

CITY COUNCIL AGENDA: NOVEMBER 5, 2013

CONSENT CALENDAR

SUBJECT: CONSIDERATION OF A REQUEST FOR AN EXTENSION TO CUP 2012-010; WALGREENS; APNS 246-111-007, -008, AND -035.

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On December 4, 2012, the City Council of the City of Porterville adopted Resolution 116-2012 for Conditional Use Permit (CUP) 2012-010-C. The application consisted of a request by Village Investment Partners, L.P. to develop a 14,550± square foot Walgreens Pharmacy, with a drive through and provision for sales of beer and wine, to be located at the northeast corner of Henderson Avenue and Prospect Street. According to the December 4, 2012, Staff Report the CUP was required because of the applicant's request for a Type 20 off-sale alcohol license for the pharmacy.

The project also required a General Plan Amendment (Resolution 115-2012) and Zone Change (Ordinance No. 1794) to allow a change in Land Use designation/Zoning District from High Density Residential (RM-3) to Retail Center (RC) on one of the three parent parcels (APN 246-111-008). During review of the CUP and related requested Code/Map amendments, Council found that it would be necessary for the applicant to merge the three parent parcels to allow for orderly development. Council approved the General Plan Amendment, Zone Change and a Mitigated Negative Declaration (Resolution 114-2012) for the potential environmental impacts associated with the project. Council voted 4 to 0 to approve the project with one member abstaining on each of these decisions.

Resolution 116-2012 approving CUP 2012-010-C contained a condition limiting the term of the approval (Condition No. 7), which is typical for this type of discretionary action. It is therefore the only approval needing an extension at this time. The term of the CUP is set to expire on December 4, 2013. The current extension request is within the authority granted to the City Council in Section 601.08 of the Development Ordinance.

The applicant recently contacted staff to request an extension to the CUP in order to give them time to complete the land acquisition process. Due to existing tenancies and the timing of escrow for property purchase, the applicant does not yet have full control over the properties. Completion of escrow for the acquisition of the southernmost parcel (APN 246-111-035) is anticipated to close in January 2014 (after the expiration of the CUP's current term). According to the applicant, they intend to break ground on the project before the end of 2014. Since the approval of the CUP, no additional ABC permits (licenses to serve alcohol) have been issued in this census tract.

RECOMMENDATION: That the City Council adopt the draft resolution approving the requested Extension to the approval of CUP 2012-010 for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy with a term extension for a period of one (1) year beyond the original approval to (December 4, 2014).

ATTACHMENTS:

1. Resolution 116-2013
2. Draft Resolution
3. Prior Staff Report with Attachments
4. Section 301.08 of Porterivlle Development Ordinance

RESOLUTION NO. 116-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT PRC-2012-010-C
TO ALLOW THE SALE OF BEER AND WINE UNDER AN OFF-SALE TYPE 20
ALCOHOL LICENSE TO BE LOCATED AT THE NORTHEAST CORNER OF
HENDERSON AVENUE AND PROSPECT STREET

WHEREAS: The applicant is requesting approval of Conditional Use Permit PRC 2012-010-C to allow the sale of beer and wine under a Type 20 off-sale alcohol license at the northeast corner of Henderson Avenue and Prospect Street in the CR (Retail Centers) Zone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2012-010-C; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: Section 301.03 of the Porterville Development Ordinance requires Conditional Use Permit approval for any use involving the sale of alcoholic beverages under an on-sale or off-sale license; and

WHEREAS: The City Council made the following findings:

1. Approval of the Conditional Use Permit 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, as follows:
 - LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.
 - LU-G-21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.
 - ED-G-7 Create an image for Porterville that will attract and retain economic activity.
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

The General Plan and Zoning Map designates the proposed project site as Retail Centers (CR). The proposed project promotes and implements the specific purposes of the Retail Centers Zone, including the following purposes as set forth in Section 203 of the Development Ordinance and Retail Centers Guidelines:

- To maintain areas for regional shopping centers located at major circulation intersections.
- Ensure the provision of services and facilities needed to accommodate

**ATTACHMENT
ITEM NO. 1**

planned population densities.

WHEREAS: That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure applicable development standards are met; and

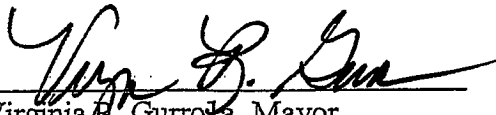
WHEREAS: The subject site is located in Census Tract 35.02 which allows, according to the Alcoholic Beverage Control Board, ten (10) off-sale licenses. At present, eight (8) off-sale licenses exist in this census tract.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC-2012-010-C subject to the following conditions:

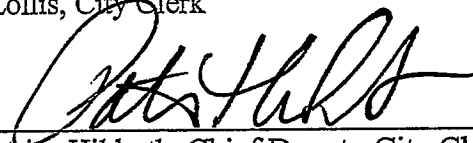
1. No advertising of alcoholic beverages shall be placed on the exterior of the building nor seen from the public right of way (i.e. no window advertising or digital signage).
2. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use Permit as provided in Section 601.12 of the Porterville Development Ordinance.
3. Compliance with all applicable development and access laws (both State and Federal) is required.
4. The developer/applicant shall keep and maintain the beer and wine in the area as identified on Exhibit A. Any such expansion or relocation shall be approved by the City Council.
5. That the on-site consumption of alcoholic beverages shall be prohibited.
6. The Conditional Use Permit, approving off-site alcohol sales, will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.
7. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year. The Conditional Use Permit will expire when the use ceases to operate for one year or more.
8. The use shall be conducted in compliance with all applicable local, state and federal regulations.

9. Truck deliveries of store merchandise and products shall be restricted to the hours of 7am – 10pm.
10. The business operation shall comply with Noise Ordinance No. 1757 of the Municipal Code.
11. The developer/applicant shall construct per the attached details (Exhibits B and C), and driveways shall be setback as far as practical from the Henderson Avenue/Prospect Street intersection. The Prospect Street driveway shall be thirty (30) feet wide.

PASSED, APPROVED AND ADOPTED this 4th day of December, 2012.

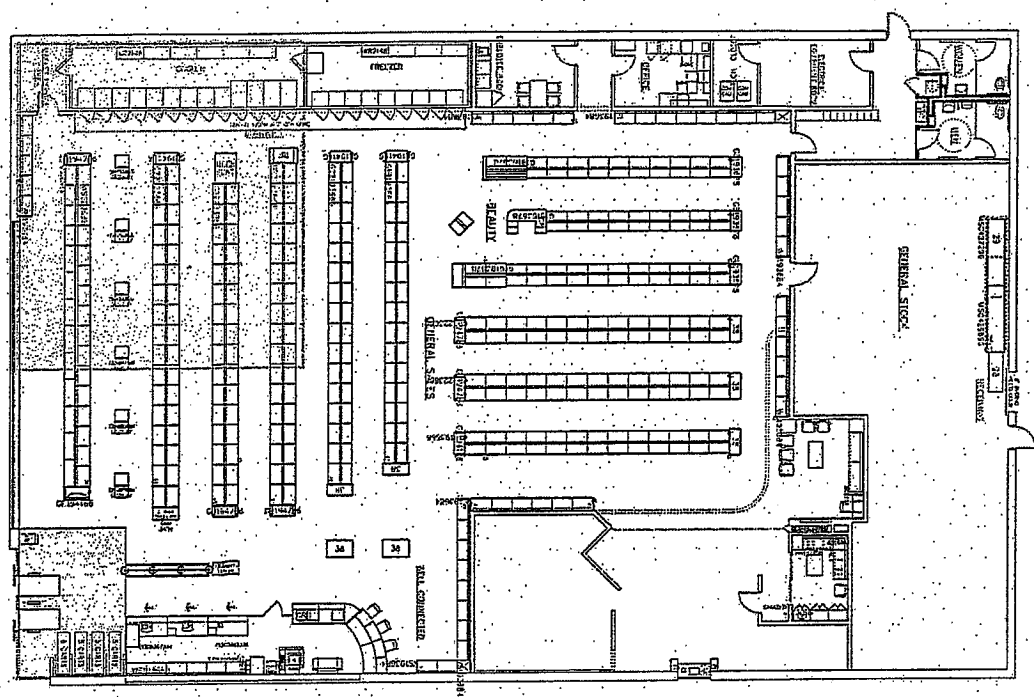
By: 
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

