

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

MONDAY, OCTOBER 23, 2017; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

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 Tentative Parcel Map No. 2015-06 & Conditional Use Permit No. 2015-26
5. PUBLIC HEARING – Paul Scheibel
Variance No. 2017-24: A request to allow a second vehicle to be used in conjunction with Home Occupation Permit No. 2016-79 for a limousine service located at the Home Occupation Permit residence, 640 W. Kimball Avenue (APN: 126-570-007). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-77.
6. PUBLIC HEARING – Paul Bernal
Conditional Use Permit No. 2017-33: A request by Lennar Homes of California, Inc., to establish a Planned Residential Development with modified rear yard setbacks for the 94-lot approved Eagle Meadows of Visalia 20 subdivision map. The Eagle Meadows of Visalia 20 subdivision map is located on the east side of North Mooney Boulevard between West Ferguson Avenue and West Riggan Avenue (APN: 090-010-008). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-75
7. 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, OCTOBER 19, 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, OCTOBER 23, 2017

City of Visalia

Memo



To: Planning Commission
From: Brandon Smith, Senior Planner
Date: October 23, 2017
Re: Time Extension for Tentative Parcel Map No. 2015-06 & Conditional Use Permit No. 2015-26

RECOMMENDATION

Staff recommends that the Planning Commission approve a one-year time extension of Tentative Parcel Map No. 2015-06 & Conditional Use Permit No. 2015-26, extending the expiration date to September 28, 2018.

BACKGROUND

On September 28, 2015, the Visalia Planning Commission approved Tentative Parcel Map No. 2015-06 which was a request to subdivide 33,081 sq. ft. into 2 parcels in the I-L (Light Industrial) zone. The accompanying Conditional Use Permit No. 2015-26 was also approved to establish a planned unit development with industrial uses containing a lot without public street frontage. The objective of the entitlements was to subdivide the land to accommodate two new 5,000 square foot industrial buildings and improvements, each on a separate lot. The site is located on the south side of Pershing Avenue, 150 feet west of Shirk Street. (APN: 081-150-021)

Building permits were issued on the site in 2015 for two 5,000 square foot buildings, and today these buildings are being constructed on the site. Improvement plans for the parcel map have not yet been submitted to the City for review.

The original expiration dates for the Tentative Parcel Map and Conditional Use Permit were September 28, 2017, two years following the date of approval by the Planning Commission.

REQUEST

The proponents of the Tentative Parcel Map and Conditional Use Permit submitted a written request dated September 19, 2017 (received by the City on September 22, 2017) for a one year time extension. Time extensions may be granted pursuant to Section §66452.6 of the Subdivision Map Act for maps and pursuant to Visalia Municipal Code Section 17.38.030 for conditional use permits. Time extensions may be granted pursuant to Section §66452.6 of the Subdivision Map Act for a maximum of three years. This would be the first time extension applied for under the Subdivision Map Act and the City's Subdivision Ordinance.

Staff recommends that the applicant's request for a one-year time extension be granted. The extension request, if approved by the Planning Commission for one year, will extend the expiration date of Tentative Parcel Map No. 2015-06 & Conditional Use Permit No. 2015-26 from September 28, 2017, to September 28, 2018.

Although the State has previously passed legislation that has automatically extended the expiration dates of tentative maps, there was no such legislation that was passed in the legislative session that ended in September 2017. This has recently caused tentative maps approved by the Planning Commission to expire, whether approved two years ago or approved prior to the State's enactment of automatic time extensions.

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 parcel map. If the request is denied, the applicant would have to re-file a new tentative parcel map and conditional use permit application.

ATTACHMENTS

1. Letter of Request for the Time Extension
2. Approved Resolution No. 2015-49 for Tentative Parcel Map No. 2015-06
3. Approved Resolution No. 2015-48 for Conditional Use Permit No. 2015-26
4. Tentative Parcel Map
5. Site Plan
6. Location Map

FORESTER, WEBER & ASSOCIATES, LLC
Licensed by the
Board for Professional Engineers and Land Surveyors
1620 W. Mineral King Ave., Suite B
Visalia CA 93291
Phone (559)732-0102 Facsimile (559)732-8479

RECEIVED

SEP 22 2017

COMM. DEVELOP.
CITY OF VISALIA

September 19, 2017

City of Visalia
Planning Division

Tentative Parce Map 2015-06 and Conditional Use Permit 2015-26 were approved September 28, 2015.


