

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, AUGUST 28, 2017, 7:00 PM REGULAR MEETING,

VISALIA CONVENTION CENTER LOCATED AT 303 E. ACEQUIA AVENUE, VISALIA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42
5. PUBLIC HEARING – Paul Scheibel
Variance No. 2017-18: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of an R-1-5 (Single-family Residential) zoned property, for the installation of two water treatment tanks. The site is located at on the east side of Mooney Blvd., approximately 110 feet north of Wren Ave. (APN 090-222-001) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-68.
6. PUBLIC HEARING – Andy Chamberlain
Variance No. 2017-17: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of an R-M-2 (Multi-family Residential) zoned property, for the installation of one water holding tank. The site is located at 2232 South Santa Fe Street (APN: 123-080-001). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-59.
7. PUBLIC HEARING – Andy Chamberlain
Continued Public Hearing – Conditional Use Permit No. 2017-08, and Mitigated Negative Declaration No. 2017-13: A request by Christopher Owhadi to construct a 200 Unit apartment complex with a Community Building in the R-M-2 (Medium Density Residential) zone. The site is located on the northeast corner of Shirk Street and Doe Avenue (APN: 077-530-065, 077-530-066, 077-750-001, and 077-740-001). A Mitigated Negative Declaration (MND No. 2017-13) has been prepared for the project.

8. PUBLIC HEARING – Andy Chamberlain

Variance No. 2017-19: A request by California Water Service Company to allow a variance to the maximum height limit in the rear yard of an R-1-5 (Single-family Residential) zoned property, for the installation of two new treatment vessels. The site is located at 621 West Caldwell Avenue, on the south side of Caldwell Avenue between South Oak View Street and South West Street (APN: 126-570-001). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-60.

9. PUBLIC HEARING – Paul Bernal

Conditional Use Permit No. 2017-22: A request by ARCO AM/PM to construct a new ARCO AM/PM gas station consisting of a 6,500 square foot convenience store building, a 3,850 square foot automated carwash building, and a 6,800 square foot fuel canopy with 10 fuel dispensers. The Cameron Creek ARCO AM/PM is part of the Cameron Creek Shopping Center and zoned C-MU (Commercial Mixed Use). The parcel for the proposed ARCO AM/PM gas station is located on the southeast corner of West Caldwell Avenue and South West Street (APN: 126-870-037). A Mitigated Negative Declaration (MND No. 2017-39) has been prepared for the project.

10. PUBLIC HEARING – Andy Chamberlain

Conditional Use Permit No. 2017-28: A request by the Roman Catholic Bishop of Fresno, Dennis Townsend, AIA-Agent, to amend the master plan in Conditional Use Permit No. 2008-40, for the St. Charles Borromeo for the Good Shepherd Church, expanding the sanctuary and reconfiguring the parking and buildings on the site, in the QP (Quasi-Public) zone. The site is located at 5049 W. Caldwell Avenue. (APN: 119-070-073). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-61.

11. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, SEPTEMBER 7, 2017 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 11, 2017

City of Visalia

Memo



To: Planning Commission
From: Brandon Smith, Senior Planner
Date: August 28, 2017
Re: Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42

RECOMMENDATION

Staff recommends that the Planning Commission approve a one-year time extension of Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42, to expire on November 28, 2018.

BACKGROUND

On November 28, 2006, the Visalia Planning Commission approved the following entitlements:

- Visalia Palms Tentative Subdivision Map No. 5524, approved through adoption of Resolution No. 2006-126. Visalia Palms Tentative Subdivision Map was a request to subdivide 4.16 acres into a subdivision with 36 residential lots in the R-M-2 zone.
- Conditional Use Permit No. 2006-42, approved through adoption of Resolution No. 2006-127. Conditional Use Permit (CUP) No. 2006-42 was a request to allow a senior citizen residential subdivision with zero lot lines and modified yards, private streets, commonly maintained areas, and gated access. The CUP has been amended more than once, with the last amendment being approved in 2012 to allow a total of 66 dwelling units (consisting of duplexes and detached units) within the subdivision.

The site is located on the north side of W. Myrtle Avenue, approximately 165 feet west of S. Chinowth Street (APN: 087-060-007, 008, 009, 010).

Improvement plans were submitted to the City for review in 2013, but there has not been any active review of improvement plans or a final map since then.

STATE LEGISLATURE TIME EXTENSIONS

The original expiration date for the Tentative Subdivision Map and CUP was November 28, 2008, two years following the date of approval by the Planning Commission.

