

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 Categorical 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 Categorical 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



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 13, 2019

PROJECT PLANNER: Paul Scheibel, AICP, Principal Planner
Phone No.: (559) 713-4369
E-Mail: paul.scheibel@visalia.city

SUBJECT: 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).

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).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of GPA No. 2019-04 and COZ No. 2019-03, based on the findings and conditions in Resolution No. 2019-19 (for GPA No. 2019-04) and Resolution No. 2019-18 (for COZ No. 2019-03). Staff's recommendation is based on the conclusion that the requests are consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2019-04 and Change of Zone No. 2019-03, based on the findings contained in Resolution Nos. 2019-19 and 2019-18.

PROJECT DESCRIPTION

The property owner is requesting a change in the existing zoning of CS (Service Commercial) to C-MU (Commercial Mixed Use) for their approximately 1-acre site. The site was developed as an automobile dealership. It is the northernmost and smallest of three parcels along the west side of Ben Maddox Way that are developed as auto dealerships. The site has been most recently used by Diamond Motors, a used automobile dealership, and as a church facility (Restoration Church, CUP No. 2012-18, approved by the Planning Commission on May 14, 2012). The site is currently vacant.

The applicant desires the change of zone from C-S to C-MU in order to use the site for a cellular phone retail establishment. This use is a "Permitted" use in the C-MU zone. The proponent contends that the current C-S zoning narrowly limits the range of potential retail uses on the site, and that its viability as an auto



dealership has proven to be marginal. The proponent further contends the site should more appropriately associated with the Mary's Vineyard shopping center on the east side of Ben Maddox Way, rather than the auto dealerships to the south. The proponent's conclusions are based on the facts that multiple dealerships terminated operations at the site, that the subsequent reuse of the site for a church use was not sustainable, and that the site could not likely attract and sustain the limited range of retail uses that are permitted in the C-S Zone District (which are concentrated in the East Downtown and East Main Street areas). The site is presently vacant.

BACKGROUND INFORMATION

General Plan Land Use Designation	C-S (Service Commercial)
Proposed Land Use Designation	C-MU (Commercial Mixed Use)
Zoning	C-S (Service Commercial)
Proposed Zoning	C-MU (Commercial Mixed Use)
Surrounding Zoning and Land Use	North: IL (Light Industrial) and C-MU (Commercial Mixed Use) / Advanced Food Products and Mary's Vineyard Shopping Center South: C-S – Auto dealership East: C-MU – Mary's Vineyard shopping center West: IL / Advanced Food Products Factory
Environmental Review	Categorical Exemption No. 2019-21
Site Plan	2019-045

RELATED PLANS & POLICIES

Please see attached summary of related plans and policies. The proposed project is consistent with applicable plans and policies.

RELATED / SIMILAR PROJECTS

Conditional Use Permit No. 2012-18: A request by Restoration Church to establish a church with 200 seats in a vacant 24,000 square foot building located in the Service Commercial (CS) zone, located at 705 S. Ben Maddox Way. Approved by the Planning Commission on May 14, 2012.

PROJECT EVALUATION

Staff recommends that the Planning Commission recommend approval of General Plan Amendment (GPA) No. 2019-04 and Change of Zone (COZ) No. 2019-03, based on the project's consistency with the General Plan and Zoning Ordinance.

Land Use Compatibility

Staff concurs with the proponent's request to change the land use and zoning designation on the property to C-MU. Staff further concurs with the proponent's contention that the site's highest and best use is that of a more general commercial use than is its present C-S zoning. The site has not succeeded as an auto dealership, which would otherwise benefit a site that proposes automobile sales (Automobile sales are only allowed in the C-S and D-MU (Downtown Mixed Use Zone Districts). But as noted, the site may lack an appropriate size and configuration to ensure for a viable automobile dealership.

The existing building and parking available on the site can facilitate the broader range of uses that are permitted or conditionally allowed in the C-MU Zone District. Consequently, the site can be converted for commercial uses without major site renovation.