1 GENERAL FLOOR PLAN

MAXIMUM 40' x 50' AREA FOR BEER AND WINE SALES




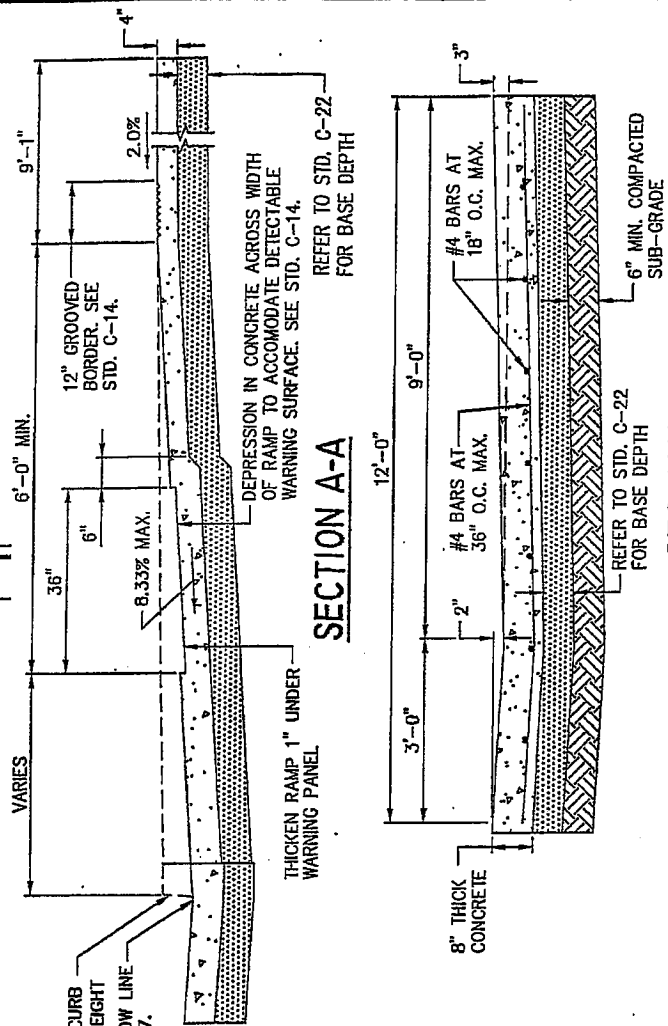
D-1	FLOOR PLAN			
	STORE NUMBER #15320			
	WALGREENS			
	NEC PROSPECT & HENDERSON PORTERVILLE, CA			
GADD PLOT: DRAWN BY: DATE: 6-1-2012 REVIEWED: 6/5/2012		NO. DATE BY DESCRIPTION REVISIONS		
		Stantec 1303 N. McDaniel Blvd., Suite 250 Pasadena, CA 91106 Tel: 767.143.1640 Fax: 767.702.8938 www.stantec.com JGB MACO: 201613071		
		I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A QUALIFIED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA AS INDICATED BY MY LICENSE AND SEAL.		
		 FACILITIES PLANNING DESIGN AND ENGINEERING 10000 HUNTERS BLVD., SUITE 200 DUBLIN, CA 94568		

EXHIBIT A



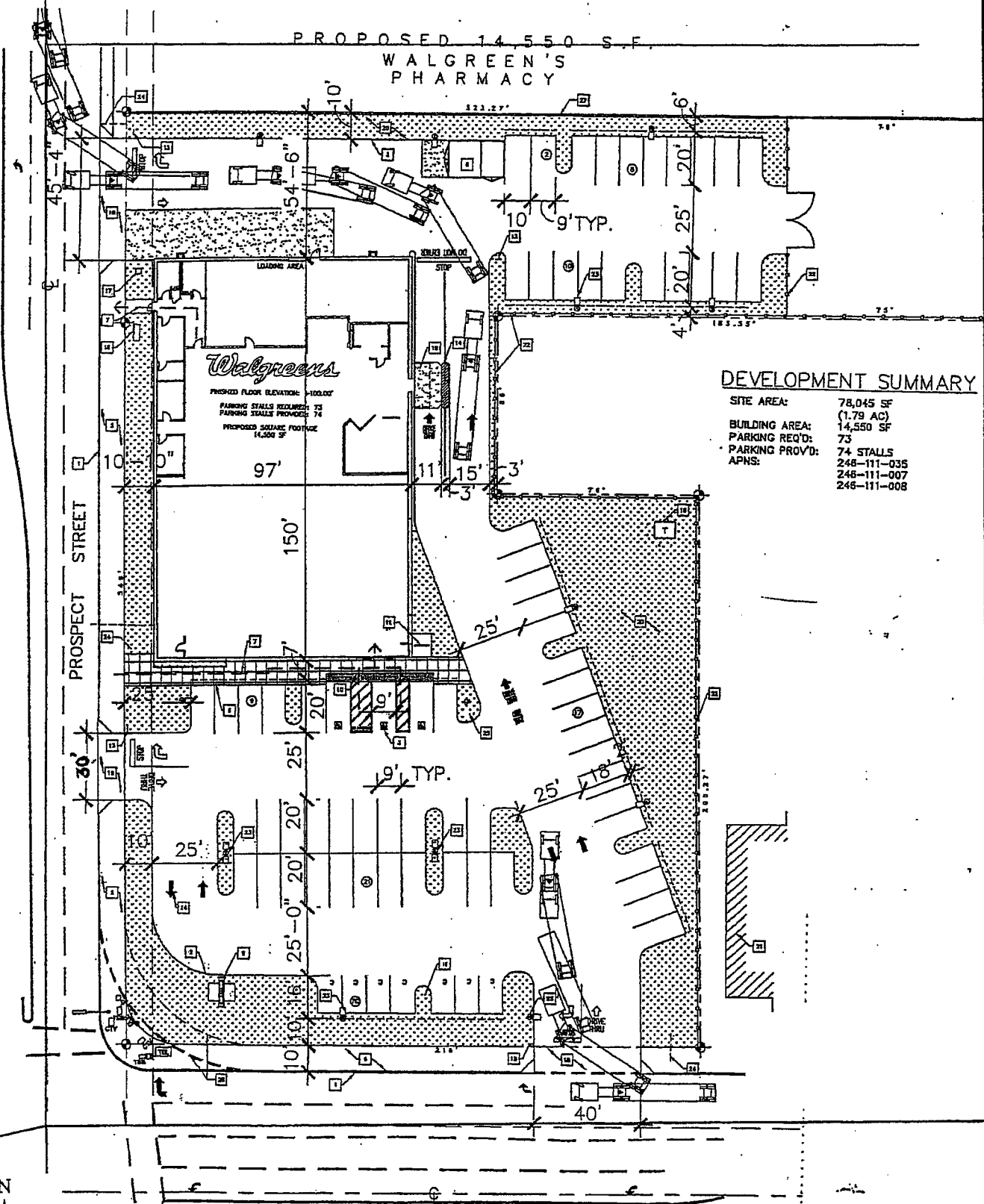
SECTION B-B

8. REPAIRS SHALL BE MADE BY REMOVING & REPLACING THE ENTIRE UNIT BETWEEN JOINTS.

REVISION APPROVED BY
PUBLIC WORKS DIRECTOR
Baltimore Rodriguez
DATE: 05/10/2010 R.C.E. 43304
SUPERCEDES
DRAWING NO. C-20

SITEPLAN

PROPOSED 14,550 S.F.
WALGREEN'S
PHARMACY



DEVELOPMENT SUMMARY

SITE AREA:	78,045 SF (1.79 AC)
BUILDING AREA:	14,550 SF
PARKING REQ'D:	73
PARKING PROVIDED:	74 STALLS
APNS:	248-111-035 248-111-007 248-111-008



NOT TO SCALE

HENDERSON AVENUE

EXHIBIT C

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 4th day of December, 2012.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	WARD	McCRACKEN	GURROLA	SHELTON	HAMILTON
AYES:	X	X	X		X
NOES:					
ABSTAIN:				X	
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa M. Herrera, Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
APPROVING AN EXTENSION TO THE APPROVAL OF CONDITIONAL USE PERMIT
PRC-2012-010-C TO ALLOW THE SALE OF BEER AND WINE UNDER AN OFF-SALE
TYPE 20 ALCOHOL LICENSE TO BE LOCATED AT THE NORTHEAST CORNER OF
HENDERSON AVENUE AND PROSPECT STREET

WHEREAS: The applicant requested approval of Conditional Use Permit PRC 2012-010-C to allow the sale of beer and wine under a Type 20 off-sale alcohol license at the northeast corner of Henderson Avenue and Prospect Street in the CR (Retail Centers) Zone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2012-010-C; and

WHEREAS: On December 4, 2012, the City Council approved the request with Resolution 116-2012, Condition No. 7 of which limited the term of the associated Conditional Use Permit (CUP 2012-010) to one year; and

WHEREAS: Section 601.08 (b) of the Porterville Development Ordinance allows the City Council to approve a one (1) year extension of any permit granted under (the Development Code); and

WHEREAS: On November 5, 2013, the City Council approved the applicant's request for extension to the term of the Conditional Use Permit (CUP 2012-010) for an additional one-year term; and

WHEREAS: The City Council made the following findings:

1. The applicant submitted the required written application for extension of the CUP approval prior to permit expiration; and
2. No fee is currently established in the Fee Schedule for the extension of a Conditional Use Permit and the applicant is therefore not required to pay a fee for the extension request; and
3. All Conditions of Approval set forth in Resolution 116-2012 approving CUP 2012-010 continue to apply to the project and associated Type 20 off-sale alcohol license. Condition No. 7 is hereby modified to provide for extension to the term of CUP 2012-010.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve a one-year extension to Conditional Use Permit PRC-2012-010-C subject to the conditions of approval contained in Resolution 116-2012.

ATTACHMENT
ITEM NO. 2

PASSED, APPROVED AND ADOPTED this _____ day of November 2013.

By: _____
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA: DECEMBER 4, 2012

SUBJECT: WALGREENS PHARMACY AT HENDERSON AVENUE AND PROSPECT STREET (PRC 2012-010)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a General Plan Amendment, Zone Change and Conditional Use Permit to facilitate the development of a 1.79± acre site for a new 14,550± square foot Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street.

The proposed General Plan Amendment and Zone Change are supported by staff due to the logical pattern continued by the proposed action. The intersection of Henderson Avenue and Prospect Street has long been a major commercial corner in the city, and commercial uses extend north and south of the intersection on all other corners at dimensions consistent with what is now proposed for the northeast corner. Approval of the General Plan Amendment and Zone Change would bring the current zoning of the subject parcels into consistency and compliance with the proposed use.

The present land use and zoning for the subject 1.79± acre site is split between CR (Retail Centers) [1.23± acres] and RM-3 (High Density Residential) [0.56± acres] and is being proposed to change entirely to CR (Retail Centers). Land uses surrounding the project area are primarily commercial to the south, east, and west, with high- and medium-density residential to the north of the project. The applicant is requesting approval of a Conditional Use Permit to authorize the sale of alcohol under a Type 21 off-sale beer, wine and distilled spirits license. Additionally, prior to development, a parcel merger will be required to configure the subject three (3) parcels for project as proposed. The requested Zone Change would be contingent on the Lot Line Adjustment to consolidate the project parcels in order to be effective.

The proposed pharmacy is allowed by right in the CR Zone. However, the sale of alcohol requires a Conditional Use Permit. The project lies in Tract 35.02, which currently has eight (8) other alcohol licenses. The Department of Alcoholic Beverage Control (ABC) verified that ten (10) off-sale licenses are allowed in the tract area before the area is deemed over-concentrated. The census tract boundary in the project area is Henderson Avenue, and the census tracts to the south and east are over-concentrated with off-sale licenses. The nearest sensitive use is the First Christian Church of Porterville 550± feet north of the project site at the south east corner of Prospect Street and Mulberry Avenue.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a Negative Declaration of environmental impact; and

DD

APPROPRIATED/FUNDED
ACTING

MB

CM

ITEM NO. 10

ATTACHMENT
ITEM NO. 3

2. Adopt the draft resolution approving a General Plan Amendment to change APN 246-111-008 land use designation from High Density Residential to Retail Center; and
3. Approve the draft ordinance approving Zone Change for APN 246-111-008 from High Density Residential Zone to Retail Center Zone contingent upon General Plan Amendment; and
4. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit for a Type 21 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street contingent upon Zone Change and General Plan Amendment.

ATTACHMENTS:

Complete Staff Report

CITY COUNCIL AGENDA: NOVEMBER 20, 2012

STAFF REPORT

TITLE: GENERAL PLAN AMENDMENT, ZONE CHANGE AND CONDITIONAL USE PERMIT (PRC 2012-010 WALGREENS PHARMACY)

APPLICANT: Doug Mighell
Stantec Architecture
1383 N. McDowell Blvd., Suite 250
Petaluma, CA 94954

PROJECT LOCATION: Northeast corner of Henderson Avenue and Prospect Street

SPECIFIC REQUEST: The applicant is requesting approval of a General Plan Amendment, Zone Change and Conditional Use Permit for development of a 1.79± acre site. The development proposes a new 14,550± square foot Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street.

The proposed General Plan Amendment and Zone Change are supported by staff due to the logical pattern continued by the proposed action. The intersection of Henderson Avenue and Prospect Street has long been a major commercial corner in the city, and commercial uses extend north and south of the intersection on all other corners at dimensions consistent with what is now proposed for the northeast corner. Approval of the General Plan Amendment and Zone Change would bring the current zoning of the subject parcels into consistency and compliance with the proposed use.

The present land use and zoning for the subject 1.79± acre site is split between CR (Retail Centers) [1.23± acres] and RM-3 (High Density Residential) [0.56± acres] and is being proposed to change entirely to CR (Retail Centers). The applicant is requesting approval of a Conditional Use Permit to authorize the sale of alcohol under a Type 21 off-sale beer, wine and distilled spirits license. Additionally, prior to development, a parcel merger will be required to configure the subject three (3) parcels for project as proposed. The requested Zone Change would be contingent on the Lot Line Adjustment to consolidate the project parcels in order to be effective.

The proposed pharmacy is permitted by right in the CR Zone. The sale of alcohol requires a Conditional Use Permit. The project lies in Tract 35.02, which currently has eight (8) other alcohol licenses (1 on-sale and 7 off-sale). The Department of Alcoholic Beverage Control (ABC) verified that ten (10) off-sale licenses are allowed in the tract area before the area is deemed over concentrated. The census tract boundary in the project area is Henderson Avenue, and the census tracts to the south and east are over-concentrated. Census alcohol permit concentrations are calculated based on population.

HISTORY: For more than twenty-five years, the northeast corner of Henderson Avenue and Prospect Street has been an active commercial corner. Initially it was a "7-Eleven" mini-mart with gas pumps and additional retail lease spaces, the corner has evolved into a strip mall of check cashing, salon, nutrition and tax preparation businesses. The existing circulation is poor

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and limited by nature of design and frontage along Henderson Avenue and Prospect Street. The adjacent property to the north was occupied by a residence several years ago but has since been cleared by the owner for the purposes of attracting development. The parcel furthest north has remained a residential use and been occupied predating most of the urban development in the immediate area; that residence is now vacant. The proposed project plans to consolidate the properties and develop the site as one pharmacy with drive-thru facility.

PROJECT DETAILS: The site selected for a proposed Walgreens Pharmacy with a drive-through and an off-sale alcohol license is currently vacant and located on multiple parcels that will require a lot merger to consolidate the parcels.

The colors and finish of the proposed development will completely update and improve visibility at the commercial corner. The new retail store proposes a modern design with colors of white, soft beige, tan, and fog tones. The concrete masonry building, framed pilasters and pop-outs will have a painted stucco finish. Other building finishes include anodized blue aluminum trim, clear anodized aluminum storefront and sunshades. Sign faces will compliment the building with red metal returns. Steel trellises attached to the building with live plant vines will provide enhancements and further help break up bare walls. The lower wall sections will be brown split face block approximately three and half feet high around the entire building. Additionally, increased landscaping will be installed along Henderson Avenue throughout the parking lot and median areas.

The proposed site plan meets City parking standards, and the layout allows additional landscaping near the pharmacy drive-thru. The building design, as proposed, provides a fresh and modern look that aesthetically improves the site as well as develops two vacant and underutilized parcels.

STAFF ANALYSIS: Although the use of a pharmacy is allowed by right in the Retail Center Zone, the project as proposed requires a Conditional Use Permit per Development Ordinance Section 301.03 "Alcohol Beverage Sales." While the City's Development Ordinance does not have proximity restrictions to sensitive uses (i.e. schools and churches), over the last several years the City Council has been sensitive and protective of surrounding uses. Consistent with recent projects, conditions have been placed on the draft resolution restricting outdoor advertising, restricting access to distilled spirits to employees, and requiring Council approval of changes regarding alcohol storage, sales and licensing. Attachment 4 represents the proximity of some of the existing alcohol permits adjacent to the subject site, but does not include the entire representation of active alcohol licenses per census tract.

In the subject Census Tract (35.02), nine (9) on-sale and ten (10) off-sale licenses are permitted. Currently, one (1) on-sale license and seven (7) off-sale licenses exist within the census tract. Eight (8) more on-sale and three (3) more off-sale licenses would be allowed, respectively. Adjacent census tracts include 36.01 to the southwest, 36.02 directly to the south, 37 to the east, and 38 to the southeast.

In Census Tract 36.01, six (6) on-sale licenses and seven (7) off-sale licenses are permitted. Currently, one Veteran's club and one off-sale beer and wine license exist. Additional on-sale and off-sale licenses would be allowed.

Similarly, in Census Tract 36.02, seven (7) off-sale licenses and six (6) on-sale licenses are permitted. Currently, thirteen (13) off-sale licenses and three (3) on-sale licenses exist within the census tract. The census tract is over-concentrated with off-sale licenses; however, three (3) more on-sale licenses would be allowed.

In Census Tract 37, five (5) off-sale licenses and five (5) on-sale are permitted. Currently, seven (7) off-sale licenses, nine (9) on-sale licenses, and one Veteran's Club license exist within the census tract. The census tract is over-concentrated with both on-sale and off-sale licenses.

In Census Tract 38.01, three (3) off-sale licenses and two (2) on-sale licenses are permitted. Currently, four (4) off-sale licenses and one (1) on-sale license exist within the census tract. The census tract is over-concentrated with off-sale licenses and one (1) more off-sale license would be allowed.

The development is within 600 feet (but not less than 500 feet) of one sensitive use - the First Christian Church - approximately 550 feet to the north at the corner of Prospect Street and Mulberry Avenue. There is not a distance requirement in the Development Ordinance between an off-sale alcohol sales establishment and a sensitive use.

SURROUNDING LAND USES AND ZONING:

NORTH : City – RM-3 and PD (High Density Residential and Planned Development) Multi Family Condominium Apartments and the First Christian Church of Porterville
EAST : City – CR (Retail Centers Zone) Commercial Uses – Retail, Restaurants, and Convenience Markets
WEST: City – CR (Retail Centers Zone) Commercial Uses – Drive-through Coffee and vacant commercial buildings
SOUTH: City – CR (Retail Centers Zone) Commercial Uses – Convenience Market, Offices, vacant land, Credit Union, Restaurant and retail beyond

GENERAL PLAN DESIGNATION AND ZONING: The subject site is designated Retail Centers on the two parcels nearest Henderson Avenue (1.23± acres total), and High Density Residential for the northern parcel (0.56± acres). The proposed General Plan Amendment and Zone Change are supported by staff due to the logical pattern continued by the proposed action. The intersection of Henderson Avenue and Prospect Street has long been a major commercial corner in the city, and commercial uses extend north and south of the intersection on all other corners at dimensions consistent with what is now proposed for the northeast corner. Approval of the General Plan Amendment and Zone Change would bring the current zoning of the subject parcels into consistency and compliance with the proposed use.

ENVIRONMENTAL: On October 30, 2012, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the Project. The Initial Study has been transmitted to interested agencies, groups and individuals for review and comment. The review period ran for twenty (20) days from November 10, 2012, to November 30, 2012. As of the submittal of this report, no comments were received.

DATE FILED FOR PROJECT REVIEW PROCESS: June 1, 2012

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving a Negative Declaration of environmental impact;
2. Adopt the draft resolution approving a General Plan Amendment to change APN 246-111-008 land use designation from High Density Residential to Retail Center;
3. Approve the draft ordinance approving Zone Change for APN 246-111-008 from High Density Residential Zone to Retail Center Zone, contingent upon General Plan Amendment;
4. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print;
5. Adopt the draft resolution containing findings and conditions in support of approval of Conditional Use Permit for a Type 21 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street contingent upon Zone Change and General Plan Amendment.

ATTACHMENTS:

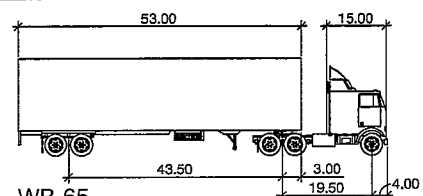
1. Project Location Map
2. Site Plan
3. Elevation Plan
4. Census Tract Map
5. Draft Resolution adopting a Negative Declaration
6. Draft Resolution for General Plan Amendment
7. Draft Ordinance for Zone Change
8. Draft Resolution of Approval for Conditional Use Permit 2012-10



Attachment 1
Project Location

KEYNOTES

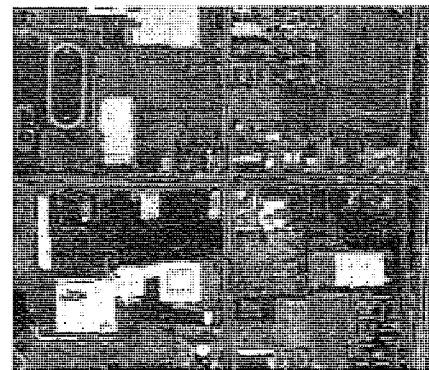
- 1 EXISTING PUBLIC CURB AND GUTTER TO REMAIN
- 2 PROPOSED 6" VERTICAL CURB
- 3 PROPOSED ACCESSIBLE PARKING STALL, ACCESSIBLE ISLE, BOLLARDS AND SIGN R-89
- 4 PROPOSED CURB RAMP
- 5 PROPOSED 10' SIDE WALK
- 6 PROPOSED 9' WIDE SIDEWALK
- 7 PROPOSED ACCESSIBLE PATH OF TRAVEL
- 8 PROPOSED TRASH AND TOTE ENCLOSURE
- 9 PROPOSED PYLON SIGN
- 10 PROPOSED WALK WITH FLUSH CURB
- 11 PROPOSED 6' WIDE PLANTER PENINSULA
- 12 PROPOSED BIKE RACK
- 13 PROPOSED STOP SIGN
- 14 PROPOSED PAVEMENT MARKINGS
- 15 WALGREENS TRANSFORMER LOCATION
- 16 PROPOSED FIRE LINE AND DDCV
- 17 WATER METER AND RP DEVICE
- 18 PROPOSED NEW CURB CUTS AND ACCESSIBLE DRIVE ENTRANCE
- 19 PROPOSED DRIVE-THRU PHARMACY
- 20 PROPOSED STORMWATER TREATMENT AREAS
- 21 ADJACENT BUILDING
- 22 CHAINLINK FENCE WITH VINYL SLATS
- 23 NEW PARKING LOT LIGHTING
- 24 CONNECTION TO STORM DRAIN IN STREET
- 25 FIRE HYDRANT
- 26 PROPOSED CURB AND SIDEWALK FOR CITY DEDICATION.
- 27 6" CMU WALL



