation Development Agreement for the Absolute-Bright Annexation, initiated by Rick Telegan on behalf of Exposition Properties, LLC, and Leeco, LLC, property owners. This application involves a request to modify Exhibits “D” and “G” of the Pre-Annexation Development Agreement. The requested modification of Exhibit “D” would re Modification to the Pre-annexation Development Agreement for the Absolute-Bright Annexation, initiated by Rick Telegan on behalf of Exposition Properties, LLC, and Leeco, LLC, property owners. This application involves a request to modify Exhibits “D” and “G” of the Pre-Annexation Development Agreement. The requested modification of Exhibit “D” would remove the requirement that development within the annexation area be done from south to north, thus allowing any of the property owners to develop without being delayed by the development of the other property, and the requested modification of Exhibit “G” would modify Condition #7 of Planning Commission Resolution #2871 removing the requirement that all infrastructure on G Street be completed in one construction project, and not be divided by ownership or tentative maps. The affected property consists of approximately 85 acres, generally located on the east side of G Street, north of Merrill Place (extended). The property has General Plan designations of Low Density Residential (LD), Village Residential (VR), and Open Space/Park Recreation (OS-PK); and is zoned R-1-5 and Residential Planned Development (P-D) #61.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #20-16.

Staff recommended that this item be continued to the meeting of August 19, 2020, to allow the applicant to meet with Bright Development. Staff feels that any amendments would fall under Section 25 of the Development Agreement.

Commissioner DYLINEA asked Ms. NELSON for clarification on what constitutes a minor versus a major change, as referenced in her presentation, and in Section 22.7 of the Development Agreement.

Deputy City Attorney CAMPBELL clarified that Section 25 of the Pre-Annexation Development Agreement states that any modification requires the mutual consent of both parties.

Public testimony was opened at 7:23 p.m.

Speaker from the Audience in Favor:

RICK TELEGAN, Applicant, Fresno

There were no speakers in opposition to the project.

Public testimony was closed at 7:35 p.m.

Chairperson HARRIS remarked that the wording in Section 22.7 of the Pre-Annexation Development Agreement states that minor changes do not require the signature of both parties.

Mr. CAMPBELL explained that contract law still applies and both parties should be signatory on any modifications.

Commissioner RASHE made a motion to deny a Categorical Exemption regarding Environmental Review #20-15 and the Modification to the Pre-Annexation Development Agreement.

The motion failed due to lack of a second to his motion.

M/S DYLINA-DELGADILLO, and carried by the following vote, to continue the public hearing to the Planning Commission meeting of August 19, 2020, with a request that City Staff ask to sit in on the negotiations between both parties in order to report to the Commission on whether negotiations were being conducted in good faith.

AYES: Commissioners Camper, Delgadillo, Dylina, Rashe, and Chairperson Harris

NOES: None

ABSENT: Commissioners Butticci and White

ABSTAIN: None