This is a request for a 12 month extension of time for the recording of the Final Parcel Map.

All improvements have been completed for the Parcel No. 1 building.

Attached is a check in the amount of \$216.00 made payable to the City of Visalia. Copy of Tentative Map is submitted herewith.

Thank you for your consideration.

Respectfully,


Dennis R. Forester
PLS 4076

cc: Westgate Development Inc.

RESOLUTION NO 2015-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2015-06, A REQUEST BY WESTGATE PERCH DEVELOPMENT COMPANY TO SUBDIVIDE 33,031 SQ. FT. INTO 2 PARCELS IN THE M1 (LIGHT INDUSTRIAL) ZONE. THE PROJECT IS LOCATED ON THE SOUTH SIDE OF PERSHING AVENUE 150 FEET WEST OF SHIRK STREET. (APN: 081-150-021)

WHEREAS, Tentative Parcel Map No. 2015-06 is a request by Westgate Perch Development Company to subdivide 33,031 sq. ft. into two parcels in the M1 (light industrial) zone. The project is located on the south side of Pershing Avenue 150 feet west of Shirk Street. (APN: 081-150-021); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 28, 2015; and,

WHEREAS, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence obtained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is considered Categorical Exempt under Section 15.15 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-54).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Visalia approves the proposed tentative parcel map based on the following specific findings and based on the evidence presented:

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Planned Development and Design District "H" standards since they are part of a planned development established through Conditional Use Permit No. 2015-26.
4. That there are unique circumstances involved with the project that would deprive the land owner of development potential consistent with other properties classified in the same underlying zone.

5. That the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-54).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 18.28.070 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the tentative parcel map be prepared in substantial compliance with Exhibit "A".
2. That the tentative parcel map shall be amended consistent with the comments and conditions of Site Plan Review No. 2015-004, not to exceed herein by reference.
3. That Conditional Use Permit No. 2015-25 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That Tentative Parcel Map No. 2015-06 shall be null and void unless Conditional Use Permit No. 2015-26 is approved.
5. That an agreement addressing vehicular access, ingress and easement parking, and any other pertinent infrastructure or services shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
6. That prior to the issuance of a building permit on the site, the applicant/developer shall obtain and provide to the City with a valid Water Service Letter from the California Water Service Company.
7. That all other federal and state laws and city codes and ordinances be complied with.
8. 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 Tentative Parcel Map No. 2015-06, prior to the recordation of the parcel map.

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

AYES: Commissioners Wynn, Taylor, Peck, Gomez
NOES:
ABSTAINED:

ABSENT: Commissioner Segre

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

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2015-43, passed and adopted by the Planning Commission of the City of Visalia, California (meeting 120) on September 26, 2015.



Josh McDonnell, Assistant Director / City Planner



Adam Peck, Chairperson

RESOLUTION NO. 2015-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2015-24, A REQUEST BY JIM CONWAY AND ROBERT SHAHAN TO CREATE A LOT WITHOUT PUBLIC STREET ACCESS IN THE IL (LIGHT INDUSTRIAL) ZONE. THE PROJECT IS LOCATED AT 6913 W. PERSHING AVENUE. (APN: 081-150-022)

WHEREAS, Conditional Use Permit No. 2015-23, is a request by Jim Conway and Robert Shahan to create a lot without public street access in the IL (Light Industrial) zone. The project is located at 6913 W. Pershing Avenue. (APN: 081-150-022); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice and public hearing, has approved the Conditional Use Permit No. 2015-24 on September 23, 2015; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2015-24, as conditioned by staff, to be in accordance with Chapter 17.36.110 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, the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-49).

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 project, as conditioned, will not be detrimental to the public health, safety, or welfare, nor 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 17.36.110:
 - The proposed location of the conditional use 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 the proposed parcel sizes resulting from the planned development are consistent with the Zoning Ordinance's Planned Development and Design District "H" standards based on the creation of a master development plan through Site Plan Review No. 2015-073.
4. That the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-49).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 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 the Site Plan Review No. 2015-073, and No. 2015-120.
2. That the site be subdivided in substantial compliance with the tentative map shown in Exhibit "A".
3. That the site be developed in substantial compliance with the site plan/master plan shown in Exhibit "B".
4. That any changes to the site plan/master plan in Exhibit "B" shall be subject to Site Plan Review and shall conform to the requirements of this use permit and parcel map.
5. That an agreement addressing vehicular access, ingress and egress, parking, solid waste, and any other permanent infrastructure or services shall be recorded with the final parcel map. The agreement shall address property owner's responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
6. That Tentative Parcel Map No. 2015-05 be approved, and that requirements of the parcel map which relate to this use permit shall be fulfilled.
7. That the deadline for the issuance of Conditional Use Permit No. 2015-24 shall be set at the issuance for Tentative Parcel Map No. 2015-05.
8. That all applicable federal, state, and city laws and codes and ordinances be met.
9. 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. 2015-24, prior to the recordation of the final map for this project.

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

AYES: Commissioners Wynn, Taylor, Peck, Gomez

NOES:

ABSTAINED:


ABSENT: Commissioner Segrue

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss

CITY OF VISALIA)

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

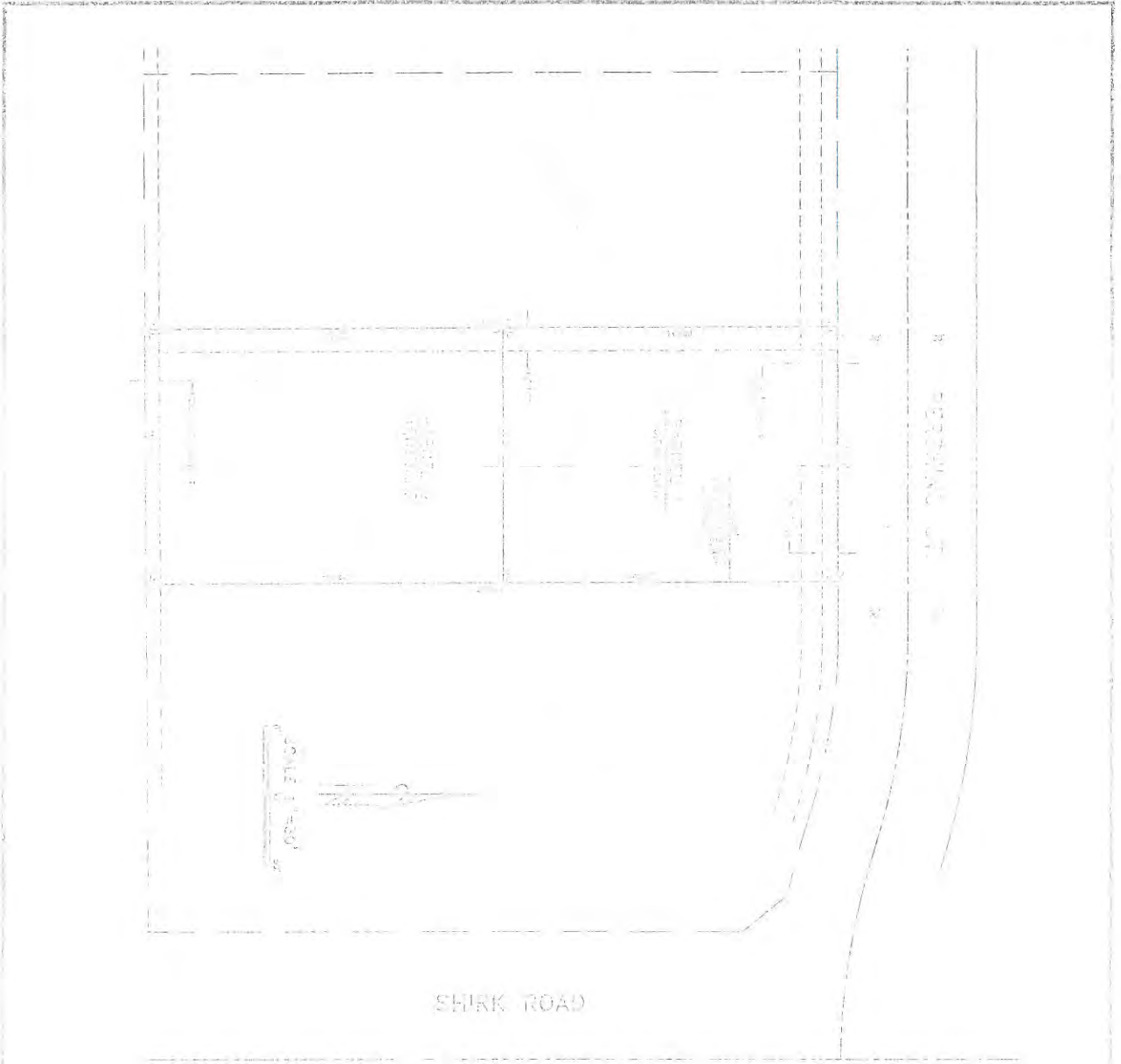
I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2015-42, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 28, 2015.



Josh McDonnell, Assistant Director / City Planner



Glenn Fick, Chairperson



TENTATIVE PARCEL MAP

SPR 15052

Map prepared by the County of Contra Costa, California, for the tentative parcel map of the 47-acre parcel located at the intersection of Shirk Road and Highway 101, in the City of Danville, California. The map is subject to the provisions of the California Subdivided Lands Act, Chapter 10, Division 1, of the Civil Code, and the provisions of the California Subdivided Lands Act, Chapter 10, Division 1, of the Civil Code, and the provisions of the California Subdivided Lands Act, Chapter 10, Division 1, of the Civil Code.

OWNER:

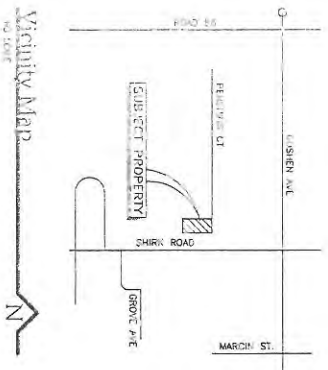
WESTLAKE PERCH DEVELOPMENT CO.
7034 W. Preshing Ct.
Milpitas, CA 95291

DESIGNER:

FORBSTER, WEBER & ASSOCIATES
1523 W. Mineral King Ave., Suite B
Wisohr, California 95291
(539) 752-0102

NOTICE

NOTICE TO THE PUBLIC: THE TENTATIVE PARCEL MAP IS SUBJECT TO THE PROVISIONS OF THE CALIFORNIA SUBDIVIDED LANDS ACT, CHAPTER 10, DIVISION 1, OF THE CIVIL CODE, AND THE PROVISIONS OF THE CALIFORNIA SUBDIVIDED LANDS ACT, CHAPTER 10, DIVISION 1, OF THE CIVIL CODE, AND THE PROVISIONS OF THE CALIFORNIA SUBDIVIDED LANDS ACT, CHAPTER 10, DIVISION 1, OF THE CIVIL CODE.



One Sheet Only

Exhibit "A"

SITE PLAN

THE PROJECT IS A PROPOSED 100,000 SQ. FT. OFFICE BUILDING TO BE DEVELOPED ON A 10.0 AC. PARCEL OF LAND IN THE CITY OF VESALE, CALIFORNIA. THE PROJECT IS LOCATED ON THE CORNER OF PERSHING CT. AND W. 10TH ST. THE PROJECT IS SUBJECT TO THE CITY OF VESALE'S ZONING ORDINANCES AND THE CALIFORNIA ZONING ACT.

