

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, DECEMBER 9, 2019; AT 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 Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42.
 - A request to initiate a Zoning Text Amendment (ZTA) to establish "Car Sales – New & Used" (Zoning Matrix Line A22) as a conditional use in the C-R (Regional Commercial) Zone.
5. PUBLIC HEARING – Paul Scheibel
Conditional Use Permit No. 2019-41: A request to add a fourth apartment unit to an existing mixed use retail/residential building in the D-MU (Downtown Mixed Use) Zone District, located at 117 E. Main St. (APN: 094-298-005) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2019-75.
6. PUBLIC HEARING – Paul Scheibel
Conditional Use Permit No. 2019-40: A request by Self-Help Enterprises to develop a mixed-use project consisting of an 81-unit multi-family component in three three-story buildings, and 3,500 square feet of commercial uses, including art gallery space, offices, a computer lab, and laundry room. The project includes co-locating the Arts Consortium and artist live/work lofts. The site is in the D-MU (Downtown Mixed Use) Zone District, and comprises 1.54 acres bounded by School Street to the north, Bridge Street to the east, Oak Street to the south, and Garden Street to the west (APN 094-283-001). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2019-80.

7. PUBLIC HEARING – Cristobal Carrillo

- Tentative Parcel Map No. 2019-12: A request by TRD-5, to subdivide a 1.59-acre parcel into two lots in the BRP (Business Research Park) Zone. The project site is located at 337 N. Plaza Drive, west of N. Plaza Drive, approximately 300 feet south of W. Hurley Avenue (APN:081-160-023). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 Categorical Exemption No. 2019-72.
- Conditional Use Permit No. 2019-37: A request by TRD-5 for an amendment to the Plaza Business Park master-planned development (CUP No. 2007-39), requesting the division of a parcel into two lots, with no public street frontage, and with less than the minimum one acre size requirement, in the BRP (Business Research Park) Zone. The project site is located at 337 N. Plaza Drive, west of N. Plaza Drive, approximately 300 feet south of W. Hurley Avenue (APN:081-160-023). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 Categorical Exemption No. 2019-72.

8. PUBLIC HEARING – Cristobal Carrillo

- General Plan Amendment No. 2019-12: A request by Dwight Nelson to amend the General Plan Land Use designation of one parcel totaling 1.05 acres from Mixed Use Commercial to Service Commercial, located 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. 2019-74.
- Change of Zone No. 2019-11: A request by Dwight Nelson to change the Zoning designation of one parcel totaling 1.05 acres from C-MU (Mixed Use Commercial) to C-S (Service Commercial), located 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. 2019-74.

9. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- No Planning Commission Meeting December 23, 2019
- Housing Element Approved at December 3, 2019 City Council 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, DECEMBER 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, JANUARY 13, 2020

City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: December 9, 2019

Re: Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42

RECOMMENDATION:

Staff recommends that the Planning Commission approve a one-year time extension of Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42 that expired on November 28, 2019, pursuant to Section §66452.6(e) of the Subdivision Map Act.

BACKGROUND:

On November 28, 2006, the Planning Commission approved the following entitlements:

- Visalia Palms Tentative Subdivision Map No. 5524, approved through adoption of Resolution No. 2006-126. Visalia Palms Tentative Subdivision Map was a request to subdivide 4.16 acres into a subdivision with 36 residential lots in the R-M-2 zone.
- Conditional Use Permit No. 2006-42, approved through adoption of Resolution No. 2006-127. Conditional Use Permit (CUP) No. 2006-42 was a request to allow a senior citizen residential subdivision with zero lot lines and modified yards, private streets, commonly maintained areas, and gated access. The CUP has been amended more than once, with the last amendment being approved in 2012 to allow a total of 66 dwelling units (consisting of duplexes and detached units) within the subdivision.

The site is located on the north side of W. Myrtle Avenue, approximately 165 feet west of S. Chinowth Street (APN: 087-060-007, 008, 009, 010).

The original expiration date of the map and CUP was November 28, 2008, two years from the date of approval by the Planning Commission.

