

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

MONDAY, JULY 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 city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. ELECTION OF CHAIR AND VICE-CHAIR-
4. CHANGES OR COMMENTS TO THE AGENDA–
5. 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 Lance Lane Estates Tentative Subdivision Map No. 5499.
 - Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42.
6. PUBLIC HEARING – Brandon Smith
Conditional Use Permit No. 2018-11: A request by Starbucks to allow a drive-thru lane with street-facing reader boards in the C-MU (Commercial Mixed Use) zone. The project site is located on the east side of Ben Maddox Way approximately 400 feet south of Noble Avenue. (APN: 100-020-015)
7. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-
 - Dates for Joint City Council and Planning Commission Meeting; Thursday, October 11, 18 or 25.
 - Update on the appeal filed for the Teagan Ranch Tentative Subdivision Map No. 5568.
 - Food Truck and Micro Brewery Zoning Text Amendments Update.
 - Planners Position Recruitment Update.

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, AUGUST 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 or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 13, 2018

City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: July 23, 2018

Re: Time Extension for Lance Lane Estates Tentative Subdivision Map No. 5499

RECOMMENDATION:

Staff recommends that the Planning Commission approve a one-year time extension of Lance Lane Estates Tentative Subdivision Map No. 5499 that expires on October 10, 2018, pursuant to Section §66452.6(e) of the Subdivision Map Act.

BACKGROUND:

On October 10, 2005, the Visalia Planning Commission approved Lance Lane Estates Tentative Subdivision Map No. 5499 through adoption of Resolution No. 2005-135. Lance Lane Estates Tentative Subdivision Map was a request to divide 19.7 acres into 114 single family residential lots. The project site is located on the south side of Houston Avenue across from Goddard Street.

The original expiration date of the map was October 10, 2007, two years from the date of approval by the Planning Commission. Two one-year time extensions were granted by the Planning Commission in 2007 and 2008, which further extended the expiration date to October 10, 2009.

In 2008 improvement plans were filed and were being plan-checked by the Engineering Division; however there is no evidence that this plan-check work was approved or completed.

STATE LEGISLATURE TIME EXTENSIONS:

This tentative map, along with all tentative map entitlements approved throughout the state prior to July 2008, remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 2015. The most recent State legislative bill enacting a 24-month time extension of tentative maps (Assembly Bill 1303) was approved in October 2015. Consequently, the expiration date for the Lance Lane Estates Tentative Subdivision Map No. 5499 was ultimately extended to October 10, 2018.

REQUEST:

The proponents of the Lance Lane Estates Tentative Subdivision Map have submitted a written request dated June 11, 2018 requesting a two-year extension of time pursuant to Section §66452.6(e) of the Subdivision Map Act (SMA), for the purpose of obtaining approved construction documents and coordinating with public utilities. This would be the third applicant-requested time extension for this tentative subdivision map.

Section §66452.6(e) of the Subdivision Map Act (SMA) states the following:

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

The Planning Commission has the authority to grant a two-year time extension pursuant to the Subdivision Map Act and the City's Subdivision Ordinance. Time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. Granting the applicant's request would extend the map for a fifth and sixth (and final) year, not counting the years that the map was automatically extended by State legislation. The additional sixth year is a change from the previous five year time extension allowances referenced in previous time extension request before the Planning Commission.

Staff recommends that a one-year time extension be granted at this time in keeping with the City's practice of recommending only one-year time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of the Lance Lane Estates Tentative Subdivision Map No. 5549 to October 10, 2019. The subdivision map would still be eligible for one more time extension.

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 (October 10, 2019) to record a final subdivision map. If the request is denied, the applicant would have to file a new tentative subdivision map.

ATTACHMENTS

1. Letter of Request for the Time Extension
2. Approved Resolution for Lance Lane Estates Tentative Subdivision Map
3. Tentative Subdivision Map
4. Location Map



RECEIVED

JUN 13 2018

COMM. DEVELOP.
CITY OF VISALIA

June 11, 2018

Mr. Paul Bernal
City of Visalia Community Development
Planning Division
315 E. Acequia Ave.
Visalia, CA 93291

Dear Mr. Bernal:

On behalf of our client, VF, Inc. and pursuant to City of Visalia Municipal Code § 16.16.130 and California Government Code § 66452.6(e), Lane Engineers, Inc. respectfully requests a two-year extension for Lance Lane Estates Subdivision Map No. 5449 approved by Planning Commission Resolution No. 2006-135 on October 10, 2005. A time extension is necessary to allow time to obtain approved construction documents and coordinate with public utilities. Please forward this request to the planning commission for action as soon as possible.

Attached is a check payable to the City of Visalia in the amount of \$216.00 to process the extension request. If you should have any questions, or need additional information, please contact the undersigned engineer.

Respectfully,

Lawrence J. Simonetti, P.E.

cc: Bill Morgan

RESOLUTION NO 2005-135
(Corrected version)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA
APPROVING LANCE LANE ESTATES TENTATIVE SUBDIVISION MAP 5499: A REQUEST
TO DIVIDE 19.7 ACRES INTO 84 114 LOTS. THE PROJECT IS LOCATED ON
THE SOUTH SIDE OF HOUSTON AVENUE AT GODDARD STREET

WHEREAS, Lance Lane Estates Tentative Subdivision Map 5499: is a request by West Coast Construction (Lane Engineers, agent) to divide 19.7 acres into 84 lots. The project is located on the south side of Houston Avenue at Goddard Street, City of Visalia, County of Tulare. (APN(s): 098-050-043, 044); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on October 10, 2005 and approved the project on that date, based on the findings and subject to the conditions contained in Resolution No. 2005-135; 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, and

WHEREAS, Negative Declaration No. 2005-104 was prepared and adopted for the project consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and

WHEREAS, an inadvertent error in the project description was discovered in Resolution No. 2005-135. Specifically, that the project description states there are 84 lots where in actuality the project consists of 114 lots.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia made specific findings and approved the project on October 10, 2005; based on the evidence presented, and now re-affirms Findings 1 through 4, as follows:

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. 2005-104 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. The site does not contain any riparian habitat, sensitive natural communities, or wetlands, and does not contain any known sensitive, threatened, or endangered species.

BE IT FURTHER RESOLVED that the Planning Commission finds that the inadvertent error in the project description is an allowable noticing error pursuant to California State statutes 65090, et. Seq., and that the Planning Commission approves the subdivision on the real property herein above described in accordance with the terms of this resolution, as corrected to include approval 114 lots, under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia and subject to the following conditions, and the approval shall expire on October 10, 2007:

1. That the final map be prepared consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2005-156.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "A".
3. ~~That the property owner, applicant, or designated agent of the project shall pay all Groundwater Overdraft Mitigation Fees (effective per Ordinance No. 2005-09 adopted by the City Council on August 15, 2005). In lieu of payment of said fee, property owner, applicant, or designated agent of the project can dedicate water rights to the City, in accordance with said Ordinance. All other applicable impact fees for this project shall be paid at the time that building permits are issued, or prior to issuance of final occupancy, if applicable, or at the time that a final map is recorded, at the discretion of the Community Development Director, or as may be required by ordinance.~~
4. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or walls, and other improvements along the public street frontages and within open space areas of the subdivision, including maintenance for appurtenant local streets, maintenance for street trees, and the operational and maintenance cost for the street lights, both internal to the subdivision and along streets abutting the subdivision. The assessment district(s) shall also include provisions for the City of Visalia to collect payments for same from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll.
5. That Lots 11 through 16 will require a developed, paved easement or the development to the west to be developed prior to issuing building permits on these lots.
6. That a temporary turn-around area is provided on Lot No. 10 and Lot No. 1 or 27. The turn around area shall be maintained until the future connection with the adjacent development is completed.
7. That the standard street side yard setback of five feet be applied to all corner lots. This five foot street side fence setback applies to solid wood fencing over three feet tall, and to picket fencing or wrought iron fencing over four feet tall.
8. That the setbacks be developed as follows:
Front: 15' (for living area and side loading garages)
 22' (for front loading garages)

20' (for front loading garages on knuckle and cul-de-sac lots)
Rear: 20' (single-story); 22.5' (two-story)
Side: 5' (for single and two-story)
Side (corner lot street side) 10' (for single and two-story)

9. That the existing residences along Houston Avenue be removed prior to development of this site.
10. That the block wall along Houston Avenue be developed to the Northeast Specific Plan standards.
11. That this project annex into the Northeast Specific Plan Maintenance District.
12. That on corner lots facing toward arterial street intersections, driveways shall be located away from the intersection.
13. That on all lots adjacent to block walls, setbacks shall be measured from the inside face of the block wall.
14. That the rear yard setback shall be a minimum of 20 feet for all lots within the subdivision.
15. That all other City codes and ordinances be met.

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

AYES: Commissioners Pérez, Logan, Thompson, Salinas, Segrue
NOES:
ABSTAINED:
ABSENT:

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

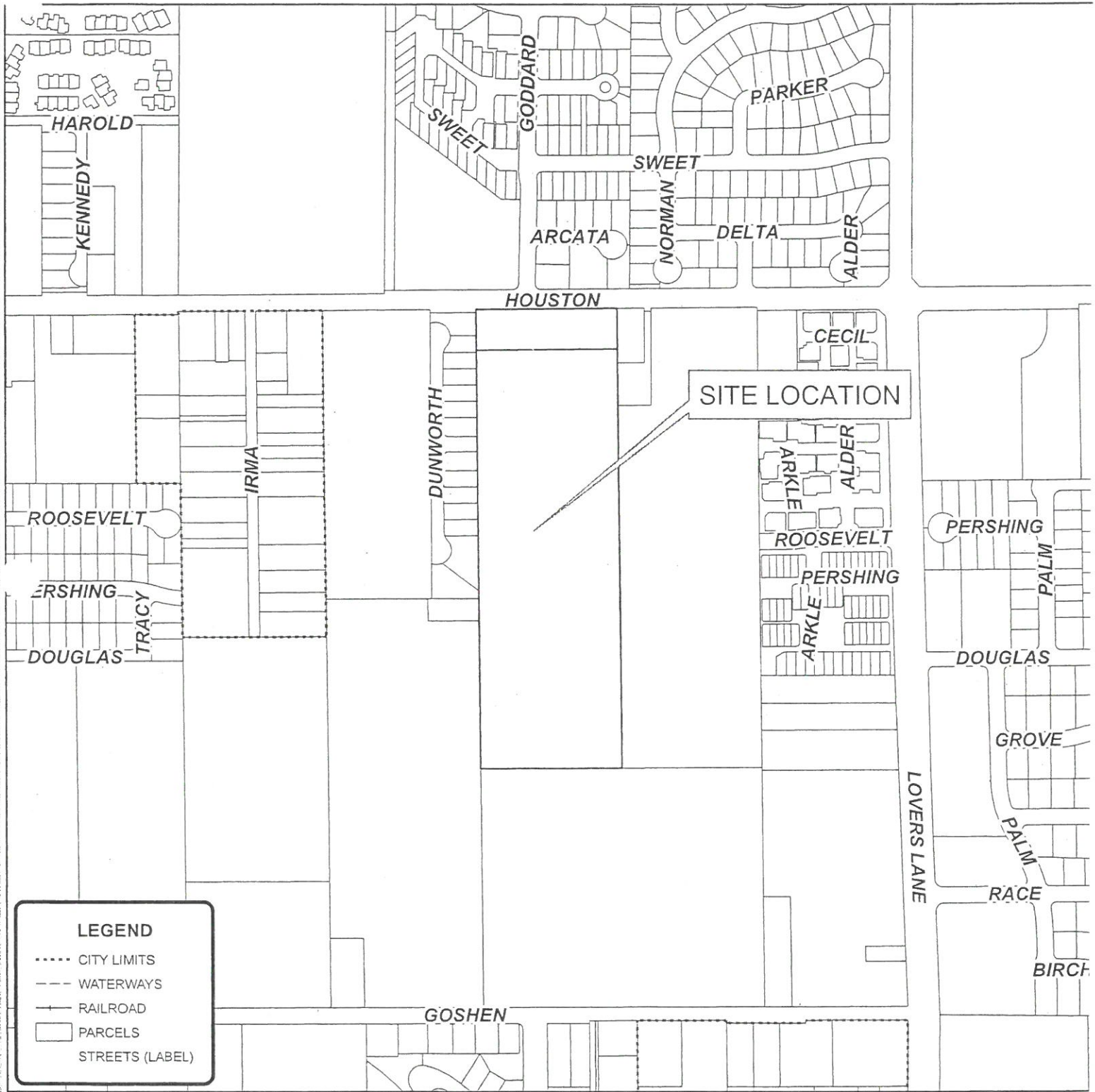
ATTEST: Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2005-135, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on October 10, 2005, and affirmed in its corrected version on July 24, 2006.

Fred Brusuelas, AICP
Community Development & Public Works Assistant Director

LANCE LANE ESTATES TENTATIVE SUBDIVISION MAP

Location: The south side of Houston Avenue at Goddard Street (APN's 098-050-043, 044)



Location Map



City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: July 23, 2018

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 that expires on November 28, 2018, pursuant to Section §66452.6(e) of the Subdivision Map Act.

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).

The original expiration date of the map and CUP was November 28, 2008, two years from the date of approval by the Planning Commission.

STATE LEGISLATURE TIME EXTENSIONS:

This tentative map, along with all tentative map entitlements approved throughout the state prior to July 2008, remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 2015. The most recent State legislative bill enacting a 24-month time extension of tentative maps (Assembly Bill 1303) was approved in October 2015. Consequently, the expiration date for the Visalia Palms Tentative Subdivision Map No. 5524 was ultimately extended to November 28, 2017.

The Planning Commission in 2017 granted a one year time which extended the expiration date for the subdivision map and CUP to November 28, 2018.

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.

REQUEST:

The proponents of Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42 have submitted a written request dated June 21, 2018 requesting an extension of time (see attached letter). This is their second applicant-requested time extension for this tentative subdivision map and CUP. Their letter is seeking the maximum eligible time pursuant to Section §66452.6(e) of the Subdivision Map Act (SMA), which would be to extend the map for three additional years.

Section §66452.6(e) of the Subdivision Map Act (SMA) states the following:

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

Time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. Granting the applicant's request would extend the map for a fourth, fifth, and sixth (and final) year, not counting the years that the map was automatically extended by State legislation.

In keeping with the City's practice regarding time extensions for maps, staff recommends that only a one-year time extension be granted at this time. The extension request, if approved by the Planning Commission, will extend the expiration date of the Tentative Subdivision Map to November 28, 2019.

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 (November 28, 2019) to record a final subdivision map. If the request is denied, the applicant would have to file a new tentative subdivision map and CUP.

ATTACHMENTS

1. Letter of Request for the Time Extension
2. Approved Resolutions for Tentative Subdivision Map & Conditional Use Permit
3. Tentative Subdivision Map / CUP Site Plan
4. Location Map

VISALIA LAND COMPANY, INC.

C/O Joseph DeLucia

P.O. Box 532637

Kihei, HI 96753

June 21, 2018

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

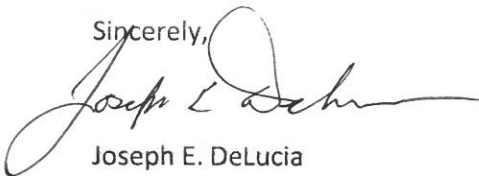
Dear Brandon,

Enclosed is a check for \$216 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,

A handwritten signature in black ink, appearing to read "Joseph E. DeLucia", written in a cursive style.

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



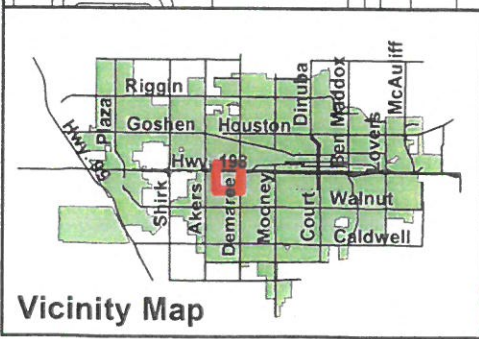
Sam Logan, Chairperson

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. Chinowth Street (APN: 087-060-007, 008, 009, 010)



Project Site



Vicinity Map

Location Map



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS