

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

MONDAY, MAY 13, 2019; 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.
 - Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09
5. PUBLIC HEARING – Cristobal Carrillo
Tentative Parcel Map No. 2019-02: A request by Anilkumar K. Patel to subdivide 4.96 acres into two parcels for residential use. The site is zoned R-1-20 (Single Family Residential 20,000 sq. ft. minimum site area), and is located at 2524 N. Linwood Street. (APN: 077-190-002) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2019-23.
6. PUBLIC HEARING – Cristobal Carrillo
Conditional Use Permit No. 2019-11: A request by Fred Gibby to establish a 560 sq. ft. drive-thru coffee shop in the C-MU (Mixed Use Commercial) zone. The project site is located at 1331 W. Caldwell Avenue (APN: 126-062-076). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2019-19.
7. PUBLIC HEARING – Paul Scheibel
Conditional Use Permit No. 2019-10: A request by Self-Help Enterprises to construct five single-family residences on five existing lots in the R-M-3 (Multi-family Residential, 1,200 square foot minimum Site Area). The project site is located on the west side of NW 5th Street, between Court St. and Strawberry St. (APN's: 094-053—018, -019, -021, -023, -024).The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2019-20.

8. PUBLIC HEARING – Paul Scheibel

- General Plan Amendment No. 2019-04: A request by Hawkins Companies, LLC, to amend the General Plan Land Use Map from C-S (Service Commercial) to C-MU (Commercial Mixed Use) on a 1.05-acre parcel at 705 S. Ben Maddox Way (APN: 100-020-016). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2019-21.
- Change of Zone No. 2019-03: A request by Hawkins Companies, LLC, to amend the Zoning Map from C-S (Service Commercial) to C-MU (Commercial Mixed Use) on a 1.05-acre parcel at 705 S. Ben Maddox Way (APN: 100-020-016). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2019-21.

9. PUBLIC HEARING –Brandon Smith

Variance No. 2019-04: A request by McAuliff Center LP to allow a variance to the maximum monument sign area, allowing 43 sq. ft. of sign area per face and 160 sq. ft. of total aggregate surfaces of sign faces and sign structure associated with a service station located in the C-MU (Commercial Mixed Use) zone. The project site is located at the southeast corner of Houston Avenue and McAuliff Street (APN: 103-120-084).

10. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- May 28, 2019 Planning Commission Meeting
- Reappointment of Planning Commissioners

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 23, 2019 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 28, 2019

City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: May 13, 2019

Re: Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09

RECOMMENDATION:

Staff recommends that the Planning Commission approve a one-year time extension of the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 (a.k.a. Brackenwood Tentative Subdivision Map) and Conditional Use Permit No. 2007-09, to expire on April 23, 2020, pursuant to Section §66452.6(e) of the Subdivision Map Act.

BACKGROUND:

On April 23, 2007, the Visalia Planning Commission approved Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09 through adoption of Resolution Nos. 2007-22 and 23. Maddox at Caldwell VII Tentative Subdivision Map was a request to subdivide the southwest and southeast corners of Ben Maddox Way and K Avenue, which included the subdivision of 8.35 acres on the southeast corner into 43 lots for 50 units. Conditional Use Permit (CUP) No. 2007-09 was a request to create a Planned Residential Development for the Maddox at Caldwell VII Subdivision Map with modified lot sizes, setbacks, and detached and attached units (i.e. duplex units) in the R-M-2 zone.

On July 10, 2017, the Visalia Planning Commission approved The Grove Tentative Subdivision Map No. 5562, which re-subdivided the southwest corner of Ben Maddox Way and K Avenue. The Planning Commission also approved Conditional Use Permit No. 2017-15, which amended CUP No. 2007-09 by removing the duplex units from the Planned Residential Development on the southeast corner portion of the Maddox at Caldwell VII Subdivision Map. However, the expiration date for the CUP continued to be tied to the expiration date for the Maddox at Caldwell VII Subdivision Map approved on April 23, 2007.

Please note, the exhibits submitted in association with The Grove subdivision and CUP No. 2017-15 referred to the subdivision on the southeast corner of Ben Maddox Way and K Avenue as "Bracken Wood Tentative Subdivision Map" rather than Maddox at Caldwell VII.

STATE LEGISLATURE TIME EXTENSIONS:

The original expiration date for the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and CUP No. 2007-09 was April 23, 2009, two years from the date of approval by the Planning Commission. This map along with all tentative map entitlements approved throughout the state remained in effect by a series of State legislative time extensions enacted between July 2008 and October 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 subdivision and CUP was ultimately extended to April 23, 2018. On May 29, 2018, the Planning Commission approved a one-year time extension for the Tentative Subdivision Map and CUP, furthering the expiration date to April 23, 2019.

REQUEST:

The proponents of the Tentative Subdivision Map have submitted a written request on April 22, 2019 for a one-year time 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. This would be the second time extension applied for under this code for the Tentative Subdivision Map.

Staff recommends that the one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission, will extend the expiration date of the Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and CUP No. 2007-09 from April 23, 2019 to April 23, 2020.

