

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

MONDAY, APRIL 23, 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.
 - Adoption of Resolution No. 2017-37, denying Conditional Use Permit No. 2017-22 in accordance with action taken by the Planning Commission during the regular meeting held on April 9, 2018.
5. PUBLIC HEARING – Andy Chamberlain
Conditional Use Permit No. 2018-04: A request by Jana Wilkerson to allow an Escape Room facility in the C-MU (Commercial Mixed Use) zone. The site is located at 3300 S. Fairway Street. (APN: 122-300-040) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-14
6. PUBLIC HEARING – Paul Scheibel
 - Zoning Text Amendment No. 2018-01: a request by American Ambulance Visalia to amend Zoning Ordinance Section 17.25.030 (Zoning Use Matrix) Line M54 to conditionally allow the Ambulance Services/Medical Transport use in the I-L (Light Industrial) Zone District, Citywide
 - Conditional Use Permit No. 2018-07: A request by American Ambulance Visalia to allow an ambulance service on a .75-acre parcel in the I-L- (Light Industrial) Zone District. The project site is located at 6743 West Pershing Court. (APN: 085-520-009) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-016

7. PUBLIC HEARING – Brandon Smith

- a. Cherry Creek Tentative Subdivision Map No. 5565: a request by Hidden Oak Development Company (Grace Community Church, property owner) to subdivide a 9.68-acre portion of a 29.38-acre parcel into 45 lots for residential use in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone, located on the south side of Cherry Avenue 1,200 feet west of Lovers Lane. APN: 126-110-061 [portion]. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Negative Declaration No. 2017-81 was adopted.
- b. Tentative Parcel Map No. 2017-04: a request by Hidden Oak Development Company (Grace Community Church, property owner) to subdivide a 29.38-acre parcel into two parcels to create separate parcels for church and residential uses in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone, located on the southwest corner of Lovers Lane and Cherry Avenue. APN: 126-110-061. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Negative Declaration No. 2017-81 was adopted.
- c. Conditional Use Permit No. 2017-37: a request by Hidden Oak Development Company (Grace Community Church, property owner) to amend previously-approved Conditional Use Permit No. 2008-46 for the purpose of revising a master plan associated with a church campus in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone, located on the southwest corner of Lovers Lane and Cherry Avenue. APN: 126-110-061. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Negative Declaration No. 2017-81 was adopted.

8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Joint City Council and Planning Commission Meeting.
- Quarterly Growth Report.

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 Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

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, MAY 3, 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 or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON TUESDAY MAY 29 2018

City of Visalia



To: Planning Commission

From: Paul Bernal, City Planner (713-4025)

Date: April 23, 2018

Re: Adoption of Resolution No. 2017-37, denying Conditional Use Permit No. 2017-22 in accordance with action taken by the Planning Commission during the regular meeting held on April 9, 2018.

SUMMARY

On April 9, 2018, the Planning Commission held a public hearing for Conditional Use Permit No. 2017-22, a request to develop a 1.91-acre area within the Cameron Creek Marketplace Shopping Center with an ARCO AM/PM gas station consisting of a 6,000 square foot convenience store building with a future fast-food restaurant space (no tenant has identified), a 4,933 square foot automated carwash building, and a 6,775 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 project area 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 & 126-870-039).

Upon close of the public hearing, the Planning Commission voted 4-1 (Commissioner Taylor dissenting) to deny Conditional Use Permit No. 2017-22.

The resolution included with the April 9, 2018, Planning Commission staff report reflected approval of the conditional use permit, which was the original recommended action. The Planning Commission's action to deny the conditional use permit requires that a new resolution reflecting the denial and the findings for denial as conveyed by the Planning Commission be prepared reflecting this decision. The new resolution is included as an attachment to this memorandum.