The City typically avoids considering zone changes on single parcels, which is commonly referred to as "spot zoning". The site is unique in that it is essentially an isolated parcel on the basis that Ben Maddox way borders its northern and eastern boundaries, and the San Joaquin Railroad right-of-way coincides with its western boundary. Staff's conclusion is that approving the change would not adversely affect the continuity of an established block or area. Further, staff concurs with the proponent's contention that the site can be more closely associated with the Mary's Vineyard shopping center that faces to the east.

Land Use Compatibility

The subject site is developed with a vacant commercial building. The site is adjacent to an automobile dealership to the south and adjacent to the San Joaquin Valley Railroad tracks and an industrial use to the west. The site is also adjacent to Ben Maddox Way, a four-lane arterial street. The proposed GPA and COZ will facilitate the reuse an existing vacant commercial building. Staff concludes the proposed project is compatible with the Mary's Vineyard Shopping Center and the reuse of the building for commercial purposes will not impact the viability of the adjacent automobile dealerships.

The Auto Center

The project site is located along the Ben Maddox Way corridor that is developed with several automobile dealerships. However, this site is not associated with the Architectural Design Guidelines for either "The Auto Center" or "The South Ben Maddox Auto Center". If approved, the site's land use and zone change will not impact the surrounding automobile dealerships.

Environmental Review

The project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) Guidelines, section 15305 (Minor alteration in land use limitations).

RECOMMENDED FINDINGS

General Plan Amendment No. 2019-04

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from Service Commercial to Commercial Mixed Use is consistent with the Ben Maddox corridor and would be appropriate for the proposed reuse of the existing vacant commercial building.
3. That the proposed General Plan Amendment from Service Commercial to Commercial Mixed Use will provide for the reuse of the site for commercial purposes while providing compatibility with adjacent uses.

4. That Categorical Exemption No. 2019-21 has been prepared for the project, and disclosed the project will not result in significant impacts pursuant to the California Environmental Quality Act (CEQA) Guidelines.

Change of Zone (COZ) No. 2019-03

1. That the Change of Zone is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements Citywide.
2. That the site can accommodate the wider range of uses that would be allowed under the C-MU Zone District.
3. That Categorical Exemption No. 2019-21 has been prepared for the project, and disclosed the project will not result in significant impacts pursuant to the California Environmental Quality Act (CEQA) Guidelines.

APPEAL INFORMATION

The Planning Commission's action is advisory only, and will be automatically forwarded to the City Council for final action.

Attachments:

- Related Plans and Policies
- Resolution No. 2019-19 for GPA No. 2019-04
- Resolution No. 2019-18 for COZ No. 2019-03
- Proponent's Documentation in Support of the Project
- Site Plan Review No. 2019-045 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map

Chapter 17.18 COMMERCIAL ZONES

Sections:

17.18.010	Purpose and intent.	
17.18.015	Applicability.	
17.18.020	Permitted uses.	
17.18.030	Conditional and temporary uses.	17.18.040 Required conditions.
17.18.050	Off-street parking and loading facilities.	
17.18.060	Development standards in the C-N zone.	
17.18.070	Development standards in the C-R zone.	
17.18.080	Development standards in the C-S zone.	

17.18.010 Purposes.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
6. Ensure compatibility with adjacent land uses.

B. The purposes of the individual commercial zones are as follows:

1. Neighborhood Commercial Zone (C-N). The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

2. Regional Commercial Zone (C-R). The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.

3. Service Commercial Zone (C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district.

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts.

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.18.040 Required conditions.

- A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in Chapter 17.28.
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;
- D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee.

17.18.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

17.18.060 Development standards in the C-N zone.

The following development standards shall apply to property located in the C-N zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:

1. Front: fifteen (15) feet;
2. Rear: five (5) feet (except where a building is located on side property line);
3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet.

17.18.070 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.

17.18.080 Development standards in the C-S zone.

The following development standards shall apply to property located in the C-S zone:

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: ten (10) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: ten (10) feet;
 - 2. Rear: five (5) feet (except where a building is located on side property line);
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.