The entitlements would have expired in 2008 pursuant to the City's Subdivision and Zoning Codes, however this map along with all tentative map entitlements approved throughout the state remained in effect by a series of State legislative time

extensions enacted between July 2008 and October 2015. The most recent State legislative bill enacting a 24-month time extension of tentative maps (Assembly Bill 1303) was approved on October 10, 2015. Consequently, the new expiration date for the Visalia Palms Subdivision and CUP has been extended to November 28, 2017.

If no further State legislation is enacted this year to extend the life of subdivision maps, then this map would expire. Rather than take a chance of waiting for another State legislative time extension, the project proponent has elected to file a formal time extension under the City's subdivision and CUP time extension provisions.

REQUEST

The proponents of the Tentative Subdivision Map and CUP have submitted a written request dated July 21, 2017, for the maximum three-year time extension. Time extensions may be granted pursuant to Section §66452.6 of the Subdivision Map Act and Section 17.38.030 of the Zoning Ordinance for a maximum of three years. This would be the first time extension applied for under these codes for the Tentative Subdivision Map and CUP.

Staff recommends that a one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions only one year at a time. This is also based on the off chance that the State legislature could introduce and ultimately approve another time extension bill before the end of the year. The extension request, if approved by the Planning Commission for one year, will extend the expiration date of the Tentative Subdivision Map and CUP from November 28, 2017, to November 28, 2018.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date to record a final subdivision maps or to file for another extension. If the request is denied, the applicant would have to re-file a new tentative subdivision map application for any phases or lots that are not finalized prior to expiration.

ATTACHMENTS

1. Letter of Request for the Time Extensions
2. Approved Resolution No. 2006-126 for Subdivision Map No. 5524
3. Approved Resolution No. 2006-127 for CUP No. 2006-42
4. Tentative Subdivision Map / CUP Site Plan
5. Location Map

VISALIA LAND COMPANY, INC.

C/O Joseph DeLucia

P.O. Box 532637

Kihei, HI 96753

July 21, 2017

Visalia Planning Department

ATTN: Brandon Smith

315 E. Acequia Ave.

Visalia, CA 93291

RE: Tentative Map/Conditional Use Permit - Visalia Palms

4316 W. Myrtle St. , APN: 087-060-007,008,009,010

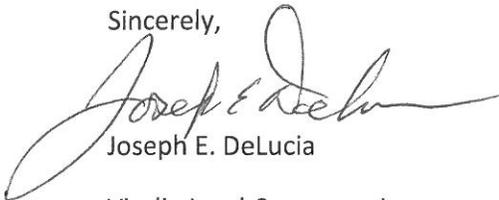
Dear Brandon,

Enclosed is a check for \$211 for the associated fees for the application for extensions. Could you please expedite the extension approvals for all the entitlements for this project.

We would appreciate obtaining the maximum time line extensions for all the entitlements.

Please call me at 805.440.4044 if there are any questions or other forms to complete.

Sincerely,



Joseph E. DeLucia

Visalia Land Company, Inc.

RESOLUTION NO 2006-126

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VISALIA PALMS TENTATIVE SUBDIVISION MAP NO. 5524, A REQUEST TO DIVIDE 4.16 ACRES INTO 36 RESIDENTIAL LOTS AND COMMON LOTS. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE, APPROXIMATELY 165 FEET WEST OF SOUTH CHINOWTH STREET.

WHEREAS, Visalia Palms Tentative Subdivision Map No. 5524 is a request by Visalia Land Company, Inc. to divide 4.16 acres into 36 residential lots and common lots. The subject site is located on the north side of West Myrtle Avenue, approximately 165 feet west of South Chinowth Street (APNs: 087-060-007 to 010).; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on November 28, 2006; and

WHEREAS, the Planning Commission of the City of Visalia finds the subdivision in accordance with Section 16.16 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

NOW, THEREFORE, BE IT RESOLVED that Negative Declaration No. 2006-99 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance and Subdivision Ordinance.
2. That the proposed location of the tentative subdivision map and the conditions under which it would be built or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2006-99 is hereby adopted.
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the Planning Commission approves the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia and subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of Site Plan Review No. 2006-097.
2. That the site be developed in substantial compliance with the site plan in Exhibit "A", attached herein.
3. That buildings, walls, and fences be constructed to be in substantial compliance with the elevation drawings in Exhibits "C" through "J", attached herein.
4. That this Tentative Subdivision Map shall not be effective unless Conditional Use Permit No. 2006-42, General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 are approved.
5. That Lots 1 through 36 adhere to the following setbacks as measured from property lines:

Front Yard:	15 feet setback from P.L. to living space
	22 feet setback from P.L. to front-loading garage
Side Yard:	5 feet
Street Side Yard:	10 feet
Rear Yard:	3 feet
Duplex connect:	0 feet

6. That a Homeowners Association shall be formed for the maintenance of Lots B, C, D, E and K which include the private drive, common landscaping, and other common amenities, and for the maintenance of areas of common use located on Lots 1 through 36.
7. That a Landscaping and Lighting Act Assessment District be formed, prior to recordation of the final map, for the maintenance of the landscaping along the public street frontages of the subdivision. The Landscaping and Lighting Act Assessment District shall also include the operational and maintenance cost for the street lights both internal to the subdivision and along streets abutting the subdivision. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.
8. That all other city codes and ordinances be met.

Commissioner Segrue offered the motion to this resolution. Commissioner Logan seconded the motion and it carried by the following vote:

AYES: Commissioners Logan, Salinas, Perez, Segrue, Peck

NOES:

ABSTAINED:

ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Fred Brusuelas, AICP
Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2006-126, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 28, 2006.



Fred Brusuelas, AICP
Community Development Assistant Director



Sam Logan, Chairperson

RESOLUTION NO 2006-127

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2006-42, A REQUEST TO ALLOW A 36-UNIT SENIOR RESIDENTIAL SUBDIVISION WITH ZERO LOT LINES AND MODIFIED YARDS, PRIVATE STREETS, GATED ACCESS, AND A COMMON AREA ON 4.16 ACRES IN THE R-M-2 ZONE. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE, APPROXIMATELY 165 FEET WEST OF SOUTH CHINOWTH STREET.

WHEREAS, Conditional Use Permit No. 2006-42 is a request by Visalia Land Company, Inc. (TPG Consulting, Inc., agent) to allow a 36-unit senior residential subdivision with zero lot lines and modified yards, private streets, gated access, and a common area on 4.16 acres in the R-M-2 Zone. The subject site is located on the north side of West Myrtle Avenue, approximately 165 feet west of South Chinowth Street (APNs: 087-060-007 to 010); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on November 28, 2006; and

WHEREAS, the Planning Commission of the City of Visalia finds the conditional use permit to be in accordance with Section 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

NOW, THEREFORE, BE IT RESOLVED, that Negative Declaration No. 2006-99 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia approves the proposed conditional use permit based on the following specific findings and based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

- The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2006-99 is hereby adopted.
 4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

BE IT FURTHER RESOLVED that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Section 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of Site Plan Review No. 2006-097.
2. That the site be developed in substantial compliance with the site plan in Exhibit "A", attached herein.
3. That buildings, walls, and fences be constructed to be in substantial compliance with the elevation drawings in Exhibits "C" through "J", attached herein.
4. That this Conditional Use Permit shall not be effective unless the Visalia Palms Tentative Subdivision Map No. 5524, General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 are approved.
5. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timeline for Visalia Palms Tentative Subdivision Map No. 5524.
6. That Lots 1 through 36 adhere to the following setbacks as measured from property lines:

Front Yard:	15 feet setback from P.L. to living space
	22 feet setback from P.L. to front-loading garage
Side Yard:	5 feet
Street Side Yard:	10 feet
Rear Yard:	3 feet
Duplex connect:	0 feet
7. That a Homeowners Association shall be formed for the maintenance of Lots B, C, D, E and K which include the private drive, common landscaping, and other common amenities and for the maintenance of areas of common use located on Lots 1 through 36.
8. That a Landscaping and Lighting Act Assessment District be formed, prior to recordation of the final map, for the maintenance of the landscaping along the public street frontages of the subdivision. The Landscaping and Lighting Act Assessment District shall also include the operational and maintenance cost for the street lights

both internal to the subdivision and along streets abutting the subdivision. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.

9. That any solid fencing over three feet tall or fencing that is at least 50% open over four feet tall be set back a minimum 15 feet from the private street property line. The maximum fence height shall be seven feet beyond the setback area.
10. That all other city codes and ordinances be met.
11. That the applicant submit to the City of Visalia, a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2006-42, prior to the issuance of any building permits for this project.

Commissioner Segrue offered the motion to this resolution. Commissioner Logan seconded the motion and it carried by the following vote:

AYES: Commissioners Logan, Salinas, Perez, Segrue, Peck
NOES:
ABSTAINED:
ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Fred Brusuelas, AICP
Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2006-127, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 28, 2006.



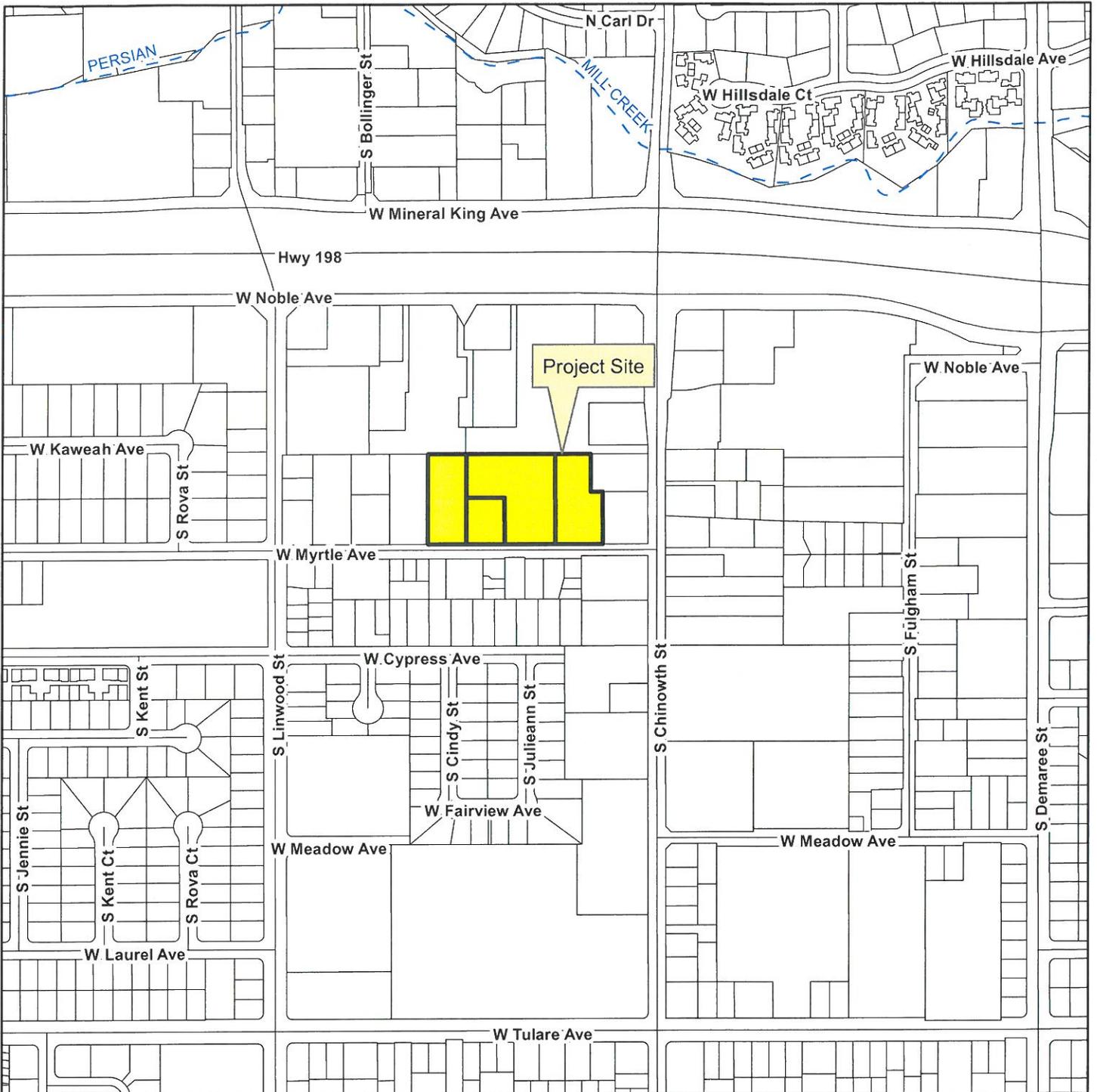
Fred Brusuelas, AICP
Community Development Assistant Director



Sam Logan, Chairperson

Visalia Palms Tentative Subdivision Map No. 5524 & Conditional Use Permit No. 2006-42

The site is located on the north side of W. Myrtle Avenue,
approximately 165 feet west of S. Chinoweth Street (APN: 087-060-007, 008, 009, 010)



Location Map



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS

