

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

**MONDAY, JANUARY 22, 2018; 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. 2015-07 & Conditional Use Permit No. 2015-34
5. PUBLIC HEARING – Brandon Smith  
Conditional Use Permit No. 2017-38: A request by Yuhua Jin (Lorena Reyes, property owner), to allow a massage therapist within a 753 square foot suite in the O-PA (Professional / Administrative Office) zone. The project site is located at 332 W. Houston Avenue, on the northeast corner of Houston Avenue and Hicks Street. (APN: 091-151-025) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2017-84.
6. PUBLIC HEARING – Paul Scheibel  
Lowery West Tentative Parcel Map TPM 2017-03: A request to subdivide 66.15 acres into four parcels and a remainder. The project site is zoned R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size) and R-M-2 (Multi-family Residential, 3,000 sq. ft. of lot area per unit), located on the northeast corner of Riggan Ave. and Akers St. (APNs 077-060-006 and -028). Mitigated Negative Declaration No. 2016-63 was prepared for the original Annexation, GPA and TSM that was adopted on May 1, 2017. The proposed parcel map project is considered to be a subordinate component of the larger development project that was analyzed in MND No. 2016-63
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 MONDAY, FEBRUARY 1, 2018 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 12, 2018**

# City of Visalia

## **Memo**



To: Planning Commission  
From: Brandon Smith, Senior Planner  
Date: January 22, 2018  
Re: Time Extension for Tentative Parcel Map No. 2015-07 & Conditional Use Permit No. 2015-34

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### **RECOMMENDATION**

Staff recommends that the Planning Commission approve a one-year time extension of Tentative Parcel Map No. 2015-07 & Conditional Use Permit No. 2015-34, extending the expiration date to February 1, 2019.

### **BACKGROUND**

On December 14, 2015, the Visalia Planning Commission considered Tentative Parcel Map No. 2015-07, a request by Michael and Renee Schaufele to subdivide 1.07 acres into 3 parcels in the R-1-6 zone, and Conditional Use Permit No. 2015-34, a request by Michael and Renee Schaufele to establish a planned residential development containing a lot without public street frontage in the R-1-6 zone (see attached Tentative Parcel Map). The project is located at 1430 S. Sowell Street, on the east side of Sowell Street across from Feemster Avenue. (APN: 096-230-008).

The Planning Commission voted 3-2 to deny the requests, with the primary factors for project denial being the creation of lots inconsistent with the character of the surrounding neighborhood. The applicant filed an appeal on December 24, 2015, and on February 1, 2016, the City Council upheld the appeal and approved the project, recognizing that the proposed project would result in less adverse impacts than a previously approved five-lot subdivision that was still valid on the site.

Since project approval, the applicant and their agent have been working with the City to prepare a final map for recording. The applicant needs additional time to finalize the map and to prepare an agreement addressing the maintenance and upkeep of the parcel map's easement area.

The original expiration dates for the Tentative Parcel Map and Conditional Use Permit were February 1, 2016, two years following the date of approval by the City Council.

### **REQUEST**

The proponents of the Tentative Parcel Map and Conditional Use Permit submitted a written request dated January 9, 2018, 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. 2015-07 & Conditional Use Permit No. 2015-34 from February 1, 2018, to February 1, 2019.

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. 2016-07 for Tentative Parcel Map No. 2015-07
3. Approved Resolution No. 2016-08 for Conditional Use Permit No. 2015-34
4. Tentative Parcel Map
5. Location Map

**R.M.S. Sowell LLC**  
18605 Ave 304  
VISALIA, CA. 93292

**Phone: +1(559)592-5840**  
**Fax: +1(559)592-9708**  
**Mobile: +1 (559) 280-4666**  
**E-Mail [sowell@schauffele.com](mailto:sowell@schauffele.com)**

City of Visalia  
Planning Commission

Re: TPM 2015-07/ CUP2015-34

Visalia, January 9<sup>th</sup> 2018 MS/MS

Ladies and Gentlemen,

We respectfully request a one year extension of time for the recording of the referenced Final Parcel Map which is due to expire 1 February 2018.

Thank you for your consideration. The required fee is attached.

Regards

**R.M.S. Sowell LLC**

  
.....  
**R. Michael Schaufele**  
(Diplom-Ingenieur University of Stuttgart Germany)

**COPY**

**RESOLUTION NO 2016-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA GRANTING THE APPEAL AND APPROVING TENTATIVE PARCEL MAP NO. 2015-07: A REQUEST BY MICHAEL AND RENEE SCHAUFFELE TO SUBDIVIDE 1.07 ACRES INTO 3 PARCELS IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MINIMUM LOT SIZE) ZONE. THE PROJECT IS LOCATED AT 1430 S. SOWELL STREET, ON THE EAST SIDE OF SOWELL STREET ACROSS FROM FEEMSTER AVENUE. (APN: 096-230-008)**

**WHEREAS**, Tentative Parcel Map No. 2015-07 is a request by Michael and Renee Schaufele to subdivide 1.07 acres into 3 parcels in the R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) zone. The project is located at 1430 S. Sowell Street, on the east side of Sowell Street across from Feemster Avenue. (APN: 096-230-008); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 14, 2015; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after conducting a public hearing, denied Tentative Parcel Map No. 2015-07; and

**WHEREAS**, an appeal of the Planning Commission's denial of Tentative Parcel Map No. 2015-07 pertaining to error or abuse of discretion by the Planning Commission in its action and pertaining to the Commission's actions not being supported by evidence in the record was received on December 24, 2015; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on February 1, 2016; and

**WHEREAS**, the City Council of the City of Visalia finds Tentative Parcel Map No. 2015-07 in accordance with Section 16.28.070 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**, 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. 2015-73).

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council 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 project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-73).

**BE IT FURTHER RESOLVED** that the City Council 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 16.28.070 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", excepting that the parcel map shall include an access easement that accommodates a width of 12' from the top of bank on the north and west sides of Evans Ditch, and a six-foot tall fence to be installed on the outside of the access easements with the development of Parcels 2 or 3.
2. That the tentative parcel map shall be developed consistent with the comments and conditions of Site Plan Review No. 2015-073, incorporated herein by reference.
3. That Conditional Use Permit No. 2015-34 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That Tentative Parcel Map No. 2015-07 shall be null and void unless Conditional Use Permit No. 2015-34 is approved.
5. That an agreement addressing vehicular access, utilities, 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. 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 the City with a valid Will Serve Letter from the California Water Service Company.
7. That the previous approvals on this site by the Planning Commission on May 29, 2007, for Feemster Lane Tentative Subdivision Map No. 5530, approved per Resolution No. 2007-40, and Conditional Use Permit No. 2007-07, approved per Resolution No. 2007-39, are hereby rescinded.
8. That all other federal and state laws and city codes and ordinances be complied with.
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 Tentative Parcel Map No. 2015-07, prior to the recordation of the parcel map.

PASSED AND ADOPTED: February 1, 2016

MICHAEL OLMOS, CITY CLERK

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

I, Michael Olmos, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2016-07 passed and adopted by the Council of the City of Visalia at a regular meeting held on February 1, 2016.

Dated: February 17, 2016

MICHAEL OLMOS, CITY CLERK

A handwritten signature in cursive script that reads "Michelle Nicholson".

By Michelle Nicholson, Chief Deputy City Clerk



**COPY**

**RESOLUTION NO 2016-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA GRANTING THE APPEAL AND APPROVING CONDITIONAL USE PERMIT NO. 2015-34: A REQUEST BY MICHAEL AND RENEE SCHAUFFELE TO ESTABLISH A PLANNED RESIDENTIAL DEVELOPMENT CONTAINING A LOT WITHOUT PUBLIC STREET FRONTAGE IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MINIMUM LOT SIZE) ZONE. THE PROJECT IS LOCATED AT 1430 S. SOWELL STREET, ON THE EAST SIDE OF SOWELL STREET ACROSS FROM FEEMSTER AVENUE. (APN: 096-230-008)**

**WHEREAS**, Conditional Use Permit No. 2015-34 is a request by Michael and Renee Schaufele to establish a planned residential development containing a lot without public street frontage in the R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) zone. The project is located at 1430 S. Sowell Street, on the east side of Sowell Street across from Feemster Avenue. (APN: 096-230-008); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 14, 2015; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after conducting a public hearing, denied Conditional Use Permit No. 2015-34; and

**WHEREAS**, an appeal of the Planning Commission's denial of Conditional Use Permit No. 2015-34 pertaining to error or abuse of discretion by the Planning Commission in its action and pertaining to the Commission's actions not being supported by evidence in the record was received on December 24, 2015; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on February 1, 2016; and

**WHEREAS**, the City Council of the City of Visalia finds Conditional Use Permit No. 2015-34 in accordance with Section 17.38.110 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**, 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. 2015-73).

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council 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, 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 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 project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2015-73).

**BE IT FURTHER RESOLVED** that the City Council hereby approves the conditional use permit on the real property hereinabove 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 planned development be prepared in substantial compliance with Exhibit "A", excepting that the parcel map shall include an access easement that accommodates a width of 12' from the top of bank on the north and west sides of Evans Ditch, and a six-foot tall fence to be installed on the outside of the access easements with the development of Parcels 2 or 3.
2. That the planned development shall be developed consistent with the comments and conditions of Site Plan Review No. 2015-073, incorporated herein by reference.
3. That Tentative Parcel Map No. 2015-07 shall be approved, and that requirements of the parcel map which relate to this conditional use permit shall be fulfilled.
4. That Conditional Use Permit No. 2015-34 shall be null and void unless Tentative Parcel Map No. 2015-07 is approved.
5. That an agreement addressing vehicular access, utilities, 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. 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 all of the conditions and responsibilities of Conditional Use Permit No. 2015-34 shall run with the land, and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
7. That the planned development shall be subject to the following minimum setbacks as measured from property lines, right-of-way, or from top of bank of Evans Ditch as specified:

- Parcel 1: Standard R-1-6 zone setbacks as prescribed in Zoning Ordinance Chapter 17.12;
- Parcel 2:
  - Front yard (south side) of lot is 25 feet from property line,
  - Side yard (west and east sides of lot) is 5 feet from property line,
  - Rear yard (north side of lot) is 25 feet from property line subject to exceptions for rear yards as prescribed in Zoning Ordinance Chapter 17.12;
- Parcel 3:
  - Front yard (south side of lot) is 35 feet (including a 12 foot easement) from top of bank of Evans Ditch and 15 feet from Sowell Street right-of-way,
  - West side yard adjoining Parcel 2 is 5 feet from property line,
  - East side yard is 17 feet (including a 12 foot easement) from top of bank of Evans Ditch,
  - Rear yard (north side of lot) is 25 feet from property line subject to exceptions for rear yards as prescribed in Zoning Ordinance Chapter 17.12.

8. That the previous approvals on this site by the Planning Commission on May 29, 2007, for Feemster Lane Tentative Subdivision Map No. 5530, approved per Resolution No. 2007-40, and Conditional Use Permit No. 2007-07, approved per Resolution No. 2007-39, are hereby rescinded.
9. That all applicable federal, state, regional, and city policies and ordinances be met.
10. 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. 2015-34, prior to the issuance of any building permit for this project.

PASSED AND ADOPTED: February 1, 2016

MICHAEL OLMOS, CITY CLERK

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

I, Michael Olmos, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2016-08 passed and adopted by the Council of the City of Visalia at a regular meeting held on February 1, 2016.

Dated: February 17, 2016

MICHAEL OLMOS, CITY CLERK

  
 By Michelle Nicholson, Chief Deputy City Clerk

# TENTATIVE PARCEL MAP

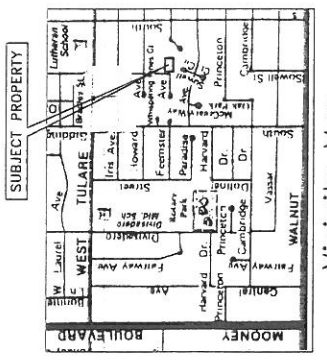
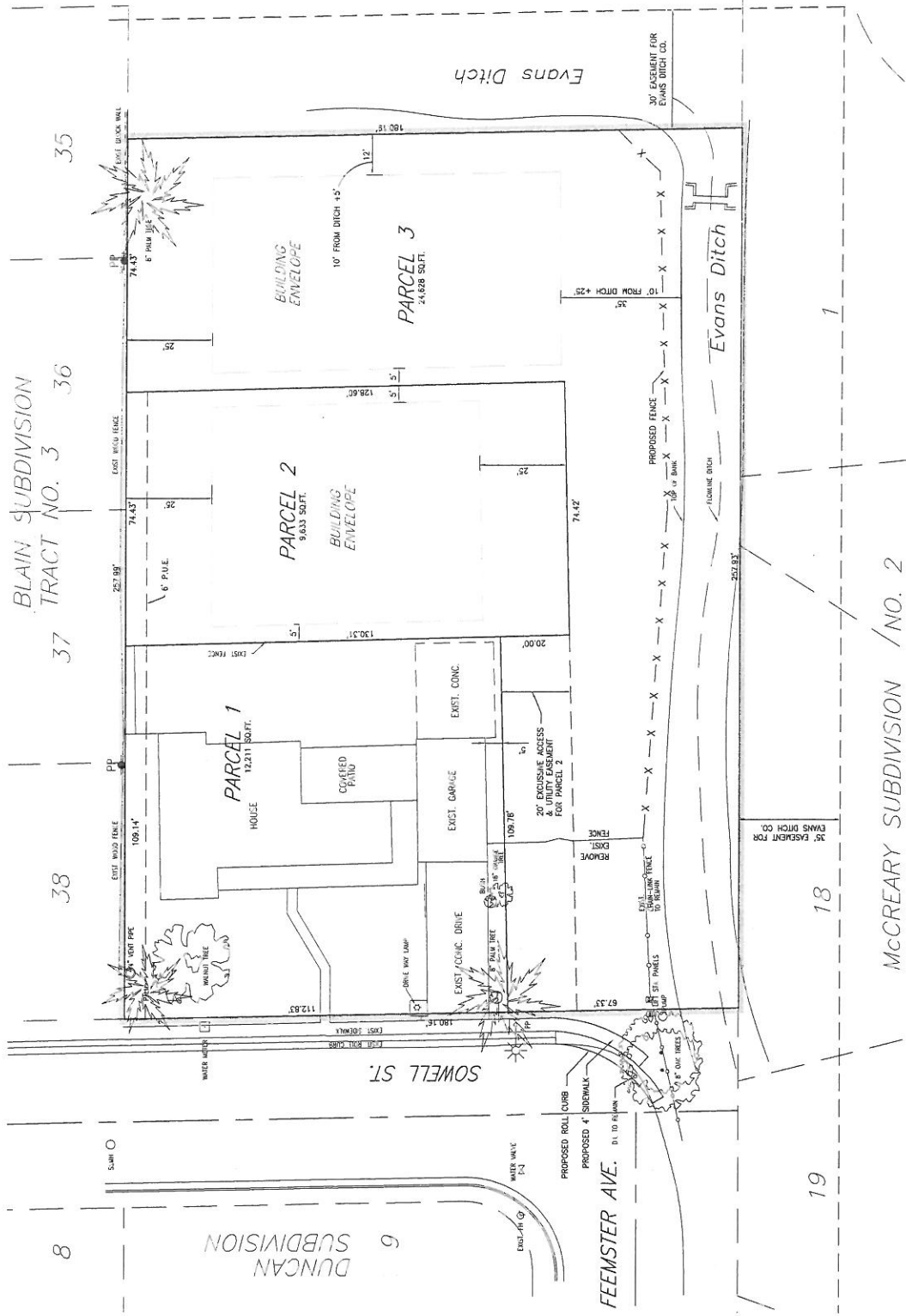
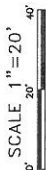
**SURVEYOR:**  
**FORESTER, WEBER & ASSOCIATES, LLC**  
1820 W. Mineral King Ave., Suite 8  
Visalia, California 93291  
(559) 732-0102

Being a portion of the NW quarter of the SW quarter of Sec. 31, T11N, S. R.24 E., M.D.B.M. in the City of Visalia, County of Tulare, State of California.

