SUBJECT: SECOND READING - ORDINANCE 1660, ZONE CHANGE NO. 6-2004 (STEVE VANG)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1660 approved Zone Change No. 6-2004. It was a change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for 40 North Kessing Street, and from C-3 (Heavy Commercial) to City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for 356 West Olive Avenue. The ordinance was given First Reading on February 1, 2005, and has been printed. The required Lot Line Adjustment has been completed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1660 and adopt said ordinance.

Attachment: Ordinance No. 1660
ORDINANCE NO. 1660

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 6-2004 BEING A CHANGE OF ZONING FROM R-1 (ONE FAMILY RESIDENTIAL) TO C-3 (D) (HEAVY COMMERCIAL “D OVERLAY SITE REVIEW”) FOR 40 NORTH KESSING STREET AND FROM C-3 (HEAVY COMMERCIAL” TO C-3(D) (HEAVY COMMERCIAL “D OVERLAY SITE REVIEW) FOR 356 WEST OLIVE AVENUE

WHEREAS: On December 7, 2004, the Porterville City Council, at its regularly scheduled meeting, conducted a public hearing to consider a proposal to change the existing zoning from R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 40 N. Kessing Street and from City C-3 to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 356 W. Olive Avenue; and

WHEREAS: As a result of the hearing, the Porterville City Council continued the public hearing until January 18, 2005, and directed that prior to consideration of the zone change, review of a “D” Overlay Site Review for 40 N. Kessing Street and 356 W. Olive Avenue would be required.

WHEREAS: Staff sent a notice to the property owners within 300 feet of the subject site to advise them that an open meeting would be held by the Project Review Committee regarding the proposed “D” Overlay Site Review 5-2004 on January 5, 2005; and

WHEREAS: On January 5, 2005, the Project Review Committee reviewed the proposed site plan, building elevations, color schemes, etc., for the conversion of the existing duplex to a commercial use for the site located at 40 N. Kessing Street as part of the continued public hearing for Zone Change 6-2004. Due to changes requested by the Committee and a request by neighboring property owners, the Committee requested that the item be brought back to ensure that the appropriate changes had been made; and

WHEREAS: On January 12, 2005, the Project Review Committee reviewed the amended site plan, building elevations, color schemes, etc. It was determined that the “D” Overlay Site Review 5-2004, in conjunction with the continued public hearing for Zone Change 6-2004, could now be brought back to City Council for review. No members of the public attended the Project Review Committee (PRC) meeting of January 5, 2005. However, at the PRC meeting of January 12, 2005, one member of the public attended and provided written comments that have been incorporated into the public record; and

WHEREAS: In order to allow time for the comments from the January 12, 2005 Project Review meeting to be incorporated into the staff reports and resolutions, Staff requested that the public hearing for Zone Change 6-2004 be continued until February 1, 2005. As a result of that request, on January 18, 2005, the City Council directed Staff to prepare an agenda item for “D” Overlay Site Review 5-2004 in conjunction with the continued public hearing for Zone Change 6-2004 and present it to City Council for review on February 1, 2005; and

WHEREAS: On February 1, 2005, the Porterville City Council, at its regularly scheduled meeting, conducted a continued public hearing to consider a proposal to change the existing zoning from R-1 (One Family Residential) Zone to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 40 N. Kessing Street and from City C-3 to C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for 356 W. Olive Avenue; and
WHEREAS: In conjunction with Zone Change 6-2004, “D” Overlay Site Review 5-2004 will allow for future development of the subject site to be in conformance with the Zoning Ordinance.

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 Zone Change 6-2004; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 6-2004:

1. The Land Use Element of the General Plan designates those parcels with frontage on Olive Avenue as “Heavy Commercial”. Once the parcel (40 N. Kessing Street) is re-configured pursuant to a Lot Line Adjustment, to include Olive Avenue frontage, the land use designation will support the C-3 (D) (Heavy Commercial with a “D” Overlay Site Review).

2. That the proposed zoning C-3 D (Heavy Commercial “D” Overlay Site Review) will conform with the land use designation (Heavy Commercial) of the General Plan.

3. That all uses listed in Article 7, Article 8 and Article 9 of the Porterville Zoning Ordinance are allowed in the C-3 (Heavy Commercial) Zone.

4. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act and mitigation measures incorporated into the approval will be precedent to project implementation.

5. That this zoning designation will ensure that any future development of the subject site, both 40 North Kessing Street and 356 West Olive Avenue will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

6. A Lot Line Adjustment will incorporate the existing 8,050 sq. ft. site (duplex) with the entire easterly portion of the donut shop site into two (2) parcels which will provide frontage on Olive Avenue for both commercial parcels. The two (2) combined uses will be consistent with the General Plan and future planned development for this area.

7. One of the conditions for approval for “D” Overlay Site Review 5-2004 by the City Council, a six (6) foot concrete block wall will be required to be constructed along full length of the north and east property lines of 40 N. Kessing Street and continued south along the east property line of 356 W. Olive Avenue to the end of an existing trash enclosure in line with the south property line of the existing residential use to the east.

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 6-2004, is hereby re-zoned from R-1 (One Family Residential) to C-3 D (Heavy Commercial “D” Overlay Site Review) for that 8,050 square foot site
located at 40 N. Kessing Street and the developed commercial site to the south located at 356 W. Olive Avenue from C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial “D” Overlay Site Review), more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that 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 R-1 (One Family Residential) to C-3 D (Heavy Commercial “D” Overlay Site Review) for that 8,050 square foot site located at 40 N. Kessing Street and the developed commercial site to the south located at 356 W. Olive Avenue from C-3 (Heavy Commercial) to C-3 (D) (Heavy Commercial “D” Overlay Site Review); and

Section 3: That a Lot Line Adjustment to provide frontage to Olive Avenue from 40 N. Kessing Street will be recorded prior to the second reading of the ordinance; and

Section 4: Once the second reading of the zone change has been read, any future expansion of the existing commercial business located at 356 W. Olive Avenue and proposed conversion of the existing duplex to a commercial use would require a modification to “D” Overlay Site Review 5-2004; and

Section 5: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

Kelly West, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE
NO. 6-2004

PROPOSED CHANGE

R-1 TO C-3 (D)

C-3 TO C-3 (D)

CITY COUNCIL
ORDINANCE NO. 1660

EXHIBIT "A"