

RESOLUTION NO. 2026-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2025-32, AS CONDITIONED, MODIFYING THE HOURS OF OPERATION OF THE DRIVE-THRU OF A REQUEST TO CONSTRUCT A 4,130 SQUARE FOOT BUILDING WITH A DRIVE-THRU WITHIN 250-FEET OF RESIDENTIAL WITHIN SUBAREA "A" OF THE CALDWELL 51 SPECIFIC PLAN. THE SITE IS LOCATED AT THE SOUTHEAST CORNER OF WEST CALDWELL AVENUE AND SOUTH STONEBROOK STREET IN THE C-R (REGIONAL COMMERCIAL) ZONE (APN: 122-390-002).

WHEREAS, Conditional Use Permit No. 2025-32 is a request to construct a 4,130 square foot building with a drive-thru lane within 250-feet of residential uses to the north within subarea "A" of the Caldwell 51 Specific Plan. The site is located at the southeast corner of West Caldwell Avenue and South Stonebrook Street in the C-R (Regional Commercial) zone (APN: 122-390-002); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on February 9, 2026, and concluded said hearing on that date; and

WHEREAS, the Planning Commission of the City of Visalia approved Conditional Use Permit No. 2025-32 with the modified condition, Condition of Approval No. 3, which limits the hours of operation for the drive-thru to 10:00 P.M. every night of the week; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit with the modification to the Conditions of Approval, 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 appeal of the Planning Commission's modified Conditions of Approval of Conditional Use Permit No. 2025-32, was received on February 18, 2026; and

WHEREAS, the Planning Commission found the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, pursuant to CEQA Section 15332; and

WHEREAS, an appeal of the Planning Commission's approval of Conditional Use Permit was received on February 18, 2026; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days of the published notice, held a public hearing before said Council on March 16, 2026; and

WHEREAS, the City Council finds the approved Conditional Use Permit No. 2025-32, as conditioned, was made in accordance with Chapter 17.38 (Conditional Use Permits) of the City of Visalia, based on evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, if the project is denied, no action needs to be taken on an environment document.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed use is not consistent with the policies and intent of the General Plan and Zoning Ordinance. The request to appeal the hours of operation to 2:00 A.M. is not compatible with the existing residential character of existing neighborhood to the north and with the surrounding commercial uses to the east and west of the project site. The project, as conditioned by the Planning Commission, has the effect of eliminating the inconsistency with regards to operational hours of the drive-thru lane.

The Planning Commission concluded the proposed operating hours of the drive-thru will have a direct impact to the neighboring residential uses by interfering with the quality of life of the properties in the existing neighborhoods that are adjacent or nearby the project site, and would therefore be materially injurious to properties or improvements in the vicinity. The modified conditions as proposed by the Planning Commission will have the effect of eliminating the injurious effect of the project on the neighboring properties.

BE IT FURTHER RESOLVED that the City Council denies the appeal, and upholds the approval of the Conditional Use Permit No. 2025-32, as conditioned by the Planning Commission per Resolution No. 2025-71, on the real property here in above described in accordance with the terms of this resolution, and under the provisions of California Government Code Section §66474, and Section 17.38.110 of the Zoning Ordinance of the City of Visalia, subject to the following conditions:

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2025-112, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits "A", "B", "C", "D", and "E". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the hours of operation for the drive-thru only shall cease at 10:00 P.M. every night of the week. Indoor dining hours may remain open as per the hours listed in the operational statement.
4. That the project comply with all standards contained in the Caldwell 51 Specific Plan, incorporating all subsequently approved amendments, except for the street side yard setback as addressed herein and considered through the approval of an Administrative Adjustment.
5. That no significant direct or indirect light or glare may fall upon adjacent residential uses.
6. That the use would be subject to the City of Visalia Noise Ordinance and that the noise from the drive-thru teller speaker box shall meet all community noise standards as identified in the City's Noise Ordinance Chapter 8.36
7. That all other federal, state and city laws, codes and ordinances be complied with.