

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

COMMISSIONERS: Mary Beatie, Chris Gomez, Marvin Hansen, Sarrah Peariso, Adam Peck

MONDAY, MAY 10, 2021

VISALIA CONVENTION CENTER

LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA

MEETING TIME: 7:00 PM

Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. 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. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
4. CHANGES OR COMMENTS TO THE AGENDA –
5. 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.
 - a. Consideration to revise Condition No. 13 for Conditional Use Permit No. 2019-31 clarifying issuance of building permits and timing of street and right-of-way improvements for the Commons at Visalia Parkway Shopping Center.
6. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2021-11: A request by Community Services Employment Training (CSET) to construct a new 9,600 square foot building to be used for vocational training and recycling uses to their existing site located at 939 East Douglas Avenue in the C-S (Service Commercial) zone (APN: 094-160-025 and 094-160-026). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c), Categorical Exemption No. 2021-16.

7. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2021-13: A request by San Joaquin Valley College to use an existing 20,000 square foot building for vocational training and storage in the C-S (Service Commercial) zone. The project is located at 8233 West Hillsdale Court (APN: 081-071-027). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2021-19.

8. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Tentative Parcel Map No. 2021-01: A request by Jagtar Singh to subdivide a 1.44-acre parcel into two lots for residential use in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum site area) zone. The project site is located at 4204 South Demaree Street (APN: 126-020-061). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2021-12.

9. CITY PLANNER / PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Monday, May 24, 2021.
- Appeal of Conditional Use Permit No. 2021-06 set for the May 17, 2021 City Council meeting.
- Employee Updates.

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 20, 2021 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, MAY 24, 2021

City of Visalia



To: Planning Commission

From: Cristobal Carrillo, Associate Planner (713-4443)

Date: May 10, 2021

Re: Consideration to revise Condition No. 13 for Conditional Use Permit No. 2019-31 clarifying issuance of building permits and timing of street and right-of-way improvements for the Commons at Visalia Parkway Shopping Center.

RECOMMENDATION

Staff recommends that the Planning Commission approve revised Condition No. 13 for Conditional Use Permit No. 2019-31 as it relates to the completion of street and right-of-way improvements along South Mooney Boulevard and West Visalia Parkway, and the issuance of building permits for the Commons at Visalia Parkway Shopping Center.

DISCUSSION

Project Description

On April 13, 2020, the Visalia Planning Commission approved Conditional Use Permit No. 2019-31 and Tentative Parcel Map No. 2019-13 for the establishment of a master planned commercial development consisting of approximately 138,188 square feet of commercial uses on 17.43 acres of a 28.7-acre parcel to be divided into 11 lots. The project proposed the establishment of three retail buildings, a credit union building, a gas station/convenience store, a sit-down restaurant, two drive-thru restaurants, and an automotive repair store, with each building on its own separate parcel. The project site is located on the southwest corner of South Mooney Boulevard and West Visalia Parkway.

Right-of-Way Improvements

The commercial shopping center was approved with conditions to facilitate street and right-of-way improvements along Mooney Boulevard and Visalia Parkway to Dans Street to support the overall development. Street and right-of-way improvements were identified as follows:

- 65 ft. dedication and widening of Visalia Parkway along its southern side to accommodate the placement of two additional travel lanes and a street median. The street widening would occur along the entire project site frontage and continue westward to the intersection of Visalia Parkway and Dans Street.
- 23 ft. dedication and widening of Mooney Boulevard to accommodate the placement of three travel lanes, a street median, and bike lane. The widening would occur along the east property line of the entire project site as required by Caltrans, which has jurisdiction over improvements to State highways.

- Widening and improvement of the intersection of Visalia Parkway and the main Target shopping center access drive along Visalia Parkway, to accommodate installation of a traffic signal, right-of-way amenities, additional lanes on Visalia Parkway, and the eventual widening of the access drive immediately to the north serving the Target shopping center.
- Widening and improvement of the intersection of Mooney Boulevard and Visalia Parkway to accommodate additional lanes, traffic signal modifications, improvements to curb ramps, and related infrastructure.
- Installation of all related right-of-way improvements along the project site frontages and along the south side of Visalia Parkway between the project site to Dans Street. The right-of-way improvements would include installation of park strip landscaping, curb, gutter, sidewalk, ramps, streetlights, traffic signals, fire hydrants, and other improvements as required by the City of Visalia and California Department of Transportation (Caltrans).

Adopted Condition No. 13

Required street and right-of-way improvements were conditioned through conditions of approval included in the adopted Resolution Nos. 2019-55 and 2019-42 (see Exhibit "C"). Specifically, Condition No. 13 of Resolution No. 2019-55 required the following:

Condition No. 13 – That the applicant shall conduct street and right-of-way improvements to Visalia Parkway and Mooney Blvd., widening the streets and intersections along the project site frontages, and along the south side of Visalia Parkway from the project site to Dans Street, as depicted in Exhibit "A", Exhibit "C", and Exhibit "N". Improvements shall include installation of park strip landscaping, curb, gutter, sidewalk, ramps, streetlights, traffic signals, fire hydrants, and other improvements as required by the City of Visalia and Caltrans. All of the required right-of-way improvements shall be completed with the first phase of development, prior to the issuance of buildings permits for any of the buildings on the project site.

