

# 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](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, SEPTEMBER 23, 2019**



# City of Visalia

## Memo



To: Visalia Planning Commission  
From: Paul Bernal, City Planner  
Date: September 9, 2019  
Re: Conditional Use Permit Process

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### INFORMATION

At the Planning Commission's July 8, 2019, meeting, the Planning Commission approved Conditional Use Permit No. 2019-15 and Variance No. 2019-06, which was a request to establish a 6,550 sq. ft. three unit commercial shell building with a drive-thru lane on property located at the southeast corner of S. Mooney Avenue and W. Myrtle Avenue.

The Conditional Use Permit (CUP) was required as result of the drive-thru lane not meeting all of the Drive-Thru Lane Performance standards (VMC 17.32.162). In particular, the drive-thru lane is located within 250-ft. from residentially zoned areas, features a menu board oriented towards a public street, and does not screen the drive-thru from view of public streets. In addition, no tenant was identified other than the drive-thru was being developed for a future coffee shop. As a result of this approval, staff has received inquiries regarding the requirement for applicants/developers to disclose the tenant as part of the CUP process.

The Zoning Ordinance (VMC 17.38.020) does not mandate and/or require that an applicant/developer disclose the name of the business/tenant as part of the CUP process. Although staff may inquire on whom the potential business/tenant might be, the applicant/developer is not required to disclose that information. Rather, the CUP process focuses on the type of use that is similar to one that is "permitted by right" under the zoning ordinance but has the potential for detrimental effects to surrounding properties. To ensure that the proposed use can be compatible with surrounding land uses, the Planning Commission is empowered to impose reasonable conditions upon the granting of a conditional use permit or can deny the application for conditional use permit.

Furthermore, once a CUP is granted, the entitlement runs with the land, and continues to be valid, even upon a change of ownership of the site or structure that was the subject of the CUP application. The only way a CUP can lapse is if the use is discontinued for a period of 180 days (VMC 17.38.065). In that case, the use is considered to be abandoned and any future use of the site as a conditional use requires the approval of a new conditional use permit.