

RESOLUTION NO. 2021-42
(As Amended by the Planning Commission on August 23, 2021)

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2021-22, A
REQUEST TO CONSTRUCT A FAST FOOD RESTAURANT MEASURING 1,315 SQ.
FT. WITH DRIVE-THRU AND NO INDOOR DINING, UPON A PARCEL MEASURING
1.1-ACRES IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE. THE PROJECT
SITE IS LOCATED ON THE NORTHWEST CORNER OF EAST TULARE AVENUE
AND SOUTH LOVERS LANE (APN: 100-120-051).

WHEREAS, Conditional Use Permit No. 2021-22 is a request to construct a fast food restaurant measuring 1,315 sq. ft. with drive-thru and no indoor dining, upon a parcel measuring 1.1-acres in the Neighborhood Commercial (C-N) Zone. The project site is located on the northwest corner of East Tulare Avenue and South Lovers Lane (APN: 100-120-051); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on August 23, 2021; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Section 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15303.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The project site has adequate ingress and egress and parking for the proposed fast-food restaurant.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The project site has adequate ingress and egress and parking for the proposed fast-food restaurant.

3. That the project is considered Categorically Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), for new construction less than 10,000 square feet in urban areas (Categorical Exemption No. 2021-38).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2020-198.
2. That the site be developed in substantial compliance with the Site Plan in Exhibit "A".
3. That the building elevations be developed in substantial compliance with the elevations shown in Exhibit "C" and "D".
4. That landscape and irrigation plans be submitted with the building permit, designed by a professional landscape architect. In addition, landscape and irrigation plans shall comply with the State Model Water Efficient Landscape Ordinance by submittal of Landscape Documentation Packages and Certificates of Compliance certified by a California licensed landscape architect with sections signed by appropriately licensed or certified persons as required by ordinance.
5. That the applicant provides a paving stub-out for future cross access to the vacant, commercially zoned property to the north.
6. That a 7-foot-tall block wall be installed along the westerly property line, between the existing residence and the proposed development.
7. That the noise emitted from the drive-thru teller speaker box shall meet all community noise standards as identified in the City's Noise Ordinance Chapter 8.36.
8. That all signs shall require a separate building permit.
9. That all other federal, state and city codes, ordinances and laws be met.
10. That the operating hours be limited to 5:00 A.M. to 12:00 A.M. (midnight).

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

AYES: Commissioners Peck, Tavarez, Gomez, Beatie, Hansen

NOES:

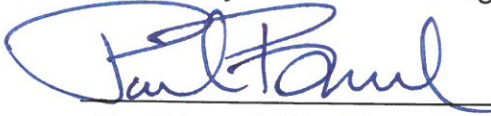
ABSTAINED:

ABSENT:

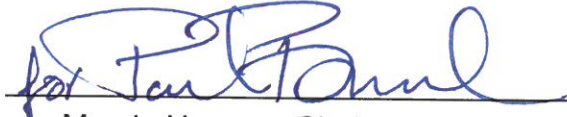
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2021-42, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on August 23, 2021.

A handwritten signature in blue ink, appearing to read "Paul Bernal", written over a horizontal line.

Paul Bernal, City Planner

A handwritten signature in blue ink, starting with "for" and followed by a signature that appears to read "Paul Bernal", written over a horizontal line.

Marvin Hansen, Chairperson