

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, SEPTEMBER 9, 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 Conditional Use Permit No. 2017-30
5. PUBLIC HEARING – Cristobal Carrillo
Conditional Use Permit No. 2019-27: A request by Yuzhen Yang to establish a massage parlor within an existing building in the O-C (Office Conversion) Zone. The site is located at 500 S. Santa Fe Street. (APN: 097-121-023). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-52.
6. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-
 - Planning Commission Meeting September 23, 2019
 - Conditional Use Permit Process
 - Update on Fence Variance for United Rentals.
 - November 25, 2019 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, SEPTEMBER 19, 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 MONDAY, SEPTEMBER 23, 2019

City of Visalia

To: Planning Commission
From: Paul Bernal, Interim Director/City Planner
(559) 713-4025
Date: September 9, 2019
Re: Time Extension for Conditional Use Permit
No. 2017-30



RECOMMENDATION

Staff recommends that the Planning Commission approve a one-year time extension for Conditional Use Permit No. 2017-30, set to expire on September 5, 2019.

DISCUSSION

On August 17, 2017, the Visalia Planning Commission approved Conditional Use Permit No. 2017-30, which was a request by Rise Church to install three 960 square foot portable classrooms to be used for Sunday school purposes (see Exhibit "A"). The Planning Commission's approval was appealed to the City Council. On September 5, 2017, the City Council upheld the Planning Commission's approval of CUP No. 2017-30 and denied the appeal.

The church is seeking to extend the CUP for one additional year as they weigh their options on future site improvements. The expiration date of this Conditional Use Permit is September 5, 2019, two years from the effective date of the Conditional Use Permit.

Per Section 17.38.030 of the Visalia Municipal Code, extension of a Conditional Use Permit is permitted for a period of one year. Staff is recommending an extension of 12 months for Conditional Use Permit No. 2017-30. This would be the first and only allowable extension. The request for this time extension was received before the expiration date (see attached Letter of Request).

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until September 5, 2020 to have a building permit issued by the City and commence and diligently pursue completion of the project. If the request is denied, the applicant would have to reapply for a new conditional use permit.

ATTACHMENTS

- Exhibit "A" – Site Plan Exhibit
- Letter of Request
- Planning Commission Resolution approving Conditional Use Permit No. 2017-30
- City Council Resolution denying the appeal and upholding the approval of Conditional Use Permit No. 2017-30
- Aerial / Location Map



September 4, 2019

Paul Bernal, City Planner
City of Visalia, Planning Department
315 E. Acequoia Ave.
Visalia, CA 93291

**Subject: Rise Church- Conditional Use No. 2017-30
Request for Extension of Approval**

Dear Paul:

We would like to request an extension of Conditional Use Permit Approval No. 2017-30 for the Rise Church project. Attached to this letter find our check from Rise Church for ~~\$222~~.00, covering the required fee.

WLD

Sincerely,

E.B.M. Design Group, Inc.

A handwritten signature in black ink, appearing to read 'William L. Gurnea', written in a cursive style.

William L. Gurnea
Landscape Architect
Calif. License No. 2286



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

RECEIPT

DATE OF PAYMENT
9/5/2019 3:49:44PM

Receipt Number : 552848

Application: **TID: 462**

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>
234527	1526	Time Extensive	1	230.00	Check
	Acct. Code: 1821-46526				2737
			CASHIER: MDSHAR		

PAYOR: ERIC MCCONNAUGHEY

TOTAL PAID: **230.00**

RESOLUTION NO. 2017-64

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2017-30, A REQUEST BY RISE CHURCH, EBM DESIGN GROUP – AGENT, TO INSTALL THREE 960 SQUARE FOOT PORTABLE CLASSROOMS TO BE USED FOR SUNDAY SCHOOL PURPOSES. THE RISE CHURCH IS ZONED R-1-20 (SINGLE-FAMILY RESIDENTIAL 20,000 SQUARE FOOT SITE AREA MINIMUM) AND IS LOCATED AT 5702 WEST CALDWELL AVENUE ON THE NORTHEAST CORNER OF WEST CALDWELL AVENUE AND SOUTH PEPPERTREE COURT (APN: 119-690-049).

WHEREAS, Conditional Use Permit No. 2017-30, is a request by Rise Church, EBM Design Group – Agent, to install three 960 square foot portable classrooms to be used for Sunday school purposes. The Rise Church is zoned R-1-20 (Single-Family Residential 20,000 square foot site area minimum) and is located at 5702 West Caldwell Avenue on the northeast corner of West Caldwell Avenue and South Peppertree Court (APN: 119-690-049); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 14, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2017-30, as conditioned by staff, to be in accordance with Chapter 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, the Planning Commission 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 15303.

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 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:
 - a. 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 use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit. The land uses adjacent and within close proximity to the Rise church site include single-family residential units and other church facilities. Staff has concluded that the

proposed modular buildings to be used for Sunday school and youth groups midweek which are associated with the church's overall function would not conflict with any of the adjacent land uses based upon improvements required with the proposed project and the operational statement identify the use of the proposed modular buildings. The site has also been operating as a church for decades under a use permit that was established in the County of Tulare without any notable problems. The frontage improvements required along Peppertree Court as stated per Engineering Division's Site Plan Review comments dated May 10, 2017 will help alleviate any drainage problems that occur in the area.

In addition, the proposed modifications to the church site do not conflict with adjacent land uses because the changes do not increase the seating capacity of the sanctuary area, which could result in an increase in vehicle trips through the neighborhood during peak church hours. The installation of three modular buildings would not increase vehicle trips generated because parents of children attending Sunday school are already driving to the site to attend church services.

- b. 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. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit. The frontage improvements required along Peppertree Court as stated per Engineering Division's Site Plan Review comments dated May 10, 2017 will help alleviate any drainage problems that occur in the area.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit. The proposed modifications to the church site do not conflict with adjacent land uses because the changes do not increase the seating capacity of the sanctuary area, which could result in an increase in vehicle trips through the neighborhood during peak church hours. The installation of three modular buildings would not increase vehicle trips generated because parents of children attending Sunday school are already driving to the site to attend church services. In addition, staffs comments and conditions per Site Plan Review No. 2017-090 and conditions of CUP No. 2017-30, are provided to ensure that the modular structure and the site incorporate improvements in compliance with both local ordinances and state building regulations with the assumption that the structures are permanent. Therefore, the structures would be allowed to remain indefinitely.
4. That the project is considered Categorically Exempt under Section 15303, Class 3 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2017-63). Projects determined to meet this classification consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure..

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-090, incorporated herein by reference.
2. That the site be developed and maintained in substantial conformance with the site plan, floor plan and elevations in Exhibits "A", "B" and "C".
3. That the applicant complies with their operational statement, as stated in Exhibit "A". Any changes to their operation are subject to review by the City Planner, and may subsequently be required to be reviewed by the Planning Commission.
4. That the maximum occupancy limit shall be posted and not exceeded as determined by the City's Chief Building Official and/or Fire Marshall.
5. That all applicable federal, state and city laws, codes and ordinances be met.
6. 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. 2017-30, prior to the issuance of any building permit for this project.

RESOLUTION NO. 2017-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2017-30, A REQUEST BY RISE CHURCH, EBM DESIGN GROUP – AGENT, TO INSTALL THREE 960 SQUARE FOOT PORTABLE CLASSROOMS TO BE USED FOR SUNDAY SCHOOL PURPOSES. THE RISE CHURCH IS ZONED R-1-20 (SINGLE-FAMILY RESIDENTIAL 20,000 SQUARE FOOT SITE AREA MINIMUM) AND IS LOCATED AT 5702 WEST CALDWELL AVENUE ON THE NORTHEAST CORNER OF WEST CALDWELL AVENUE AND SOUTH PEPPERTREE COURT (APN: 119-690-049)

WHEREAS, Conditional Use Permit No. 2017-30, is a request by Rise Church, EBM Design Group – Agent, to install three 960 square foot portable classrooms to be used for Sunday school purposes. The Rise Church is zoned R-1-20 (Single-Family Residential 20,000 square foot site area minimum) and is located at 5702 West Caldwell Avenue on the northeast corner of West Caldwell Avenue and South Peppertree Court (APN: 119-690-049); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 17, 2017; and

WHEREAS, the Planning Commission of the City of Visalia, after conducting a public hearing, approved Conditional Use Permit No. 2017-30, as conditioned; and

WHEREAS, an appeal of the Planning Commission's approval of Conditional Use Permit No. 2017-30 pertaining to error or abuse of discretion by the Planning Commission in its action and pertaining to the Commission's actions not being supported by evidence in the record was received on August 18, 2017; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on September 5, 2017; and

WHEREAS, the City Council finds the approval of Conditional Use Permit No. 2017-30 was made in accordance with Chapter 17.38 (Conditional Use Permits) of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15303.

