

REVISED RESOLUTION NO. 2024-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 2024-29, A REQUEST BY MIKE DAVIS TO AMEND CONDITION NO. 10 OF CONDITIONAL USE PERMIT NO. 2021-22, LIMITING THE HOURS OF OPERATION FROM 5:00 A.M. TO 12:00 A.M. FOR A JACK IN THE BOX FAST FOOD RESTAURANT IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE. THE PROJECT SITE IS LOCATED AT 1145 SOUTH LOVERS LANE (APN: 100-120-051).

**WHEREAS**, Conditional Use Permit No. 2024-29, is a request by Mike Davis to amend Condition of Approval No. 10 of Conditional Use Permit No. 2021-22, limiting the hours of operations from 5:00 A.M. to 12:00 A.M. for a Jack in the Box fast food restaurant in the Neighborhood Commercial (C-N) zone. The project site is located at 1145 South Lovers Lane (APN: 100-120-051); and

**WHEREAS**, the Planning Commission of the City of Visalia, after a duly published public hearing notice, conducted said public hearing on August 12, 2024, and concluded said hearing on that date; and

**WHEREAS**, the Planning Commission of the City of Visalia does not find Conditional Use Permit No. 2024-29 to be in accordance with Chapter 17.38 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission denied Conditional Use Permit No. 2024-29 based on the findings contained in this Resolution Nos. 2024-46, consistent with Visalia Municipal Code Section 17.38.110.C; and

**WHEREAS**, an appeal of the Planning Commission's denial of Conditional Use Permit No. 2024-29, was received on August 21, 2024; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on September 16, 2024; and

**WHEREAS**, the City Council finds the approval of Conditional Use Permit No. 2024-29 was made in accordance with Chapter 17.38 (Conditional Use Permits) of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the City Council 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 15332.

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

1. That the proposed use is consistent with the policies and intent of the General Plan and Zoning Ordinance. The request to amend the existing Jack in the Box operating hours to 24-hour is compatible with the existing residential character of existing neighborhoods to west, southwest, and east of the sit
2. That the hours of operation may be 24 hours a day, subject to the applicant planting mature plants to screen the drive-thru lane to a height of three feet, consistent with the performance standards of Visalia Municipal Code Section 17.32.162 Drive-thru performance standards, subsection B.5.

**BE IT FURTHER RESOLVED** that the City Council approves the appeal, and overturns the denial of Conditional Use Permit No. 2024-29 on the real property here in above described in accordance with the terms of this resolution, and under the provisions of California Government Code Section §66474, and Sections 16.16.115 and Section 17.38.110 of the Subdivision and Zoning Ordinances of the City of Visalia.

PASSED AND ADOPTED: February 18, 2025

LESLIE B. CAVIGLIA, CITY CLERK

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

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2024-52 passed and adopted by the Council of the City of Visalia at a regular meeting held on February 18, 2025.

Dated: February 19, 2025

LESLIE B. CAVIGLIA, CITY CLERK

By Reyna Rivera, Chief Deputy City Clerk