OWNER: WESTGA TERRECI DEVELOPMENT CO.
7034 W. PERSHING CT.
MILPITAS, CA 95031

ARCHITECT: FORRESTER, WEBER & ASSOCIATES
1920 W. SHERIDAN AVENUE, SUITE 8
MILPITAS, CALIFORNIA 95031
(408) 732-0102

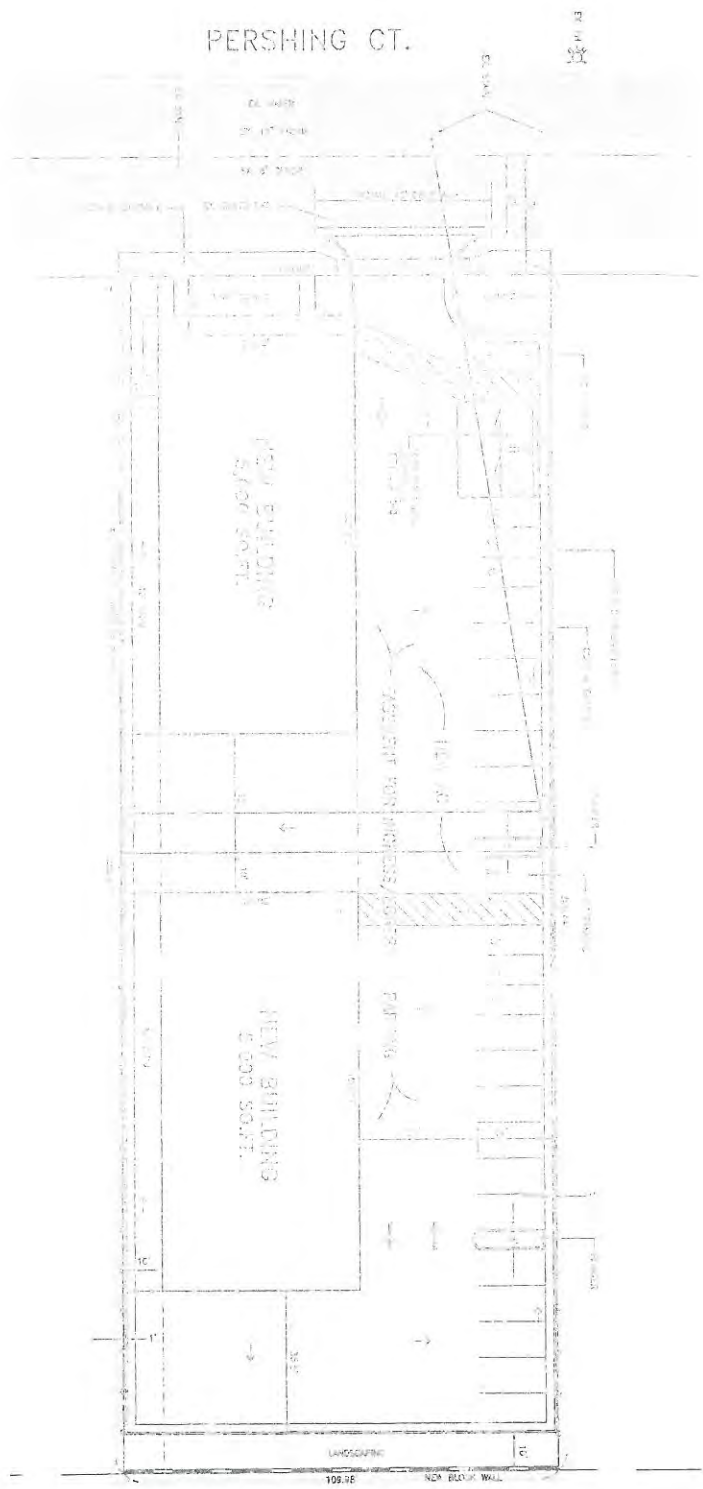
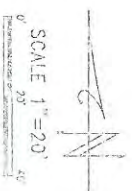


Exhibit "B"

Tentative Parcel Map No. 2015-05 / Conditional Use Permit No. 2015-24 / Variance No. 2015-06
 Tentative Parcel Map No. 2015-06 / Conditional Use Permit No. 2015-26

The project is located on the south side of Pershing Avenue west of Shirk Street. (APN: 081-150-021, 022)

