

COUNCIL AGENDA – MARCH 19, 2013

SUBJECT: SECOND READING – ORDINANCE 1796, APPROVING ZONE CHANGE
2012-002-Z


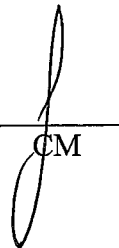
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1796, An Ordinance of the City Council of the City of Porterville Approving Zone Change 2012-002-Z from RM-2 (Medium Density Residential), RM-3(High Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for that 23.4± acre site located generally at the southwest corner of Henderson Avenue and Newcomb Street, was given first reading on March 5, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1796, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1796

Item No. 18

 Dir	<i>N/A</i> Approp./ Funded	 CM
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ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-002-Z FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-002-Z, being a change of zone from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (2012-002-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran for twenty (20) days from February 8, 2013 to February 28, 2013; and

WHEREAS: The City Council made the following findings that the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

- a. The project supports and complies with the following General Plan guiding policies:
 - LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
 - LU-G-3 Promote sustainability in the design and development of public and private development projects.
 - LU-G-10: Foster viable, pedestrian-oriented neighborhood centers with vertically- and horizontally- mixed-use development.
- b. Development of the site as proposed, including personal storage, requires approval of a Conditional Use Permit and would be subject to the City's development standards.
- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment 2012-002 G, to ensure consistency between the General Plan and Zoning. The commercial mixed use (CMX) zoning will allow for similar types of land uses but in different proportions than currently exist on the property. In addition, the CMX Zone will allow the personal storage development pursuant to approval of a Conditional Use Permit as well as the drive through lanes as proposed.

- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

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 2012-002-Z, is hereby rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 245-410-032 located on the south side of Henderson Avenue, west of Newcomb Street; 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 the above described real property is rezoned from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site described above, more particularly shown on the attached map as Exhibit "A"; and

Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage, subject to the following conditions:

1. The project shall comply with all local, State, and federal laws.
2. The project shall comply with all mitigation measures identified in the approved CEQA document.
3. Building Design Criteria: In order to receive building permit approval for the mixed use project, City staff shall find that all of the following criteria have been met:
 - a. Integrated Theme – All buildings within the mixed use development will exhibit an integrated architectural theme that includes consistent materials, colors, and design details as represented on Exhibits "B, C and D"; including a complete master site plan, building elevations, and landscaping.
 - b. The architectural details of building entrances shall be integrated with the overall building design in terms of materials, scale, proportion, and design elements.
 - c. All buildings shall include a complementary level of design detail on all facades.
 - d. Signage shall be in compliance with the Master Sign Program for the entire development, as represented herein on Exhibit "E".
4. The entire commercial mixed use project is considered one project as shown on the proposed Master Development Plan and Tentative Parcel Map (Exhibits "B" and

“F”). Building permits secured separately for phased buildings and buildings with differing uses are considered part of one overall commercial mixed use project.

As either or both Parcels 2 and/or 3 develop, all parking, building pads, drive aisles, enhanced public open spaces, features and amenities shall be constructed with the initial building permit. The remaining building pad areas may develop by separate permits.

5. The main access point for the residential component (Parcel 4), along Henderson Avenue shall be fully developed and provide connectivity to the street with the first building permit for any portion of the apartments. The connecting drive aisle and parking within this area, as shown on Exhibit “B”, (approximately 80 foot width), shall be developed prior to issuance of a certificate of occupancy. A recorded access easement for ingress/egress, parking, trash and connectivity to both streets shall serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. As shown on Exhibit “B”, the section of the easement running east to west shall be developed in favor of Parcel 4 and the section of the easement running north to south shall be in favor of the adjacent parcel.
6. All improvements shall be in accordance with City standards and should maintain a common theme throughout the entire project. All landscaping shall comply with all City of Porterville landscape and irrigation standards. Plants shall be selected for their ability to prosper in the climate and geography of this region; the Sunset Garden manual is one such approved resource that is frequently used to guide plant selection. Such landscaping shall include an automatic sprinkler system and adequate maintenance to maintain the landscaping as approved free of diseased, dead or damaged materials. Plants shall be maintained in a healthy and vigorous growing condition and planting areas shall be maintained in a clean and orderly manner, free of weeds and debris. Other improvements to the Land Area are to include, at a minimum, a seating area with one or more benches and a trash receptacle which are designed for use in the public space. Owner shall submit details regarding the style, color, and materials for approval of the Community Development Director, which approval shall not be unreasonably withheld.
7. Development of the project area shall substantially comply with all plan sheets (Exhibits “B, C, and D”).

PASSED, APPROVED AND ADOPTED this ____ day of March, 2013.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk