

Planning Commission Minutes Excerpt
August 19, 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 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 - Addendum.

Staff recommended that this item be continued to the meeting of September 23, 2020, to allow the applicant and Bright Development to agree upon the proposed amendments. Alternative action would be to deny the proposed amendments. The City Attorney’s Office had determined that agreement of both parties would be required for approval. Bright Development had not yet consented.

Commissioner DELLGADILIO asked Ms. NELSON if the City Attorney’s Office was involved in the negotiation.

Associate Planner NELSON clarified that the Attorney’s Office was not on any of the calls, but has been involved in reviewing the agreement and determining what process needs to be taken in order to amend the proposed agreement.

Commissioner WHITE asked Ms. NELSON what the nature of the disagreement was and if the City can intervene.

Associate Planner NELSON stated that both parties could still come to an agreement regarding the proposed modifications.

Public testimony was opened at 7:30 p.m.

Speaker Via Teleconference in Favor:

RICK TELEGAN, Applicant, Fresno

Mr. TELEGAN claimed that the City modified the Pre-annexation Development Agreement without consent of either parties through the General Plan Update in 2012 and ultimately urged the Commission to recommend denial rather than continue the item.

There were no speakers in opposition to the project.

Public testimony was closed at 7:43 p.m.

M/S DYLINA-CAMPER, and carried by the following vote, to recommend to City Council the denial of the Categorical Exemption regarding Environmental Review #20-15 and the Modification to the Pre-Annexation Development Agreement.

AYES: Commissioners Butticci, Camper, Delgadillo, Dylina, White, and Chairperson Harris

NOES: None

ABSENT: Commissioner Rashe (excused)

ABSTAIN: None