As noted in the underlined portion above, Condition No. 13 specifically prohibits the issuance of Building Permits for any buildings on the project site until such time as all required street and right-of-way improvements identified in the first phase of development are completed. Per the original submittal, the first phase of development included all off-site improvements identified in the "Streets and Right-of-Way Improvements" section of this report.

Revised Condition No. 13

Condition No. 13 as specified in the April 13, 2020 Planning Commission approval is a noted departure from the standard condition applied to projects. Condition No. 13, as adopted, does not allow the issuance of any on-site building permits to be issued by the City until all off the off-site right-of-way improvements are complete and accepted by the City.

The developer has submitted off-site improvement plans addressing all the right-of-way improvements. The plans are currently under review by staff. The developer has also submitted building plans for on-site work for some of the commercial out pad buildings located along Mooney Boulevard. However, based on the language in Condition No. 13, staff cannot issue on-site building permits until the off-site right-of-way improvements are complete. The enforcement of this condition has placed a burden on the developer to complete all off-site work prior to beginning any on-site improvements, including the ability to begin construction on commercial pads. This has resulted in significant timing delays because both off-site and on-site improvements cannot be done in unison.

As a result of the implementation of this condition, the developer met with staff to discuss options on how to proceed with their project in a manner that would allow both off-site and on-site construction to occur at the same time. The developer provided an updated phasing plan and timing schedule to demonstrate that a majority of the off-site improvements along the project frontage can be completed in a timely manner, while on-site construction occurs. On-site construction includes parking lot improvements, drive-aisles, on-site landscaping, and the development of commercial building pads. The updated phasing plan and timing schedule are included in Exhibits "A" and "B". City staff has reviewed the material and concurs with the developers revised phasing plan and timeline schedule for both off and on-site improvements.

As a matter of development, the City typically withholds the final occupancy of Building Permit submittals until such time as offsite improvements are completed. This allows developers to meet client timeframes for commercial development while still providing the City with sufficient leverage to ensure required off-site improvements are complete.

Staff recommends that Condition No. 13 be revised to note that the street and right-of-way improvements required with Phase 1 of development be completed prior to finalization and occupancy of Building Permits issued for any of the buildings on the project site. The revised Condition No. 13 will read as follows:

Condition No. 13 – That the applicant shall conduct street and right-of-way improvements to Visalia Parkway and Mooney Blvd., widening the streets and intersections along the project site frontages, and along the south side of Visalia Parkway from the project site approximately ±400 lineal feet west of Dans Street, as depicted in Exhibit "A", Exhibit "C", and Exhibit "N". Improvements shall include installation of park strip landscaping, curb, gutter, sidewalk, ramps, streetlights, traffic signals, fire hydrants, and other improvements as required by the City of Visalia and Caltrans. The off-site improvements as documented in the updated Phasing Plan and Timeline Schedule (Attachments "A" and "B" attached to this memorandum) shall be completed prior to Building Permit Finals and occupancy for any of the buildings on the project site.

Per Attachments "A" and "B" attached to this memorandum, final building occupancy of the commercial building pads along Mooney Boulevard for Phase 1 will be withheld until the following off-site improvements are complete:

- Street widening of Mooney Boulevard along the entire project site frontage.
- Street widening of Visalia Parkway up to the 2nd driveway, across from the South Packwood Shopping Center driveway access, with tapering off the street widening to the northwest corner of the project site.

- Installation of all related right-of-way improvements along the portions of property frontage identified above, to include installation of park strip landscaping, curb, gutter, sidewalk, ramps, streetlights, traffic signals, fire hydrants, and other improvements as required by the City of Visalia and Caltrans.

Additional on and off-site improvements identified within Resolution Nos. 2019-55 and 2019-42, including completion of street and right-of-way improvements for Visalia Parkway approximately ± 400 lineal feet west of Dans Street, would be completed with Phase 2 of the development.

Staff finds that the revised condition will assist completion of necessary off-site improvements, consistent with the overall development approved by the Planning Commission, while maintaining the developer's timeframes to permit on-site construction.

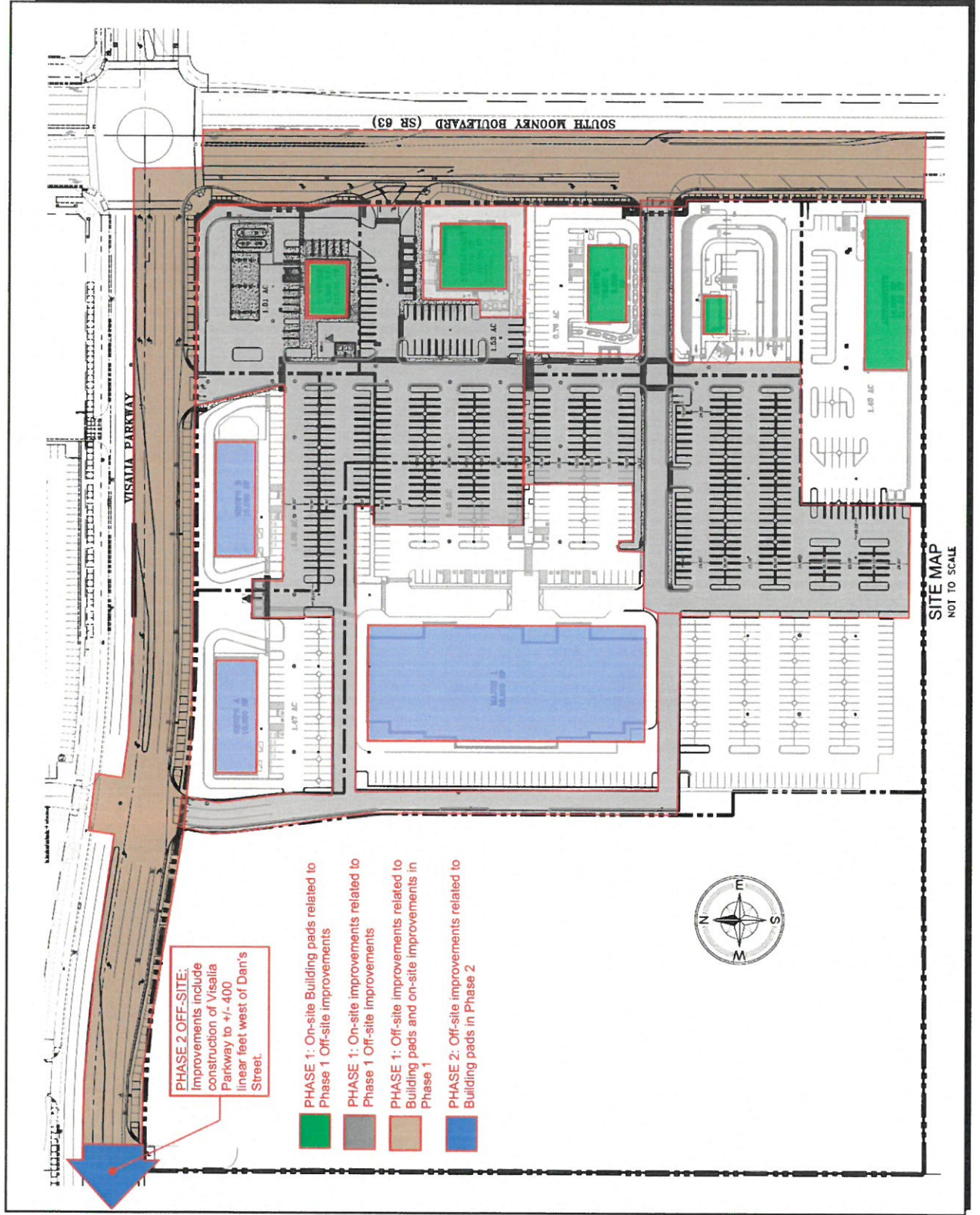
ATTACHMENTS

- Attachment "A" – Phase 1 Site Plan
- Attachment "B" – Phase 1 & 2 Project Schedules
- Planning Commission Resolution Nos. 2019-55 and 2019-42, Approving CUP No. 2019-31 and TPM No. 2019-13
- Aerial Photo

ATTACHMENT "A"

VISALIA PARKWAY SHOPPING CENTER

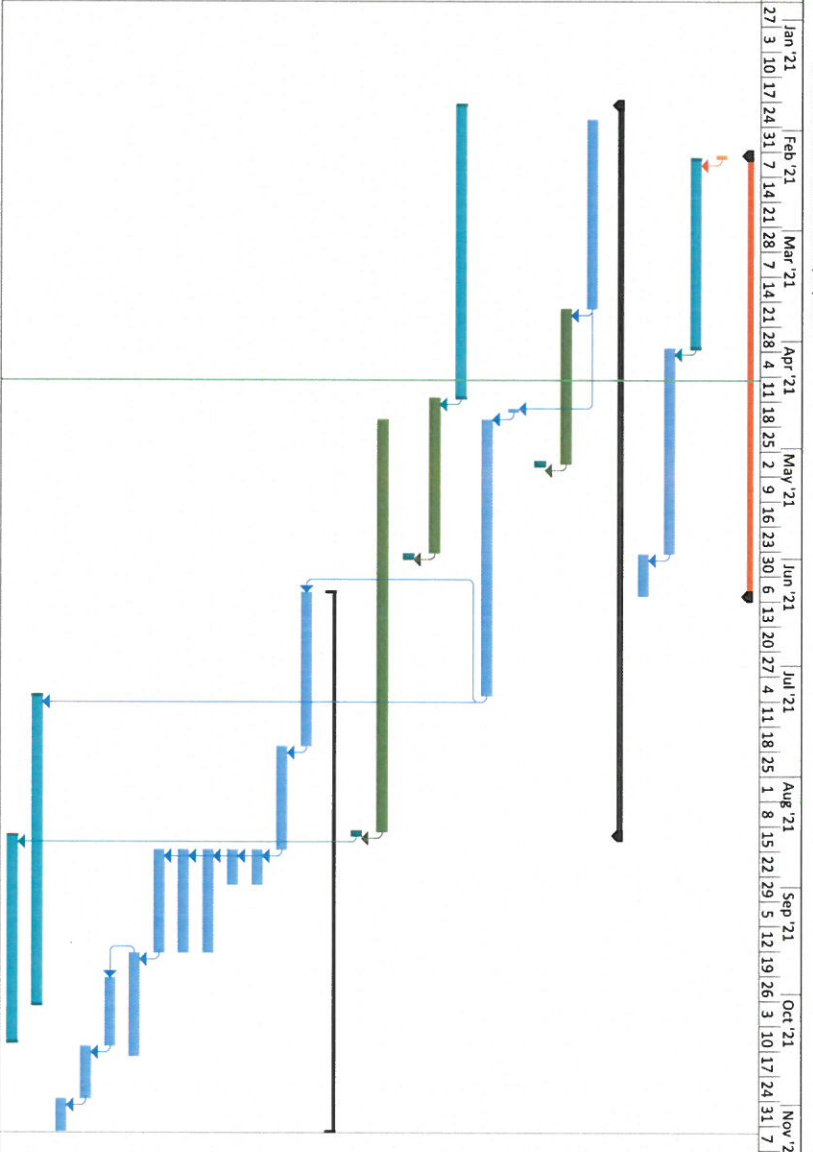
CITY OF VISALIA, STATE OF CALIFORNIA



Attachment "B"

ID	Task Name	Duration	Start	Finish
1	Map	127.75 days	Mon 2/8/21	Fri 6/11/21
2	Final Map (AT LARS)	1 day	Mon 2/8/21	Mon 2/8/21
3	LARS to revise and resubmit	10.95 wks	Tue 2/9/21	Fri 4/2/21
4	City Plan check Final Map	60 days	Sat 4/3/21	Sun 5/30/21
5	Tax Cert, Subdivision Guarantee & bond	2.4 wks	Sun 5/30/21	Fri 6/11/21
6	Construction Documents	212 days	Mon 1/25/21	Tue 8/17/21
7	On-site CD (at Lars)	55 days	Fri 1/29/21	Mon 3/22/21
8	On-Site Plans (at City)	45 days	Tue 3/23/21	Wed 5/5/21
9	On-Site PERMIT	1 day	Wed 5/5/21	Wed 5/5/21
10	Cal Water Submittal	1 day	Tue 4/20/21	Tue 4/20/21
11	Cal Water Approval and Contract	4 mos	Fri 4/23/21	Fri 7/9/21
12	Off-Plans (at Lars)	84.75 days	Mon 1/25/21	Fri 4/16/21
13	Off-Site Plans (City)	45 days	Sat 4/17/21	Sun 5/30/21
14	City Offsite PERMIT	1 day	Mon 5/31/21	Mon 5/31/21
15	Off-Site Plans (Caltrans)	120 days	Fri 4/23/21	Mon 8/16/21
16	CALTRANS PERMIT	1 day	Mon 8/16/21	Tue 8/17/21
17	Construction	157 days	Thu 6/10/21	Mon 11/8/21
18	Rough Grading	45 days	Fri 6/10/21	Fri 7/23/21
19	Wet Utilities	30 days	Fri 7/23/21	Sat 8/21/21
20	Pad Delivery 7-11	2 wks	Sat 8/21/21	Tue 8/31/21
21	Pad Delivery Texas Roadhouse	2 wks	Sat 8/21/21	Tue 8/31/21
22	Wet Utility Delivery 7-11	30 days	Sat 8/21/21	Sun 9/19/21
23	Wet Utility Delivery Texas Roadhouse	30 days	Sat 8/21/21	Sun 9/19/21
24	Wet Utility Delivery Les Schawb	30 days	Sat 8/21/21	Sun 9/19/21
25	Dry utilities	30 days	Sun 9/19/21	Mon 10/18/21
26	Fine Grading and Curb work	4 wks	Sun 9/26/21	Fri 10/15/21
27	Base Rock and Pavement	3 wks	Fri 10/15/21	Sat 10/30/21
28	Landscape	2 wks	Sat 10/30/21	Mon 11/8/21
29	Construction Phase I Visalia Parkway	90 days	Fri 7/9/21	Sun 10/3/21
30	Construction Mooney	60 days	Tue 8/17/21	Thu 10/14/21

Visalia Parkway Phase I - CD's and Construction
CURRENT SCHEDULE AS OF 04/12/2021



RESOLUTION NO. 2019-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2019-13, A REQUEST BY LARS ANDERSON & ASSOCIATES, INC. TO SUBDIVIDE A 28.7 ACRE SITE INTO AN 11-LOT COMMERCIAL SUBDIVISION IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF S. MOONEY BOULEVARD (STATE ROUTE 63). (APN: 126-960-001)

WHEREAS, Tentative Parcel Map No. 2019-13, is a request by Lars Anderson & Associates, Inc. to subdivide a 28.7 acre site into an 11-lot commercial subdivision in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of S. Mooney Boulevard (State Route 63). (APN: 126-960-001); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 13, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 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 with the incorporation of mitigation measures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that Mitigated Negative Declaration No. 2019-62 prepared for the proposed project was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and hereby adopts the Mitigated Negative Declaration.