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 subdivision map(s). 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 No. 2007-23 for Subdivision Map No. 5531
3. Approved Resolution No. 2007-22 for CUP No. 2007-09
4. Tentative Subdivision Map submitted with CUP No. 2017-15 ("Bracken Wood")
5. Location Map



Brandon,

Please accept this check (\$222.00) and letter stating that we are extending the current Tentative map for Bracken Wood subdivision at "K" Ave. We are in the process of executing on this parcel.

If you have any questions Please feel free to give me or Greg a call.

Thank You,

Kent McNiece

Kent.mcniece@gmail.com

559-395-3323



City of Visalia
315 E Acequia
PO Box 4002
Visalia CA 93278-4002

RECEIPT

DATE OF PAYMENT
4/22/2019 3:08:02PM

Receipt Number : 544258

Application: **TID: 366**

Address:

Parcel:

Subdivision:

Work Description:

<u>INVOICE_NBR</u>	<u>FEE_CODE</u>	<u>FEE_DESCRIPTION</u>	<u>FEE_QUANTITY</u>	<u>AMOUNT</u>	<u>PAYMENT_METHOD</u>
205822	1620	Misc Revenue - Planning	222	222.00	Check
	Acct. Code: 1821-48620		CASHIER: MDSHAR		0124
	Comments: EXT; FOR BRACKENWOOD SUBDIVISON				

PAYOR: TRD - 3 BRACKENWOOD LLC

1969 HILLMAN ST

TOTAL PAID: **222.00**

RESOLUTION NO 2007-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2007-09, A REQUEST TO ALLOW A PLANNED RESIDENTIAL DEVELOPMENT IN THE R-M-2 ZONE. THE SITE IS LOCATED AT THE SOUTHWEST AND SOUTHEAST CORNERS OF BEN MADDOX WAY AND K AVENUE

WHEREAS, Conditional Use Permit No. 2007-09: A request by DLF Company (California Planning & Engineering, Agent) to allow a Planned Residential Development in the R-M-2 Zone. The site is located at the southwest and southeast corners of Ben Maddox Way and K Avenue (APNs: 126-120-050, 065, 066; 126-590-008; 126-560-060; and 126-640-074); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 23, 2007; 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. 2007-20 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. 2007-20 is hereby adopted.

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 site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2006-211.
2. That the site be developed substantially consistent with the site plan shown in Exhibit "A," unless otherwise noted herein.
3. That the development shall be subject to Model Good Neighbor Policies as set forth in Section 17.16.190 of the City of Visalia Zoning 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 wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including 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 from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
5. That the curbs of all cul-de-sacs shall be painted red to preclude on street parking.
6. That all applicable city codes and ordinances be met.
7. 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. 2007-09.

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

AYES: Commissioners Segrue, Peck, Logan, Perez
NOES:
ABSTAINED:
ABSENT: Commissioner Salinas

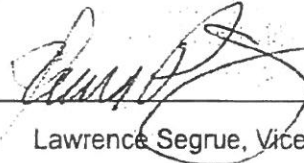
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

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. 2007-22, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2007.



Fred Brusuelas, AICP
Community Development Assistant Director



Lawrence Segrue, Vice Chairperson

RESOLUTION NO 2007-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING PARK PLACE TENTATIVE SUBDIVISION MAP 5494, A REQUEST TO DIVIDE 4.1 ACRES INTO 16 LOTS. THE SITE IS LOCATED APPROXIMATELY 400 FEET WEST OF LOVERS LANE, BETWEEN CALDWELL AVENUE AND SUNNYSIDE AVENUE.

WHEREAS, Maddox at Caldwell Unit No. 7, Tentative Subdivision Map No. 5531 : A request by DLF Company (California Planning & Engineering, Agent) to divide 13.5 acres into 115 lots. The site is located at the southwest and southeast corners of Ben Maddox Way and K Avenue (APNs: 126-120-050, 065, 066; 126-590-008; 126-560-060; and 126-640-074); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on April 23, 2007; 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. 2007-20 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. 2007-20 is hereby adopted.

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 site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2006-211.
2. That the final map be developed in substantial compliance with the approved tentative subdivision map shown in Exhibit "B," unless otherwise noted herein.
3. That vehicular connectivity from K West be provided to the west for future development.
4. That a bus turn-out shall be provided along Ben Maddox Way and the necessary right-of-way dedicated to accommodate the improvement. The exact location of the turn-out shall be coordinated with the City Engineer and VCC.
5. That an assessment district(s) be formed prior to recordation of the final map, for the maintenance of the landscaping, fences and/or wall, pocket parks, pedestrian access points, and other improvements along the public street frontages and within open space areas of the subdivision, and including 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 from the subdivider(s) prior to approval of district assessments and placement of same on the property tax roll. The Visalia City Council has directed that street maintenance for local streets be included in Landscape and Lighting Maintenance Districts (or other districts formed for this purpose). An implementation policy is currently being prepared. If the City Council adopts the implementation policy prior to the filing of a final map for this subdivision, then said policy shall apply to this project.
6. That Tentative Subdivision Map No 5531 shall be null and void unless Conditional Use Permit No. 2007-09 is approved.
7. That all other city codes and ordinances be met.

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

AYES: Commissioners Segrue, Peck, Logan, Perez

NOES:

ABSTAINED:

ABSENT: Commissioner Salinas

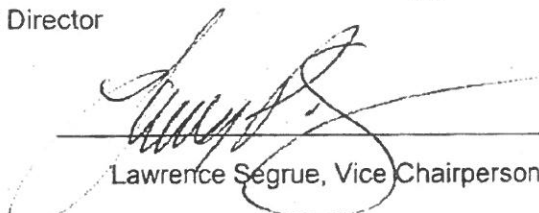
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

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. 2007-23, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2007.



Fred Brusuelas, AICP
Community Development Assistant Director



Lawrence Segrue, Vice Chairperson

EXHIBIT MAP
 CONDITIONAL USE PERMIT
Maddox at Caldwell
 UNIT NO. 7 - "K" AVENUE
 A MASTER PLANNED DEVELOPMENT



N.T.S.

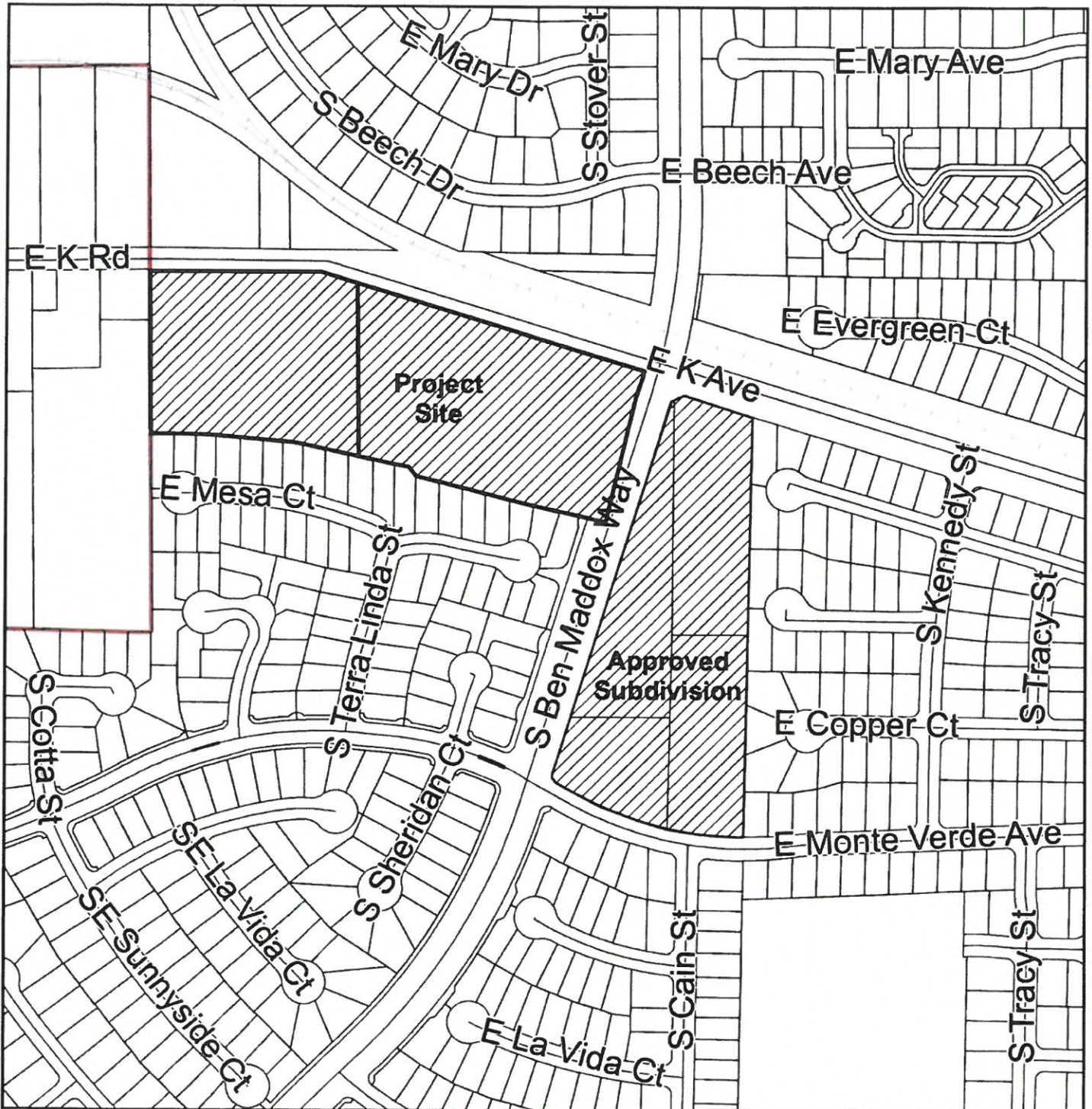
N.T.S.

DEVELOPER:

P.O. BOX 8012
 WILSON, N.C. 27157
 THE DONALD LAWRENCE COMPANY
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The Grove Tentative Subdivision Map No. 5562 & CUP No. 2017-15

APN: 126-120-065 & 066



Vicinity Map