STATE LEGISLATURE TIME EXTENSIONS:

This tentative map, along with all tentative map entitlements approved throughout the state prior to July 2008, remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 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 Visalia Palms Tentative Subdivision Map No. 5524 was ultimately extended to November 28, 2017.

The Planning Commission granted one-year time extensions in 2017 and 2018 which extended the expiration date for the subdivision map and CUP to November 28, 2019.

Improvement plans were submitted to the City for review in 2013, but there has not been any active review of improvement plans or a final map since then. In 2019, the site was acquired by Housing Authority of the County of Tulare.

REQUEST:

The property owner has submitted a written request dated November 12, 2019, prior to the map's expiration, requesting an extension of time (see attached letter). The letter is seeking a time extension for a non-specific amount of time, pursuant to Section §66452.6(e) of the Subdivision Map Act. This is the third applicant-requested time extension for this tentative subdivision map and CUP. Section §66452.6(e) of the Subdivision Map Act states the following:

Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the 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. A one-year time extension would extend the map for a fifth year, including the initial two years and not counting the years the map was automatically extended by State legislation.

In keeping with the City's practice regarding time extensions for maps, staff recommends that only a one-year time extension be granted at this time. The extension request, if approved by the Planning Commission, will extend the expiration date of the Tentative Subdivision Map to November 28, 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 (November 28, 2020) to record a final subdivision map. If the request is denied, the applicant would have to file a new tentative subdivision map and CUP.

ATTACHMENTS

1. Letter of Request for the Time Extension
2. Approved Resolutions for Tentative Subdivision Map & Conditional Use Permit
3. Tentative Subdivision Map / CUP Site Plan
4. Location Map

Kaweah Management Company

5140 WEST CYPRESS STREET
MAILING ADDRESS: P.O. BOX 791, VISALIA, CA 93279
TELEPHONE – VISALIA (559) 627-3700
FAX – (559) 733-0169

November 12, 2019

Mr. Brandon Smith, AICP
Senior Planner
City of Visalia
315 E. Acequia Ave
Visalia, CA 93291

RE: VISALIA PALMS – CUP 2006-42

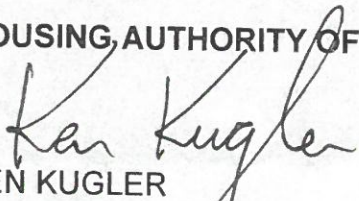
Dear Mr. Smith:

Kaweah Management Company would like to request an extension for planning approvals for the Visalia Palms subdivision (CUP-2006-42). Enclosed please find a check in the amount of \$230.00 the fee required for this request.

If you need anything further please let me know. You can reach me at (559) 627-3700, extension 114 or via email at ken@hatc.net.

Yours truly,

HOUSING AUTHORITY OF THE COUNTY OF TULARE


KEN KUGLER
Managing Director

KK/cmf

MW/VisaliaPalm/PermitExtensionRequest.docx

RESOLUTION NO 2006-126

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VISALIA PALMS TENTATIVE SUBDIVISION MAP NO. 5524, A REQUEST TO DIVIDE 4.16 ACRES INTO 36 RESIDENTIAL LOTS AND COMMON LOTS. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE, APPROXIMATELY 165 FEET WEST OF SOUTH CHINOWTH STREET.

WHEREAS, Visalia Palms Tentative Subdivision Map No. 5524 is a request by Visalia Land Company, Inc. to divide 4.16 acres into 36 residential lots and common lots. The subject site is located on the north side of West Myrtle Avenue, approximately 165 feet west of South Chinowth Street (APNs: 087-060-007 to 010).; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said Commission on November 28, 2006; 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. 2006-99 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. 2006-99 is hereby adopted.
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

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 project be developed consistent with the comments and conditions of Site Plan Review No. 2006-097.
2. That the site be developed in substantial compliance with the site plan in Exhibit "A", attached herein.
3. That buildings, walls, and fences be constructed to be in substantial compliance with the elevation drawings in Exhibits "C" through "J", attached herein.
4. That this Tentative Subdivision Map shall not be effective unless Conditional Use Permit No. 2006-42, General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 are approved.
5. That Lots 1 through 36 adhere to the following setbacks as measured from property lines:

