

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, OCTOBER 28, 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 Vesting Tentative Parcel Map No. 2003-10
 - Time Extension for Highland Park Estates Tentative Subdivision Map No. 5510
 - Time Extension for Highland Park at Shannon Ranch Tentative Subdivision Map No. 5509 and Conditional Use Permit No. 2012-27
 - Finding of Consistency for Lance Lane Estates Tentative Subdivision Map No. 5499
5. PUBLIC HEARING – Josh Dan
Staff request to withdraw Conditional Use Permit No. 2019-33 and Variance No. 2019-07
6. PUBLIC HEARING – Josh Dan
Conditional Use Permit No. 2019-34: A request by Jerry L. Lanier, DDS. to permit medical and dental practice offices within an existing 7,769 square foot building. The site is zoned C-N (Neighborhood Commercial) and is located at 1814 N. Dinuba Blvd. (APN: 091-171-023). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-65.
7. PUBLIC HEARING – Josh Dan
Conditional Use Permit No. 2019-35: A request by Ibrahim Nusir to establish a Smoke Shop in a 960 square foot tenant space located at 1108 North Ben Maddox Way in the C-MU (Mixed Use Commercial) Zone (APN: 098-250-005). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-66.

8. PUBLIC HEARING – Brandon Smith

- General Plan Amendment No. 2019-08: A request by Ted Caldwell to change the general plan land use designation on nine parcels and four out lots totaling 9.2 acres from Professional / Administrative Office to 8.4 acres of Service Commercial and 0.8 acres of Residential Low Density. A Mitigated Negative Declaration (MND No. 2019-61) has been prepared for the project.
- Change of Zone No. 2019-09: A request by Ted Caldwell to change the zoning designation on nine parcels and four out lots totaling 9.2 acres from O-PA (Professional / Administrative Office) to 8.4 acres of C-S (Service Commercial) and 0.8 acres of R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot size). A Mitigated Negative Declaration (MND No. 2019-61) has been prepared for the project.
- Conditional Zoning Agreement No. 2019-10: A request by Ted Caldwell for the second amendment to recorded Conditional Zoning Agreement No. 2005-02, to revise certain conditions of the Agreement pertaining to land uses, phasing, and improvement requirements that apply over the entire site. The intent of the amendment is to facilitate development of three single-family residential parcels on 0.8 acres and covered recreational vehicle storage and a future mini storage facility on 8.4 acres. The Agreement pertains to 40.4 acres which is divided into an office component consisting of 9.2 acres and a developed residential component consisting of 31.2 acres. These revisions pertain to only the office component. A Mitigated Negative Declaration (MND No. 2019-61) has been prepared for the project.

Location: The project site is located on the southwest corner of Doe Avenue and El Cajon Street. (APN: 077-720-001 through -007; 077-730-001 and -002)

9. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Planning Commission Meeting November 12, 2019 is on Tuesday due to Monday being Veterans Day.
- Housing Element.
- In-N-Out Burger.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, NOVEMBER 07, 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, NOVEMBER, 2019

City of Visalia

Memo



To: Planning Commission
From: Josh Dan, Associate Planner (559) 713-4003
Date: October 28, 2018
Re: Staff request to withdraw Conditional Use Permit No. 2019-33 and Variance No. 2019-07

Recommended Action

Staff recommends that the Planning Commission withdraw Conditional Use Permit (CUP) No. 2019-33 and Variance No. 2019-07 from the October 28, 2019 Planning Commission Agenda. The CUP and Variance were filed requesting to permit a legally permitted structure that was illegally converted into a second single-family dwelling unit ("duplex") on a corner lot in the R-1-5 zone.

Discussion

On October 9, 2019, the Governor signed numerous bills; several of which have impacted new requirements for Accessory Dwelling Units (ADU's). The five bills signed related to ADU's impact the City's review of the entitlements filed for this project. Although these new state statutes do not take effect until January 1, 2020, the legislative action related to ADU's allows the City to determine that the patio structure that was illegally converted into a single-family dwelling unit will now qualify as an ADU under these new statutes.

Staff concludes that it is no longer necessary to have the property owner continue with the CUP and Variance application process. However, the applicant is still required to apply for a Code Compliance Inspection and obtain all appropriate building permits for the conversion of the enclosed patio structure into a legally permitted single-family dwelling unit, and for any additional work that was done without the benefit of a building permit to the site.