**Chapter 17.19
MIXED USE ZONES**

Sections:

- 17.19.010 Purpose and intent.**
- 17.19.015 Applicability.**
- 17.19.020 Permitted uses.**
- 17.19.030 Conditional and temporary uses.**
- 17.19.040 Required conditions.**
- 17.19.050 Off-street parking and loading facilities.**
- 17.19.060 Development standards in the C-MU zones outside the core area.**
- 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the core area.**

17.19.010 Purposes.

A. The several types of mixed zones included in this chapter are designed to achieve the following:

1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
3. Provide zone districts that encourage and maintain vibrant, walkable environments.

B. The purposes of the individual mixed use zones are as follows:

1. **Mixed Use Commercial Zone—(C-MU).** The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
2. **Mixed Use Downton Zone—(D-MU).** The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city.

17.19.015 Applicability.

The requirements in this chapter shall apply to all property within the C-MU and D-MU zone districts.

17.19.020 Permitted uses.

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.19.030 Conditional and temporary uses.

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.19.040 Required conditions.

- A. A site plan review permit must be obtained for any development in any C-MU and D-MU zones, subject to the requirements and procedures in Chapter 17.28.
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

17.19.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

17.19.060 Development standards in the C-MU zones outside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: fifteen (15) feet;

2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: No minimum.
- B. Maximum building height: one hundred (100) feet.
- C. Minimum required yards (building setbacks):
 1. Front: zero (0) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;
 6. Street side yard on corner lot: zero (0) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: five (5) feet (except where a building is located on side property line);
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);

6. Street side on corner lot: five (5) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

Chapter 17.38 CONDITIONAL USE PERMITS

Sections:

- 17.38.010 Purposes and powers.
- 17.38.020 Application procedures.
- 17.38.030 Lapse of conditional use permit.
- 17.38.040 Revocation.
- 17.38.050 New application.
- 17.38.060 Conditional use permit to run with the land.
- 17.38.065 Abandonment of conditional use permit.
- 17.38.070 Temporary uses or structures.
- 17.38.080 Public hearing—Notice.
- 17.38.090 Investigation and report.
- 17.38.100 Public hearing—Procedure.
- 17.38.110 Action by planning commission.
- 17.38.120 Appeal to city council.
- 17.38.130 Effective date of conditional use permit.
- 17.38.010 Purposes and powers.

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.

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
 7. Additional technical studies or reports, as required by the Site Plan Review Committee.
 8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the

project in order to maintain the required services levels identified in the General Plan Circulation Element.

- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site that was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120.

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the permit application subject to the provisions of Section 17.38.065.

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.

2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
- E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary.

17.38.110 Action by planning commission.

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 - 1. That 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;
 - 2. That 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, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit.

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of section 17.02.145.

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.

RESOLUTION NO. 2019-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT (GPA) 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).

WHEREAS, General Plan Amendment (GPA) No. 2019-04 is 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); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on May 13, 2019; and,

WHEREAS, the Planning Commission of the City of Visalia finds that General Plan Amendment No. 2019-04, to be in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorical Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2019-21.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed General Plan Amendment based on the following specific findings and evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from Service Commercial to Commercial Mixed Use is consistent with the Ben Maddox corridor and would be appropriate for the proposed reuse of the existing vacant commercial building.
3. That the proposed General Plan Amendment from Service Commercial to Commercial Mixed Use will provide for the reuse of the site for commercial purposes while providing compatibility with adjacent uses.
4. That Categorical Exemption No. 2019-21 has been prepared for the project, and disclosed the project will not result in significant impacts pursuant to the California Environmental Quality Act (CEQA) Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2019-04 as

shown on Attachment "A" of this Resolution, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2019-19

ATTACHMENT "A"