Front Yard:	15 feet setback from P.L. to living space
	22 feet setback from P.L. to front-loading garage
Side Yard:	5 feet
Street Side Yard:	10 feet
Rear Yard:	3 feet
Duplex connect:	0 feet

6. That a Homeowners Association shall be formed for the maintenance of Lots B, C, D, E and K which include the private drive, common landscaping, and other common amenities, and for the maintenance of areas of common use located on Lots 1 through 36.
7. That a Landscaping and Lighting Act Assessment District be formed, prior to recordation of the final map, for the maintenance of the landscaping along the public street frontages of the subdivision. The Landscaping and Lighting Act Assessment District shall also include the operational and maintenance cost for the street lights both internal to the subdivision and along streets abutting the subdivision. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.
8. That all other city codes and ordinances be met.

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

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

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. 2006-126, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 28, 2006.



Fred Brusuelas, AICP
Community Development Assistant Director



Sam Logan, Chairperson

RESOLUTION NO 2006-127

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO 2006-42, A REQUEST TO ALLOW A 36-UNIT SENIOR RESIDENTIAL SUBDIVISION WITH ZERO LOT LINES AND MODIFIED YARDS, PRIVATE STREETS, GATED ACCESS, AND A COMMON AREA ON 4.16 ACRES IN THE R-M-2 ZONE. THE SUBJECT SITE IS LOCATED ON THE NORTH SIDE OF WEST MYRTLE AVENUE, APPROXIMATELY 165 FEET WEST OF SOUTH CHINOWTH STREET.

WHEREAS, Conditional Use Permit No. 2006-42 is a request by Visalia Land Company, Inc. (TPG Consulting, Inc., agent) to allow a 36-unit senior residential subdivision with zero lot lines and modified yards, private streets, gated access, and a common area on 4.16 acres in the R-M-2 Zone. The subject site is located on the north side of West Myrtle Avenue, approximately 165 feet west of South Chinowth Street (APNs: 087-060-007 to 010); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on November 28, 2006; 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. 2006-99 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. 2006-99 is hereby adopted.
 4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

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 project be developed consistent with the comments and conditions of Site Plan Review No. 2006-097.
2. That the site be developed in substantial compliance with the site plan in Exhibit "A", attached herein.
3. That buildings, walls, and fences be constructed to be in substantial compliance with the elevation drawings in Exhibits "C" through "J", attached herein.
4. That this Conditional Use Permit shall not be effective unless the Visalia Palms Tentative Subdivision Map No. 5524, General Plan Amendment No. 2006-05 and Change of Zone No. 2006-04 are approved.
5. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timeline for Visalia Palms Tentative Subdivision Map No. 5524.
6. That Lots 1 through 36 adhere to the following setbacks as measured from property lines:

Front Yard:	15 feet setback from P.L. to living space
	22 feet setback from P.L. to front-loading garage
Side Yard:	5 feet
Street Side Yard:	10 feet
Rear Yard:	3 feet
Duplex connect:	0 feet
7. That a Homeowners Association shall be formed for the maintenance of Lots B, C, D, E and K which include the private drive, common landscaping, and other common amenities and for the maintenance of areas of common use located on Lots 1 through 36.
8. That a Landscaping and Lighting Act Assessment District be formed, prior to recordation of the final map, for the maintenance of the landscaping along the public street frontages of the subdivision. The Landscaping and Lighting Act Assessment District shall also include the operational and maintenance cost for the street lights

both internal to the subdivision and along streets abutting the subdivision. The Landscape and Lighting Act Assessment District shall also include provisions for the City to collect payments from the subdivider to cover the estimated cost to operate and maintain the improvements of the District prior to assessments occurring on the property tax roll.

9. That any solid fencing over three feet tall or fencing that is at least 50% open over four feet tall be set back a minimum 15 feet from the private street property line. The maximum fence height shall be seven feet beyond the setback area.
10. That all other city codes and ordinances be met.
11. 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. 2006-42, prior to the issuance of any building permits for this project.