WB-65
Tractor Width 8.00 Lock to Lock Time -6.00
Trailer Width 8.50 Steering Angle -28.40
Tractor Track 8.00 Articulating Angle -70.00
Trailer Track 8.50

LEGEND

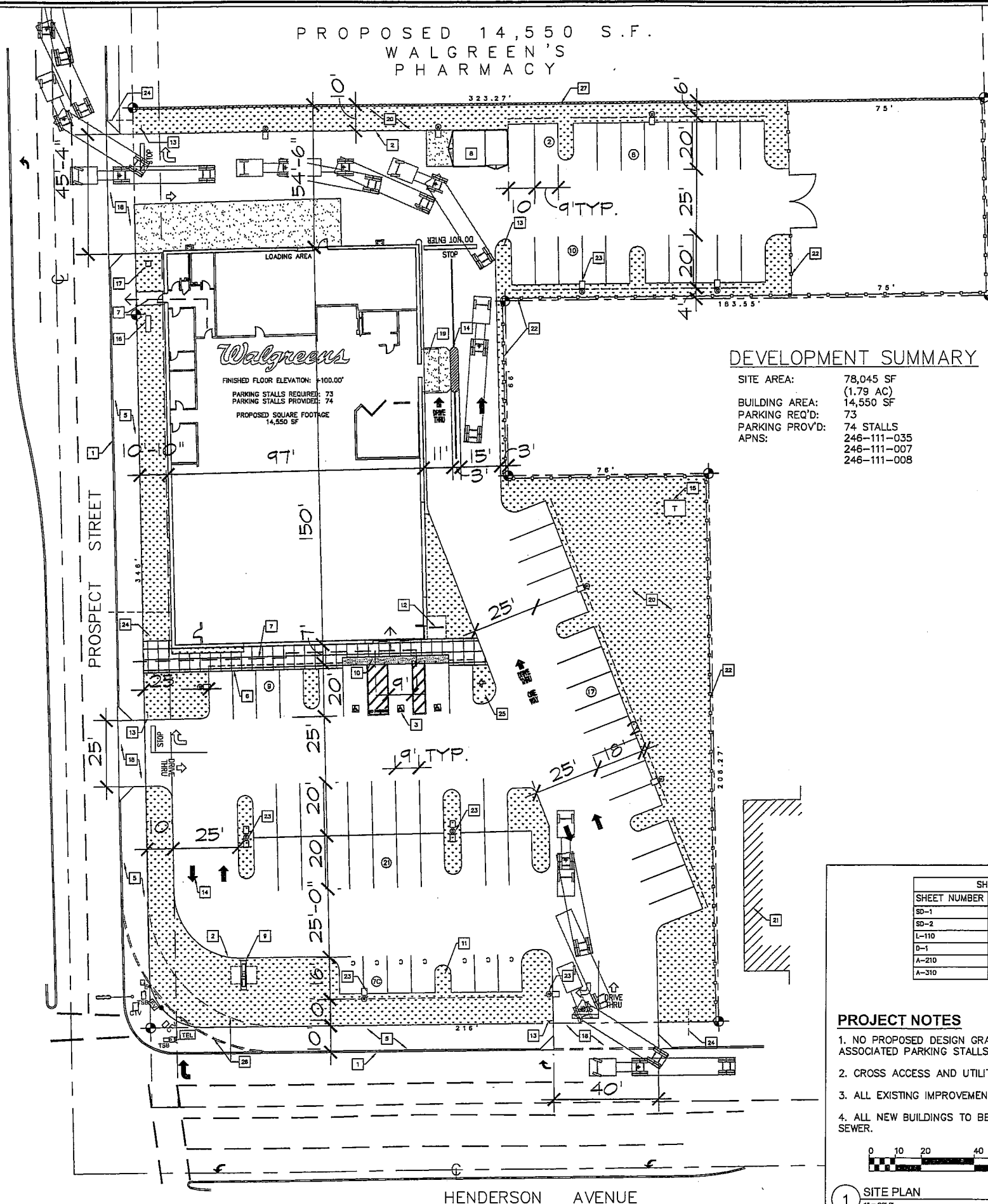
PROPERTY LINE	---
CURB, GUTTER & SIDEWALK	==
FENCE	---o---o---
6" BLOCK WALL	=====
POWER POLE	o-PP
WATER VALVE	W
FIRE HYDRANT	dh
WATER METER	□
STORM DRAIN CATCH BASIN	○
SEWER CLEAN OUT	*
CURB INLET OR CATCH BASIN	⌌
AC PAVEMENT	▨
PORTLAND CEMENT PAVEMENT	▩
NEW LANDSCAPE	▤



VICINITY MAP



PROPOSED 14,550 S.F. WALGREEN'S PHARMACY



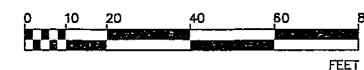
DEVELOPMENT SUMMARY

SITE AREA: 78,045 SF
(1.79 AC)
BUILDING AREA: 14,550 SF
PARKING REQ'D: 73
PARKING PROV'D: 74 STALLS
APNS: 246-111-035
246-111-007
246-111-008

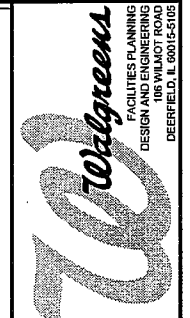
SHEET INDEX	
SHEET NUMBER	SHEET TITLE
SD-1	PRELIMINARY SITE PLAN
SD-2	ALTA AND TITLE SURVEY
L-110	PRELIMINARY LANDSCAPE PLAN
D-1	PRELIMINARY FLOOR PLAN
A-210	PRELIMINARY EXTERIOR ELEVATIONS
A-310	COLOR RENDERINGS

PROJECT NOTES

1. NO PROPOSED DESIGN GRADES WITHIN THE PARKING FIELD AND ASSOCIATED PARKING STALLS EXCEED 5% SLOPE
2. CROSS ACCESS AND UTILITY EASEMENTS ARE EXISTING.
3. ALL EXISTING IMPROVEMENTS ON SITE ARE TO BE REMOVED.
4. ALL NEW BUILDINGS TO BE CONNECT TO PUBLIC WATER AND SEWER.



1 SITE PLAN
1" = 20'-0"



I HEREBY CERTIFY THAT THE PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF CALIFORNIA AS AUTHORIZED BY MY HAND AND SEAL.

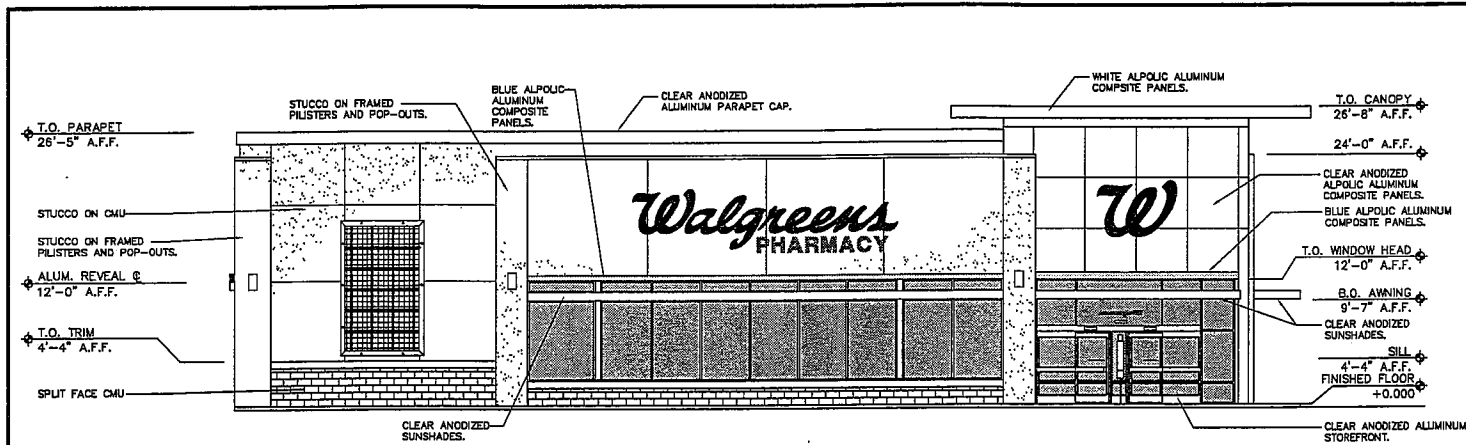
Stantec
Stantec Architecture Inc.
1807 N. McLeod Blvd., Suite 250
Folsom, CA, U.S.A. 95634
Tel: 707.765.1660 Fax: 707.765.9908
www.stantec.com
JOB NUMBER: 2007512074