September 2015

**OWNERS:**  
**MICHAEL & RENEE SCHAUFFELE**  
18605 AVE. 304  
Visalia, California 93292

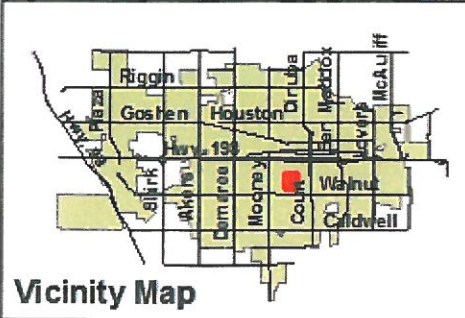
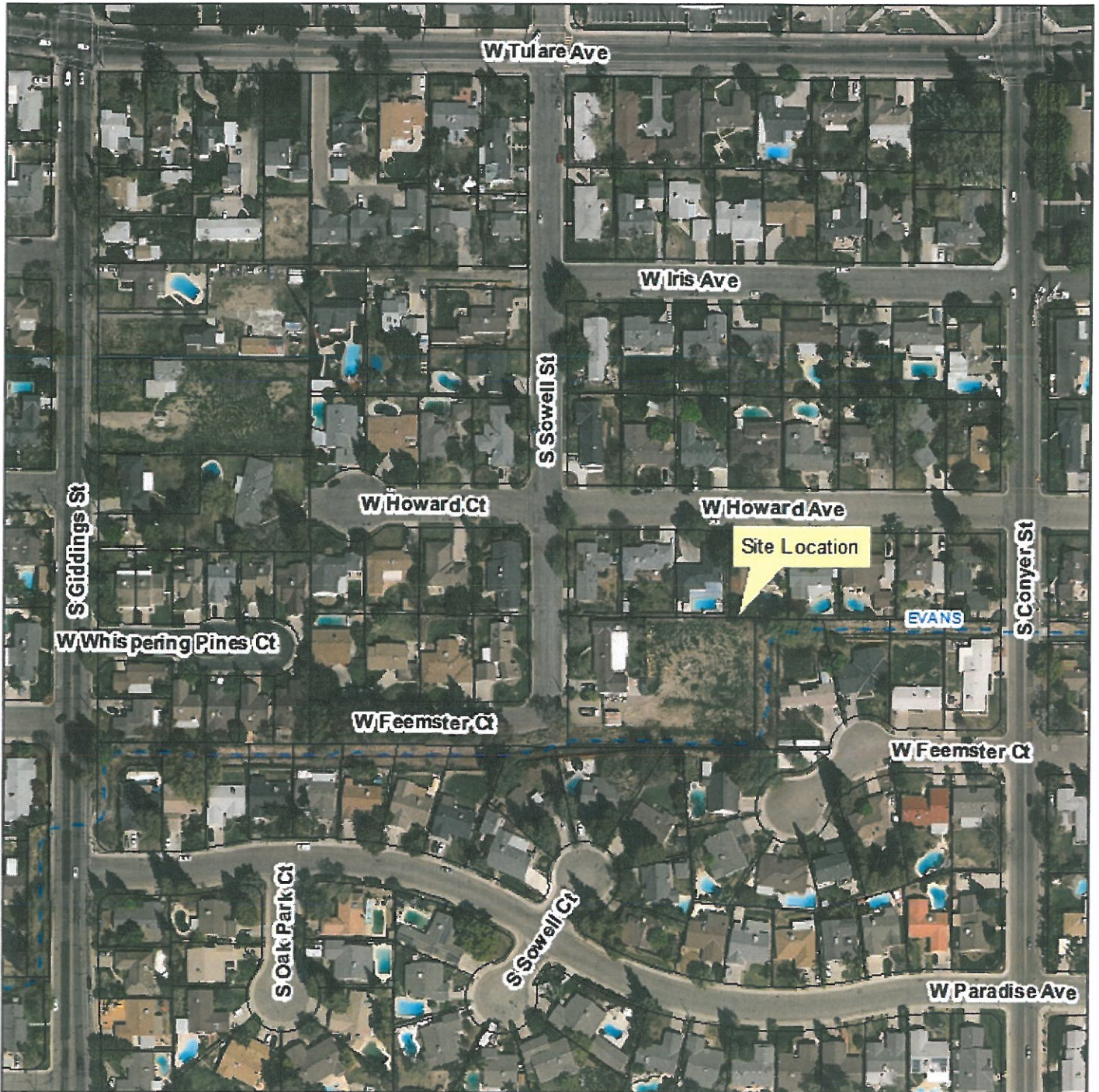
**NOTES:**  
1. ALL PROPERTY USE: RESIDENTIAL  
2. PROPOSED PROPERTY USE: RESIDENTIAL  
3. ZONING: R-1-6  
4. SLOPE: CALIFORNIA WATER SERVICE  
5. STORM DRAIN BY: THE CITY OF VISALIA  
6. AREA: 46,340 SQ.F.T.  
7. FLOOD ZONE: X (SHADED)



Vicinity Map  
NO SCALE

**Tentative Parcel Map No. 2015-07 & Conditional Use Permit No. 2015-34**

The project is located at 1430 S. Sowell Street, on the east side of Sowell Street across from Feemster Avenue. (APN: 096-230-008)



**Vicinity Map**

**Aerial Photo Vicinity**

Photo Taken March 2014