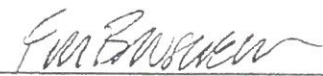
Commissioner Segrue offered the motion to this resolution. Commissioner Logan seconded the motion and it carried by the following vote:

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

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. 2006-127, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on November 28, 2006.



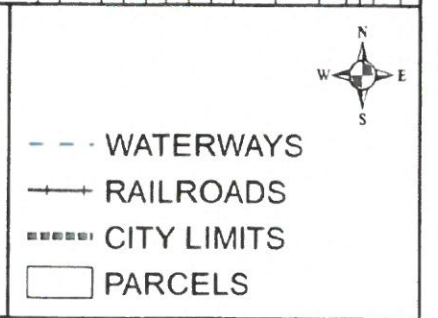
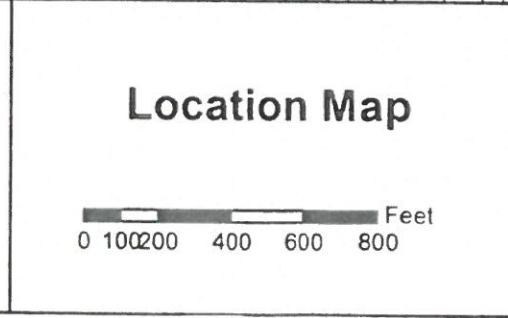
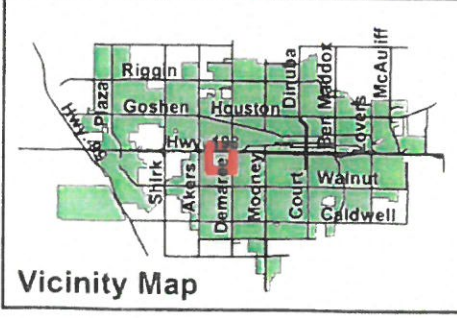
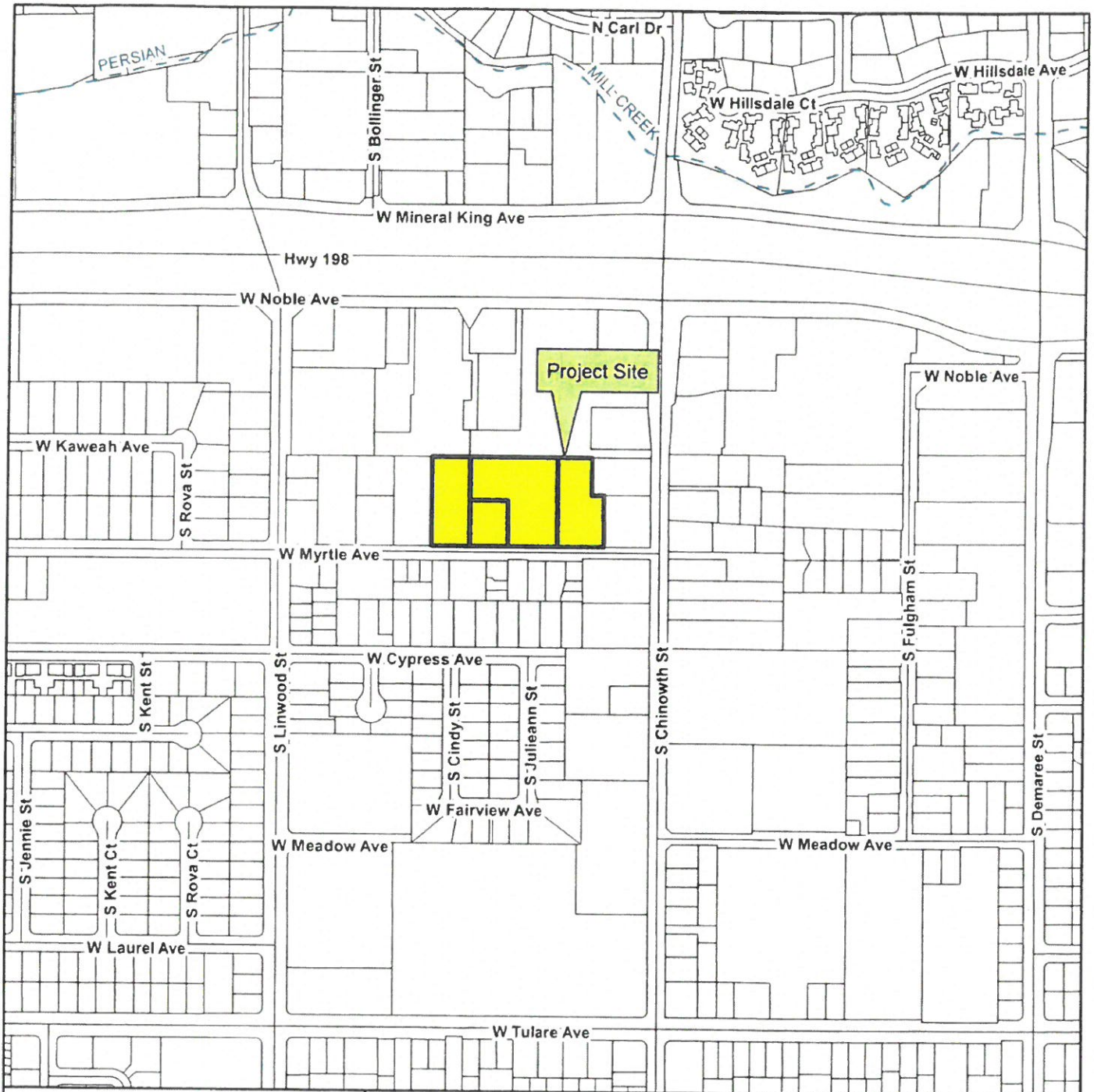
Fred Brusuelas, AICP
Community Development Assistant Director



