

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Marvin Hansen



VICE CHAIRPERSON:

Adam Peck

COMMISSIONERS: Mary Beatie, Chris Gomez, Chris Tavarez, Adam Peck, Marvin Hansen

MONDAY, AUGUST 23, 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. Adoption of Resolution No. 2021-32, approving Variance No. 2021-02, in accordance with action taken by the Planning Commission during the regular meeting held on August 09, 2021.
6. PUBLIC HEARING – Josh Dan, Associate Planner
Conditional Use Permit 2021-22: A request to construct a fast-food restaurant measuring 1,315 sq. ft. with drive-thru and no indoor dining, upon a parcel measuring 1.1-acres in the Neighborhood Commercial (C-N) Zone. The project site is located on the northwest corner of East Tulare Avenue and South Lovers Lane (APN: 100-120-051). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2021-38.

7. PUBLIC HEARING – Josh Dan, Associate Planner
 - a. Tentative Parcel Map No. 2021-05: A request by TorMon Global Inc. and Octavio Montejano, to subdivide a 19,619 sq. ft. site into two parcels in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area per dwelling unit) Zone. The project site is located at 745 N. Leslie Street (APN: 093-011-004). The project is Categorically Exempt the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15315 and 15332, Categorical Exemption No. 2021-37.
 - b. Conditional Use Permit No. 2021-23: A request by TorMon Global Inc. and Octavio Montejano to subdivide a 19,619 square foot parcel into two parcels resulting in sites measuring less than two acres in size in the R-M-2 (Multi-family Residential, 3,000 square feet minimum site area per unit) Zone. The project site is located at 745 N. Leslie Street (APN: 093-011-004). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15315 and 15332, Categorical Exemption No. 2021-37.
8. CITY PLANNER / PLANNING COMMISSION DISCUSSION –
 - a. Moving back to Council Chambers in September
 - b. Next Planning Commission Meeting is Monday, September 13, 2021

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 Ave. Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, SEPTEMBER 2, 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, SEPTEMBER 13, 2021

City of Visalia

Memo



To: Planning Commission
From: Josh Dan, Associate Planner
Ph: (559) 713-4003
E-mail: josh.dan@visalia.city
Date: August 23, 2021
Re: Revised Resolution No. 2021-32 for Variance No. 2021-02.

Recommended Action

Staff recommends that the Planning Commission adopt the revised Resolution for Variance No. 2021-02 which the Planning Commission heard on the August 9th, 2021 Planning Commission meeting date.

Discussion

At the August 9th Planning Commission meeting staff presented Variance No. 2021-02 which was a request to place an electric fence on a property in the I (Industrial) Zone District. Staff recommendation was to deny the variance and the resolution attached to the August 9th staff report reflected findings to deny this request. The Planning Commission adopted the alternative motion and approved Variance No. 2021-02. Staff have revised Resolution No. 2021-32 to reflect the Planning Commission's decision to approve the variance subject to project conditions as noted in the staff report. The revised resolution is attached for your review and adoption.

Attachments:

- Revised Resolution No. 2021-32 for Variance No. 2021-02

RESOLUTION NO. 2021-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2021-02, A REQUEST TO ALLOW THE PLACEMENT OF AN EIGHT-FOOT TALL, ELECTRIFIED FENCE ALONG THE FULL PERIMETER OF A RENTAL FACILITY YARD IN THE INDUSTRIAL ZONE. THE PROJECT SITE IS LOCATED AT 1220 NORTH CENTURY STREET (APNS: 081-100-021, 081-100-022, & 081-100-024).

WHEREAS, Variance No. 2021-02, is a request to allow the placement of an eight-foot tall, electrified fence along the full perimeter of a rental facility yard in the Industrial Zone. The project site is located at 1220 North Century Street (APNs: 081-100-021, 081-100-022, & 081-100-024); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on August 9, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2021-02, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15311.

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 strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance.

The City's ordinance on variances, according to Section 17.42.10, is for the Planning Commission to grant variances when, "*practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity.*" Staff does not concur that the applicant's request for an electrified fence would constitute a need by any one of these listed determinations. If the criminal activity that has occurred on the applicant's property were to abate for reasons other than the fence, the fence would remain as an extraordinary security measure for a problem that has already subsided on its own. It should also be noted that the applicant's proposal would still leave the two gates (totaling 60 linear feet) along Century Street and Placer Ave non-electrified and at their current height.

2. That there are not exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone.

The City finds is that there are no exceptional or extraordinary circumstances or conditions associated with this site in comparison to other similarly zoned or situated sites in Visalia. Staff does concur with the applicant that the western and southern perimeters, which do not have street visibility, are the most likely illegal entry points onto the site.

3. That strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.

The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or electric fences for their respective businesses.

4. That the granting of the variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

The City disagrees with the applicant's finding for the same reasons explained in Finding No. 3. The applicant is not being deprived of property rights already being enjoyed by other similar properties and uses in the area. Rather, there are five businesses in proximity to the subject parcel whose outdoor storage yards have fences limited to those allowed by the Zoning Ordinance. Granting this Variance would justify all similar businesses to erect taller and/or electric fences for their respective businesses

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The City disagrees with the applicant's claim that the electric fence will not be materially detrimental to the general public or to properties in the area. As noted in Findings 1, 2, and 3, the taller electrified fence, along with very prominently displayed warning signs, would suggest that the area- not just the project site, is an inherently criminally plagued area. This would have an undue negative influence on the general public transiting the site as it pertains to the perception of safety and security in the area.

That the project is considered Categorical Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2021-29).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Variance on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.42.080 of the Ordinance Code of the City of Visalia, subject to the following conditions:

Should the Planning Commission approve the request, staff would recommend the following conditions be adopted:

1. That Variance No. 2021-02 shall be developed consistent with the site plan and fencing details included as Exhibits "A" and "B".
2. That the existing, non-conforming razor wire be removed from the entire perimeter fencing.
3. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

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

AYES: Commissioners Peck, Gomez, Tavarez, Hansen
NOES: Commissioner Beatie
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. 2021-32, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on August 9, 2021.

Paul Bernal, City Planner

Marvin Hansen, Chairperson