REVISIONS			
NO.	DATE	BY	DESCRIPTION
2	8/24/12	DM	PLANNING COMMENTS
1	8/22/12	ZM	PLANNING COMMENTS

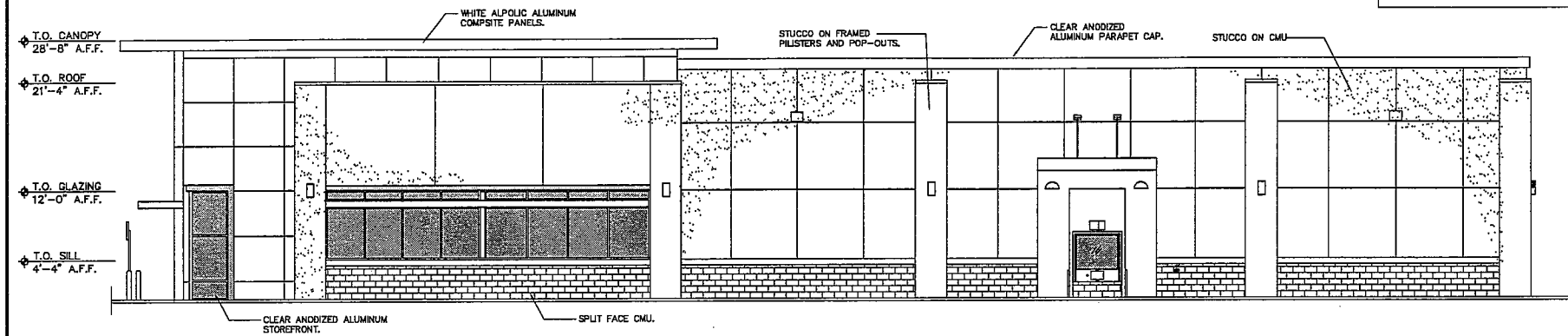
PRELIMINARY SITE PLAN	STORE NUMBER	WALGREENS
CADD PLOT:	DRAWN BY:	NEC PROSPECT & HENDERSON
	DATE:	PORTERVILLE, CA
	REVIEWED:	

SD-1

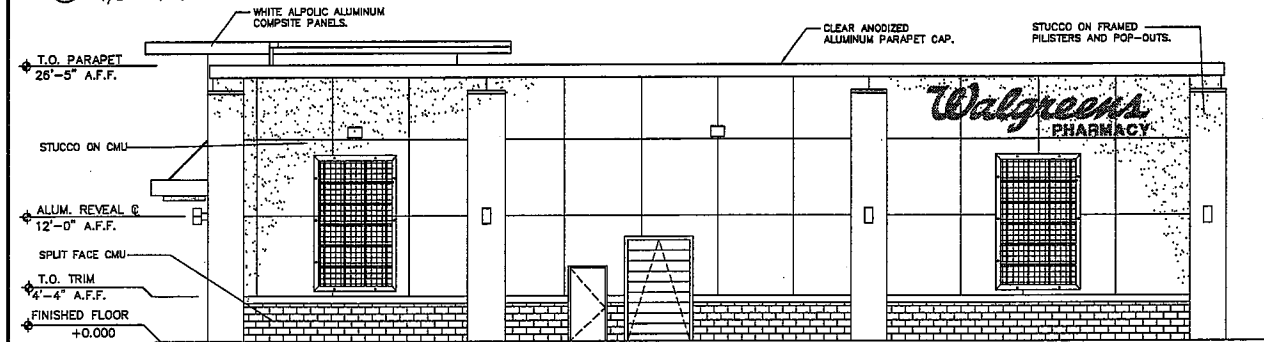
ATTACHMENT
ITEM NO. 2



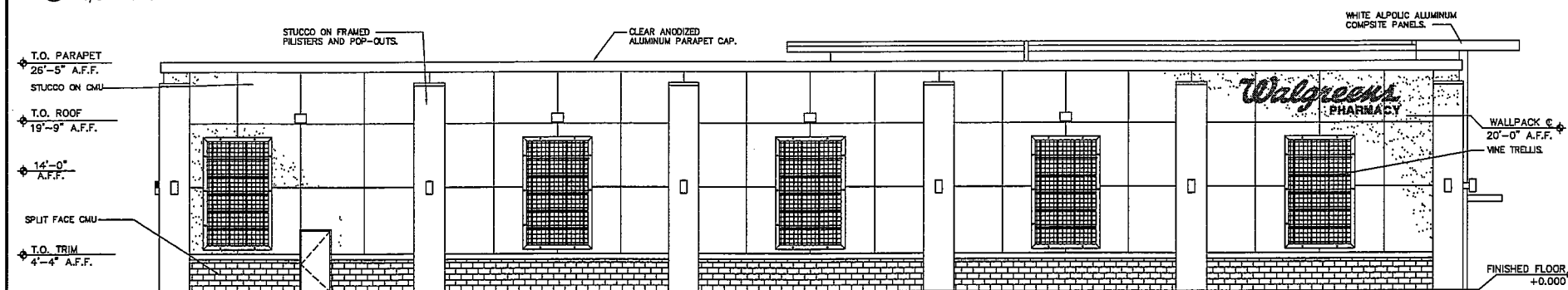
1 EXTERIOR ELEVATION - SOUTH
1/8" = 1'-0"



2 EXTERIOR ELEVATION - EAST
1/8" = 1'-0"

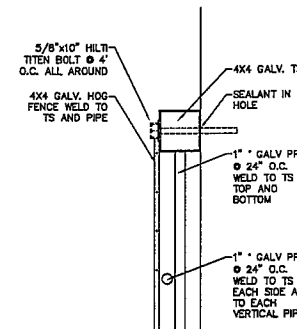


3 EXTERIOR ELEVATION - NORTH
1/8" = 1'-0"

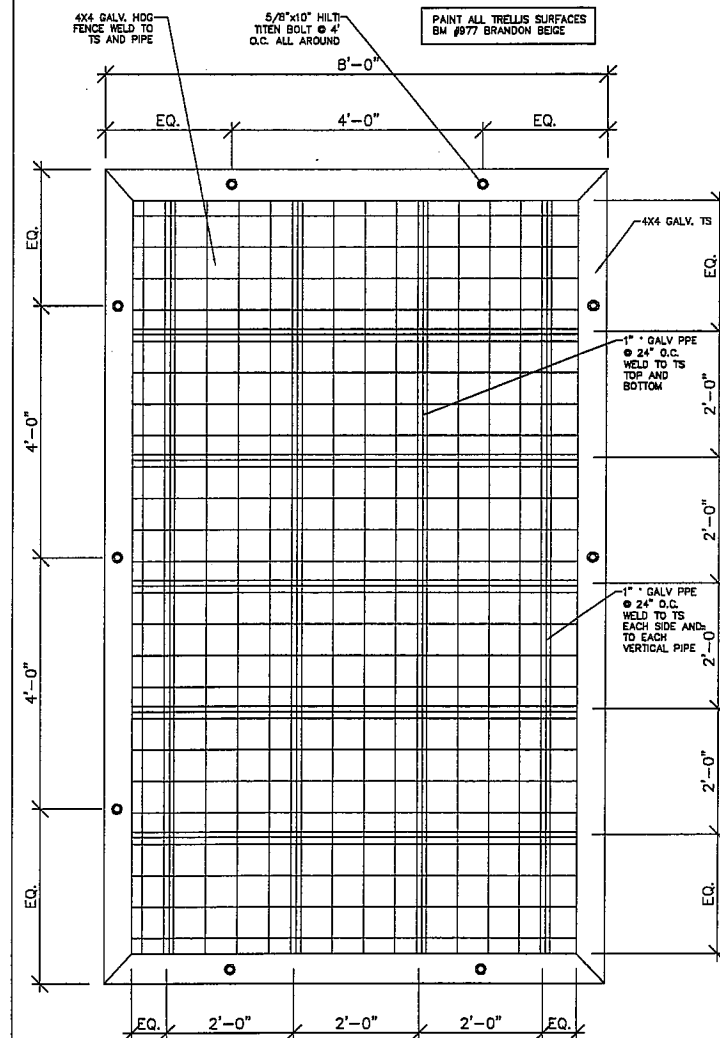


4 EXTERIOR ELEVATION - WEST
1/8" = 1'-0"

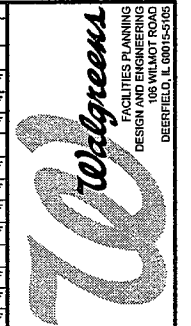
5 TRELLIS DETAIL
1-1/2" = 1'-0"



SIGN AREA SUMMARY	
NORTH ELEVATION	
21'-2 1/2" WALGREENS SCRIPT SIGN	52.0 SF
14" PHARMACY INDIVIDUAL LETTER SIGN	13.0 SF
SUBTOTAL	65.0 SF
SOUTH ELEVATION	
25'-11 1/2" WALGREENS SCRIPT SIGN	78.0 SF
18" PHARMACY INDIVIDUAL LETTER SIGN	19.1 SF
5'-6 3/8" "W" SIGN	43.1 SF
SUBTOTAL	140.2 SF
WEST ELEVATION	
18'-4 1/2" WALGREENS SCRIPT SIGN	39.0 SF
12" PHARMACY INDIVIDUAL SIGN	10.0 SF
SUBTOTAL	49.0 SF
TOTAL BUILDING SIGNAGE	254.2 SF
PYLON SIGNAGE 20'	
ID CABINET (EACH SIDE)	84.7 SF
READERBOARD (EACH SIDE)	40.0 SF
TOTAL	249.4 SF
BUILDING & GROUND SIGNAGE AREA	
TOTAL	503.6 SF
ALLOWED SIGN AREA = 494 LF X 3SF/LF =	
	1482 SF



6 TRELLIS ELEVATION DETAIL
3/4" = 1'-0"



I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER IN THE STATE OF CALIFORNIA. SIGNED BY MY HAND AND SEAL.

Stantec
Stanley Architecture Inc.
13815 Wilshire Blvd., Suite 200
Beverly Hills, CA 90210
Tel: 707.765.1880 Fax: 707.765.9908
JOB NUMBER: 2007012074

REVISIONS	
NO.	DESCRIPTION
2	DATE 9/24/12 BY DM

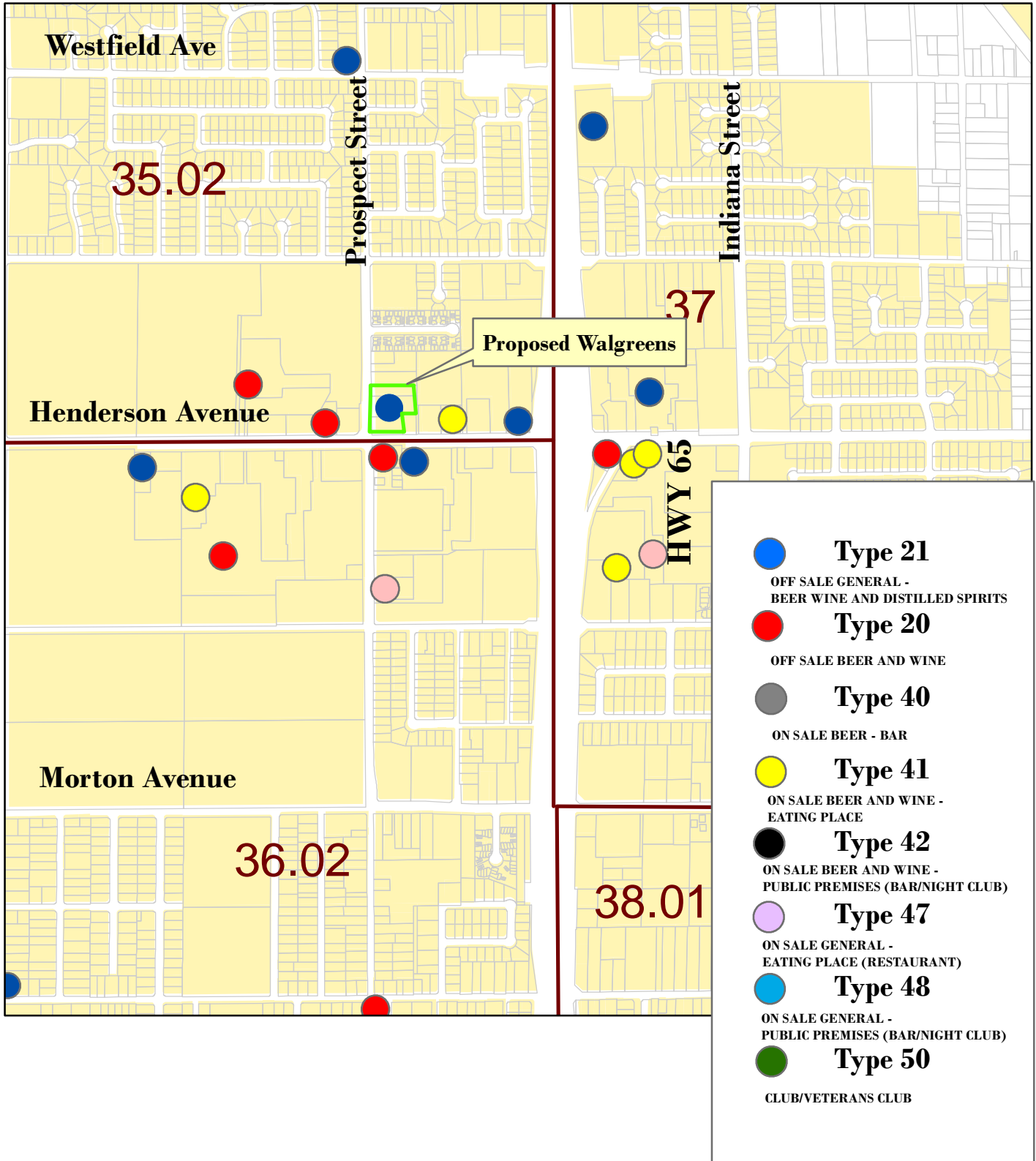
ELEVATIONS
STORE #120
WALGREENS
PROSPECT & HENDERSON
PORTERVILLE, CA

CADD PLOT: A-210-210311
DRAWN BY: ZM
DATE: 05/14/12
REVIEWED: D. WIGGILL

A-210

ATTACHMENT
ITEM NO. 3

City of Porterville Active Alcohol Licenses



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
FOR THE GENERAL PLAN AMENDMENT, ZONE CHANGE,
AND CONDITIONAL USE PERMIT
FOR A PROPOSED WALGREENS PHARMACY

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public meeting to consider approval of the Negative Declaration which evaluates the environmental impacts of a General Plan amendment from High Density Residential to Retail Centers for a 0.56± acre parcel, a Zone Change from RM-3 (High Density Residential) to CR (Retail Centers) Zone for a 0.56± acre parcel, and a Conditional Use Permit for the proposed off-sale of alcohol at a project located on the east side of Prospect Street, north of Henderson Avenue; and

WHEREAS: The project proposes a General Plan amendment from High Density Residential to Retail Centers and a Zone Change from RM-3 (High Density Residential) to CR (Retail Centers) for a 0.56± acre parcel (APN 246-111-008). The subject site is being considered for development with the adjacent parcels to the south with contiguous ownership for development of a pharmacy; and

WHEREAS: The project parcels are developed as follows: APN 246-111-008 is occupied with a vacant single family residence, APN 246-111-007 is a vacant, undeveloped parcel, and APN 246-111-035 is developed with a commercial strip mall; and

WHEREAS: A lot merger shall be completed to join the three parcels under common ownership (APNs 246-111-007, 246-111-035, and 246-111-008) to meet the goals and objectives of the General Plan and to help ensure that subsequent development will not adversely impact the surrounding developed area; and

WHEREAS: A Conditional Use Permit is required and is being processed concurrently to permit off-sale wine, beer, and distilled spirits sales; and

WHEREAS: On October 30, 2012, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That a 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 November 10 through November 30, 2012.

2. That the proposed project will not result in adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study. No comments were received during the review period.
3. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.
4. That the City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the Negative Declaration for the General Plan Amendment, Zone Change, and Conditional Use Permit for a proposed Walgreens Pharmacy at Henderson Avenue and Prospect Street (PRC 2012-010).

PASSED, APPROVED AND ADOPTED this 4th day of December 2012.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
GENERAL PLAN AMENDMENT (2012-010-G)
FOR A PROPOSED WALGREENS PHARMACY

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public meeting to consider approval of a General Plan amendment from High Density Residential to Retail Centers for a 0.56± acre parcel, for the parcel located on the east side of Prospect Street, 300± feet north of Henderson Avenue (APN 246-111-008); and

WHEREAS: The subject site is being considered for development with the adjacent parcels to the south with contiguous ownership for development of a pharmacy; and

WHEREAS: The project parcels are developed as follows: APN 246-111-008 is occupied with a vacant single family residence, APN 246-111-007 is a vacant, undeveloped parcel, and APN 246-111-035 is developed with a commercial strip mall; and

WHEREAS: A lot merger shall be completed to join the three parcels under common ownership (APNs 246-111-007, 246-111-035, and 246-111-008) to meet the goals and objectives of the General Plan and to help ensure that subsequent development will not adversely impact the surrounding developed area; and

WHEREAS: On October 30, 2012, the Environmental Coordinator made a preliminary determination that a Negative Declaration would be appropriate for the proposed project.

WHEREAS: The proposed General Plan Amendment is supported by staff due to the logical pattern continued by the proposed action. Approval of the General Plan Amendment and Zone Change would bring the current zoning of the subject parcels into consistency and compliance with the proposed use.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The intersection of Henderson Avenue and Prospect Street has long been a major commercial corner in the city, and commercial uses extend north and south of the intersection on all other corners at dimensions consistent with what is now proposed for the northeast corner.
2. Based on review of application materials and submitted plans, the proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcel (APN 246-111-008) does not infringe on the goals of the General Plan to maintain transitions between types and intensities of land use.

3. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from High Density Residential to Retail Centers on APN 246-111-008 for a proposed Walgreens Pharmacy at Henderson Avenue and Prospect Street (PRC 2012-010-G).

PASSED, APPROVED AND ADOPTED this 4th day of December 2012.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE (PRC 2012-010-Z)
FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CR (RETAIL CENTERS)
FOR THAT .56± ACRE SITE LOCATED GENERALLY AT THE NORTHEAST CORNER
OF HENDERSON AVENUE AND PROSPECT STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to approve findings and consider Zone Change (PRC 2012-010), being a change of zone from RM-3 (High Density Residential) to CR (Retail Centers) for the parcel located on the east side of Prospect Street, 300± feet north of Henderson Avenue (APN 246-111-008); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2012-010) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a 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 November 10, 2012, to November 30, 2012. No comments were received; 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.
- b. Development of the site as proposed requires approval of a Conditional Use Permit and would be subject to the City's development standards.
- c. The General Plan designation for the subject area was approved by the City Council on December 4, 2012, modifying the General Plan designation from High Density Residential to Retail Centers for the subject parcel.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when standards of the Development Ordinance and General Plan are applied to the subsequent development project, which would include but not limited to a block wall between differing land uses, and approval of a Conditional Use Permit for alcohol sales.

- e. A lot merger shall be completed to join the property under common ownership (APNs 246-111-007, 246-111-035, and 246-111-008) to meet the goals and objectives of the General Plan and to help ensure that subsequent development will not adversely impact the surrounding residential area.

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 PRC 2012-010-Z, is hereby rezoned from RM-3 (High Density Residential) to CR (Retail Centers), pursuant to Section 3 below, for the parcel described herein as Assessors Parcel Number 246-111-008 located generally 300± feet north of Henderson Avenue on the east side of Prospect 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) to CR (Retail Centers) for the parcel described above, more particularly shown on the attached map as Exhibit "A"; and

Section 3: This ordinance shall be in full force and effect concurrently with the recording of the lot merger under common ownership that merges the subject property with the adjacent easterly parcel under contiguous ownership (APNs 246-111-007, 246-111-035, and 246-111-008), which shall not be sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this _____ day of December, 2012.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN
SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT PRC-2012-010-C
TO ALLOW THE SALE OF BEER, WINE, AND DISTILLED SPIRITS UNDER AN OFF-
SALE LICENSE TO BE LOCATED AT THE NORTHEAST CORNER OF HENDERSON
AVENUE AND PROSPECT STREET

WHEREAS: The applicant is requesting approval of Conditional Use Permit PRC 2012-010-C to allow the sale of beer, wine and distilled spirits under a Type 21 off-sale alcohol license at the northeast corner of Henderson Avenue and Prospect Street in the CR (Retail Centers) Zone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 4, 2012, conducted a public hearing to consider Conditional Use Permit PRC-2012-010-C; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: Section 301.03 of the Porterville Development Ordinance requires Conditional Use Permit approval for any use involving the sale of alcoholic beverages under an on-sale or off-sale license; and

WHEREAS: The City Council made the following findings:

1. Approval of the Conditional Use Permit 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, as follows:

LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.

LU-G-21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.

ED-G-7 Create an image for Porterville that will attract and retain economic activity.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

The General Plan and Zoning Map designates the proposed project site as Retail Centers (CR). The proposed project promotes and implements the specific purposes of the Retail Centers Zone, including the following purposes as set forth in Section 203 of the Development Ordinance and Retail Centers Guidelines:

- To maintain areas for regional shopping centers located at major circulation intersections.

- Ensure the provision of services and facilities needed to accommodate planned population densities.

WHEREAS: That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure applicable development standards are met; and

WHEREAS: The subject site is located in Census Tract 35 which allows, according to the Alcoholic Beverage Control Board, ten (10) off-sale licenses. At present, eight (8) off-sale licenses exist in this census tract.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit PRC-2012-010-C subject to the following conditions:

1. No advertising of alcoholic beverages shall be placed on the exterior of the building nor seen from the public right of way (i.e. no window advertising or digital signage).
2. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the Conditional Use Permit as provided in Section 601.12 of the Porterville Development Ordinance.
3. Compliance with all applicable development and access laws (both State and Federal) is required.
4. The developer/applicant shall keep and maintain the beer, wine and distilled spirits in the area as identified on Exhibit A. Any such expansion or relocation shall be approved by the City Council.
5. That the on-site consumption of alcoholic beverages shall be prohibited.
6. The Conditional Use Permit, approving off-site alcohol sales, will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.
7. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year. The Conditional Use Permit will expire when the use ceases to operate for one year or more.
8. The use shall be conducted in compliance with all applicable local, state and federal regulations.

PASSED, APPROVED AND ADOPTED this _____ day of December, 2012.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

601.08: EXPIRATION AND EXTENSION:

- A. Expiration: The city council, in the granting of any permit, or the zoning administrator, in the granting of any application, permit modification, or adjustment, may specify the time within which the proposed use must be undertaken and actively and continuously pursued. The city council or zoning administrator may impose upon the permit a term of such period of time as is found to be consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare. If no time period is otherwise specified, any permit granted under this chapter may be declared lapsed and of no further force and effect if it is not exercised or extended within two (2) years of its issuance.
1. A permit for the use of a building or a property is exercised when, if required, a valid city business license has been issued, and the permitted use has commenced on the property.
 2. A permit for the construction of a building or structure is exercised when a valid city building permit, if required, is issued, and construction has lawfully commenced.
- B. Extensions: The city council may approve a one year extension of any permit or approval granted under this chapter upon receipt of a written application with the required fee before the permit expires. (Ord. 1791, 8-21-2012)