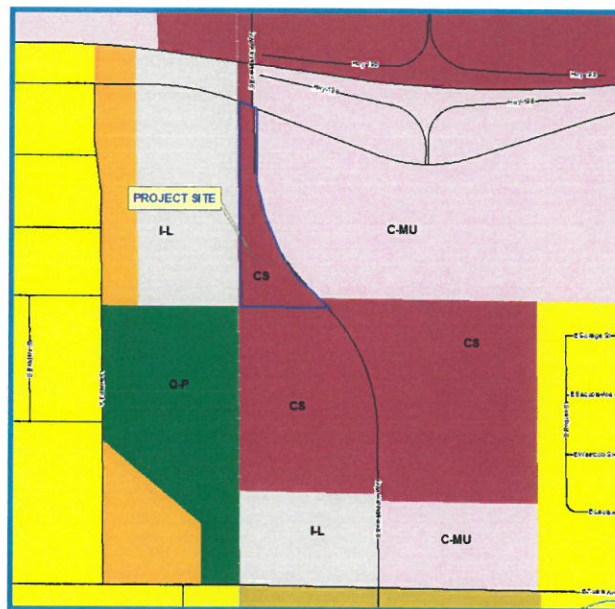
**A RESOLUTION OF THE CITY COUNCIL
AMENDING THE GENERAL PLAN LAND USE MAP AS FOLLOWS**

ATTACHMENT "A"

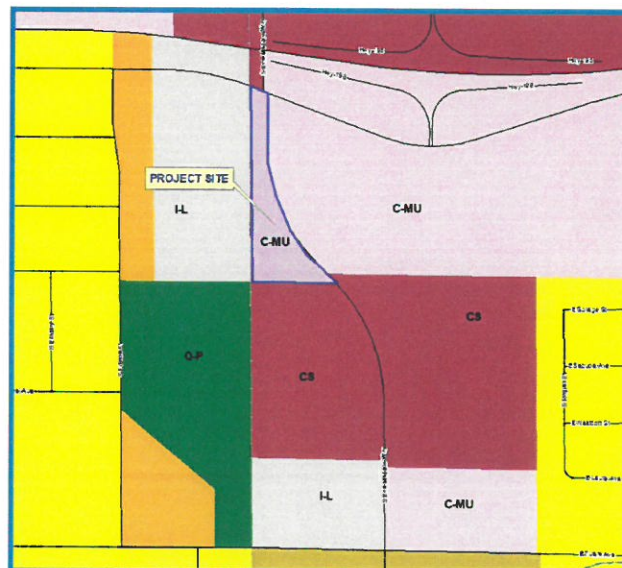
A RESOLUTION OF THE CITY COUNCIL

AMENDING THE GENERAL PLAN LAND USE MAP AS FOLLOWS:

EXISTING



PROPOSED



RESOLUTION NO. 2019-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE (COZ) 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)

WHEREAS, Change of Zone (COZ) No. 2019-03 is 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); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on May 13, 2019; and,

WHEREAS, the Planning Commission of the City of Visalia considered the Change of Zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; 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, Categorical Exemption No. 2019-21.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Change of Zone based on the following specific findings and evidence presented:

1. That the Change of Zone is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements Citywide.
2. That the site can sustain and comply with the Code standards and range of uses in the C-MU Zone District.
3. That Categorical Exemption No. 2019-21 has been prepared for the project, and disclosed the project will not result in significant impacts pursuant to section 15305 of the California Environmental Quality Act (CEQA) Guidelines.

