SUBJECT: SECOND READING - ORDINANCE NO. 1621, ZONE CHANGE 2-2002 (DON FORRESTER)

SOURCE: Administration

COMMENT: Ordinance No. 1621 approved Zone Change No. 2-2002. It was a change of zone from County C-2 (General Commercial) to City C-2 (Central Commercial) for an existing developed mini mart, self service gas pumps and car wash consisting of 2.29+ acres and a change of zone from County C2-SC (General Commercial-Scenic Corridor) to City C-2 (Central Commercial) for an existing 1.48± acres site developed with a single family dwelling for those two sites generally located at the southeast corner of Plano Street and Poplar Road. It was given First Reading on October 1, 2002, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1621, waive further reading, and adopt said ordinance.

ATTACHMENT: Ordinance No. 1621
ORDINANCE NO. 1621

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2002 BEING A CHANGE OF ZONING FROM COUNTY C-2 (GENERAL COMMERCIAL) TO CITY C-2 (CENTRAL COMMERCIAL) FOR AN EXISTING DEVELOPED MINI MART, SELF SERVICE GAS PUMPS AND CAR WASH CONSISTING OF 2.29± ACRES AND A CHANGE OF ZONE FROM COUNTY C2-SC (GENERAL COMMERCIAL-SCENIC CORRIDOR) TO CITY C-2 (CENTRAL COMMERCIAL) FOR AN EXISTING 1.48± ACRE SITE DEVELOPED WITH A SINGLE FAMILY DWELLING FOR THOSE TWO SITES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF PLANO STREET AND POPLAR ROAD

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of October 1, 2002, conducted a public hearing to consider Zone Change 2-2002 (Pre-zoning), being a change of zoning from County C-2 (General Commercial) to City C-2 (Central Commercial) for an existing developed mini mart, self service gas pumps and car wash on a site consisting of 2.29± acres, and for an existing 1.48± site developed with a single family dwelling. Both sites are generally located at the southeast corner of Piano Street and Poplar Road; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed pre-zoning from County C-2 (General Commercial) to City C-2 (Central Commercial) for an existing developed mini mart, self service gas pumps and car wash consisting of 2.29± acres, and for an existing 1.48± site developed with a single family dwelling. Both sites are generally located at the southeast corner of Piano Street and Poplar Road; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 2-2002:

1. That the proposed zoning will conform with the land use designation of the General Plan.

2. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act.

3. That this zoning designation will allow for the logical establishment of the existing commercial use as supported by the City of Porterville General Plan Land Use Element for the 2.29± acre site and the 1.48± acre site.

4. That this zoning designation will create a legal non-conforming use of the existing single family dwelling located on the developed 1.48± acres.

5. That this zoning designation will ensure that any future additional development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

6. Section 2626 B of the Porterville Zoning Ordinance states the following:
“In any area where streets are not dedicated or improved to City standards (Poplar Road), it shall be the policy of the City not to change a zoning district which will allow a use which can develop more intensity of land use than single-family development until such streets meet the City standards for improvements or until adequate guarantees are provided to install such improvements prior to development of uses more intense than said single-family uses.”

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 2-2002, is hereby pre-zoned from County C-2 (General Commercial) to City C-2 (Central Commercial) for an existing developed mini mart, self service gas pumps and car wash consisting of2.29± acres and County C2-SC (General Commercial-Scenic Corridor) to City C-2 (Central Commercial) for an existing 1.48± site developed with a single family dwelling. Both sites are generally located at the southeast corner of Plano Street and Poplar Road, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 2: It is further ordained that upon consummation of Annexation No. 447, all records of the City of Porterville, together with the official zoning map of the City of Porterville shall be changed to show that all of the above described real property is rezoned from County C-2 and County C2-SC to City C-2 for the subject sites.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 447.

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Gordon T. Woods, Mayor

ATTEST:

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John Longley, City Clerk