

RESOLUTION NO. 2026-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION'S ADOPTION OF CONDITION OF APPROVAL NO. 3, MODIFYING THE HOURS OF OPERATION OF THE DRIVE-THRU OF CONDITIONAL USE PERMIT NO. 2025-32, A REQUEST TO CONSTRUCT A 4,130 SQUARE FOOT BUILDING WITH A DRIVE-THRU WITHIN 250-FEET OF RESIDENTIAL WITHIN SUBAREA "A" OF THE CALDWELL 51 SPECIFIC PLAN. THE SITE IS LOCATED AT THE SOUTHEAST CORNER OF WEST CALDWELL AVENUE AND SOUTH STONEBROOK STREET IN THE C-R (REGIONAL COMMERCIAL) ZONE (APN: 122-390-002).

WHEREAS, Conditional Use Permit No. 2025-32 is a request to construct a 4,130 square foot building with a drive-thru lane within 250-feet of residential uses to the north within subarea "A" of the Caldwell 51 Specific Plan. The site is located at the southeast corner of West Caldwell Avenue and South Stonebrook Street in the C-R (Regional Commercial) zone (APN: 122-390-002); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on February 9, 2026, and concluded said hearing on that date; and

WHEREAS, the Planning Commission of the City of Visalia approved Conditional Use Permit No. 2025-32 with the modified condition, Condition of Approval No. 3, which limits the hours of operation for the drive-thru to 10:00 P.M. every night of the week; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit with the modification to the Conditions of Approval, 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, an appeal of the Planning Commission's modified Conditions of Approval for Conditional Use Permit No. 2025-32, was received on February 18, 2026; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on March 16, 2026; and

WHEREAS, the City Council after receiving a staff presentation and public comment, finds the approval of Conditional Use Permit No. 2025-32, with the requested hours of operation by the applicant, was made in accordance with Chapter 17.38 (Conditional Use Permits) of the City of Visalia, based on 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, pursuant to CEQA Section 15332; and

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 and proposed hours of operation by the applicant is consistent with the policies and intent of the General Plan and Zoning Ordinance.

The City Council concluded the proposed operating hours as requested by the applicant of the drive-thru will not have a direct impact to the neighboring residential uses in the existing neighborhoods that are adjacent or nearby the project site and would therefore not be materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the City Council upholds the appeal, and approves the Conditional Use Permit No. 2025-32, with the operating hours as proposed by the applicant, on the real property here in above described in accordance with the terms of this resolution, and subject to the following conditions:

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2025-112, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in Exhibits "A", "B", "C", "D", and "E" of the Planning Commission staff report dated February 9, 2026. Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. That the project comply with the Caldwell 51 Specific Plan.
4. That no significant direct or indirect light or glare may fall upon adjacent residential uses.
5. That the use would be subject to the City of Visalia Noise Ordinance and 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
6. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Municipal Code Chapter 17.48 and the Caldwell 51 Specific Plan.
7. That all other federal, state and city laws, codes and ordinances be complied with.