

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

MONDAY, OCTOBER 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 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. 2018-39, approving Variance No. 2018-10 in accordance with action taken by the Planning Commission during the regular meeting held on October 8, 2018.
5. PUBLIC HEARING – Andy Chamberlain
Conditional Use Permit No. 2018-20: A request by Claudia Lomeli to allow a residential duplex in an existing building in the PA (Professional Administrative Office) zone. The site is located at 405 N. West Street (APN: 093-175-010). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2018-62
6. PUBLIC HEARING – Andy Chamberlain
 - General Plan Amendment No. 2018-06: A request by the Houston Investment Company to change the land use designation from Very Low Density Residential to Low Density Residential for a five (5) acre parcel. The project site is located at 2548 N. Linwood Street. (APN: 077-190-001) 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. 2018-49 was adopted.
 - Change of Zone No. 2018-07: A request by the Houston Investment Company to change the zoning designation from R-1-20 (Single Family Residential – minimum lot size 20,000 sq. ft.) to R-1-5 (Single Family Residential – minimum lot size 5,000 sq. ft.) for a five (5) acre parcel. The project site is located at 2548 N. Linwood Street. (APN: 077-190-001) 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. 2018-49 was adopted.

- Conditional Zoning Agreement No. 2018-08: A request by the Houston Investment Company to establish conditions requiring the subdivision of property to meet a minimum average lot size of 11,832 sq. ft., and a superblock connective street pattern as shown in the proposed Quintana De Oro Tentative Subdivision Map. The project site is located at 2548 N. Linwood Street. (APN: 077-190-001) 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. 2018-49 was adopted.
- Quintana De Oro Tentative Subdivision Map 5570: A request by the Houston Investment Company to subdivide five (5) acres into 14 lots with an average lot size of 11,832 sq. ft., and two (2) common landscaping lots totaling 3,652 sq. ft., in the R-1-20 Single Family Residential zone. The project site is located at 2548 N. Linwood Street. (APN: 077-190-001) 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. 2018-49 was adopted.

7. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- 5-Pack City Council Work Session Update
- November 13th Planning Commission Meeting

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, NOVEMBER 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 TUESDAY, NOVEMBER 13, 2018

City of Visalia



To: Planning Commission

From: Paul Bernal, City Planner (713-4025)
Brandon Smith, Senior Planner (713-4636)

Date: October 22, 2018

Re: Adoption of Resolution No. 2018-39, approving Variance No. 2018-10 in accordance with action taken by the Planning Commission during the regular meeting held on October 8, 2018.

SUMMARY

On October 8, 2018, the Planning Commission held a public hearing for Variance No. 2018-10, a request by Brian Icenhower and Robyn Graham-Icenhower to allow a variance to the maximum fence height limit in the required front yard setback in order to install a seven-foot tall open wrought-iron fence and hedge in the R-1-5 (single-family residential, 5,000 sq. ft. minimum site area) zone. The site is located at 2821 W. Border Links Drive. Upon close of the public hearing, the Planning Commission voted 3-2 (Commissioners Gomez and Peariso dissenting) to approve Variance No. 2018-10.

The resolution included with the October 8, 2018, Planning Commission staff report was written for a denial of the variance, which was the original recommended action. The Planning Commission's action to approve the variance requires that a new resolution reflecting the approval, and the findings for approval as conveyed by the Planning Commissioners be prepared. The new resolution is included as an attachment to this memorandum.

ATTACHMENT

- Resolution No. 2018-39 Approving Variance No. 2018-10

RESOLUTION NO. 2018-39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING VARIANCE NO. 2018-10: A REQUEST BY BRIAN ICENHOWER AND ROBYN GRAHAM-ICENHOWER TO ALLOW A VARIANCE TO THE MAXIMUM FENCE HEIGHT LIMIT IN THE REQUIRED FRONT YARD SETBACK IN ORDER TO INSTALL A SEVEN-FOOT TALL OPEN WROUGHT-IRON FENCE AND HEDGE IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM SITE AREA) ZONE. THE SITE IS LOCATED AT 2821 W. BORDER LINKS DRIVE. (APN: 089-124-012).

WHEREAS, Variance No. 2018-10 is a request by Brian Icenhower and Robyn Graham-Icenhower to allow a variance to the maximum fence height limit in the required front yard setback in order to install a seven-foot tall open wrought-iron fence and hedge in the R-1-5 (single-family residential, 5,000 sq. ft. minimum site area) zone. The site is located at 2821 W. Border Links Drive (APN: 089-124-012); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on September 10, 2018; and

WHEREAS, the Planning Commission of the City of Visalia, at the September 10, 2018, held a public hearing, and continued the item to a date certain on October 8, 2018; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2018-09 to be in accordance with Chapter 17.42 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report, testimony presented at the public hearing, and discussion provided by the Planning Commission; and

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

The zoning regulation presents a practical difficulty from allowing a fence that is similar in height, location, and style to that of other properties in the surrounding area and neighborhood.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone.

There are exceptional circumstances being that the aesthetics of the proposed fence at this location are similar to other properties in the neighborhood with fences in the front yard setback, in particular the existing fence that is located on the neighboring residential property to the east.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The regulation deprives the applicant of installing a fence similar in height, location, and style to that of other properties in the surrounding area and neighborhood.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone

There is no grant of special privilege since the applicant is installing a fence similar in height, location, and style to that of other properties in the surrounding area.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

6. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for Implementation of CEQA.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2018-10 on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That Variance No. 2018-10 shall allow a 7-foot tall wrought iron fence as shown in the site plan included as Exhibit "A" and in the elevation drawing included as Exhibit "B".
2. That a building permit be obtained for the fence.
3. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.