



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 13, 2021

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone: (559) 713-4443
E-Mail: cristobal.carrillo@visalia.city

SUBJECT: **Amendment to Conditional Zoning Agreement No. 2021-11:** A request by CenterPoint Integrated Solutions to amend Conditional Zoning Agreement No. 2003-01, removing provisions that prohibit the establishment of a "stand-alone" used automobile sales use, and adding development standards for "stand-alone" used automobile sales uses for the Visalia Auto Plaza located within the C-S (Service Commercial) Zone. The Visalia Auto Plaza is located west of North Neeley Street, north of West Camp Drive, and south of the Mill Creek Ditch (APN: 081-020-085).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the amendment to Conditional Zoning Agreement No. 2021-11, based on the findings and conditions in Resolution No. 2021-60. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and the Visalia Auto Plaza architectural design guidelines.

RECOMMENDED MOTION

I move to recommend approval of the amendment to Conditional Zoning Agreement No. 2021-11, based on the findings and conditions in Resolution No. 2021-60.

PROJECT DESCRIPTION

The applicant is seeking to amend the design guidelines of the Visalia Auto Plaza master plan (codified via Conditional Zoning Agreement No. 2003-01) by removing existing prohibitions on the establishment of stand-alone used automobile dealerships within the Visalia Auto Plaza development. Per the applicant's Operational Statement attached per Exhibit "A", the amendment would allow for the establishment of stand-alone used automobile dealerships within the Visalia Auto Plaza plan area if developed on a parcel of no less than five acres in size. The change to the Conditional Zoning Agreement (CZA) provisions are proposed to facilitate the establishment of CarMax, a used automobile sales and service center within the Visalia Auto Plaza. No other changes are proposed to the existing CZA and Visalia Auto Plaza architectural design guidelines. Note that a CZA is an agreement that is recorded against the project site. CZA's can only be changed through submittal of an amendment for review by the Planning Commission, and their recommendation forwarded onto the City Council for final action. Upon recordation of an amended CZA, the revised conditions will be applicable to any future operator within the project area.

The used automobile sales development is proposed for location on a 5.91-acre site to be parceled off from a larger 47.58 acre site. The site is zoned C-S (Service Commercial), which permits the sale of new and used vehicles by right. As a result, if the CZA is ultimately approved by the City Council, no other discretionary reviews by the Planning Commission or City Council will be required for development of the automobile dealership. Only Site Plan Review and a Building Permit will be required for development to proceed.

The applicant has submitted a development proposal for a used automobile sales and service facility to the City of Visalia Site Plan Review Committee concurrently with the CZA amendment request. Plans of the development submitted for review to the Site Plan Review Committee for the December 8, 2021 meeting are included in Exhibits "B", "C", and "D". The proposal includes development of a 4,292 square foot sales building, a 2,620 square foot auto service building, a 1.58-acre automobile sales lot for the display of vehicles, and a 1.20-acre sales staging area for employee use only. Additional areas are devoted to customer parking, landscaping, drive aisles and related onsite and off-site improvements for ingress/egress. These plans are not subject to Planning Commission review and are provided only for reference. Given the nature of the Site Plan Review process, development plans are subject to change depending on comments provided by City Staff during reviews.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Service
Zoning:	C-S (Service Commercial)
Surrounding Zoning and Land Use:	North: City – I (Industrial), Tulare County jurisdiction – M-1 (Light Manufacturing) / Industrial uses South: AP (Airport), C-R (Regional Commercial) / State Highway 198, Visalia Municipal Airport, mixed commercial uses. East: BRP (Business Research Park) / Mixed commercial and educational uses, vacant land. West: City – A (Agriculture), Tulare County jurisdiction – AE-20 (Exclusive Agriculture, 20-acre minimum site area) / Valley Oak SPCA Adoption Center, vacant land.
Environmental Review No.:	Environmental Document No. 2021-52
Special Districts:	Visalia Auto Plaza
Site Plan Review No.:	2021-179

RELATED PROJECTS

Visalia Auto Plaza: A request by Mangano Homes/Westland Development to allow up to ten auto dealerships on approximately 72 acres, located west of Plaza Drive between Mill Creek Ditch and Camp Drive (APNs: 081-020-063, 068). The project included the following actions:

General Plan Amendment No. 2002-20: An amendment to the Land Use Element amending the land use designation from Agriculture to Service Commercial and expansion of the Urban Development Boundary lines to include the proposed project. The project also included an amendment to the Circulation Element requesting removal of the designation of a portion of Camp Drive as a Collector designated street and designating portions of Neeley Street and Crowley Street as Collector streets as replacement.

Change of Zone No. 2002-18: An amendment to the Zoning Ordinance to change the zone from Agriculture to Service Commercial.

Conditional Zoning Agreement No. 2003-01: An agreement containing design guidelines for the development of the Visalia Auto Mall.

The General Plan Amendment and Change of Zone were approved by the Visalia City Council on August 18, 2003. The Conditional Zoning Agreement was subsequently approved on September 2, 2003, along with the second reading of the Change of Zone No. 2002-18 / Ordinance No. 2003-13.

SIMILAR PROJECTS

CarMax: A request by CarMax to develop a used car sales and service center on a 5-acre parcel within the C-R (Regional Commercial) Zone, located on the southwest corner of South Mooney Boulevard and West Visalia Parkway (APN: 126-960-001). The project included the following actions:

Zoning Text Amendment No. 2019-13: A request to amend Zoning Ordinance Section 17.25.030 (Zoning Use Matrix) Line A22 to establish "Car Sales – New & Used" as a conditional use in the C-R (Regional Commercial) District, Citywide and to amend Chapter 17.32 Special Provisions to establish Development Standards for Car Dealerships in the C-R zone.

Conditional Use Permit No. 2019-42: A request to allow development of a used car sales and service center.

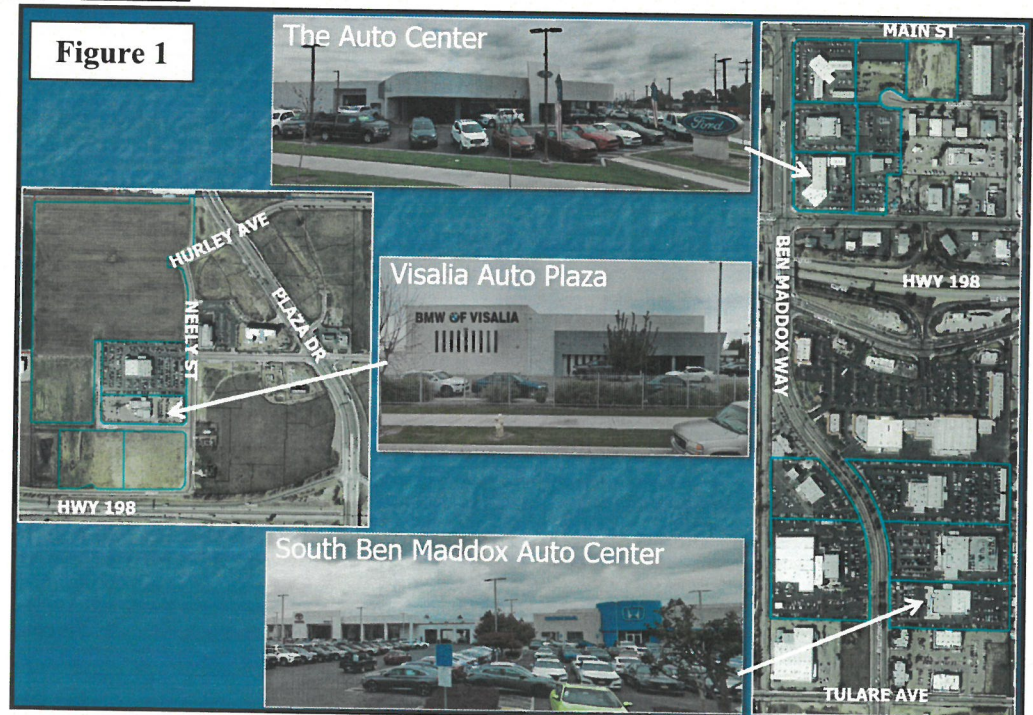
On June 22, 2020, the Visalia Planning Commission denied the Conditional Use Permit, and recommended denial of the Zone Text Amendment to the Visalia City Council. An appeal of the Conditional Use Permit was filed by the applicant on June 30, 2020, to be heard in conjunction with the Zone Text Amendment recommendation. At the August 17, 2020, meeting of the Visalia City Council, the City Council denied the appeal of the Conditional Use Permit decision and denied the Zone Text Amendment request.

PROJECT EVALUATION

Staff supports the amendment to the Conditional Zoning Agreement as conditioned, based on the project's potential to reinvigorate development in the Visalia Auto Plaza, and consistency with the Land Use Element of the General Plan and the Zoning Ordinance.

Existing Auto Malls/Visalia Auto Plaza

The City of Visalia has three auto malls, grouped into three geographical areas (see Figure 1). The first auto mall, referred to as "The Auto Center", is located in a former redevelopment area located along the intersections of E. Main St., E. Mineral King Ave. and S. Ben Maddox Way. The new auto sales dealerships located within the Auto Center include Visalia Buick GMC on 4.69 acres, Visalia Ford on 3.98 acres, and Visalia Hyundai on 3.7 acres. The Auto



Center area is completely built-out with the exception of a vacant 2.11-acre parcel east of the Visalia Buick GMC dealership. The Premier Auto Sales used car dealership located east of the Visalia Ford is not a part of the "Auto Center".

The second auto mall, referred to as the "South Ben Maddox Auto Center", is comprised of several new auto sales dealerships located along the east and west sides of S. Ben Maddox Way between E. Noble and E. Tulare Avenues. The dealerships located in this area include Giant Chevrolet-Cadillac on 6.71 acres, Nissan of Visalia on 6.10 acres, Visalia Honda on 3.99 acres, Visalia Kia on 3.0 acres, and Visalia Toyota on 5.03 acres. This auto mall is entirely built out. The car dealership located on a 1.05-acre parcel north of the Kia dealership is not a part of the South Ben Maddox Auto Center.

The third auto mall, named the "Visalia Auto Plaza", is located at the southwest corner of E. Crowley Avenue and N. Neeley Street, northwest of the Plaza Drive/State Highway 198 interchange. This is the auto mall in which the CarMax is proposed. The 70-acre master planned development was entitled in 2003 for new auto sales, with development standards and architectural guidelines adopted through an accompanying CZA, included in Exhibit "E". The CZA restricts activity within the auto mall to only new auto sales, with used car sales and service components sales allowed only as ancillary uses. As such, stand-alone used car dealerships are not presently allowed within the Visalia Auto Plaza. There are currently two new auto sales dealerships in the Visalia Auto Plaza: Lampe Chrysler Dodge Jeep Ram on 7.18 acres and BMW of Visalia on 3.83 acres. Though an amendment was approved by the City Council in 2017 to allow 15-acres north of Hurley Avenue to be developed with a warehouse distribution building, the majority of the area (approximately 55-acres) is still subject to development standards and architectural guidelines established by the conditional zoning agreement for the Visalia Auto Plaza.

The CarMax would be unable to locate within both the South Ben Maddox Auto Center and The Auto Center due to the auto malls being entirely built out or not containing sufficient vacant acreage to accommodate the needs of a CarMax facility. As such, the Visalia Auto Plaza is the only viable auto mall in which a CarMax can be located. However, since the proposed CarMax dealership would sell only used automobiles, it is currently prohibited from locating within the Visalia Auto Plaza.

Land Use Compatibility

The areas north, east, and west of the proposed CarMax facility are zoned for Service Commercial use and contain either vacant land planned for auto sale and incidental uses, or existing automobile dealerships. Areas to the south contain existing intensive facilities, including State Highway 198 and the Visalia Municipal Airport. Based on the development pattern of the surrounding sites, an automobile dealership will be compatible with what is planned and in the area.

The proposed amendment, to allow establishment of stand-alone used automobile dealerships so long as they are developed on a site of no less than five acres, is similarly expected to have minimal impact on the surrounding areas. As noted by the applicant in Exhibit "A", *"CarMax expanded into California after the [Visalia Auto Mall] conditional zoning agreement was adopted...The elevations and floor plan we have provided show that the facility will definitely have the look and feel similar to a new vehicle facility. This type of business strategy may not have been envisioned in 2003, which may have been the reason at the time for excluding stand-alone used car dealerships. Distinguishing only by whether the vehicles are new or used does not seem as relevant as distinguishing between type, size, and amenities of the facility."* The sale of new and/or used vehicles presents no difference in terms of land use impacts. And regardless of the type of vehicles sold, the facility will be governed by the rules of the Visalia

Auto Plaza design guidelines, ensuring that any future auto dealerships, new or used, contain designs compatible with the existing auto dealerships. The five-acre minimum lot size requirement is also not considered out of step with the existing developments in the Visalia Auto Plaza, as the existing auto dealerships are located on parcels between 3.83 to 7.18 acres in size.

Conditional Zoning Agreement

As noted previously in this report, a CZA provides a mechanism with which to “lock in” proposed conditions for a site, subject to City Council approval. While conditions can be applied to a Conditional Use Permit (CUP), any such conditions can become nullified if a CUP lapses or becomes void. Conditions applied through a CZA remain with the site permanently and will be applied to any future use established thereon.

The applicant has requested the following amendments to the Visalia Auto Plaza CZA:

1. Removal of the prohibition on the establishment of stand-alone used auto dealerships; and
2. Addition of a development standard allowing for placement of a stand-alone used automobile dealership only if established on a minimum five-acre parcel.

Staff has determined that compatibility with the surrounding areas will not be detrimentally affected by the proposed changes. The sale of used vehicles does not differ in substance from the sale of new vehicles. As it stands, existing dealerships within the Visalia Auto Plaza are already permitted to sell used vehicles, so long as it is incidental to the operation of a new auto sales dealership. The stand-alone dealership and five-acre site provisions will limit the pool of potential applicants to larger more established dealerships and will prevent the proliferation of multiple small dealerships occupying one large site, with no consistency in operation or visual characteristics. These provisions will help secure design uniformity within the master plan area. Staff has also determined that the amendments will strengthen the Visalia Auto Plaza’s overall viability, encouraging further development into the area.

Environmental Review

The requested action is considered Categorically Exempt under Section 15305 (Minor Alterations to Land Use Limitations) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2021-52). The exemption is appropriate as the project will not produce significant changes in land use or density.

RECOMMENDED FINDINGS

1. That the amendment to Conditional Zoning Agreement No. 2021-11 is compatible with existing and planned land uses on the site and surrounding areas as the change will continue to facilitate the sale of automobiles, on sites compatible in size to adjacent parcels.
2. That the amendment to Conditional Zoning Agreement No. 2021-11 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That Categorical Exemption No. 2021-52 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15305, which is appropriate as the project will not produce significant changes in land use or density.

RECOMMENDED CONDITIONS

1. That the amendment to Conditional Zoning Agreement No. 2021-11 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
2. That Conditional Zoning Agreement No. 2021-11 shall be amended with the following condition:
 - a. That uses within the Visalia Auto Plaza are restricted to new automobile dealerships, with ancillary used car sales and normal service components, and stand-alone used automobile dealerships on parcels of no less than five-acres in size, with ancillary normal service components.

APPEAL INFORMATION

The Planning Commission's decision on the Conditional Zoning Agreement is advisory only. The final decision will be by the Visalia City Council after one or more public hearings. Therefore, the Planning Commission's decision in this matter is not appealable.

Attachments:

- Related Plans and Policies
- Resolution No. 2021-60
- Exhibit "A" – Operational Statement
- Exhibit "B" – Site Plan
- Exhibit "C" – Conceptual Elevations
- Exhibit "D" – Floor Plan
- Exhibit "E" – Visalia Auto Plaza Design Guidelines / Conditional Zoning Agreement No. 2003-01
- Exhibit "F" – Conditional Zoning Agreement No. 2021-11
- Categorical Exemption No. 2021-52
- Site Plan Review No. 2021-179
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

General Plan and Zoning Ordinance:

The following General Plan and Zoning Ordinance policies apply to the proposed project:

Zoning Ordinance (Visalia Municipal Code Title 17), Chapter 17.18

COMMERCIAL ZONES

17.18.010 Purpose and intent.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
6. Ensure compatibility with adjacent land uses.

B. The purposes of the individual commercial zones are as follows:

1. Neighborhood Commercial Zone (C-N). The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

2. Regional Commercial Zone (C-R). The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.

3. Service Commercial Zone (C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7310)

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts. (Ord. 2017-01 (part), 2017)

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.040 Required conditions.

A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in [Chapter 17.28](#).

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee. (Ord. 2017-01 (part), 2017: prior code § 7319)

17.18.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: prior code § 7325)

17.18.080 Development standards in the C-S zone.

The following development standards shall apply to property located in the C-S zone:

- A. Minimum site area: five thousand (5,000) square feet.
- B. Maximum building height: sixty (60) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: ten (10) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;

6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: ten (10) feet;
2. Rear: five (5) feet (except where a building is located on side property line);
3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

RESOLUTION NO. 2021-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF AN AMENDMENT TO CONDITIONAL ZONING AGREEMENT NO. 2021-11: A REQUEST BY CENTERPOINT INTEGRATED SOLUTIONS TO AMEND CONDITIONAL ZONING AGREEMENT NO. 2003-01, REMOVING PROVISIONS THAT PROHIBIT THE ESTABLISHMENT OF A "STAND-ALONE" USED AUTOMOBILE SALES USE, AND ADDING DEVELOPMENT STANDARDS FOR "STAND-ALONE" USED AUTOMOBILE SALES USES FOR THE VISALIA AUTO PLAZA LOCATED WITHIN THE C-S (SERVICE COMMERCIAL) ZONE. THE VISALIA AUTO PLAZA IS LOCATED WEST OF NORTH NEELEY STREET, NORTH OF WEST CAMP DRIVE, AND SOUTH OF THE MILL CREEK DITCH (APN: 081-020-085).

WHEREAS, Amendment to Conditional Zoning Agreement No. 2021-11 is a request by CenterPoint Integrated Solutions to amend Conditional Zoning Agreement No. 2003-01, removing provisions that prohibit the establishment of a "stand-alone" used automobile sales use, and adding development standards for "stand-alone" used automobile sales uses for the Visalia Auto Plaza located within the C-S (Service Commercial) Zone. The Visalia Auto Plaza is located west of North Neeley Street, north of West Camp Drive, and south of the Mill Creek Ditch (APN: 081-020-085); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on December 13, 2021; and

WHEREAS, the Planning Commission of the City of Visalia considered the Amendment to Conditional Zoning Agreement No. 2021-11 in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and 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, Categorical Exemption No. 2021-52.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2021-11 based on the following specific findings and evidence presented:

1. That the amendment to Conditional Zoning Agreement No. 2021-11 is compatible with existing and planned land uses on the site and surrounding areas as the change will continue to facilitate the sale of automobiles, on sites compatible in size to adjacent parcels.
2. That the amendment to Conditional Zoning Agreement No. 2021-11 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. That Categorical Exemption No. 2021-52 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15305, which is appropriate as the project will not produce significant changes in land use or density.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2021-11, as shown in Exhibit "F", on the real property as shown in the Visalia Auto Plaza architectural design guidelines document, comprising six parcels located west of North Neely Street, north of West Camp Drive, and south of the Mill Creek Ditch (APN's 081-020-071, 072, 078, 084, 085), in accordance with the terms of this resolution and under the provisions of Chapter 17.44 of the Ordinance Code of the City of Visalia, based upon the following conditions:

1. That the amendment to Conditional Zoning Agreement No. 2021-11 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
2. That Conditional Zoning Agreement No. 2021-11 shall be amended with the following condition:
 - a. That uses within the Visalia Auto Plaza are restricted to new automobile dealerships, with ancillary used car sales and normal service components, and stand-alone used automobile dealerships on parcels of no less than five-acres in size, with ancillary normal service components.



December 2, 2021

Cristobal Carrillo
Community Development Director
City of Visalia
901 E Main Street
Visalia, CA 93292

Subject: Request for Amendment to Visalia Auto Plaza Conditional Zoning Agreement

Dear Mr. Carrillo:

As you know, we have been working with you and other City staff to develop an automobile sales and service facility on the existing 5.91-acre site at West Hillsdale Avenue and North Century Street in the designated Visalia Auto Plaza district. This district is governed by a Conditional Zoning Agreement (CZA 2003-01) that prohibits used car facilities as a standalone use. We have requested an amendment to the agreement that would allow for used car sales if the site is a minimum 5-acre site. The property is currently zoned Service Commercial (C-S) and would remain C-S but with the proposed modifications to the CZA that would allow standalone used car sales.

CarMax expanded into California after the conditional zoning agreement was adopted. The business strategy of CarMax is to provide great customer service and amenities at their used vehicle sales sites. The elevations and floor plan we have provided show that the facility will definitely have the look at feel similar to a new vehicle facility. This type of business strategy may not have been envisioned in 2003, which may have been the reason at the time for excluding standalone used car dealerships. Distinguishing only by whether the vehicles are new or used does not seem as relevant as distinguishing between type, size, and amenities of the facility. We, therefore, request that the City amend the conditional zoning agreement so that CarMax may locate in the Visalia Auto Plaza.

If you have any questions regarding this request, please call John Thatcher at (720) 800-3355, or call me at (559) 259-1466.

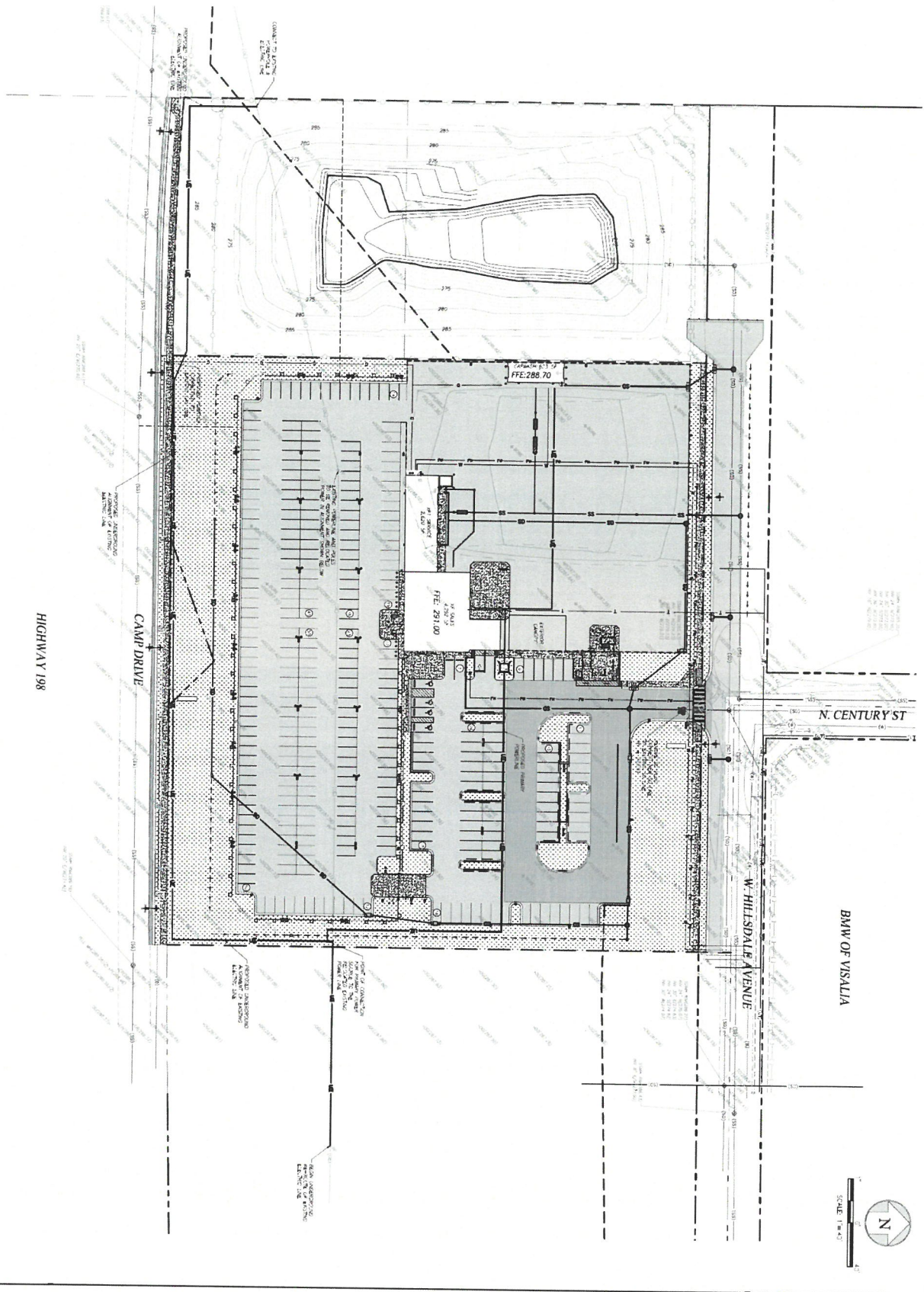
Sincerely,

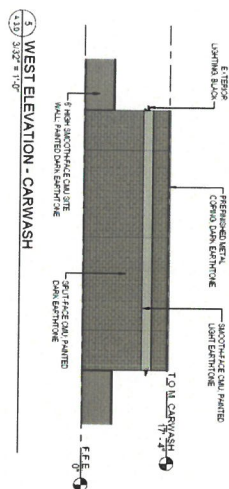
A handwritten signature in blue ink that reads "Steve Brandt".

Steve Brandt, AICP
Principal Planner, QK

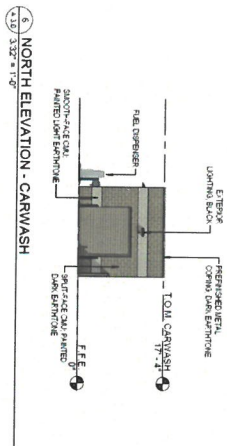
cc: John Thatcher, Centerpoint

EXHIBIT "B"

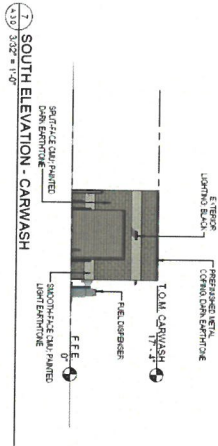




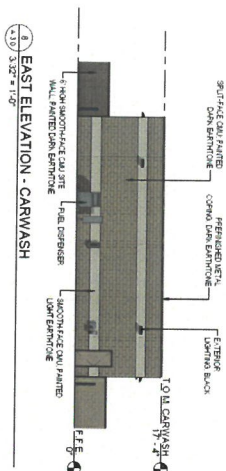
5 WEST ELEVATION - CARWASH
4.10 3/32" = 1'-0"



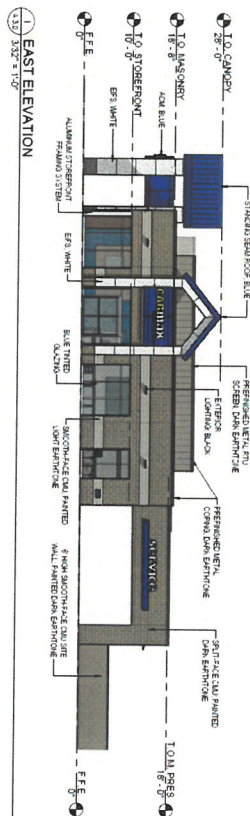
6 NORTH ELEVATION - CARWASH
3.32" = 1'-0"



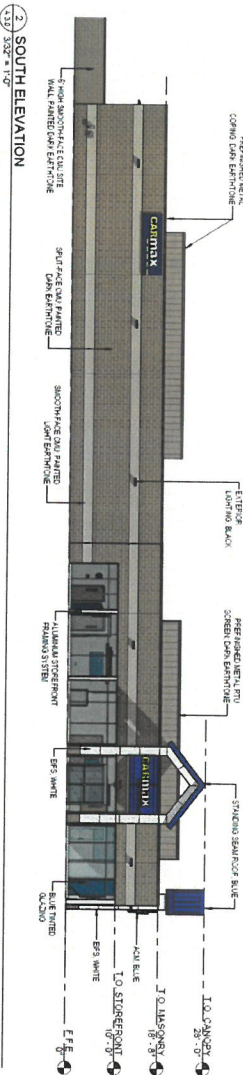
7 SOUTH ELEVATION - CARWASH
3.32° = 1'-0"



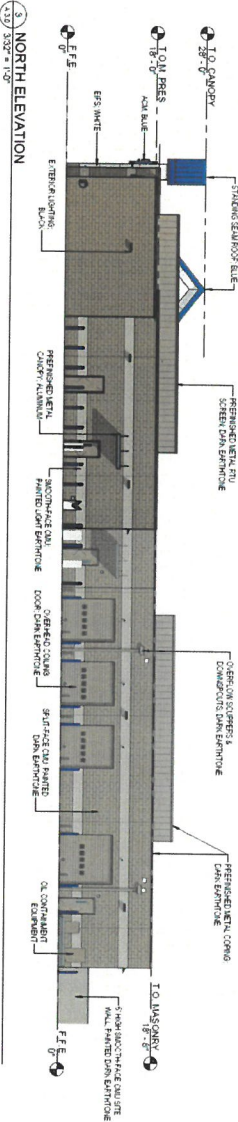
8 EAST ELEVATION - CARWASH
3.32" = 1'-0"



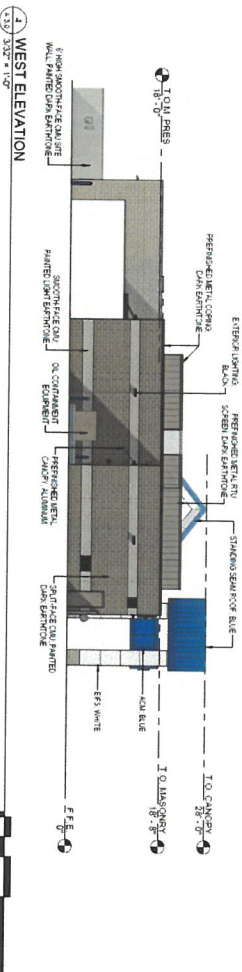
1 EAST ELEVATION
3.32" = 1'-0"



2 SOUTH ELEVATION
4.3.0 3.32" = 1'-0"



NORTH ELEVATION



WEST ELEVATION
3.32" = 1'-0"

VISALIA, CA

20-21057.00
STORE NO. 6064 - HILLSDALE AVE, VISALIA AUTO PLAZA.

CONCEPTUAL ELEVATIONS

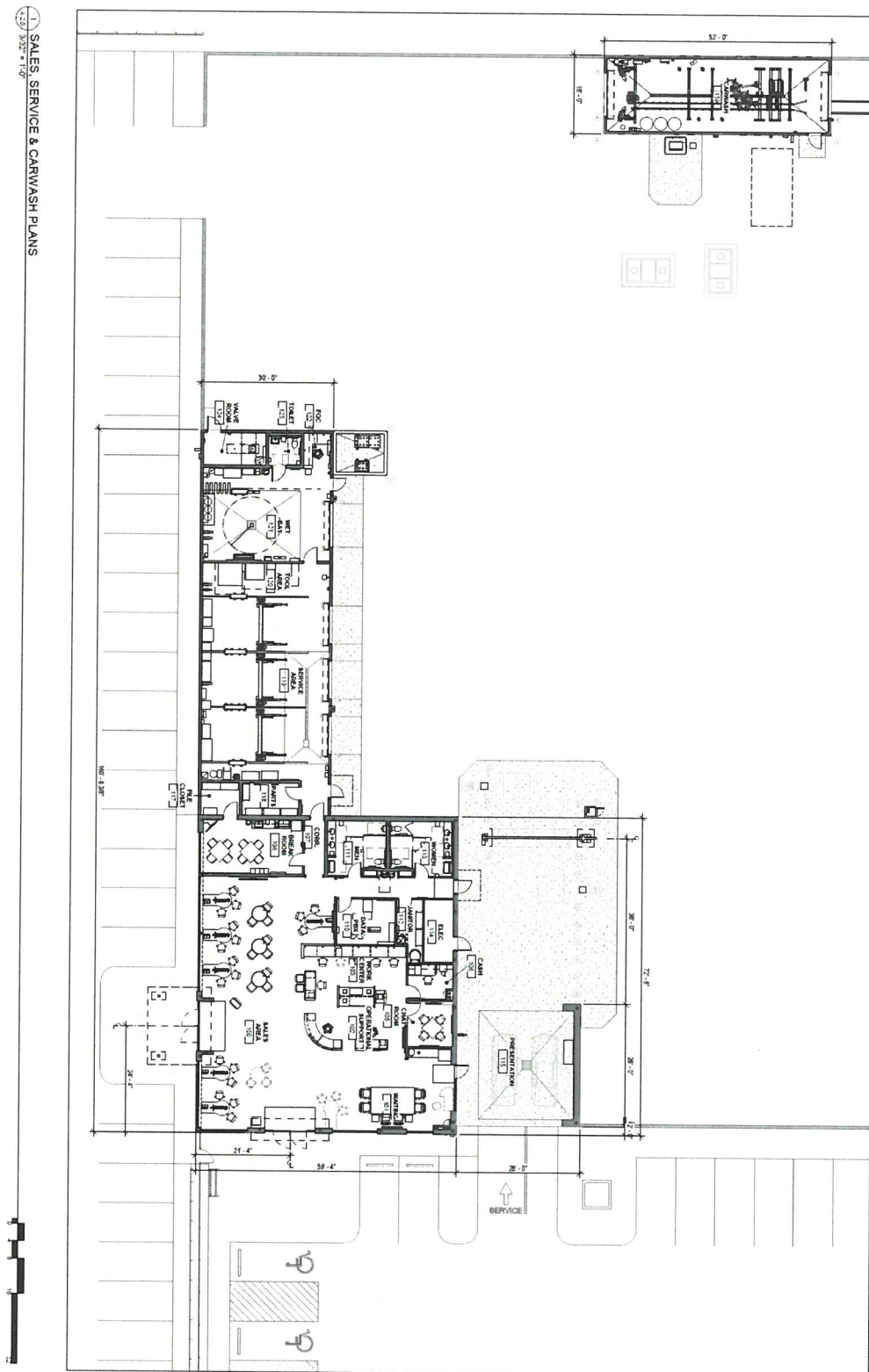
SP-01

NOT RELEASED FOR CONSTRUCTION

20-21057 00
STORE NO 6064 - HILLSDALE AVE, VISALIA AUTO PLAZA.

SP-01

CHARLES
J
O'BRIEN
ARCHITECT
11 MAY 2021
A2.0



VISALIA AUTO PLAZA

Architectural Design Guidelines

August 19, 2003

Prepared By:

QK4

Architecture.Engineering.Construction.

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Visalia Auto Plaza

Auto Mall

INTRODUCTION

Visalia Auto Plaza (VAP) is a 70 acre, state of the art, regional automotive shopping and service experience for customers in the greater Visalia / Tulare / Hanford area. Modeled after retail concepts of the regional shopping mall, the VAP provides shoppers a unique destination where multiple vehicle dealerships are consolidated on one property of facilitate their purchase and service needs. Variety and selection are the two primary goals of any shopping experience and the VAP through the introduction of separate vehicles brands on properties ranging from approximately 4 to 13.5 acres.

The following architectural design standards have been created as guidelines for the development of the auto plaza and to create continuity between each facet of the project as it is designed and constructed.

SITE MASTER PLAN

The overall Site Master Plan for the Visalia Auto Plaza is shown with all of the proposed phases, is reduced and shown on the next page, Exhibit 1.

SITE IMPROVEMENT

Site improvements will be constructed as each individual dealership develops. These improvements will include construction of ½ streets, plus a 12 foot wide travel lane as well as frontage improvements such as curb and gutter, landscaping and street lighting along the project side only.

Visalia Auto Plaza

Auto Mall

SITE PLANNING CONCEPTS

- A. Building location and open spaces; Visalia Auto Plaza auto mall is planned on a parcel of land that is within the gateway to the City of Visalia along State Highway 198. Careful consideration was given to the appearance and site lines from the highway. The building orientation and land uses that abut the highway were purposely laid out to enhance this scenic corridor. Therefore the intent was not to back the project up to the highway, but to open it up and allow site lines with views into the center. To enhance the concept, peripheral building elements (landscape, hardscape, screen walls, sign bases, etc.) will have unifying architectural styles. Buildings will be built on stand-alone pads.
- B. Proposed uses; Uses within the project and restricted to new car dealerships with ancillary used car sales and normal service components. No stand alone used car facilities will be allowed in the project.
- C. Access; Access to the Auto Plaza will be from Plaza Drive. Ingress and egress for individual dealerships will be from Neeley, Hurley, Century, and Crowley Streets. No access to individual parcels will be permitted from Camp Drive.
- D. Phasing of Construction; The project will be constructed in two phases. The developer will construct all improvements to the public streets, underground utilities, common area landscaping, and signage at each phase. Construction of improvements for each parcel would be the responsibility of individual parcel owner. Each individual parcel will provide the required parking for their building. Site drainage will be designed so that each phase will work independently of the other phases.

REQUIRED SETBACKS

Building and landscape setbacks are required and will be established through the Architectural Design Guidelines. Setbacks are to be measured from the edge of the property boundary unless otherwise indicated.

A. Building Setbacks:

- | | |
|-------------------------|---|
| • Hurley, Camp & Neeley | 30' Minimum |
| • Century, & Crowley | 15' Minimum |
| • Mill Creek | 5' Minimum from edge of Conservation Easement |
| • Side Yard | 5' Minimum |
| • Rear Yard | 5' Minimum |

B. Landscaping Setback:

- Camp, Hurley & Neeley 30' Minimum
- Century, Crowley 15' Minimum
- Mill Creek Ditch 5' Minimum from edge of Conservation Easement
- Side Yard 5' Minimum
- Rear Yard 5' Minimum

Hillside

C. Building Coverage:

- Each site shall have a maximum building coverage of fifty (50) percent of the net site area.

D. Building Height:

- Showroom building height shall be to a maximum of thirty (30) feet. The height shall be measured from the finished surface grade level to the highest point of the roof.

PARKING REQUIREMENTS

A. Customer and employee parking shall be incorporated on the site plans and shall clearly be identified by on-site signage.

B. Minimum parking requirements are as follows:

- Automobile dealerships; One parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
- No parking of vehicles for sale will be allowed in the public right of way or landscape setbacks (with the exception of raised dealer display pads)

C. Loading and Unloading Facilities:

- Each Dealership site shall provide a loading and unloading area which shall be a minimum of twelve (12) feet by 105 feet. This special area shall be designated on the site plan and shall be in conjunction with the inventory storage area. The design of the loading and unloading area shall provide for the following:
- Incorporate ease of ingress and egress for safety and efficiency.
- The loading and unloading facilities shall not adversely interfere with on-site circulation.

Visalia Auto Plaza

Auto Mall

- The loading and unloading facilities shall be designed to accommodate vehicle carrier truck maneuvers on site, without backing from or into a public street.

DESIGN REVIEW / SUBMITTAL PROCESS / GENERAL ARCHITECTURE

A design review and submittal process has been established to ensure that all elements of the development within the Visalia Auto Plaza meet the requirements set forth in these design guidelines. All plans and specifications will be submitted through City of Visalia's Site Plan Review process.

- A. No building, exterior signs or structures shall be erected or exterior alterations or additions made on any site unless such improvements are in conformance with the plans and specifications approved by the Architectural Review Committee. The approval shall encompass landscaping and architecture as specified by these standards.
- B. The Architectural Review Committee shall be established prior to development of the auto dealership and will consist of the following members:
 - Two (2) Developer representatives – Auto Plaza Associates, LLC
 - Two (2) Dealership representatives –
 - One (1) Architectural representative –
 - One (1) City representative as appointed by the City Planner -
- C. Processing through the Auto Plaza Architectural Review Committee will be in addition to the reviews and submittals required by the City of Visalia. Approval or disapproval shall be made in writing within 30 days of application.
- D. Submittals to the Architectural Review Committee shall include:
 - A Site Plan showing the location of all of the buildings, landscaped areas, on-site parking areas, vehicular and pedestrian access ways, accessory structures and signage.
 - Drawings shall be submitted showing elevations of all buildings from all ground level views together with landscaping, accessory structures, building colors and rim materials.
 - A color board of all the surface materials of the buildings and accessory structures.
 - All plans shall be prepared by licensed, registered personnel appropriate to the designs being submitted.

Visalia Auto Plaza

Auto Mall

- Additional supporting material shall be submitted which adequately demonstrate, to the satisfaction of the Architectural Review Committee, that the provisions of these guidelines are met.
- Landscaping plans shall be submitted which show plant selection and usage, conceptual grading, drainage and irrigation improvements.

E. Architectural Theme:

- The Visalia Auto Plaza intends to encourage a Modern/Contemporary architectural theme. The intent of these standards is not to limit innovative design approaches, nor is it to have all dealerships look exactly alike. Manufacturer image programs are acceptable.
- All buildings should be simple in form and should emphasize geometric shapes and horizontal line qualities. The use of curved surfaces is encouraged.

F. Colors:

- The color scheme shall emphasize earth tones and warm gray shades. The buildings' body color that is selected shall be used through each individual dealership and shall work to integrate all elements of the individual dealerships.

G. Building Materials Acceptable:

- Concrete masonry units
- Stucco
- Exposed timbers
- Precast concrete tilt-up panels.
- Ornamental iron
- New brick of rust color
- Flush surface metal panels

H. Buildings Materials Unacceptable:

- Exposed wood siding
- Corrugated metal siding
- Unpainted metal trim or flashing
- Shake or shingle roof

I. Building Orientation and Views:

Visalia Auto Plaza

Auto Mall

- The dealership showrooms and exterior covered areas shall be oriented toward Hurley, Century, and Crowley Streets. Public entrances should be identified by color or form.
- Building and exterior display areas should be sited to complement existing topography, site configuration and adjacent uses. Onsite grading should be kept at a minimum.
- Service bays and repair areas are to be enclosed and located to the rear of the site area. Loading areas, storage areas and trash collection areas should be screened from view from public streets, pedestrian walks or common customer parking areas. The screen wall should be a minimum of six (6) feet in height and shall be masonry concrete or stucco construction consistent with the buildings materials used on the main building. Site fencing, where such fencing is not visible from public streets, may be chain link to maximum height of seven (7) feet with an eighteen (18) inch spiral razor barbed wire cap. No fencing shall be permitted in the front yard setback.
- Roof mounted mechanical equipment, ductwork, vents and access ladders shall be screened from view from the public streets, State Highway 198, pedestrian walks and common parking areas. The equipment shall be screened by the building from itself using parapets, roofs, etc. Individual equipment screens are not encouraged unless they are determined to be consistent with the general building design and materials by the Architectural Review Committee.
- Views from Highway 198; Six (6) foot screen walls will be used to minimize views of the service bays from the highway.
- Large wall masses are to be broken-up through the use of a combination of varying colors and or materials.

J. Vehicle Display Pads:

- Each parcel may have, except on the Camp Drive and Neeley Street frontages, two (2) raised vehicle display pads for each manufacturer line to a maximum of six (6) per parcel. All display pad shall be constructed consistent with the design in Exhibit 2 and may be located in the required landscape area a minimum of five (5) from property line and shall not create a site distance impact to vehicle traffic when exiting. Suggested distance from vehicle access drives is twenty-five (25) feet.
- Vehicle Display pads may also be used to enhance the Visalia Auto Plaza Center Identification Sign Area as shown in Exhibit 3 if the property owner/dealership association includes a mechanism for the sharing of these pads by all the dealerships on a rotating basis. Otherwise, raised pads are not allowed within 50 feet of the center identification signs.

Exhibit "2"

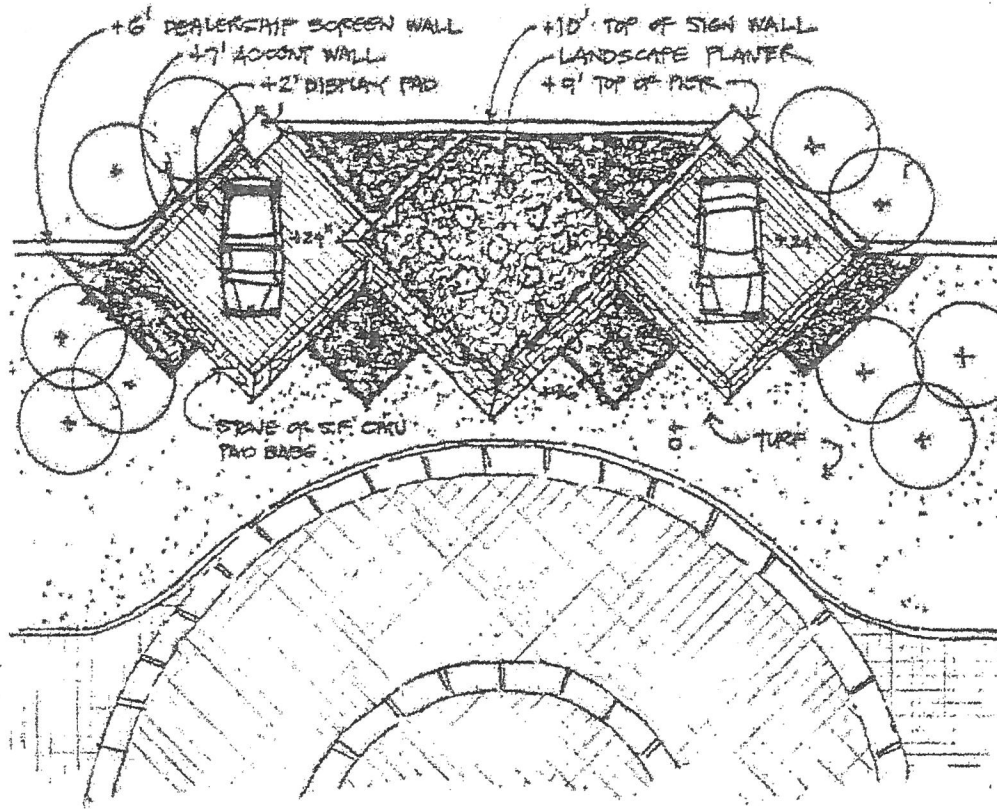
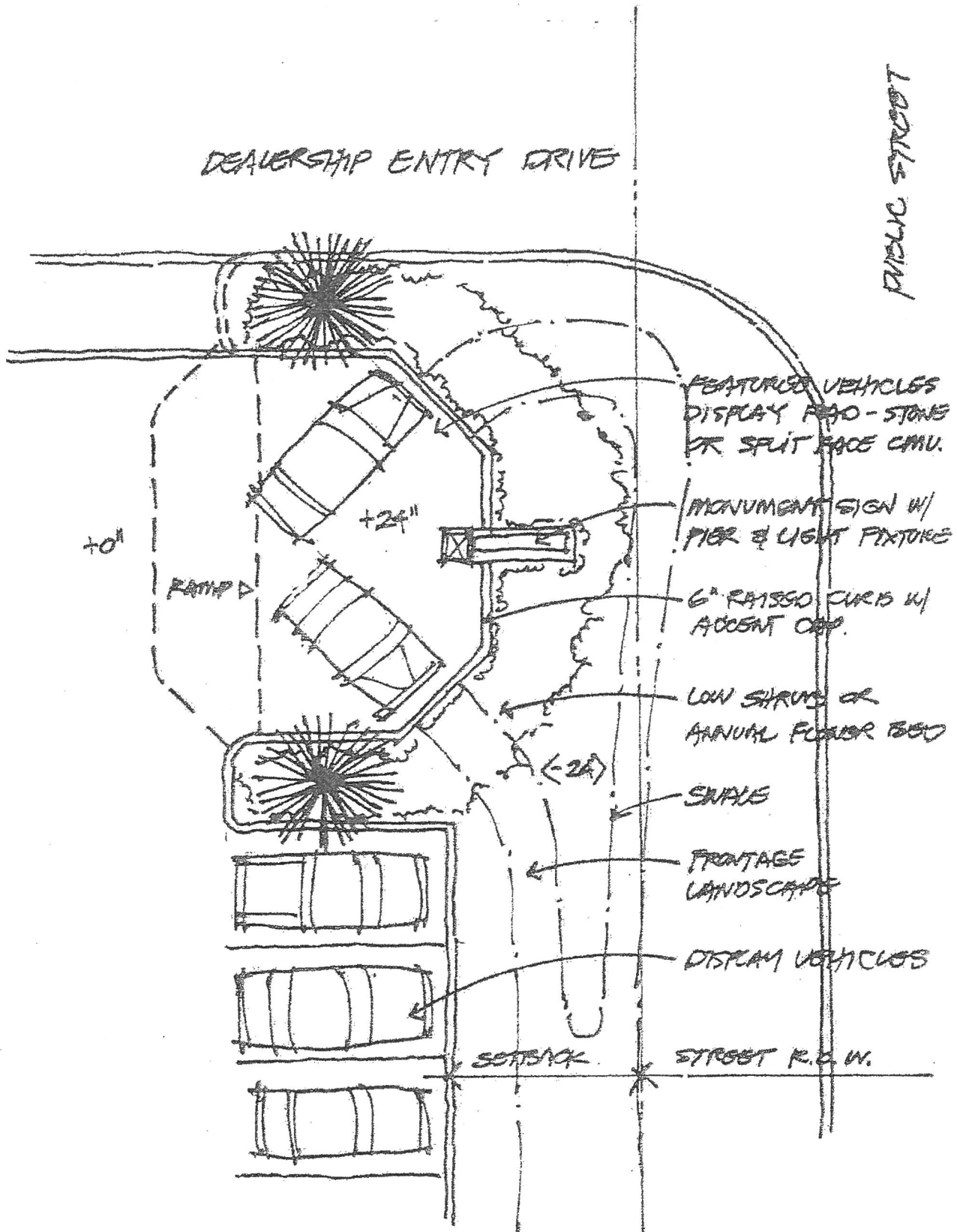


Exhibit "3"



LANDSCAPING

The primary objective of the landscape guidelines is to promote a visual separation between the dealers, parking lots and adjacent properties. The goal is to promote an environment within the auto mall that is pleasing, inviting, and unified.

A. Landscaping:

- All landscaping will be in accordance with section 17.30.130 of the City of Visalia's Zoning Ordinance, with a provision for clustering of trees.
- Every site on which a building is placed shall be landscaped and maintained thereafter in a well kept condition. A landscaping plan shall be submitted to the Architectural Review Committee. Such landscaping plan shall be prepared by a landscape architect licensed in the State of California.
- Interior landscaping shall be utilized to break up large paved areas and soften building lines.
- The thirty (30) foot front landscaping shall be gently mounded to maximum height of eighteen (18) inches utilizing a turf or ground cover treatment. Trees and shrubs shall be used at common property lines to define site separations.
- The Mill Creek Conservation Easement will be landscaped with riparian plantings.

B. Soil Preparation:

- To ensure proper root growth, soil tests shall be performed and soil additives used to provide adequate nutrients, rooting environmental and soil Ph.

C. Irrigation:

- All landscaped planting areas shall be fully irrigated with complete coverage. All systems/circuits shall be underground. Detailed landscaping and irrigation plans shall be submitted to the City of Visalia Planning Department for review and approval prior to issuance of building permits.
- All irrigation systems shall be automatically controlled with electromechanical or solid state controllers able to have variable length timing circuits.
- Water conservation systems are recommended.
- All valves (remote control valves, quick coupler valves, shut-off valves, etc.) shall be installed in valve boxes which are flush to finished landscaped grade.

Visalia Auto Plaza

Auto Mall

D. Fencing:

- On-site fencing may include a chain fence to a maximum total height of seven (7) feet with an optional eighteen (18) inch spiral razor ribbon barbed wire cap, where such fencing is not visible from the public right of way, public walkways and where it does not extend into the thirty (30) foot front yard setback. Masonry walls of the same height may be substituted at owner's option, or where required by the City of Visalia. This requirement is designed to ensure security for individual properties.

SIGNAGE

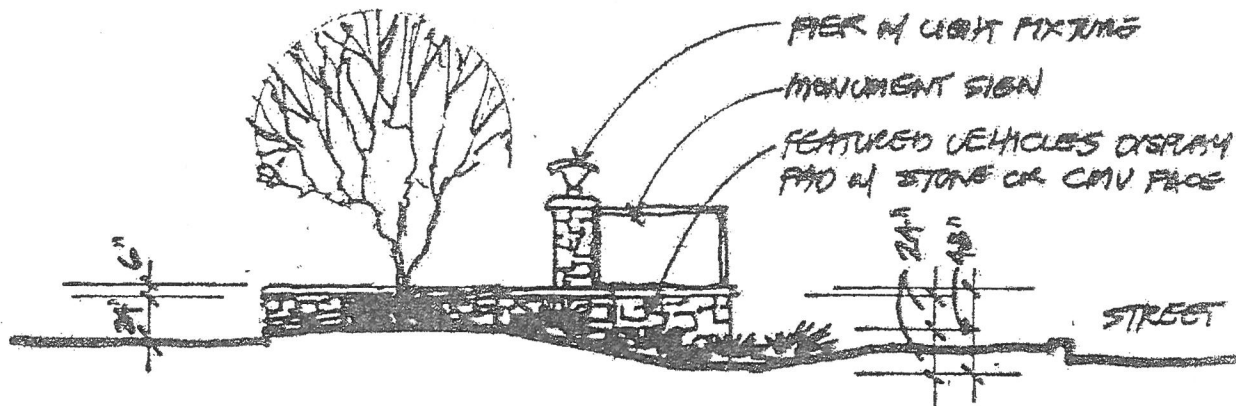
A. General Requirements

- Each dealership shall be allowed only those signs that are necessary for identification of the franchise, the premises, the department uses on site an directional signing. The design size, location, color and materials of construction shall be submitted to the Architectural Review Committee for approval prior to construction. All dealerships shall comply with the City of Visalia Sign Ordinance except as provided herein. Billboards, streamers, temporary signs, revolving signs, flashing signs and moving signs are specifically prohibited.
- No signs visible from outside the property may be placed, parked, attached to or displayed from the site except as provided herein. No signs projecting from the roof line of any building or painted on the sides of buildings or roof without approval of the Architectural Review Committee.
- No temporary signs or advertising materials such as balloons, streamers, flags, and inflatable advertising shall be permitted.
- Center identification signs shall only be allowed at the southwest corner of Hurley and Neeley Streets and the T-intersection of Crowley and Neeley as shown in Exhibit 3.

B. Free Standing Monument Signs

- Each dealership shall be allowed one double faced monument sign for each auto line to a maximum of two per parcel consistent with the sign design in Exhibit 4. The sign shall be located on the primary street frontage. Such sign shall be ground-mounted containing the dealership name and manufacture name of the new automobiles sold on the site. The maximum height of the sign shall not exceed ten (10) feet. The total illuminated sign area shall not exceed thirty-five (35) square feet of sign copy per face. The total aggregate surface area of the sign faces and the structure shall not exceed on hundred forty (140) square feet.

Exhibit "4"



- Freestanding monument signs shall be setback a minimum of five (5) feet from front property lines and a minimum of twenty (20) feet from any interior side property line.
- Freestanding signs are not allowed on the Camp Drive frontage.

C. Building Signs

- Each dealership shall be allowed building signage identifying the dealership name and manufacture name of new automobiles sold on the site. The sign(s) shall be located on the top showroom fascia facing the primary street or on a flat wall surface. The signs shall be preformed, individual illuminated letters with Plexiglas faces in deep channel cans. The maximum height of the letters shall be thirty-six (36) inches. Logo signs shall not exceed ten (10) square feet in area.
- Building signs along Camp Drive shall be limited to secondary signage only.
- Primary Sign - Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum of one hundred fifty (150) square feet. Dealerships may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area.
- Secondary Sign - Additional signs of a maximum of twenty-five (25) percent of the sign area as calculated for the primary sign shall be allowed for each remaining exterior wall provided that the sign area for any given wall shall not exceed two square feet per linear foot of the wall length.
- Variances to building sign area may be approved by the Planning Commission in accordance with Section 17.48.110 of the City of Visalia Zoning Ordinance. Approval of a variance shall be based on providing adequate signage for all manufacturer lines at a single dealership.

D. Department Identification Signs

- One wall sign is allowed for each department (e.g., use card, service, parts, body shop, etc). The maximum height of such signs shall be eight (8) inches with a maximum total area of three square feet per sign.

E. Directional signs

- Dealership directional signs shall be limited to "Enter", "Exit", "Service Entrance", "Customer Parking", and "Employee Parking". Sign height shall not exceed four (4) feet with a maximum sign area of four (4) square feet.

LIGHTING

Illumination of the auto mall is important for the safety and security of the pedestrian, and motorist. The quality of the lighting needs to be maintained throughout the center and reinforced through the consistent use height, spacing, color and type of fixture used with in the area.

- Although lighting plans for the auto mall have not yet been developed, a general concept for project lighting to be employed in the phase I development has been established. The plan for night lighting for phase I development would provide for sufficiently bright lighting for security and safety purposes, but would avoid offensive glare and direct illumination of off-site locations. This would be accomplished by specifying the use of metal halide lighting in the parking lots, display areas, and internal circulation areas, by recessing light source completely within their fixture, and through the use of cut-off shields on light standards to block direct illumination beyond the parcel boundaries.
- Search Lights (temporary or permanent) are prohibited.

NO FEE REQUIRED PURSUANT
TO GOVT. CODE SECTION 27383
RECORDING REQUESTED BY
AND MAIL RESPONSE TO:

City of Visalia
Planning Division
315 East Acequia
Visalia, CA 93291

RECEIVED

DEC 23 2003

COMM. DEVELOP.
CITY OF VISALIA

Recorded
Official Records
County Of
Tulare
GREGORY B. HARDCASTLE
Recorder

11:06AM 03-Oct-2003

2003-0096292

REC FEE .00

BT
Page 1 of 23

CONDITIONAL ZONING AGREEMENT NO. 2003-01

THIS AGREEMENT made this 26th day of August 2003, by American Properties Holdings, LLC hereinafter called "Owner" and the CITY OF VISALIA, a municipal corporation and charter law city of the State of California, hereinafter called, "City."

WITNESSETH

WHEREAS, the Owner is the owner of real property, herein called the "Property" situated in the City of Visalia, which Property is described in Item (d) of Exhibit I of this Agreement; and

WHEREAS, the Property is now zoned as specified in Item (a) of Exhibit I; and

WHEREAS, the Owner has applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present classification to the classification or classifications specified in Item (b) of Exhibit I; and

WHEREAS, hearings have been held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said real property must be imposed so as not to endanger the health, safety, and the general welfare of the City of Visalia and its residents.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I is being granted, the rezoning shall be subject to the conditions specified in the following paragraphs:

1. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That the Owner shall comply with the additional conditions specified in Item (e) of Exhibit I of this Agreement.
3. In the event the Owner, and successor in interest of the Owner, or any person in possession of the property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City may institute legal proceedings to enforce the provisions of this Agreement. Any failure by the Owner to perform or comply with any of the conditions under Item (e) of this agreement within thirty (30) days after written notification from City to do so, shall constitute a default in this agreement by the Owner. In addition to any other remedy it may have at law or equity, City may, but is not obligated to, perform any such conditions or requirements set forth in Item (e) of this agreement either through its own employees or through parties with whom it may contract,

Owner shall reimburse City said costs and expenses within thirty (30) days after a written invoice from the City.

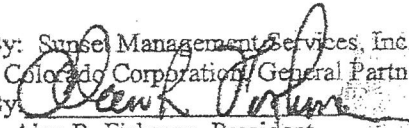
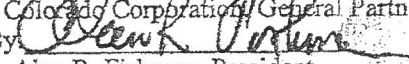
4. The prevailing party in any legal action arising from the failure of either party to perform the duties and obligations required by and contained in this Agreement shall be entitled to reasonable attorney's fees, expert witness fees and costs of suit.
5. Notice of violation of provisions of this Agreement shall be sent to the Owner at the address specified in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the Property shall also receive notice if they are reflected on the tax roll.
6. Each and every one of the provisions of this Agreement herein contained shall run with the land and shall bind and inure to the benefit of the successors in interest, heirs and assigns, in the same manner as if they had herein been expressly named.
7. Zoning of the Property as indicated in Item (b) of Exhibit I shall not be consummated until such time as the Agreement has been recorded in the office of the Tulare County Recorder.
8. This Agreement is the product of negotiation and compromise on the part of each party and the parties agree, notwithstanding Civil Code § 1654, that in the event of uncertainty the language will not be construed against the party causing the uncertainty to exist.
9. This Agreement may be amended by mutual consent if in writing and, in the case of City, authorized by its City Council.

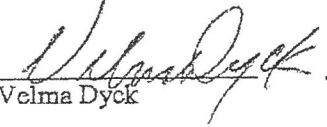
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

"Owner"

American Properties Holdings, LLC,
a California limited liability company

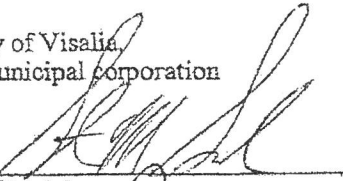
Land Securities Investors, LTD.,
a Colorado limited partnership

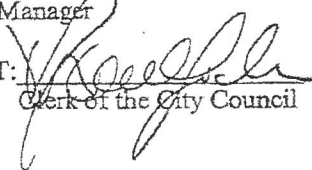
By: 
By: 
Alan R. Fishman, President


Velma Dyck

"City"

City of Visalia,
a municipal corporation

By: 
City Manager

ATTEST: 
Clerk of the City Council

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Tulare

ss.

On

Oct. 2, 2003

before me,

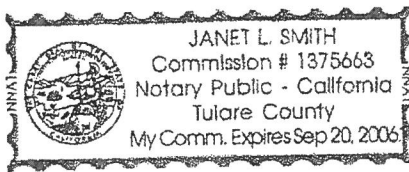
Janet L. Smith, Notary Public

personally appeared

Steven M. Salomon

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Janet L. Smith
 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



STATE OF COLORADO

COUNTY OF JEFFERSON }

On, Aug. 26, 2003, before me, Kim Kopp, Notary Public personally appeared Alan R. Fishman, personally known to me, or, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kim Kopp

My Commission Expires January 9, 2006



RE: Conditional Zoning Agreement No. 2003-01

STATE OF CALIFORNIA

}

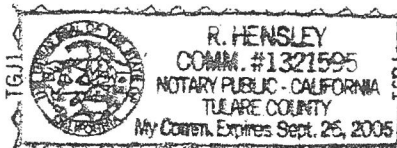
ss.

COUNTY OF TULARE

On, October 1, 2003, before me, R. Hensley, Notary Public personally appeared Velma Dyck, personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

R Hensley



Re: Conditional Zoning Agreement No. 2003-01

EXHIBIT I
CONDITIONAL ZONING AGREEMENT NO. 2003-01

- (a) The Property prior to the rezone contemplated in this agreement is now zoned:

Agriculture (A)

- (b) The zoning reclassification of a portion of the Property is from its present zoning to:

Service Commercial (CS)

- (c) Notice to the Owner pursuant to Paragraph No. 4, shall be addressed to:

Mr. Will Dyck
2025 N. Gateway, Suite 101
Fresno, CA 93727

- (d) "Property" as used in this Agreement, includes:

APN No's. 081-020-063 and 081-020-068.

- (e) The additional conditions with which the Owner shall comply, pursuant to Paragraph No. 2, of this Agreement, are as follows:

That the Design Guidelines attached as Exhibit II apply to the subject parcels and any future parcels.

EXHIBIT II
CONDITIONAL ZONING AGREEMENT NO. 2003-01
Design Guidelines

**AMENDED AND RESTATED CONDITIONAL ZONING AGREEMENT
NO. 2003-01**

THIS AMENDED AND RESTATED AGREEMENT is made this ____ day of ____ 2021, by BP Pearla Properties LP, hereinafter called the "Owner" and the CITY OF VISALIA, a municipal corporation and charter law city of the State of California, hereinafter called, "City."

WITNESSETH

WHEREAS, on August 26, 2003, American Properties Holdings, LLC and the City entered into Conditional Zoning Agreement No. 2003-01 ("CZA No. 2003-01") which required certain conditions to the rezoning of certain property situated in the City of Visalia, hereinafter referred to as "the Property" which is more particularly described in Exhibit I of this Agreement; and

WHEREAS, prior to CZA No. 2003-01, the Property was zoned as specified in Item (a) of Exhibit I; and

WHEREAS, as part of the approval process and adoption of CZA No. 2003-01, the Property was rezoned to the classifications further specified in Item (a) of Exhibit I; and

WHEREAS, during the hearings held before the City Council of the City of Visalia, State of California, and after having considered the matter presented, certain conditions were imposed and included in CZA No. 2003-01 so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents; and

WHEREAS, CZA No. 2003-01 was entered into between American Properties Holdings, LLC, a California limited liability company, Land Securities Investors, LTD., a Colorado limited partnership, and the City of Visalia, and recorded with the Tulare County Recorder on October 3, 2003, as Document No. 2003-0096292; and

WHEREAS, after to the adoption of CZA No. 2003-01, title to the Property was transferred to BP Pearla Properties LP; and

WHEREAS, BP Pearla Properties LP, through its designated agent CenterPoint Integrated Solutions and CarMax, wishes to amend the agreement to allow for the development of a CarMax used automobile sales and service facility on the Property and has submitted an application to revise certain conditions of Amended CZA No. 2003-01, limited to removal of the prohibition on the establishment of standalone used auto sales dealerships, subject to a five acre minimum lot size limitation, as set forth in Exhibit I; and

WHEREAS, it is deemed necessary to execute this "Amended and Restated Conditional Zoning Agreement No. 2003-01" in order to properly reflect current ownership, conditions and remaining obligations for completing development of the Property.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I has been granted subject to the conditions specified in the following paragraphs:

1. That this "Amended and Restated Conditional Zoning Agreement No. 2003-01 shall replace and supersede those portions of CZA No. 2003-01 dealing with prohibition of standalone used automobile sales, and that all other portions of the prior Amendment are not intended to be altered or modified by this Amendment.
2. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
3. That First Parties shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
4. In the event the Owner, or any successor in interest to Owner, or any person in lawful possession of the Property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within, thirty (30) days after notice thereof has been provided in accordance with Section 6, the City Council of the City of Visalia may instruct the City Attorney of the City of Visalia to institute legal proceedings to enforce the provisions of this Agreement. Any failure by the Owner to perform or comply with any of the conditions under Item (e) of this agreement within thirty (3) days after written notification from City to do so, shall constitute a default in this agreement by the Owner. In addition to any other remedy it may have at law or equity, City may, but is not obligated to, perform any such conditions or requirements set forth in Item (e) of this agreement either through its own employees or through parties with whom it may contract, Owner shall reimburse City said costs and expenses within thirty (3) days after a written invoice from the City.
5. The prevailing party in any legal action arising from the failure of either party to perform the duties and obligations required by and contained in this Agreement shall be entitled to reasonable attorney's fees, expert witness fees and costs of suit.
6. Notice of violation of provisions of this Agreement shall be sent to the Owner at the addresses specified in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the Property shall also receive notice of such violation if they are reflected on the tax roll.
7. Each and every one of the provisions of this Agreement herein contained shall run with the land and bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
8. Zoning of the Property as indicated in Item (b) of Exhibit I will be consummated when this "Amended and Restated Conditional Zoning Agreement No. 2003-01" is recorded in the office of the Tulare County Recorder.
9. This Agreement is the product of negotiation and compromise on the part of each party and the parties agree, notwithstanding Civil Code § 1654, that in the event of uncertainty the language will not be construed against the party causing the uncertainty to exist.
10. This Agreement may be amended by mutual consent if in writing and, in the case of City, authorized by its City Council.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

“Owner”

BP PEARLA PROPERTIES LP

BY: _____

“City”

CITY OF VISALIA, A political
subdivision of the State of California

ATTEST: _____
Chief Deputy City Clerk

BY: _____
City Manager

EXHIBIT I

AMENDED AND RESTATED CONDITIONAL ZONING AGREEMENT NO. 2003-01

- (a) The property described in Exhibit "A," was originally zoned Agriculture (A) prior to the entering of CZA No. 2003-01.
- (b) Upon the entering into CZA No. 2003-01, the classification changed from its present zoning to Service Commercial (C-S).
- (c) Notice to Owner shall be addressed to:

BP Pearla Properties LP
PO Box 1530
Turlock, CA 95381-1530

- (d) "Property" as used in this Agreement, includes:

APN Nos. 081-020-071, 072, 078, 084, 085, located within the Visalia Auto Plaza west of Neeley Street, north of Camp Drive, and south of the Mill Creek Ditch, in the City of Visalia, Tulare County, State of California.

- (e) The additional conditions with which the Owner shall comply, pursuant to Paragraph No. 3, of this Agreement are as follows:
 - 1) That the Design Guidelines attached as Exhibit II apply to the subject parcels and any future parcels.
 - 2) That Page 4, Site Planning Concepts Item "B" of the Design Guidelines attached as Exhibit II shall be amended as follows:

B. Proposed uses; ~~Uses within the project and restricted to new car dealerships with ancillary used car sales and normal service components. No stand alone used car facilities will be allowed in the project.~~ That uses within the Visalia Auto Plaza are restricted to new automobile dealerships, with ancillary used car sales and normal service components, and standalone used automobile dealerships on parcels of no less than five-acres in size, with ancillary normal service components.

EXHIBIT II

**CONDITIONAL ZONING AGREEMENT NO. 2003-01
Design Guidelines**

NOTICE OF EXEMPTION

City of Visalia (Lead Agency)
315 E. Acequia Ave.
Visalia, CA 93291
(559) 713-4359

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Amendment to Conditional Zoning Agreement No. 2021-11

PROJECT TITLE

The project site is located within the Visalia Auto Plaza, west of Neeley Street, north of Camp Drive, and south of the Mill Creek Ditch (APN: 081-020-085)

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

A request by CenterPoint Integrated Solutions to amend Conditional Zoning Agreement No. 2003-01, removing provisions that prohibit the establishment of a "stand-alone" used automobile sales use, and adding development standards for "stand-alone" used automobile sales uses for the Visalia Auto Plaza located within the C-S (Service Commercial) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4443,
Email: Cristobal.Carrillo@visalia.city

NAME OF LEAD/PUBLIC AGENCY APPROVING PROJECT

John Thatcher, Centerpoint Integrated Solutions, 355 Union Blvd., Lakewood CO 80228, (303) 895-1671, jthatcher@centerpoint-is.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

John Thatcher, Centerpoint Integrated Solutions, 355 Union Blvd., Lakewood CO 80228, (303) 895-1671, jthatcher@centerpoint-is.com

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15073
☐ Emergency Project - Section 15071
☒ Categorical Exemption - State type and Section number: **Section 15305**
☐ Statutory Exemptions- State code number:

Section 15305 is appropriate as the project will not produce significant changes in land use or density.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

(559) 713-4443

CONTACT PERSON

AREA CODE/PHONE

DATE

Brandon Smith, Senior Planner, AICP
ENVIRONMENTAL COORDINATOR



October 27, 2021

Site Plan Review No. 21-179:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application for a Conditional Zoning Agreement and Summary Abandonment complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. The design of SPR No. 2021-179 must return for additional Site Plan Review. However, the proposal for a Conditional Zoning Agreement and Summary Abandonment has received a Revise and Proceed Determination. This portion of the project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review for the Conditional Zoning Agreement and Summary Abandonment became effective **September 29, 2021**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official, and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal".

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE

September 29, 2021

SITE PLAN NO.

2021-179

PARCEL MAP NO.

SUBDIVISION

LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.



RESUBMIT – Facility Design Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.



During site plan design/policy concerns were identified, schedule a meeting with



Planning



Engineering prior to resubmittal plans for Site Plan Review.



Solid Waste



Parks and Recreation



Fire Dept.



REVISE AND PROCEED – Conditional Zoning Agreement, Summary Abandonment
(see below)



A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.



Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.



Your plans must be reviewed by:



CITY COUNCIL



REDEVELOPMENT



Conditional Zoning Agreement, Summary Abandonment



PLANNING COMMISSION



PARK/RECREATION



Conditional Zoning Agreement



HISTORIC PRESERVATION



OTHER – LAFCO - Annexation



ADDITIONAL COMMENTS:

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440
Site Plan Review Committee

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

☒ Adrian Rubalcaba 713-4271
☐ 713-

ITEM NO: 9 DATE: SEPTEMBER 29, 2021

SITE PLAN NO.: 21-179
PROJECT TITLE: CENTERPOINT INTEGRATED SOLUTIONS
DESCRIPTION: DEVELOPMENT OF CAR SALES FACILITY IN
THE VISALIA AUTO PLAZA (CS)
APPLICANT: JOHN THATCHER
PROP OWNER: BP PEARLA PROPERTIES LP
LOCATION: W HILLSDALE AVE
APN: 081-020-085

SITE PLAN REVIEW COMMENTS

- ☒ REQUIREMENTS (indicated by checked boxes)
- ☒ Install curb return with ramp, with **20'** radius; **AT DRIVE APPROACH, SEE ADDL COMMENTS**
- ☒ Install curb; ☒ gutter **AS PROPOSED WITH PROJECT, SEE ADDL COMMENTS**
- ☐ Drive approach size: ☐ Use radius return;
- ☒ Sidewalk: **5'** width; ☒ **5'** parkway width at **HILLSDALE. 6' SIDEWALK & 5' PKWY ON CAMP DR.**
- ☐ Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- ☐ Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- ☐ Right-of-way dedication required. A title report is required for verification of ownership.
- ☐ Deed required prior to issuing building permit;
- ☒ **City Encroachment Permit Required. FOR ANY WORK NECESSARY IN THE PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- ☐ CalTrans Encroachment Permit required. ☐ CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- ☐ Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- ☒ Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- ☒ Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. ☒ Prepared by registered civil engineer or project architect. ☒ All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) ☒ directed to the City's existing storm drainage system; b) ☐ directed to a permanent on-site basin; or c) ☐ directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance. **PROJECT REQUIRED TO RETAIN A PORTION OF STORM WATER ONSITE PER MASTER DEVELOPMENT PLAN. UTILIZE EXISTING INFRASTRUCTURE. SEE ADDITIONAL COMMENTS.**
- ☐ Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- ☒ Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = 0.20%, V-gutter = 0.25%)
- ☒ Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

- ☒ All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications. **HILLSDALE MIN. HALF STREET. CAMP DR. MINIMUM 6-FOOT PAVEMENT.**
- ☒ Traffic indexes per city standards: **REFER TO CITY PAVEMENT STDS**
- ☒ Install street striping as required by the City Engineer. **TBD AT TIME OF CIVIL PERMIT REVIEW**
- ☒ Install landscape curbing (typical at parking lot planters).
- ☒ Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- ☒ Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- ☒ Provide "R" value tests: **1 each at 300' INTERVALS**
- ☐ Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- ☐ Access required on ditch bank, 15' minimum ☐ Provide wide riparian dedication from top of bank.
- ☒ Show Valley Oak trees with drip lines and adjacent grade elevations. ☒ Protect Valley Oak trees during construction in accordance with City requirements.
- ☐ A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. ☐ A pre-construction conference is required.
- ☒ Relocate existing utility poles and/or facilities. **REQUIRED WITH PUBLIC IMPROVEMENTS**
- ☒ Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding. **REQUIRED WITH PUBLIC IMPROVEMENTS**
- ☐ Subject to existing Reimbursement Agreement to reimburse prior developer:
- ☒ Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- ☒ If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- ☒ If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- ☐ Comply with prior comments. ☒ Resubmit with additional information. ☒ Redesign required.

Additional Comments:

1. *Proposed new car sales building and site improvement will incur impact fees. Refer to page 4 for applicable fees.*
2. *A temporary barricade will be required at the terminus of Hillsdale. A temporary turnaround, per City standards, will also be required. Redesign accordingly.*
3. *The access drive on Hillsdale should align with centerline of Century St. Refer to further comments by Traffic Dept.*
4. *The access design should utilize City commercial type drive approach standards. As shown, the curb ramp returns will now encroach onto private property and additional right-of-way will be required to be dedicated to the City.*
5. *Comply with City parking lot standards.*
6. *The parking area separate and dedicated for display of auto inventory is substandard which is acceptable as it is not designed for public / customer parking. The drive aisles shall ensure proper width and maneuverability onsite for Fire / Emergency access.*
7. *Provide accessibility onsite and to the public sidewalk.*
8. *Project is required to retain a portion of storm water onsite per the regional master plan. Project is also required to excavate existing basin to provide capacity for new development run-off (including added public street improvements). As shown, the proposed excavation of the existing basin west of the project encroaches into the front landscape setback of the basin. This landscape setback area is not identified as part of the overall regional future expansion of the basin and must be protected. Project will need to redesign accordingly. Refer to City basin design standards.*

9. *Camp Drive improvements shall include a minimum 6-foot of pavement. Curb and gutter and paveout shall be extended across basin frontage. Per previous master designs, a drain inlet and outfall was planned to capture Camp Dr. run-off and directly discharge into the basin. The additional costs for street frontage work along basin is reimbursable by the City. Further coordinate with City Engineer.*
10. *Street lighting is required along Hillsdale and Camp Dr. Refer to City local and collector street lighting standards. An electrical plan with voltage drop calcs shall be submitted with civil plans. City will own and maintain the street lighting therefore a service pedestal will need to be installed.*
11. *The triangular right-of-way portion on Camp Dr. is requested to be abandoned by the City. Staff is in support of this abandonment therefore a formal request to abandon shall be submitted to the City with the associated abandonment fee. Applicant will be required to provide all legal docs for final abandonment recording, further coordination with the City Engineer is required.*
12. *A building permit is required, standard plan check and inspection fees apply.*
13. *Utilize existing sewer infrastructure in Hillsdale.*
14. *Refer to further requirements by the Planning Dept.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **21-179**

Date: **9/29/2021**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date: **8/21/2021**)

(Project type for fee rates: **RETAIL**)

☐ Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,366/ AC
<input checked="" type="checkbox"/> Transportation Impact Fee	\$15,391/1KSF X 8.67
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	RETAIL \$26.40/1KSF CARWASH \$20,693/EACH TREATMENT PLANT FEE: RETAIL \$58/1KSF CARWASH \$22,532/EACH
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$46/LF X 767 (HILLSDALE + CAMP)
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$8,158/AC
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$5,985/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$2,222/AC
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$2,002/AC
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$586/1KSF
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Cristobal Carrillo, Planning Division, 559-713-4443

Date: September 29, 2021

SITE PLAN NO: 2021-179
PROJECT: Centerpoint Integrated Solutions
DESCRIPTION: DEVELOPMENT OF CAR SALES FACILITY IN THE VISALIA AUTO PLAZA
APPLICANT: JOHN THATCHER
PROP. OWNER: BP Pearla Properties LP
LOCATION TITLE: W. HILLSDALE AVE AT N. CENTURY STREET
APN TITLE: 081-020-085
GENERAL PLAN: Service Commercial
ZONING: C-S (Service Commercial)

Planning Division Recommendation:

- ☒ Revise and Proceed – Conditional Zoning Agreement, Request for Summary Abandonment
- ☒ Resubmit – Facility Design

Project Requirements

- Compliance with Visalia Auto Plaza Master Plan
- Conditional Zoning Agreement Amendment
- Summary Abandonment
- Building Permit
- Additional information as necessary

PROJECT SPECIFIC INFORMATION: September 29, 2021

1. The proposal shall comply with the Visalia Auto Plaza master plan.
2. A Conditional Zoning Agreement Amendment shall be required to allow for the establishment of a used vehicle sales lot. This part of the proposal shall be approved to move forward.
3. A summary abandonment shall be processed for the triangular portion of right of way at the south end of the project site. This portion of the project shall also be approved to move forward.
4. Design of the auto sales facility shall require additional Site Plan Review to address the comments listed below.
5. Building elevations shall be provided.
6. Floor plans shall be provided.
7. Landscaping plans shall be provided. Plans shall verify that a minimum 10% of the parking lot is landscaped.
8. The proposed northern driveway shall align with the centerline of Century Street.
9. The Site Plan shall provide setback dimensions.
10. The proposed basin shall be located outside of all required landscape setback areas.
11. Traffic generation information shall be provided to the satisfaction of the City of Visalia Traffic Engineer.
12. Fencing details shall be provided.
13. A Building Permit shall be required.
14. Meet all other codes and requirements.

Note:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.

2. Prior to a final for the project, a signed Certificate of Compliance for the MWEL0 standards is required indicating that the landscaping has been installed to MWEL0 standards.

Sections of the Municipal Code to review:

17.18 Commercial Zones

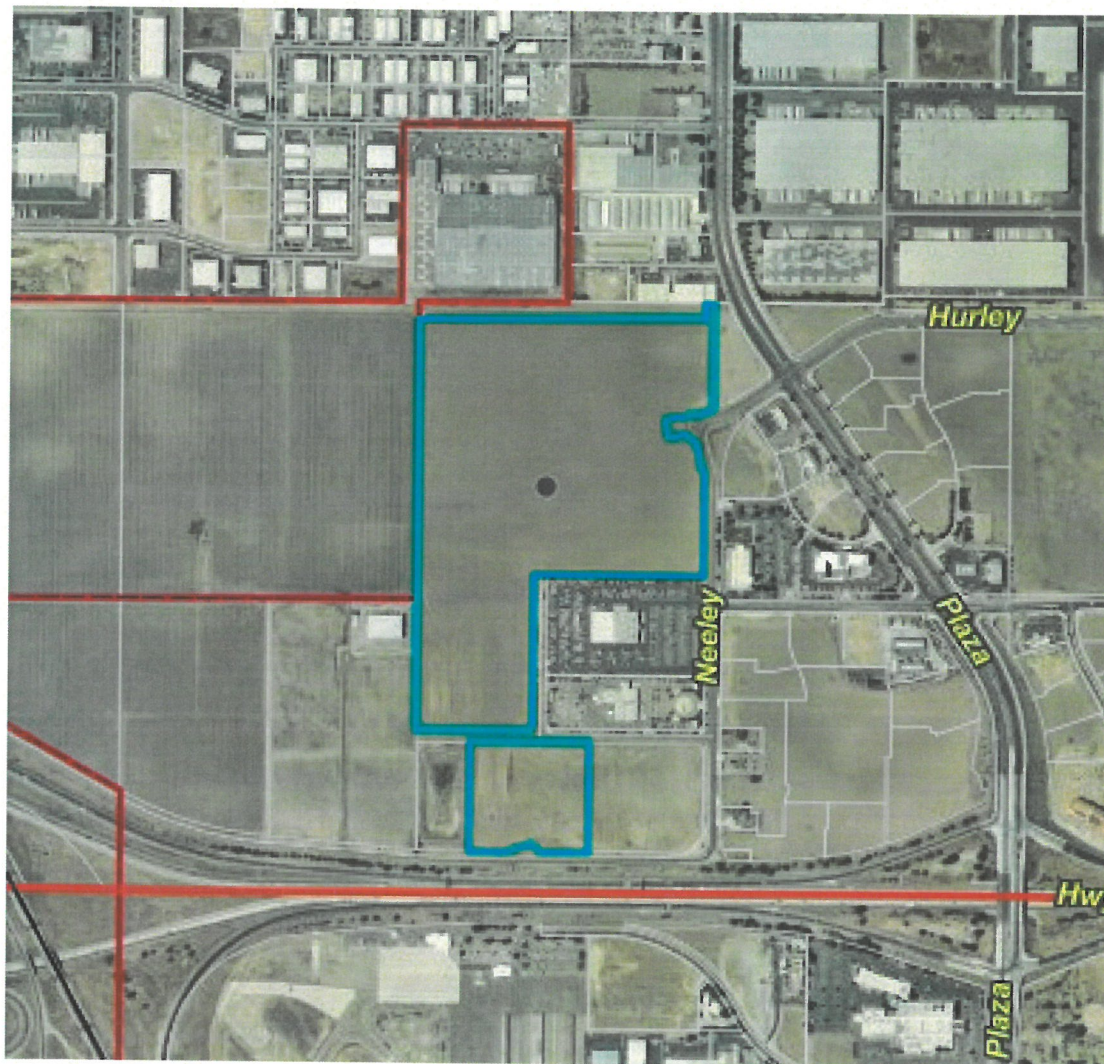
17.32.080 Maintenance of landscaped areas.

17.34 Off-street parking and loading facilities

17.36 Fences Walls and Hedges

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature



City of Visalia
Building: Site Plan
Review Comments

SR 21179
CENTERPOINT INTEGRATED
SOLUTIONS
081020085

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- ☒ A building permit will be required. **FOR EACH STRUCTURE.** For information call (559) 713-4444
- ☒ Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- ☐ Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- ☐ Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- ☒ Meet State and Federal requirements for accessibility for persons with disabilities.
- ☐ A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- ☐ All accessible units required to be adaptable for persons with disabilities.
- ☐ Maintain sound transmission control between units minimum of 50 STC.
- ☐ Maintain fire-resistive requirements at property lines.
- ☐ A demolition permit & deposit is required. For information call (559) 713-4444
- ☐ Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- ☐ Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- ☒ Project is located in flood zone **AE** * ☐ Hazardous materials report. **MEET FEMA FLOOD REQUIREMENTS.**
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- ☒ School Development fees. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential.
- ☐ Park Development fee \$ _____, per unit collected with building permits.
- ☐ Additional address may be required for each structure located on the site. For information call (559) 713-4320
- ☐ Acceptable as submitted
- ☐ No comments at this time

Additional comments: **PROVIDE OIL INTERCEPTOR FOR SERVICE BUILDING. ALL NEW LAND-SCAPING SHALL MEET THE MVELO REQUIREMENTS.**

VAL GARCIA 9/28/21
Signature

**Site Plan Comments**

Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

Date	September 30, 2021
Item #	9
Site Plan #	21179
APN:	081020085

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2019 CFC §3312
 - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2019 CFC §3310
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2019 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2019 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2019 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation. 2019 CFC 506.1
- If your business handles **hazardous material** in amounts that exceed the Maximum Allowable Quantities listed on Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2019 California Fire Code, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2019 CFC 507.5.1, App B and C
- Due to insufficient building information, the number and distance between **fire hydrants** cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with 2019 CFC §507, App B and C.

To determine **fire hydrant** location(s) and distribution the following information should be provided to the Site Plan Review committee: Type of construction _____ Square footage _____

- A **fire apparatus access road(s)** shall be provided and extend within 150 feet of all portions of the building and all portions of the exterior walls of the first story as measured by an approved route around the exterior. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. Fire apparatus access roads shall have an unobstructed width of not less than the following (2019 CFC 503.1.1)
 - 20 feet width, exclusive of shoulders (No Parking)
 - More than 26 feet width, exclusive of shoulders (No Parking one side)
 - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
- **Gates on access roads** shall be a minimum width of 20 feet and shall comply with the following (2019 CFC D103.5):
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person (power outages).
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Note: Knox boxes shall be ordered using an approved Knox Authorization Order Form. The forms can be obtained at the Visalia Fire Department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation.
- An **automatic fire sprinkler system** may be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2019 CFC §912 and VMC 8.20.010 subsection C103.4
- **Special comments:** Due to large area of vehicle parking apparatus access shall be provided throughout vehicle storage area.



 Corbin Reed
 Fire Marshal



City of Visalia
Police Department
303 S. Johnson St.
Visalia, CA 93292
(559) 713-4370

Date: 9/28/21
Item: 9
Site Plan: 21-179
Name: NATE HENRY

SITE PLAN REVIEW COMMENTS

- ☐ No Comment at this time
- ☐ Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- ☐ Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.

- ☐ Not enough information provided. Please provide additional information pertaining to:

- ☐ Territorial Reinforcement: Define property lines (private/public space).

- ☐ Access Controlled / Restricted etc.:

- ☒ Lighting Concerns:
Refer exterior lighting
- ☐ Traffic Concerns:

- ☒ Surveillance Issues:
Interior / exterior video surveillance
- ☒ Line of Sight Issues:
Low shrubs / vegetation
- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 29, 2021

ITEM NO: 9

SITE PLAN NO: SPR21179

PROJECT TITLE: Centerpoint Integrated Solutions

DESCRIPTION: Development of Car Sales Facility in the Visalia Auto Plaza (C-S)

APPLICANT: John Thatcher

OWNER: BP PEARLA PROPERTIES LP

APN: 081020085

LOCATION: W Hillsdale Ave at N Century Street

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- ☐ No Comments
- ☐ See Previous Site Plan Comments
- ☒ Install Street Light(s) per City Standards.
- ☐ Install Street Name Blades at Locations.
- ☐ Install Stop Signs at Locations.
- ☒ Construct parking per City Standards PK-1 through PK-4.
- ☒ Construct drive approach per City Standards.
- ☐ Traffic Impact Analysis required (CUP)
 - ☐ Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- ☒ Additional traffic information required (Non Discretionary)
 - ☒ Trip Generation - Provide documentation as to concurrence with General Plan.
 - ☒ Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - ☒ Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

- Centerline of driveway to align with centerline of Century St. Interim intersection design needs to take into account ultimate design to ensure functionality.
- No STOP sign on Hillsdale Ave & Century St unless CA MUTCD criteria is met warranting installation. Analysis required to support installation.
- No crosswalk markings allowed for uncontrolled intersection.

Leslie Blair

- VMT analysis may be required unless screening criteria is met.
- Questions? Contact Traffic Engineering, ph# 559-713-4633.

Leslie Blair

Leslie Blair

Susan Currier

From: Joel Hooyer
Sent: Monday, September 27, 2021 8:37 AM
To: Cristobal Carrillo; Josh Dan; Susan Currier
Cc: Jeremy Rogers; Alvin Dias
Subject: September 29, 2021 Site Plan Review
Attachments: 9-29-21 Site Plan Review.pdf

Importance: High

See attached and following for September 29, 2021, Site Plan Review comments

SPR20131 - No Valley oaks are on the submitted plans.
SPR21031 - No Valley oaks are on the submitted plans.
SPR21032 - No Valley oaks are on the submitted plans.
SPR21112 - No Valley oaks are on the submitted plans.
SPR21148 - No Valley oaks are on the submitted plans.

SPR21157 - No Valley oaks are on the submitted plans.

– Is the proposed development going to be a Light & Landscape District?

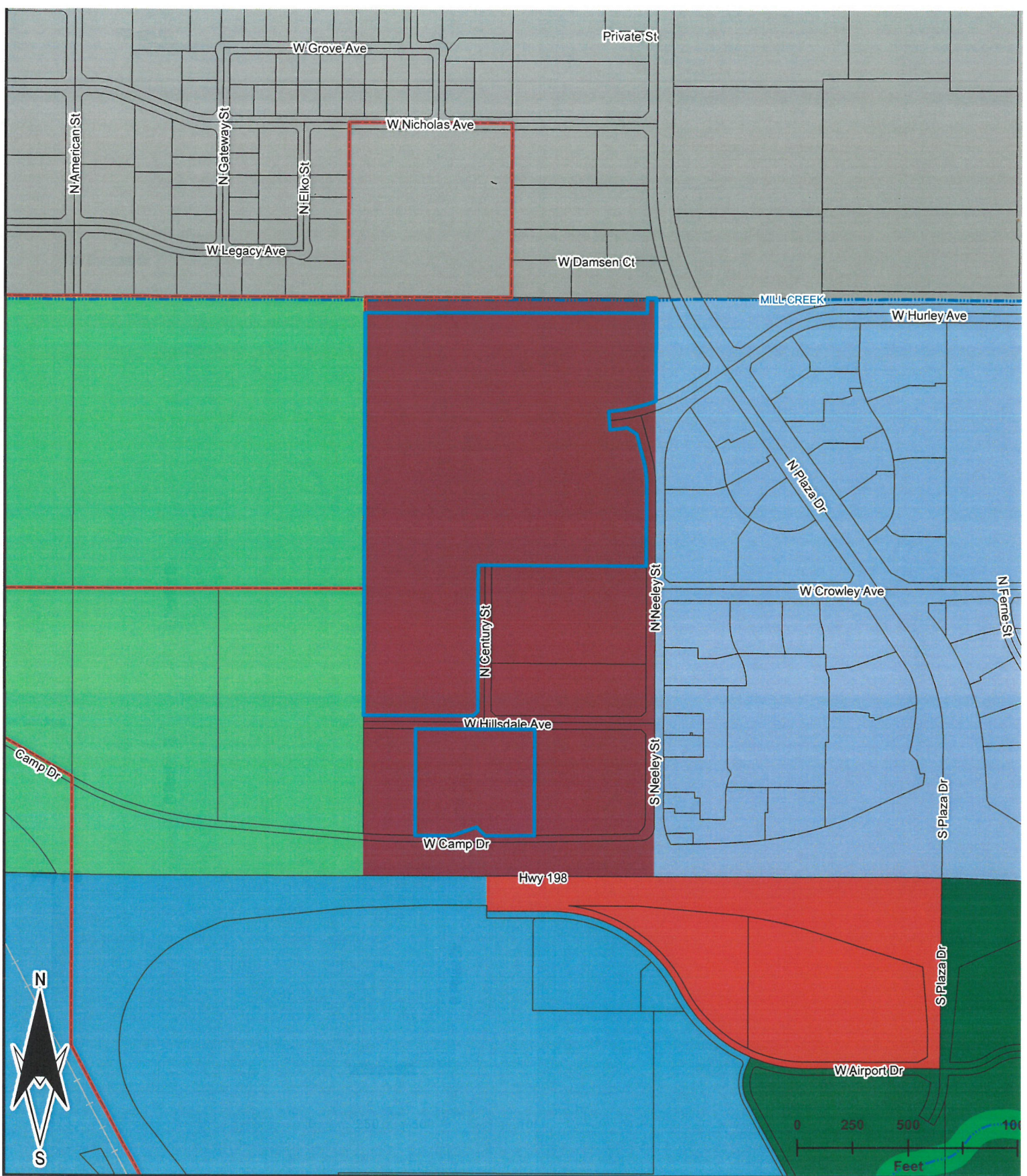
Note* If this proposed subdivision is to become an LLD, Park, Trail, or any other dedicated land to be maintained by the City of Visalia all lots shall be accessed appropriately to accommodate such intended maintenance and all the landscaping plans must be approved by Urban Forestry.

SPR21176 - No Valley oaks are on the submitted plans.
SPR21178 - No Valley oaks are on the submitted plans.

SPR 21179 – There are two (2) existing Valley oaks indicated on the proposed plans.
– Valley oaks indicated in the Legend Plant Legend, on the proposed plans.

Note* The existing Valley oak trees will need to be protected during construction as outlined in the Valley oak tree ordinance and Visalia's Building Around Valley Oak Trees specifications.

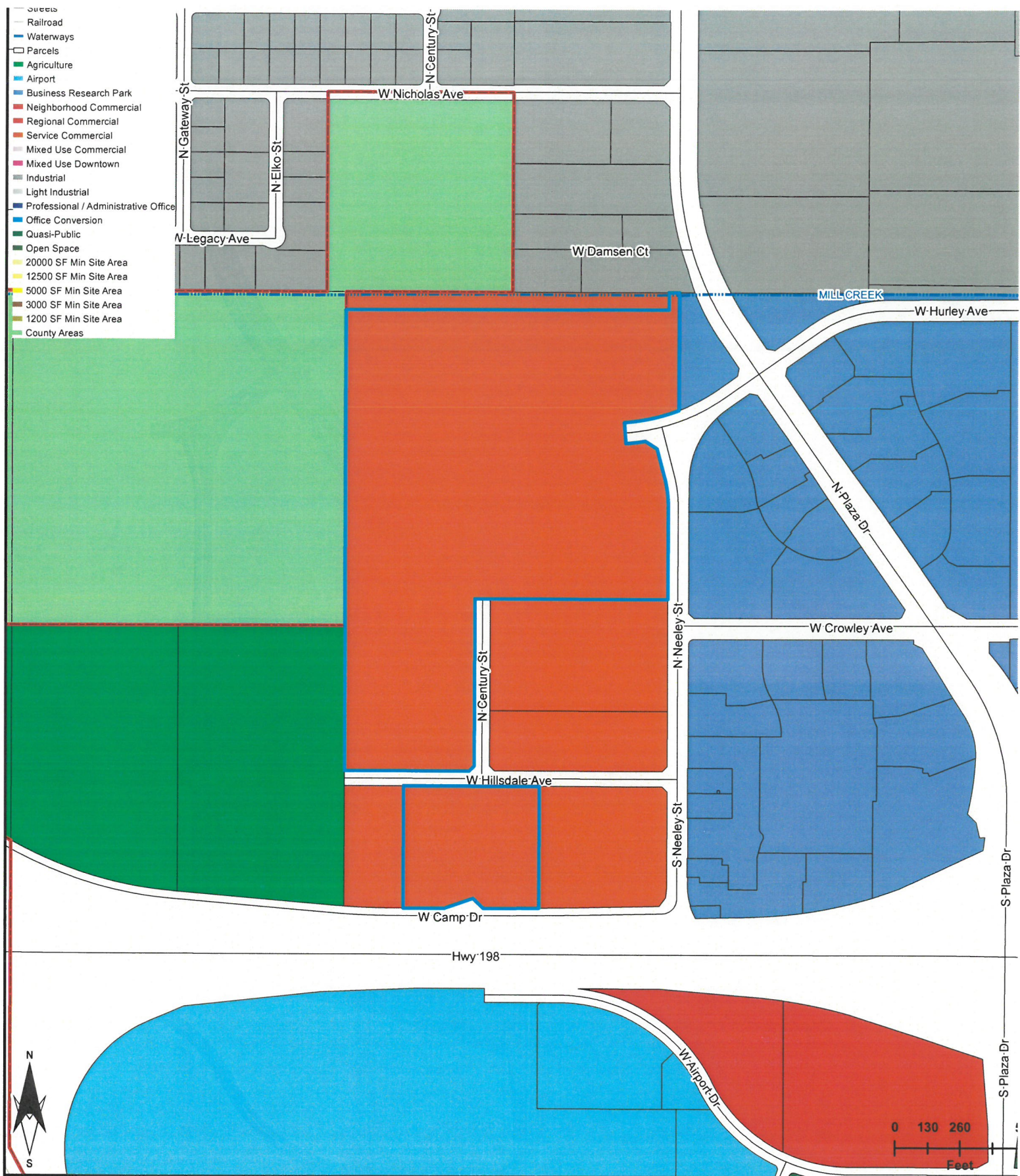
SPR21180 - No Valley oaks are on the submitted plans.
SPR21181 - No Valley oaks are on the submitted plans.
SPR21182 - No Valley oaks are on the submitted plans.
SPR21183 - No Valley oaks are on the submitted plans.
SPR 21184 - No Valley oaks are on the submitted plans.
SPR 21185 - No Valley oaks are on the submitted plans.



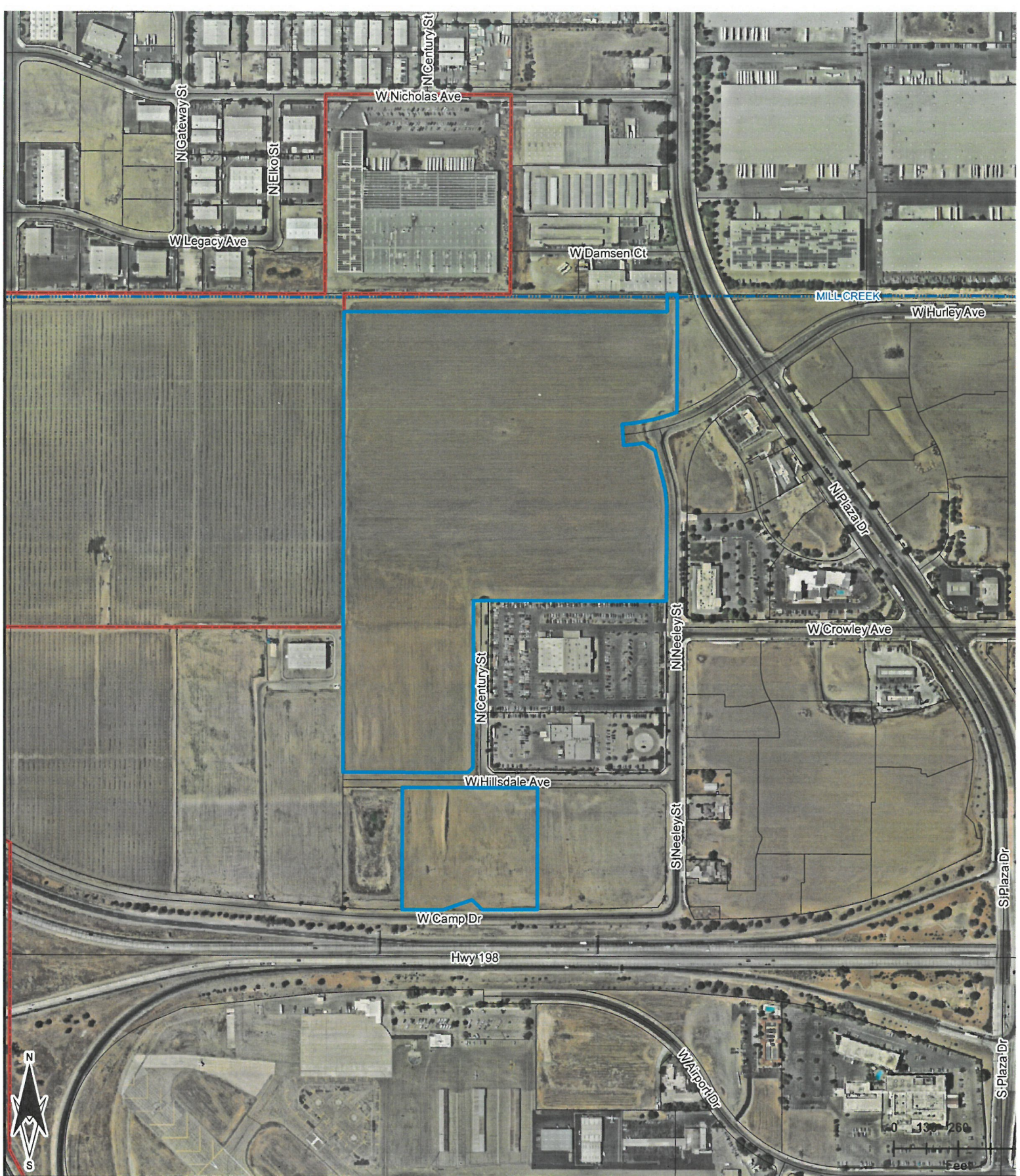
Conditional Zoning Agreement No. 2021-11 General Plan Land Use Map

- City Limits
- Streets
- Railroad
- Waterway
- Parcels

- Streets
- Railroad
- Waterways
- Parcels
- Agriculture
- Airport
- Business Research Park
- Neighborhood Commercial
- Regional Commercial
- Service Commercial
- Mixed Use Commercial
- Mixed Use Downtown
- Industrial
- Light Industrial
- Professional / Administrative Office
- Office Conversion
- Quasi-Public
- Open Space
- 20000 SF Min Site Area
- 12500 SF Min Site Area
- 5000 SF Min Site Area
- 3000 SF Min Site Area
- 1200 SF Min Site Area
- County Areas

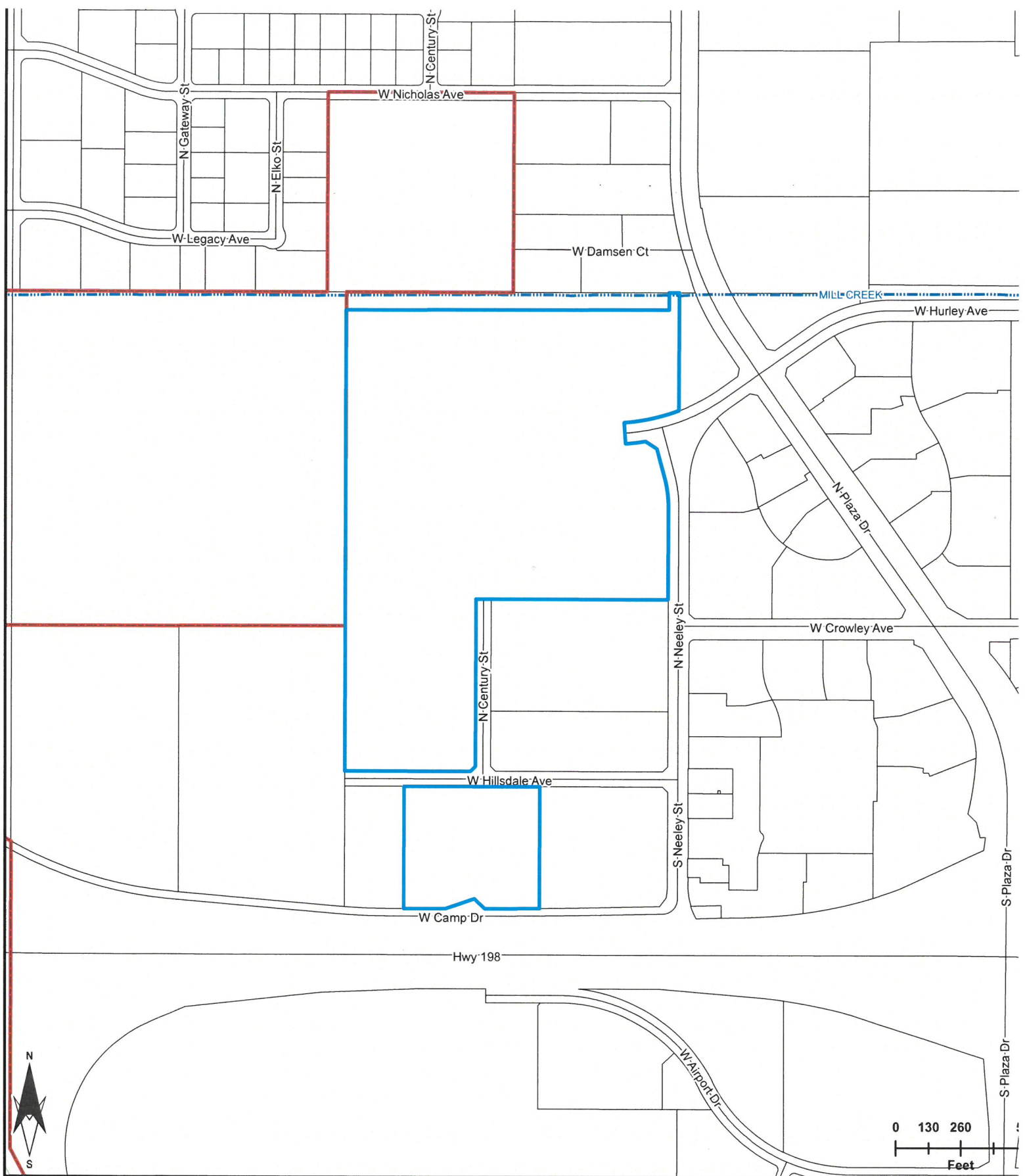


CZA No. 2021-11 Zoning Map



CZA No. 2021-11 Aerial Map

- City Limit
- Streets
- Railroad
- Waterway
- Parcels



CZA No. 2021-11 Vicinity Map