SUBJECT: SECOND READING - ORDINANCE 1691, ZONE CHANGE NO. 13-2005 (PRE-ZONING)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1691, approving Zone Change 13-2005 (Pre-Zoning), being a pre-zoning from County C-3 (Service Commercial) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) and City R-1 (One Family Residential) to City C-3 (D)(Heavy Commercial “D” Overlay Site Review) for that site generally located at the southwest corner of Westwood Street and Olive Avenue, was given First Reading on February 7, 2006, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1691, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1691

Item No. 14

Dir ___ Appropriated/Funded ___ CM ___
ORDINANCE NO. 1691

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 13-2005 BEING A PRE-ZONING FROM COUNTY C-3 (SERVICE COMMERCIAL) TO CITY C-3 (D)(HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) AND CITY R-1 (ONE FAMILY RESIDENTIAL) TO CITY C-3 (D)(HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR THAT SITE GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WESTWOOD STREET AND OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 7, 2006, conducted a public hearing to consider Zone Change 13-2005 (Pre-zoning) and Annexation 463 for that site generally located on the southwest corner of Westwood Street and Olive Avenue; and

WHEREAS: The entire site consist of 7.12± acres. The portion of the site to be annexed has 4.32 ± acres consisting of two (2) parcels. This area is located at the southwest corner of Westwood Street and Olive Avenue extending west. The parcel to the east has an existing car wash and an existing mobile home and outbuilding just west of the car wash. The westerly parcel has an existing Tulare County Fire Station. The remaining vacant 2.80± acre portion of the site is located on the west side of Westwood Street contiguous to the 4.32± acre site to the north; and

WHEREAS: Zone Change 13-2005 (pre-zoning) proposes to change the existing County C-3 Zoning (Service Commercial) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the entire 4.32 ± acre site; and

WHEREAS: A change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for a 2.80± acre portion of the site is also proposed; and

WHEREAS: In conjunction with Zone Change 13-2005, Annexation No. 463 proposes the incorporation of 4.32± acres of land into the City Limits of Porterville. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City Council may authorize filing of the necessary application and proposal for presenting Annexation No. 463 to the Local Agency Formation Commission (LAFCo) for its review and approval; 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-3 (Service Commercial) to City C-3 (D) (Heavy Commercial “D” Overlay Site Review) for the entire 4.32± acre site fronting on Olive Avenue: 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 change of zone from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the southerly 2.80± acres; and

WHEREAS: Upon approval of the annexation and zone change, the developer/applicant shall be required to submit a lot line adjustment prior to development approvals; and

WHEREAS: Upon approval of the zone change, the existing mobile home will be considered as a “legal non-conforming use” which could not be replaced if it were destroyed by more than 75% of its assessed value. However, the present residential use will be allowed to continue.

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 13-2005:

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 car wash and County Fire Department.

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

5. That the Negative Declaration prepared for this project was made available for public review and comment.

On December 19, 2005, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project. The Initial Study has been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from December 27, 2005 to January 17, 2006. At the end of that period, no agencies responded.

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

Section 1: Zone Change 13-2005 is contingent upon approval of Annexation 463.

Section 2: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 13-2005, is hereby pre-zoned from County C-3 (Service Commercial) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone
for the entire 4.32± acre site fronting on Olive Avenue more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 3: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 13-2005, is hereby re-zoned from City R-1 (One Family Residential) to City C-3 (D) (Heavy Commercial with a “D” Overlay Site Review) Zone for the 2.80± acre vacant portion of the site more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A.”

Section 4: 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. 463.

____________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE NO. 13-2005

OLIVE AVE

PROPOSED CHANGE

- COUNTY C-3 TO CITY C-3(D)
- CITY R-1 TO CITY C-3(D)

CITY COUNCIL
ORDINANCE NO. 1691

EXHIBIT "A"