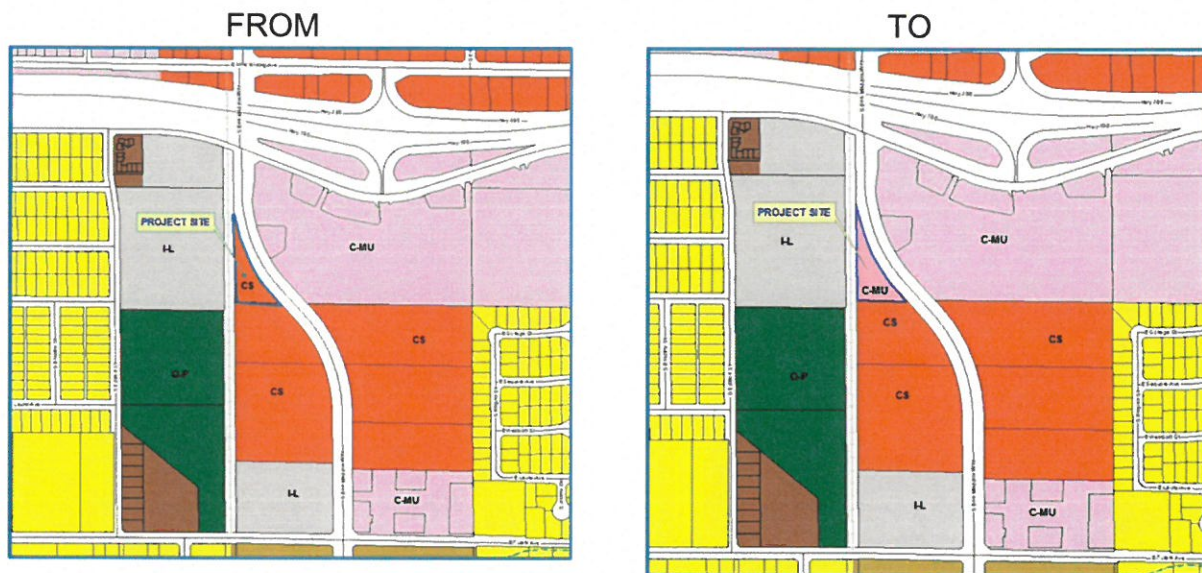
BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2019-03, as shown on Attachment "A" of this Resolution, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2019-18
ATTACHMENT "A"

AN ORDINANCE OF THE CITY COUNCIL
AMENDING 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)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

Section 1: The Zoning Map is hereby amended as follows:



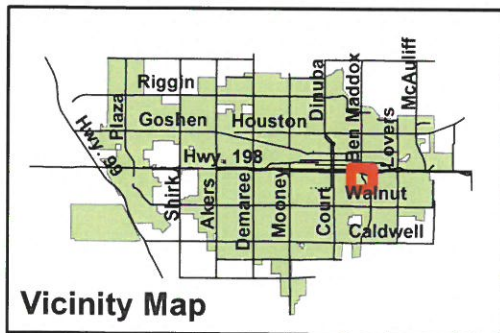
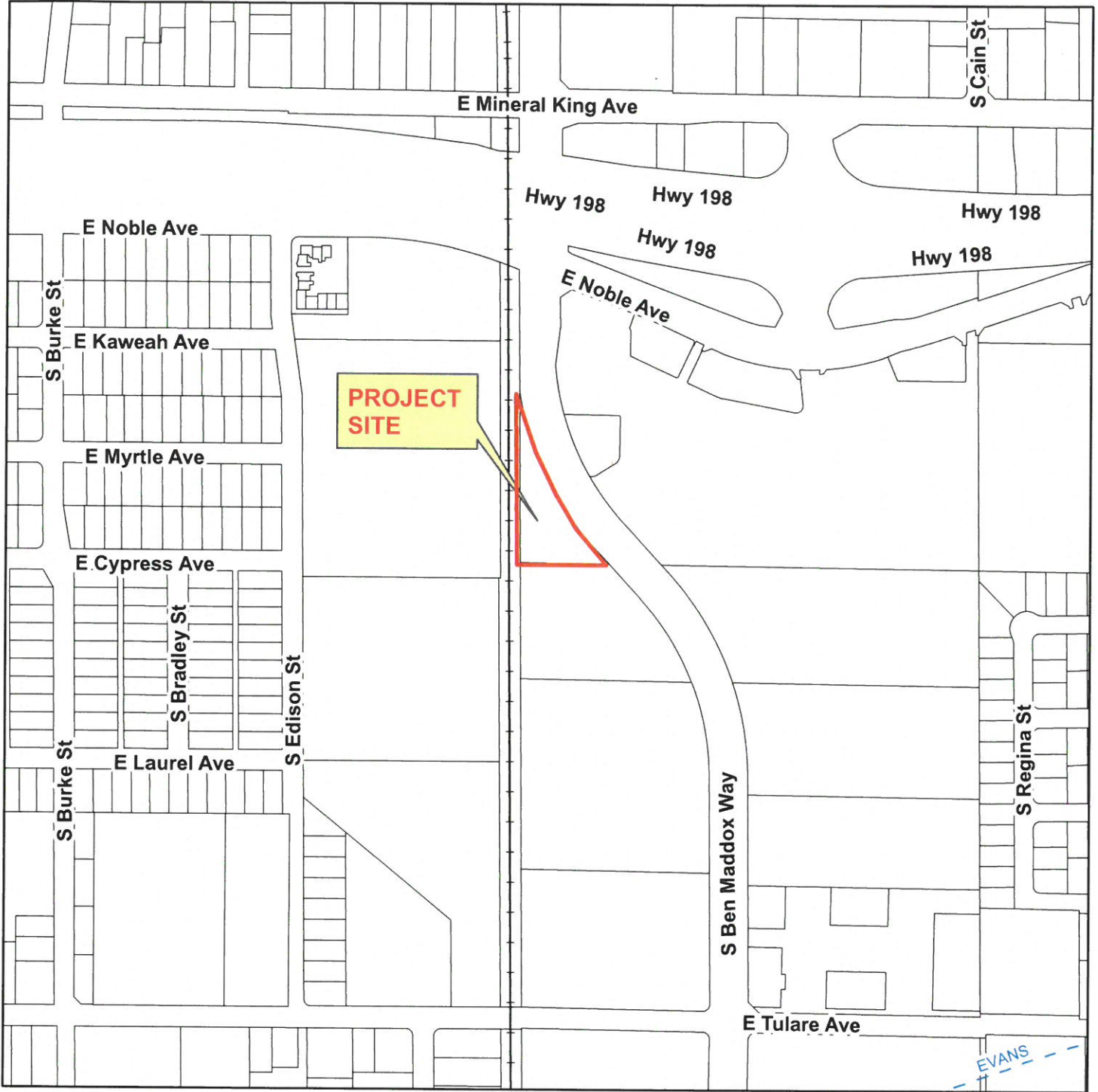
Section 2: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is or any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 3: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

