

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
DENYING THE APPEAL AND UPHOLDING THE PLANNING  
COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO.  
2021-28, A REQUEST BY CALDWELL-MOOONEY PARTNERS II, L.P.  
TO ALLOW A NEW MEDICAL CLINIC WITHIN A PORTION OF AN  
EXISTING COMMERCIAL BUILDING WITHIN THE C-R (REGIONAL  
COMMERCIAL) ZONE AND LOCATED AT 3221 SOUTH MOONEY  
BOULEVARD (APN: 121-100-054).

**WHEREAS**, Conditional Use Permit No. 2021-28, is a request by Coldwell-Mooney Partners II, L.P. to allow a medical clinic within a portion of an existing 10,200 square foot multi-tenant commercial building within the C-R (Regional Commercial) Zone. The project is located at 3221 South Mooney Boulevard (APN: 121-100-054); and

**WHEREAS**, the Planning Commission of the City of Visalia, after a duly published public hearing notice, conducted said public hearing on December 13, 2021, and concluded said hearing on that date; and

**WHEREAS**, the Planning Commission of the City of Visalia found Conditional Use Permit No. 2021-28 to be in accordance with Title 17 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 approved Conditional Use Permit No. 2021-28 based on the findings contained within Resolution No. 2021-49, consistent with Visalia Municipal Code Section 17.38.110; and

**WHEREAS**, an appeal of the Planning Commission's approval of Conditional Use Permit No. 2021-28, was received on December 20, 2021; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on January 18, 2022; and

**WHEREAS**, the City Council finds the approval of Conditional Use Permit No. 2021-28 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 project is exempt from further environmental review pursuant to CEQA Section 15301.

**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 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 Visalia Zoning Matrix identifies medical offices as a conditional use in the C-R zone and requires the submittal and approval of a CUP application. Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed medical office will not have a negative impact on surrounding uses given the fact that sufficient on-site parking is provided, the sites proximity to the major street and other office and commercial uses within the area.
  - 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, nor materially injurious to properties or improvements in the vicinity. The Visalia Zoning Matrix identifies medical clinic as a conditional use in the C-R zone and requires the submittal and approval of a CUP application. Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed medical office will not have a negative impact on surrounding uses given the fact that sufficient on-site parking is provided, the site's proximity to the major street and other office and commercial uses within the area.

**BE IT FURTHER RESOLVED** that the City Council denies the appeal, and upholds the approval of Conditional Use Permit No. 2021-28 on the real property here in above described in accordance with the terms of this resolution, and under the provisions of the Zoning Ordinance of the City of Visalia.