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

1. That the proposed project, as conditioned, 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:

- a. 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 use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit. The land uses adjacent and within close proximity to the Rise church site include single-family residential units and other church facilities. Staff has concluded that the proposed modular buildings to be used for Sunday school and youth groups midweek which are associated with the church's overall function would not conflict with any of the adjacent land uses based upon improvements required with the proposed project and the operational statement identify the use of the proposed modular buildings. The site has also been operating as a church for decades under a use permit that was established in the County of Tulare without any notable problems. The frontage improvements required along Peppertree Court as stated per Engineering Division's Site Plan Review comments dated May 10, 2017 will help alleviate any drainage problems that occur in the area.

In addition, the proposed modifications to the church site do not conflict with adjacent land uses because the changes do not increase the seating capacity of the sanctuary area, which could result in an increase in vehicle trips through the neighborhood during peak church hours. The installation of three modular buildings would not increase vehicle trips generated because parents of children attending Sunday school are already driving to the site to attend church services.

- b. 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. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit. The frontage improvements required along Peppertree Court as stated per Engineering Division's Site Plan Review comments dated May 10, 2017 will help alleviate any drainage problems that occur in the area.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit. The proposed modifications to the church site do not conflict with adjacent land uses because the changes do not increase the seating capacity of the sanctuary area, which could result in an increase in vehicle trips through the neighborhood during peak church hours. The installation of three modular buildings would not increase vehicle trips generated because parents of children attending Sunday school are already driving to the site to attend church services. In addition, staffs comments and conditions per Site Plan Review No. 2017-090 and conditions of CUP No. 2017-30, are provided to ensure that the modular structure and the site incorporate improvements in compliance with both local ordinances and state building regulations with the assumption that the structures are permanent. Therefore, the structures would be allowed to remain indefinitely.
 4. That the project is considered Categorically Exempt under Section 15303, Class 3 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2017-63). Projects determined to meet this classification consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

BE IT FURTHER RESOLVED that the City Council denies the appellants appeal and upholds the approval of the Conditional Use Permit on the real property here in above described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2017-090, incorporated herein by reference.
2. That the site be developed and maintained in substantial conformance with the site plan, floor plan and elevations in Exhibits "A", "B" and "C".
3. That the applicant complies with their operational statement, as stated in Exhibit "A". Any changes to their operation are subject to review by the City Planner, and may subsequently be required to be reviewed by the Planning Commission.
4. That the maximum occupancy limit shall be posted and not exceeded as determined by the City's Chief Building Official and/or Fire Marshall.
5. That all applicable federal, state and city laws, codes and ordinances be met.
6. 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. 2017-30, prior to the issuance of any building permit for this project.
7. That the site be required to install a wood fence along the full north property line, coincidental with the Peppertree Court right-of-way, and extended southward for approximately 60 feet along the west portion of the site.

PASSED AND ADOPTED: September 5, 2017

MICHAEL OLMOS, CITY CLERK

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

I, Michael Olmos, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2017-61 passed and adopted by the Council of the City of Visalia at a regular meeting held on September 5, 2017.

Dated: September 6, 2017

MICHAEL OLMOS, CITY CLERK



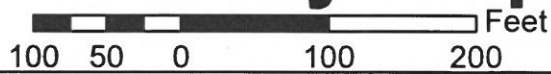
By Michelle Nicholson, Chief Deputy City Clerk

Conditional Use Permit No. 2017-30

APN: 119-690-049



Vicinity Map



Conditional Use Permit No. 2017-30

APN: 119-690-049



Vicinity Map