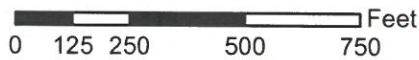
Section 4: Effective Date. This Ordinance shall take effect thirty days after its adoption.

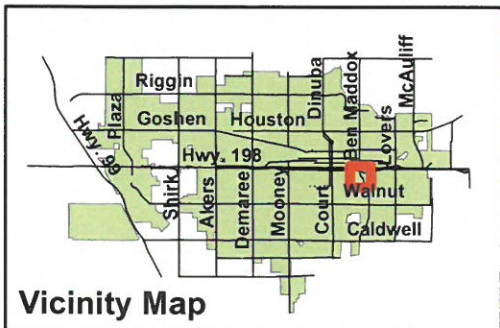
Section 5: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

GPA 2019-04/COZ 2019/03

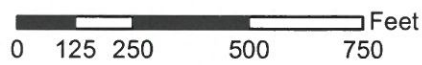


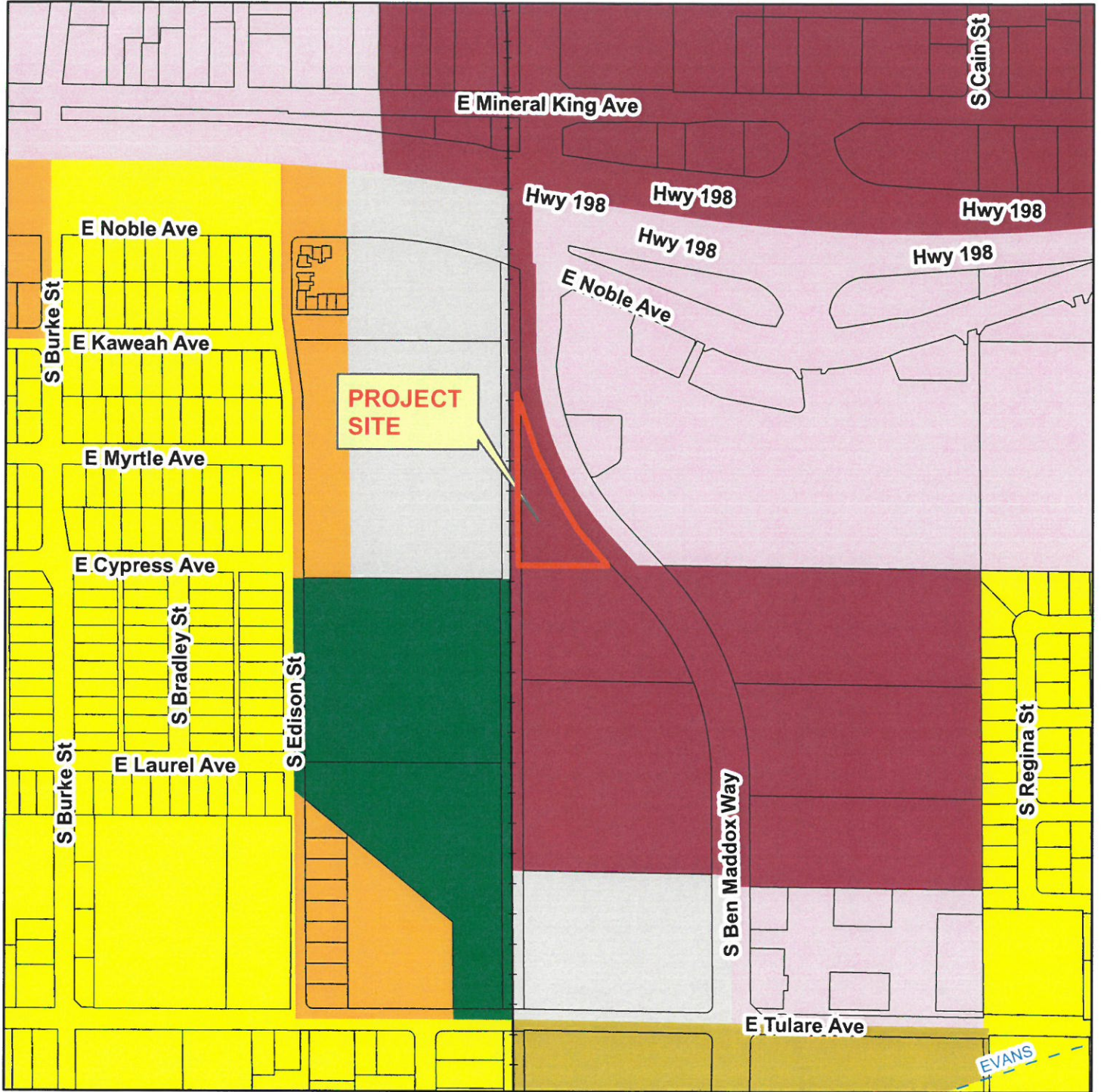
Vicinity Map





Aerial Map

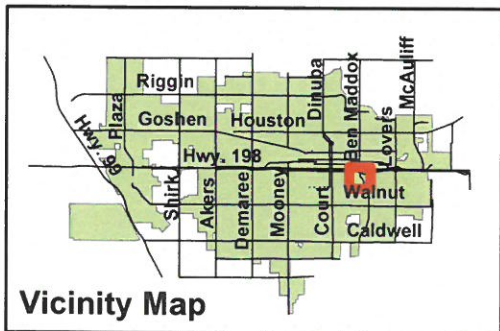
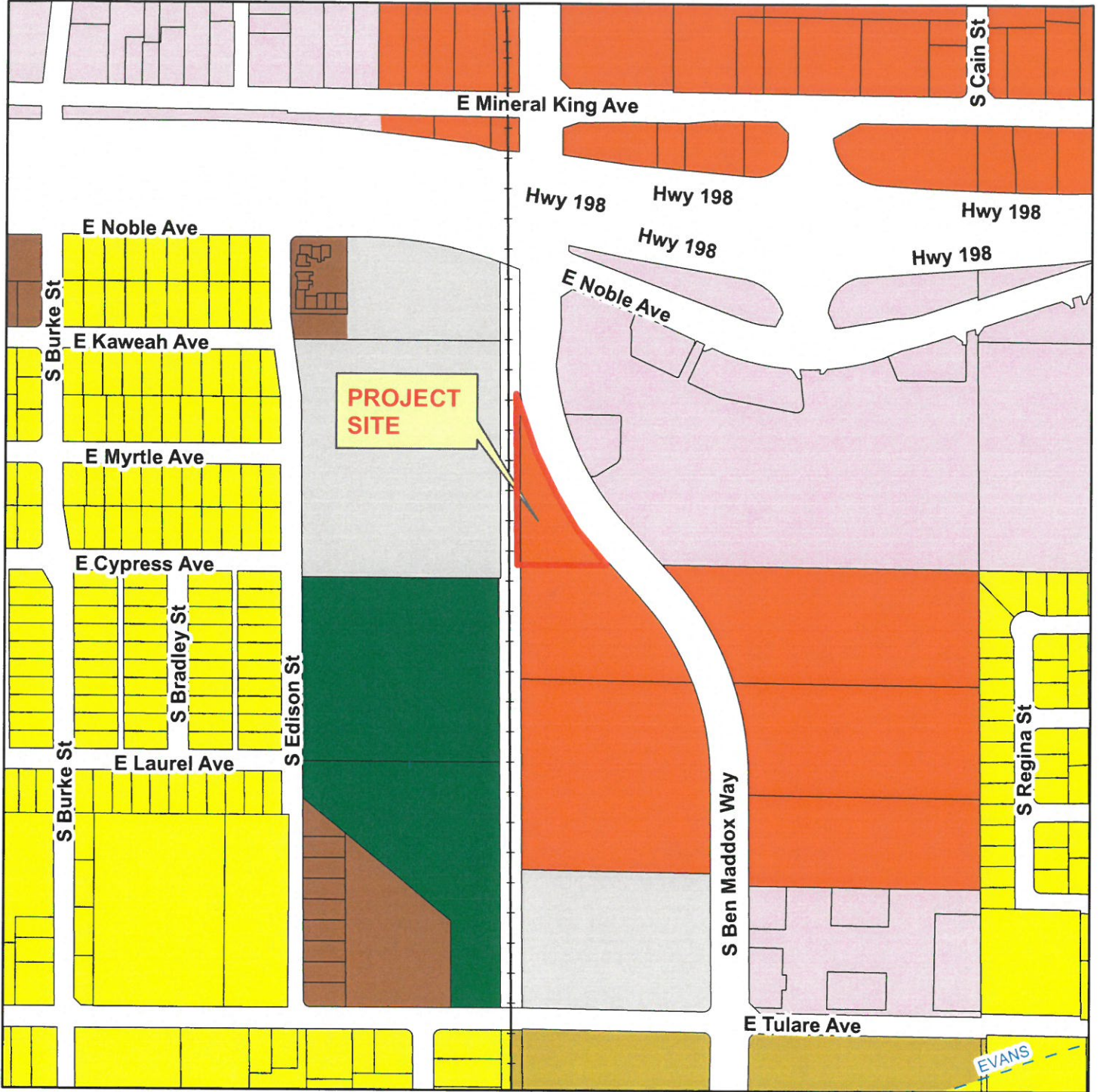




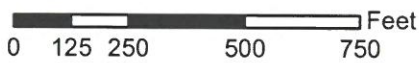
General Plan Map



- Open/Mixed Use
- Industrial
- Light Industrial
- Office
- Public Institutional
- Park/Open Space



Zoning Map



- LI - Light Industrial
- O.P.A. - Prof / Admin. Office
- O.C. - Office Commercial
- OP - Open Public
- OS - Open Space
- R-1-20 - 20,000 SF Min. Site Area