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 and layout of Tentative Parcel Map No. 2019-13, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
2. That the proposed Tentative Parcel Map No. 2019-13, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing commercial development, a senior mobile home park, and land under agricultural production.
3. That the site is physically suitable for the proposed tentative parcel map. Tentative Parcel Map No. 2019-13 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is bordered by existing commercial development, a

senior mobile home park, and land under agricultural production, and the tentative parcel map will separate commercial uses within the planned development.

4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Commercial Regional General Plan Land Use Designation. The proposed location and layout of Tentative Parcel Map No. 2019-13, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance.
5. That the proposed Tentative Parcel Map No. 2019-13, design of the tentative map or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed parcel map. The tentative parcel map is designed to comply with the City's Engineering Improvement Standards.
6. That an Initial Study was prepared for the proposed project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-62 can be adopted for this project.

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 project be developed consistent with the comments and conditions of the Site Plan Review No. 2019-055 and Site Plan Review No. 2019-158.
2. That the tentative map be prepared in substantial compliance with Exhibit "B".
3. That a common access, maintenance, and landscaping agreement be entered into for all project parcels.
4. That Conditional Use Permit No. 2019-31 be approved, and that requirements of the use permit that relate to this map shall be fulfilled.
5. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners' are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
6. That each parcel shall have separate utilities.
7. That all applicable federal, state, and city laws and codes and ordinances be met.

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

AYES: Commissioners Taylor, Gomez, Hansen, Peariso, Wynn
NOES:

ABSTAINED:
ABSENT:

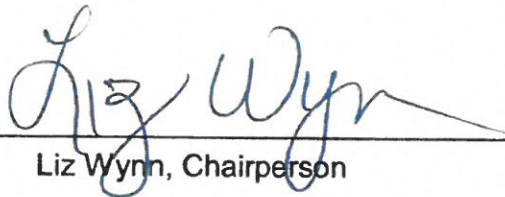
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2019-42, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 13, 2020.



Paul Bernal, City Planner



Liz Wynn, Chairperson

RESOLUTION NO. 2019-55

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2019-31, A REQUEST BY LARS ANDERSON & ASSOCIATES TO ESTABLISH A MASTER PLANNED COMMERCIAL DEVELOPMENT CONSISTING OF APPROXIMATELY 138,188 SQ. FT. OF COMMERCIAL USES, INCLUDING THE ESTABLISHMENT OF THREE RETAIL BUILDINGS OF VARYING SIZES (56,800 SQ. FT., 29,800 SQ. FT., AND 10,000 SQ. FT.), A 10,000 SQ. FT. CREDIT UNION BUILDING, A 4,088 SQ. FT. GAS STATION/CONVENIENCE STORE WITH A 3,060 SQ. FT. CANOPY, A 7,500 SQ. FT. SIT-DOWN RESTAURANT, TWO 3,000 SQ. FT. DRIVE-THRU RESTAURANTS, AND A 5,000 SQ. FT. AUTOMOTIVE REPAIR STORE, ON PARCELS WITH LESS THAN THE MINIMUM FIVE ACRE SITE AREA REQUIREMENT, INCLUDING A PARCEL WITH NO PUBLIC STREET FRONTAGE, AFFECTING 17.43 ACRES OF A 28.7 ACRE SITE IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE PROJECT SITE IS LOCATED ON THE SOUTHWEST CORNER OF S. MOONEY BOULEVARD (STATE ROUTE 63). (APN: 126-960-001)

WHEREAS, Conditional Use Permit No. 2019-31, is a request by Lars Anderson & Associates to establish a master planned commercial development consisting of approximately 138,188 sq. ft. of commercial uses, including the establishment of three retail buildings of varying sizes (56,800 sq. ft., 29,800 sq. ft., and 10,000 sq. ft.), a 10,000 sq. ft. credit union building, a 4,088 sq. ft. gas station/convenience store with a 3,060 sq. ft. canopy, a 7,500 sq. ft. sit-down restaurant, two 3,000 sq. ft. drive-thru restaurants, and a 5,000 sq. ft. automotive repair store, on parcels with less than the minimum five acre site area requirement, including a parcel with no public street frontage, affecting 17.43 acres of a 28.7 acre site in the C-R (Regional Commercial) Zone. The project site is located on the southwest corner of S. Mooney Boulevard (State Route 63). (APN: 126-960-001); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 13, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38 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 with the incorporation of mitigation measures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds that Mitigated Negative Declaration No. 2019-62 prepared for the proposed project was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and hereby adopts the Mitigated Negative Declaration.

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:
 - 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 the proposed project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation, and therefore Mitigated Negative Declaration No. 2019-62 can be adopted for this project.

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 project be developed in substantial compliance with Site Plan Review No. 2019-055 and Site Plan Review No. 2019-158.
2. That the project will be developed in substantial compliance with the site plan in Exhibit "A" unless otherwise specified in this use permit. Any subsequent changes to the development plan layout depicted in Exhibit "A" shall be reviewed and approved by the Site Plan Review Committee and may be subject to an amendment of the Conditional Use Permit.
3. That the architectural theme in Exhibits "D" through "L" be used on all of the buildings for the project.
4. That onsite lighting for the shopping center complex and individual buildings not produce glare onto neighboring properties and operate in substantial compliance with the conceptual photometric plan identified in Exhibit "O".
5. That onsite and offsite landscaping for the shopping center complex and right-of-way areas be in substantial compliance with the landscaping plan in Exhibit "N". Landscaping and irrigation plans shall be included with or prior to first building permit.
6. That the shopping center complex and individual buildings operate as stated in the Operational Statement identified in Exhibit "P".
7. That the sign program in Exhibit "Q" be utilized for the commercial development and that the commercial center monument signs be limited to one multi-tenant monument sign on each drive aisle (four total). If Major 1 and Major 2 are reconfigured into multi-tenant commercial units, Visalia Municipal Code Section 17.48.100.B shall take precedence, limiting wall signage sizes to two sq. ft. per lineal foot of building frontage, up to a maximum of 150 sq. ft.

8. That CC&R's including vehicular access, shared parking, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation.
9. That a Shared Access and Parking Agreement be established for the entire site prior to the issuance of building permits.
10. That the order/menu boards associated with the drive-thru lanes for Shop A, Shop B, Drive-Thru 1, and Drive-Thru 2, as shown in Exhibit "A" maintain Community Noise Standards as provided in Visalia Municipal Code Chapter 8.36 (Noise Ordinance) and be screened from view of public streets as required by Visalia Municipal Code Section 17.32.162.
11. That the access drive for Outlot 1/Parcel A of Tentative Parcel Map No. 2019-13, at the northwest corner of the project site as shown in Exhibit "A", shall be blocked to thru-traffic through the installation of bollards or other such device, until such time as development occurs on Parcel A.
12. That the applicant shall provide a 65 ft. right-of-way dedication for Visalia Parkway to the City of Visalia, and a 23 ft. right-of-way dedication for Mooney Blvd., to Caltrans, for the improvement of the identified streets along the project site frontages. The dedications shall be secured through a separate instrument, and not the tentative parcel map attached to this shopping center project.
13. That the applicant shall conduct street and right-of-way improvements to Visalia Parkway and Mooney Blvd., widening the streets and intersections along the project site frontages, and along the south side of Visalia Parkway from the project site to Dans Street, as depicted in Exhibit "A", Exhibit "C", and Exhibit "N". Improvements shall include installation of park strip landscaping, curb, gutter, sidewalk, ramps, street lights, traffic signals, fire hydrants, and other improvements as required by the City of Visalia and Caltrans. All of the required right-of-way improvements shall be completed with the first phase of development, prior to the issuance of buildings permits for any of the buildings on the project site.
14. That not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more. The parking stalls along the eastern boundary of Major 1 as shown in Exhibit "A" shall be revised to reflect this requirement.
15. That Major 2 as shown on Exhibit "A" shall be relocated to meet the 15 ft. side yard requirement for buildings in the C-R (Regional Commercial) Zone adjacent to residential uses, or obtain approval of a variance to allow the proposed 10 ft. setback.
16. That the applicant shall relocate existing Southern California Edison (SCE) equipment placed on the northeast corner of the project site. Relocation shall be conducted in compliance with the requirements of SCE.

17. That a separate Conditional Use Permit shall be obtained for any conditionally-allowed uses not described in Exhibit "P" that subsequently locate on the site, including future development on Parcel A if applicable.
18. That all applicable federal, state, and city laws and codes and ordinances be met.
19. That all of the conditions and responsibilities of Conditional Use Permit No. 2019-31 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
20. **Transportation / Traffic Condition (Supersedes Mitigation Measure 1.1 of MND No. 2019-62):** For the Visalia Parkway/Main Project Site access intersection (between Parcel B and C) a full opening with traffic signals shall be installed. The driveway to the project site shall be designed and constructed to be aligned with the future widened width of the existing driveway on the north side of Visalia Parkway, serving the Packwood Creek Shopping Center, in order to facilitate signalization. Specifically, the intersection shall be designed to accommodate lane configurations as follows:
- Eastbound: Shall meet the ultimate planned lane configuration, which is one left-turn lane, two through lanes, and one right-turn lane;
 - Westbound: one left-turn lane, one through lane, and one through lane with a shared right turn lane;
 - Northbound: one shared left-turn/through and one right-turn lane; and
 - Southbound: one shared left-turn/through/right-turn lane (existing Packwood Creek Shopping Center driveway).
21. **Transportation / Traffic Condition (Supersedes Mitigation Measure 1.2 of MND No. 2019-62):** For the Visalia Parkway/Mooney Boulevard intersection, a median shall be installed on Visalia Parkway, west of the intersection, as indicated on the January 10, 2020 Commons at Visalia Parkway site plan. Widening of the intersection shall also be completed to accommodate lane configurations as follows:
- Eastbound: two left-turn lanes, one through lane, and one right-turn lane;
 - Westbound: two left-turn lanes, one through lane, and one right-turn lane;
 - Northbound: one left-turn lane, two through lanes, and one right-turn lane;
 - Southbound: one left-turn lane, three through lanes, and one right-turn lane.
22. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2019-62 are hereby incorporated as conditions of this Conditional Use Permit with the exception of Transportation / Traffic Impact Mitigation Measures 1.1 and 1.2 which have been supersede by Condition No. 20 and Condition No. 21 of CUP No. 2019-31 as follows:

<u>Mitigation Measure</u>	<u>Responsible Party</u>	<u>Timeline</u>
Transportation / Traffic Impact Mitigation Measure 1.1: For the Visalia Parkway/Main Project Site access intersection (between Parcel B and C) a full opening with traffic signals shall be installed. The driveway to the project site shall be designed and constructed to be aligned with the future widened width of the existing driveway on the north side of Visalia Parkway, serving the Packwood Creek Shopping Center, in order to facilitate signalization. Specifically, the intersection shall be designed to	Project Applicant: The Commons at Visalia Parkway	Mitigation shall be enforced and improvements completed prior to issuance of a Building Permit for construction of any buildings within the project area.

<p>accommodate lane configurations as follows:</p> <ul style="list-style-type: none"> • Eastbound: one left turn lane, one through lane, and one right turn lane; • Westbound: one left turn lane and one through lane with a shared right turn; • Northbound: one shared left turn/through and one right turn lane; and • Southbound: one shared left turn/through/right turn lane (existing Packwood-Creek Shopping Center driveway). 		
<p>Transportation / Traffic Impact Mitigation Measure 1.2: For the Visalia Parkway/Mooney Boulevard intersection, a median shall be installed on Visalia Parkway, west of the intersection, as indicated on the January 10, 2020 Commons at Visalia Parkway site plan. Widening of the intersection shall also be completed to accommodate lane configurations as follows:</p> <ul style="list-style-type: none"> • Eastbound: two left turn lanes, one through lane, and one right turn lane; • Westbound: two left turn lanes and one through lane with a shared right turn; • Northbound: one left turn lane and two through lanes with a shared right turn; • Southbound: one left turn lane, three through lanes, and one right turn lane. 	<p>Project Applicant: The Commons at Visalia Parkway</p>	<p>Mitigation shall be enforced and improvements completed prior to issuance of a Building Permit for construction of any buildings within the project area.</p>
<p>Noise Impact Mitigation Measure 2.1: The Commons at Visalia Parkway - The construction of a solid noise barrier block wall measuring 7-feet in height to be placed along the southern and western property boundaries, adjacent to residential areas.</p> <p>CarMax - The construction of a 6-foot tall masonry wall, totaling 547 feet in length, to be placed along the southern, western, and eastern boundaries of the service center area, south of the vehicle sales area, and west of the customer parking area, as indicated on the revised January 13, 2020 CarMax site plan.</p>	<p>Project Applicant: The Commons at Visalia Parkway, CarMax as noted.</p>	<p>The sound walls shall be constructed with the development of the projects, and shall be completed by each respective applicant prior to the occupation of any buildings on each site.</p>
<p>Noise Impact Mitigation Measure 2.2:</p> <p>Future development of buildings "Major 1" and "Major 2", as shown on the January 10, 2020 Commons at Visalia Parkway site plan, shall comply with noise standards and policies listed within Visalia Municipal Code Chapter 8.36 (Noise Ordinance) and the Visalia General Plan by incorporating mitigation features as stated in Study 1, including:</p> <p><u>HVAC Equipment Operation</u></p> <ul style="list-style-type: none"> • Ensuring mechanical equipment satisfies the applicable General Plan and Municipal Code noise level limits at existing residential uses and potential residential development on Parcel A; • Location of mechanical equipment on the rooftop of commercial buildings away from existing residences (to the extent feasible); 	<p>Future developers of buildings "Major 1" and "Major 2".</p>	<p>Mitigation shall be enforced and carried out prior to issuance of a Building Permit, or required entitlement if applicable, for buildings listed as "Major 1" and "Major 2" on the January 10, 2020 Commons at Visalia Parkway site plan.</p>

<ul style="list-style-type: none"> • Screening of mechanical equipment behind building parapets; • Construction of localized noise barriers around mechanical equipment that effectively attenuate noise exposure to a state of compliance with the applicable General Plan and Municipal Code noise limits at existing residential uses. <p><u>Truck Circulation/Deliveries</u></p> <ul style="list-style-type: none"> • The construction of a solid noise barrier along the boundary of the project property and Parcel A. • The restriction of truck deliveries to daytime hours only. • The implementation of window construction upgrades. <p>Conformance with the standards and policies within the Noise Ordinance and General Plan for development of buildings "Major 1" and "Major 2" shall be verified prior to issuance of Building Permits and shall be accompanied by physical noise measurement readings.</p>		
<p>Noise Impact Mitigation Measure 2.3: For construction activities related to the Commons at Visalia Parkway shopping center and CarMax, compliance with the standards of Visalia Municipal Code Chapter 8.36 (Noise Ordinance) shall be required, to include the prohibition of operation of construction equipment between the weekday hours of 7:00 p.m. and 6:00 a.m., and between the weekend hours of 7:00 p.m. and 9:00 a.m., use of mufflers on equipment, use of electrically powered equipment where feasible, location of staging areas away from noise-sensitive receptors, use of speed limits on project area/site access roads during construction, and construction schedule notification to nearby residences.</p>	<p>Project Applicant: The Commons at Visalia Parkway, CarMax</p>	<p>Mitigation shall be enforced by the City of Visalia, and carried out by both project applicants during construction.</p>


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

AYES: Commissioners Taylor, Gomez, Hansen, Peariso, Wynn
NOES:
ABSTAINED:
ABSENT:

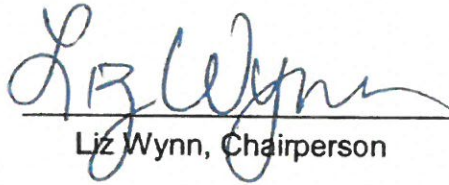
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Paul Bernal, City Planner

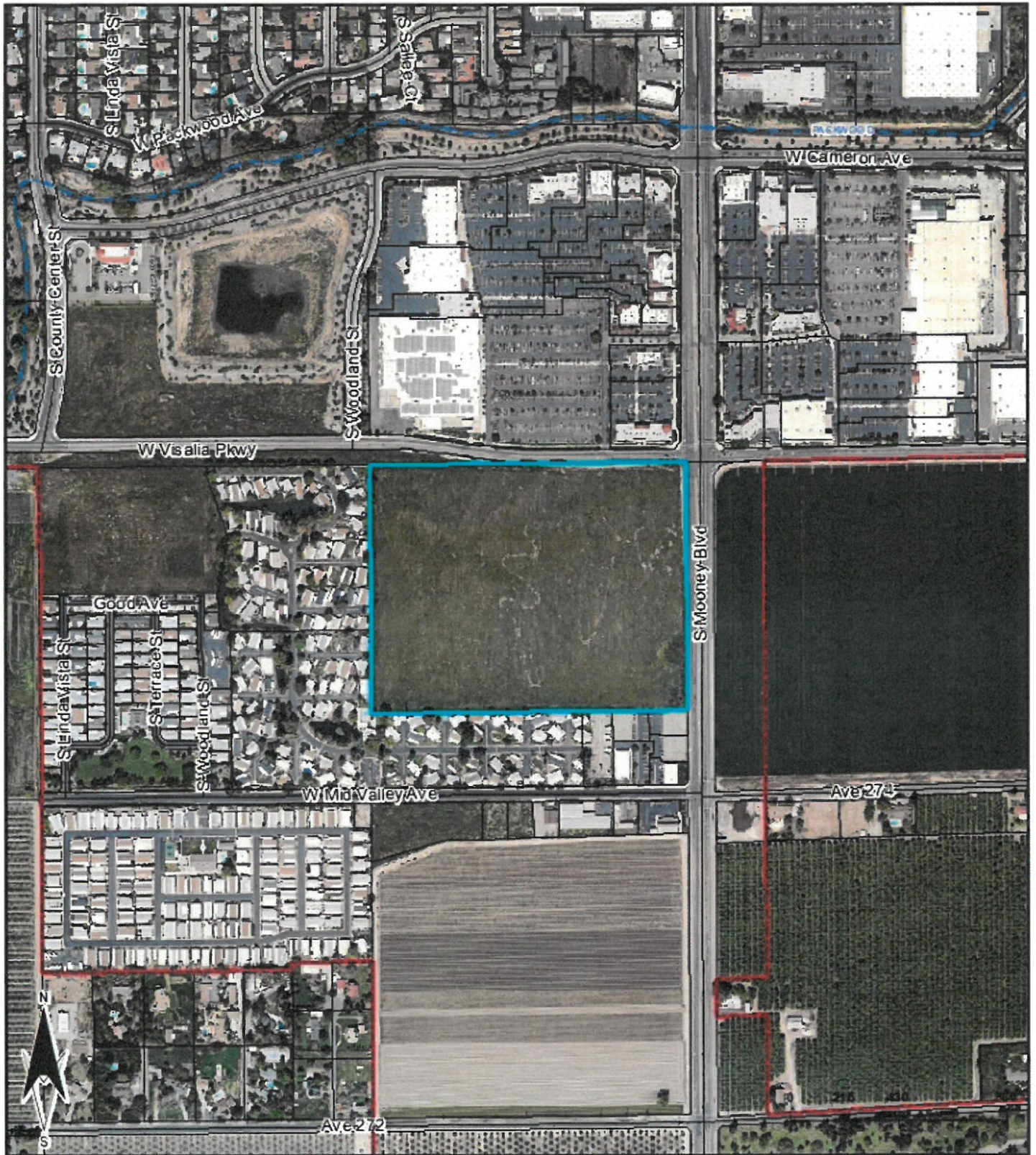
I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2019-55, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 13, 2020.



Paul Bernal, City Planner








Liz Wynn, Chairperson



CUP No. 2019-31
TPM No. 2019-13

Aerial Map

Legend

-  City Limits
-  Streets
-  Railroad
-  Waterways
-  Parcels