ATTACHMENT

- Resolution No. 2017-37 Denial

REVISED
RESOLUTION NO. 2017-37
(AMENDED)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING CONDITIONAL USE PERMIT NO. 2017-22, A REQUEST TO DEVELOP A 1.91-ACRE AREA WITHIN THE CAMERON CREEK MARKETPLACE SHOPPING CENTER WITH AN ARCO AM/PM GAS STATION CONSISTING OF A 6,000 SQUARE FOOT CONVENIENCE STORE BUILDING WITH A FUTURE FAST-FOOD RESTAURANT SPACE (NO TENANT HAS IDENTIFIED), A 4,933 SQUARE FOOT AUTOMATED CARWASH BUILDING, AND A 6,775 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 PROJECT AREA 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 & 126-870-039)

WHEREAS, Conditional Use Permit No. 2017-22, is a request to develop a 1.91-acre area within the Cameron Creek Marketplace Shopping Center with an ARCO AM/PM gas station consisting of a 6,000 square foot convenience store building with a future fast-food restaurant space (no tenant has identified), a 4,933 square foot automated carwash building, and a 6,775 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 project area 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 & 126-870-039); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 28, 2017, received oral and written testimony both in favor of and in opposition to the project, and continued said hearing to an unspecified date; and

WHEREAS, the applicant has submitted a revised site plan, elevations, photometric plan, a new acoustical analysis, and revised their operational statement to reduce the hours of operation; and

WHEREAS, a Revised Initial Study was prepared pursuant to the applicants revised project. The Revised Initial Study disclosed that a significant, adverse environmental impact related to noise generated by the operation of the carwash may occur. The revised Mitigated Negative Declaration (MND) was re-circulated for this project. The revised MND contains new noise Mitigation Measures incorporated into the project based upon a new noise study. The mitigation contained in the project shall effectively reduce the environmental impact of noise to a level that is less than significant while the project site is in operation subject to the mitigations contained in the Mitigation Monitoring Program included in the MND, and that the Environmental Impact Report prepared for the City of Visalia General Plan, certified by Resolution No. 2014-37, adopted on October 14, 2014, was used for the adoption of the General Plan Land Use Designation of the subject site; and

WHEREAS, the Revised Initial Study/Mitigated Negative Declaration was recirculated pursuant to CEQA Guidelines Section 15073.5; and

WHEREAS, the Planning Commission of the City of Visalia, after a duly published public hearing notice, conducted said public hearing on April 9, 2018, and concluded said hearing on that date; and

WHEREAS, Section 17.38.010 of the Zoning Ordinance of the City of Visalia provides: "In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits."; and

WHEREAS, Section 17.38.110, Subsection A of the Zoning Ordinance of the City of Visalia requires that the Planning Commission make certain findings in order to grant a conditional use permit application, and if such findings cannot be made, Subsection C. of Section 17.38.110 provides that the Planning Commission may deny an application for a conditional use permit.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Visalia finds that the project is not consistent with the required findings of Zoning Ordinance Section 17.38.110.A., and makes the following specific findings based on the evidence in the record, including public testimony, and written and video materials received or presented to the Planning Commission:

1. That the proposed use is not consistent with the policies and intent of the General Plan and Zoning Ordinance. The ARCO project scale and intensity is not compatible with the existing residential character of existing neighborhoods to northwest, west and south, and none of the conditions proposed will have the effect of eliminating the inconsistency.

That the proposed use is not compatible with adjacent residential land uses because the project's scale, size and intensity creates noise, traffic and lighting impacts, particularly at night, which will interfere with the enjoyment of properties in the existing neighborhoods that are adjacent or nearby the project site, and would therefore be materially injurious to properties or improvements in the vicinity; none of the conditions proposed will have the effect of eliminating the injurious effect of the project on the neighboring properties.

NOW, THEREFORE, BE IT FURTHER RESOVLED, that the Planning Commission denies Conditional Use Permit No. 2017-22, based on the findings contained in this Revised Amended Resolution No. 2017-37, consistent with Visalia Municipal Code Section 17.38.110.C.