Sam Logan, Chairperson

Visalia Palms Tentative Subdivision Map No. 5524 & Conditional Use Permit No. 2006-42

The site is located on the north side of W. Myrtle Avenue,
approximately 165 feet west of S. Chinoweth Street (APN: 087-060-007, 008, 009, 010)



City of Visalia



To: Planning Commission

From: Cristobal Carrillo, Associate Planner
(559) 713-4443, cristobal.carrillo@visalia.city

Date: December 9, 2019

Re: A request to initiate a Zoning Text Amendment (ZTA) to establish "Car Sales – New & Used" (Zoning Matrix Line A22) as a conditional use in the C-R (Regional Commercial) Zone.

RECOMMENDATION

Staff recommends that Planning Commission authorize the filing of a Zoning Text Amendment (ZTA) application to consider establishing "Car Sales – New & Used" (Zoning Matrix Line A22) as a "Conditionally Permitted" use in the C-R (Regional Commercial) Zone. The request is made pursuant to Zoning Ordinance Section 17.44.020.B, which provides the Planning Commission with the authority to initiate ZTAs.

DISCUSSION

The request for a ZTA was submitted by CarMax to support the establishment of a used car sales and service center on a site located to the west of the southwest corner of Mooney Blvd. and Visalia Parkway (APN: 126-960-001). The site is zoned C-R, which does not allow "Car Sales – New & Used" as either a Permitted or Conditionally Permitted use. CarMax is requesting to develop a portion of a planned retail development, referred to as "The Commons at Visalia Parkway", which is proposed to be developed at the southwest corner of Mooney Blvd. and Visalia Parkway.

The automobile sales request was reviewed by the Site Plan Review (SPR) Committee on August 21, 2019 via SPR No. 2019-078, and was issued a "Revise and Proceed" determination. The SPR Committee recommended the filing of a ZTA and Conditional Use Permit (CUP) applications.

Staff concurs with the proponent's request and the SPR Committee's recommended entitlement process. As part of the ZTA and CUP process, this request will be analyzed to determine if the change in the Zoning Matrix for automobile sales in the C-R zone is compatible with surrounding land uses subject to codified development performance standards.

