

APPEAL OF PLANNING COMMISSION ACTION

(The fee to file an Appeal is \$552. Applicants who meet specific income guidelines may be eligible to waive this fee. A fee waiver application can be obtained from the Planning Department located at 315 E. Acequia. All Appeal forms with applicable fees or waivers must be submitted to the Office of the City Clerk at 220 N. Santa Fe St., within ten (10) days after the action which is the subject of the appeal. If the final day to file falls on a weekend or holiday the deadline to file is extended to the next business day by 5:00 p.m.)

Planning Commission Public Hearing Date: 8-12-2024

Appellant Name: PATRICE ROUX

Address: 1660 N. FARMERSVILLE BLVD

Phone: FARMERSVILLE, CA 93223

Please check the actions appealed and provide the action number. The action number may be obtained from the Planning Division at 713-4359.

- Conditional Use Permit No. _____ (Section 17.02.145)
- Variance/Exception No. _____ (Section 17.02.145)
- Change of Zone No. _____ (Section 17.44.080)
- Tentative Subdivision Map _____ (Section 16.04.040)
- Tentative Parcel Map No. _____ (Section 16.04.040)
- Site Plan Review Committee Determination _____ (Section 17.28.050)

In accordance with the Municipal Code of the City of Visalia, decisions by the Planning Commission may be appealed to the City Council within ten (10) days after the action which is the subject of the appeal. The appeal must state specifically where it is claimed that there was an error or abuse of discretion by the Planning Commission or whether the decision of the Commission is not supported by the evidence in the record.

List reason for appeal in accordance with the above requirements (Additional pages and/or supporting documentation may be attached)

PLEASE SEE ATTACHED

Signature: [Signature] Date: 8/20/2024

Office Use Only

Received By: Michelle Jackson

Date: 8/21/2024

Emailed to City Planner: 8/21/2024

City Council Hearing Date: 9/16/2024

7:00 p.m.

707 W. Acequia

Visalia, CA



Appeal of Conditional Use Permit 2024-29 by Patrice Roux and Mike Davis.

BACKGROUND:

Patrice Roux and Mike Davis are the current 50/50 partners of VTP Enterprises. VTP Enterprises has been part of the Central Valley community since 1987. VTP even took its name by combining the initials of the cities it felt closest to (Visalia, Tulare, and Porterville). Back in 1987, VTP started with 5 Jack in the Box restaurants. By 2016, the count was up to 14. Note that all other Jack in the Box restaurants located in Visalia are open 24-Hours.

GROWTH

VTP has expanded its JIB restaurant sites by opening new restaurants in 2016 (Farmersville), 2019 (Plaza), 2020 (Bardsley), 2022 (Shannon), 2023 (Lovers Lane).

Currently we are on schedule to open new JIB sites in late 2024 (Oaks Marketplace), 2025 (Exeter), 2025 (Orosi), 2025 (Demaree).

COST TO DO BUSINESS

We have a choice to make as business owners. Typically, as our costs go up, prices follow. One of the major reasons we are requesting 24/7 service is to help minimize price increases. The increases are directly related to the 25% increase in the minimum wage to \$20 per hour. We prefer to provide more jobs than to simply raise prices. If we are granted 24/7 service, we anticipate adding 4 full time positions at our Lovers Lane location. These jobs would be filled by members of the local community.

Due to the high cost of food and labor, these days most Quick Service Restaurants are not open 24/7. The difference with our Brand is that Jack in the Box caters and advertises to the late-night crowd. In fact, our restaurants have 40% of our day-to-day sales come after 9pm.

Conditional Use Permit No. 2021-22 was obtained on August 23, 2021. This permit allowed for the development of a new Jack in the Box restaurant located on the northwest corner of South Lovers Lane and East Tulare Avenue. A Certificate of Occupancy was issued on June 13, 2023.

On multiple occasions, we requested to amend the operating hours. We were told to wait at least one year before formally requesting to amend the Conditional Use Permit to allow for 24-hour service. During the one year that has passed, we have received no complaints from the police, fire department, health department, or by any neighbor. We have upgraded the area by removing old unsightly buildings used for storage, pet grooming, and tattoos. There are no longer any homeless people living on the parcel.

THE NEIGHBORHOOD

We are sensitive to community surrounding our restaurant. We have read the six emails sent to the planning board. Based on our research, three of these six emails came from residents who live more than six miles away from the Jack in the Box. These three individuals address themselves as "Visalia

Residents”, “writing on behalf of the residents”, and “Concerned resident of Visalia”. None of them are directly affected by the presence of the Jack in the Box, yet they are all against 24-hour service.

The other three emails came from residents who live less than 1 mile away. Of these three, one lives on East Howard Avenue, East of South McAuliff Street (.7 miles away from the restaurant). This email mentions “the nuisances that are unfairly directed at my side of town”, and “concern for the safety and property values of our nearby neighborhoods”. We do not consider our restaurant to be a nuisance nor the cause for decreases in neighborhood safety and property values. We believe the opposite is true. We see no impact on this resident if 24-Hour service was granted.

The second of these three emails came from a resident who lives .3 miles away on E Feemster Avenue. This resident is in favor of 24-Hour service.

The last of these three emails came from a resident named Deborah Cardoza, who lives at 2924 East Laurel Avenue. We do not understand how headlights from cars going through the drive thru will light up her bedrooms. However, if such headlights do somehow light up her bedrooms, we are willing to build a block wall along the East side of the drive thru (parallel to Lovers Lane).

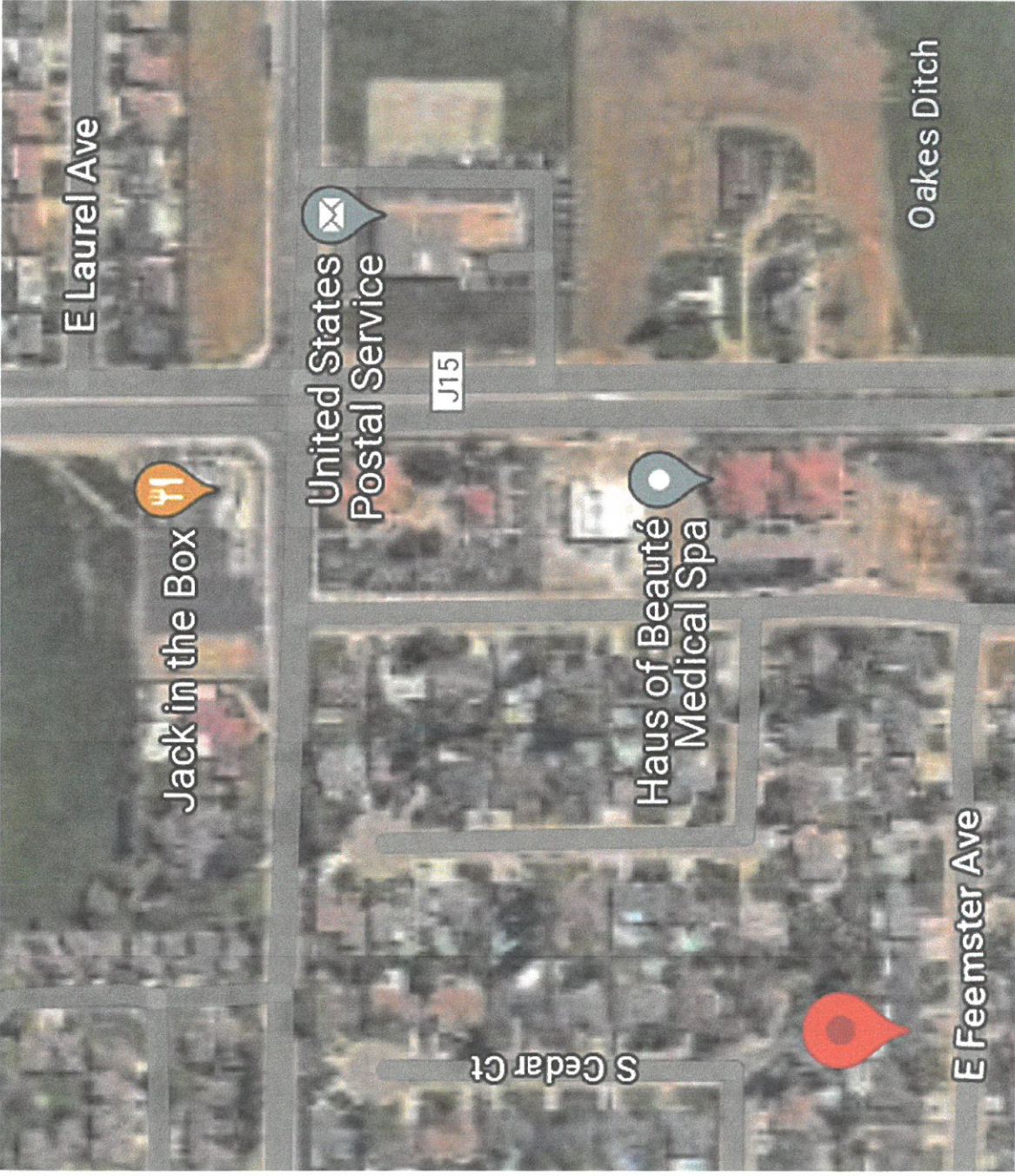
OTHER 24-HOUR BUSINESSES

Located .5 miles to the North of Jack in the Box are two businesses open 24-Hours. 7-Eleven is located at 518 S Lovers Lane. Arco Gas Station and AM PM are located at 600 S Lovers Lane.

Located .5 miles to the South of Jack in the Box are also two businesses open 24-Hours. Shell gas station is located at 1935 S Lovers Lane. California Department of Forestry and Fire Protection – Visalia Station is located at 1968 S Lovers Lane.

• Kathleen Conway House





*Scott Thompson
Kurse*

Delwood
Corrojo
2926 E
Laurel
Avenue
Visalia



E Laurel Ave

Tulare Ave

United St
Postal Ser

41
Jack in the Box
Fast Food • \$

S Arkle St

Tulare Ave

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED

400006

VTP ENTERPRISES

A JACK IN THE BOX FRANCHISE
1660 N. Farmersville Blvd.
Farmersville, CA 93223
(559) 625-4887



JPMorgan Chase Bank, N.A.
www.Chase.com
90-7162/3222

8/21/2024

PAY TO THE
ORDER OF

City of Visalia

\$ *817.00*

DOLLARS

Five Hundred and seventeen dollars

VOID AFTER 90 DAYS

MEMO

Apped proccu 5216 Louis Loma



[Signature]

AUTHORIZED SIGNATURE

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790 26 56 38⑈

VTP ENTERPRISES
A JACK IN THE BOX FRANCHISE

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