Staff recommends that the Planning Commission authorize the proponent to file their ZTA application, concurrently with a CUP application for the project site. It is anticipated that the ZTA and CUP applications will be brought before the Planning Commission within 45 to 60 days. The Planning Commission's decision on the CUP will be contingent on the City Council's final approval of the ZTA.

ATTACHMENTS

- Applicant Letter
- Visalia Municipal Code, Chapter 17.44
- City Zoning Map



901 East Main Street | Visalia, CA 93292

November 12, 2019

Paul Bernal
City Planner
City of Visalia
315 E. Acequia Avenue
Visalia, CA 93277

Subject: Request to Initiate Zoning Text Amendment

Dear Mr. Bernal:

As you are aware, CarMax will soon be formally requesting approval from the City of Visalia for a new sales location on the south side of Visalia Parkway, across the street from Target. As part of the approval process I hereby request, on CarMax's behalf, that the City initiate the process of a Zoning Text Amendment to allow auto sales of 5 acres or greater in the Regional Commercial zone. The specifics of the request are attached.

Thank you. If you have any questions, please call me at 733-0440.

Sincerely,

A handwritten signature in blue ink that reads "Steve Brandt".

Steve Brandt, AICP
Principal Planner

Enclosures: Requested Text Amendment

cc: John Thatcher, Centerpoint

190049/02
SB/ tm

ENGINEERING DESIGN &
CONSTRUCTION MGMT.

SURVEY & GIS

URBAN DESIGN &
LANDSCAPE ARCHITECTURE

PLANNING

BIOLOGY &
ENVIRONMENTAL PERMITTING

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix												
USE	Commercial and Mixed Use Zones						Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
	P = Use is Permitted by Right T = Use Requires Temporary Use Permit	C = Use Requires Conditional Use Permit Blank = Use is Not Allowed										
A13	Auto Dismantling/Wrecking/Salvage Yards											17.32.070
A14	Auto Machine Shops			P					P			
A15	Auto Oil, Lube & Smog Test Shops	C	C	P	P	C						
A16	Auto Repairs, Major-Overhauling, Rebuilding, Painting		C	P	C	C						
A17	Automotive Supplies, Parts & Accessories	C	P		P	P						
A18	Automotive Upholsterers			P								
A19	Boat Sales/Service			P								
A20	Car Washing - self service	C	C	P	C	C						
A21	Car Washing - automated	C	C	P	C	C			C			
A22	Car Sales - New & Used		C	P		C						17.32.053
A23	Motorcycles, Sales and Service			P								
A24	RV/Boat Storage Yards			P					P			
A25	Recreational Vehicle Sales and Service			P					P			
A26	Tire Sales & Service (excluding major repairs) - stand alone	C	P	P	P	C						
A27	Tire Sales & Service (excluding major repairs) - located within the primary permitted use on the site		P	P	P							
A28	Towing/Road Service			P								
A29	Truck/Trailer Sales and/or Service			P					P			
A30	Truck Rental/Leasing			P					C			

Add new Section 17.32.053:

New and Used Car Sales in the C-R Zone.

No new and used car sales with a site area of less than five (5) acres in size shall be allowed in the C-R zone.

VISALIA MUNICIPAL CODE

Chapter 17.44 – Zoning Amendments

Sections:

- 17.44.010 Purpose.
- 17.44.020 Initiation.
- 17.44.030 Application procedures.
- 17.44.040 Public hearing—Notice.
- 17.44.050 Investigation and report.
- 17.44.060 Hearing.
- 17.44.070 Action of city planning commission.
- 17.44.090 Action of city council.
- 17.44.100 Change of zoning map.
- 17.44.110 New application.
- 17.44.120 Report by city planner.

17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed.

17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

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

17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing 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.

17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission.

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents.

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission.

17.44.080 [Reserved].

17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal.

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map.

17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

17.44.120 Report by city planner.

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090.



PROJECT SITE
C-R ZONE

