

# AGENDA

## ORANGE COVE PLANNING COMMISSION MEETING

**TUESDAY, JUNE 13, 2017**

SPECIAL MEETING AT 6:30 P.M.  
Orange Cove Council Chambers  
633 6<sup>th</sup> Street,  
Orange Cove, California 93646

Coy Weldon, Chairman  
Planning Commissioners  
Rev. Rick Applegarth,  
Vicky Alvarado - Rick E. Alonso - Charles Lopez

**A. Call to Order/Welcome**

1. Roll Call
2. Flag Salute

**B. Confirmation of Agenda**

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6<sup>th</sup> Street, Orange Cove, CA 93646 during normal business hours.)

**C. Consent Calendar:**

1. Planning Meeting Minutes of February 21, 2017

**D. Administration**

2. **SUBJECT:** Consideration and Discussion regarding the Orchard Village Apartments Rezone 2017-01

**Recommendation:** Staff recommends the Planning Commission to consider adopting Resolution No. PC 2017-03 recommending the City Council for Rezone Application 2017-01 from R2 Medium Density Residential to a R3 High Density Multi-family Residential

## **E. Adjournment**

**Public Comment:** Members of the public shall have an opportunity to address the City Council concerning this matter.

**ADA Notice:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

**Documents:** Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at [cityoforange Cove.com](http://cityoforange Cove.com).

### **NOTICE**

**If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the public entity conducting the hearing at, or prior to, the public hearing. (Government Code Section 65009.)**

### **STATEMENT ON RULES OF DECORUM AND ENFORCEMENT**

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the Planning Commission has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove Planning Commission, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Commissioners has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

### **GENERAL RULES OF DECORUM**

While any meeting of the Planning Commission is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the Planning Commission as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning Commission meeting.
3. A person, other than members of the Planning Commission and the person who has the floor, shall not be permitted to enter into the discussion unless requested by the Chairman to speak.
4. Members of the Planning Commission may not interrupt a person who has the floor and is making public comments. Members of the Planning Commission shall wait until a person completes his or her public comments before asking questions or commenting. The Chairman shall then ask the Planning Commissioners if they have comments or questions.
5. No person in the audience at a Planning Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Planning meeting.

### **ENFORCEMENT OF DECORUM RULES**

While the Planning Commission is in session, all persons must preserve order and decorum. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning meeting.

The Chairman or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Chairman or other presiding officer may order the person to leave the City

Council meeting. If such person does not leave, the Chairman or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Chairman or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Planning Commission may overrule the Chairman if the majority of the Planning Commission believes the Chairman or other presiding officer is not applying the rules of decorum appropriately.

**MINUTES**  
**ORANGE COVE PLANNING COMMISSION MEETING**  
**TUESDAY, FEBRUARY 21, 2017**  
REGULAR MEETING AT 6:30 P.M.  
Orange Cove Planning Commission Meeting  
633 6<sup>th</sup> Street  
Orange Cove, California 93646

Coy Weldon, Chairman  
Planning Commissioners  
Rev. Rick Applegarth,  
Vicky Alvarado, - Rick E. Alonso - Charles Lopez

**A. Call to Order/Welcome**

Commissioners present: Chairman Coy Weldon, Vice Chairman Rick Applegarth  
Commissioners Vicky Alvarado, Rick Alonso arrived at 6:32 pm. and Charles Lopez

Staff present: City Clerk June V. Bracamontes, Police Chief Marty Rivera  
City Engineer Gary Horn

Flag Salute led by Chairman Coy Weldon

**B. Confirmation of Agenda**

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6<sup>th</sup> Street, Orange Cove, CA 93646 during normal business hours.)

**No Changes.**

**C. Consent Calendar:**

1. Planning Meeting Minutes of November 1, 2016

Upon the motion by Commissioner Applegarth and second by Commissioner Lopez, the Planning Commission approved the Consent Calendar as presented.

**D. Administration**

1. **SUBJECT: PUBLIC HEARING** Consideration and Discussion regarding the request filed by the City of Orange Cove for a Vesting Tentative Tract Map No. 6113 to subdivide a 0.78-acre parcel into 5 residential lots. The property is located between Martinez Avenue and Hope Avenue west of Lopez Lane in the Joe Serna Estates tract.

**Recommendation:** Staff recommends the Planning Commission to consider adopting the Resolution approving the Vesting Tentative Map No. 6116 for 5 lots and approve Variance 2017-01 for lot width and approve a Categorical Exemption under CEQA

Chairman Weldon Opened the Public Hearing:

Maria Torres 1637 Martinez Street received a notice she is not opposing but concern about the basin has a bad smell. (Police chief translated in Spanish).

Closed the Public Hearing.

**Upon the motion by Commissioner Alonzo and seconded by Commissioner Applegarth, the Planning Commission approved to adopt the Resolution approving the Vesting Tentative Map No. 6116 for 5 lots and approve Variance 2017-01 for lot width and approve a Categorical Exemption under CEQA**

2. **SUBJECT:** Consideration and Discussion regarding the O'Reilly Auto Parts – Conditional Use Permit 2017-01 and Site Plan Review 2017-01

**Recommendation:** Staff recommends the Planning Commission to adopt the Resolution approving the Conditional Use Permit (CUP) 2017-01 and Site Plan Review (SPR) 2017-01 with conditions.

OPEN FOR PUBLIC COMMENTS.

Olivera Ortiz Engineer representative for the applicant presented to Planning that they are ready to move forward.

CLOSED PUBLIC COMMENTS.

**Upon the motion by Commissioner Lopez and seconded by Commissioner Alvarado, the Planning Commission approved the the Resolution approving the Conditional Use Permit (CUP) 2017-01 and Site Plan Review (SPR) 2017-01 with conditions.**

## **E. Adjournment**

Chairman Weldon adjourned the Planning Meeting at 6:54 p.m.

**PRESENTED TO COMMISSION:**

**DATE:** \_\_\_\_\_ **ACTION:** \_\_\_\_\_



# CITY OF ORANGE COVE

## REPORT TO THE PLANNING COMMISSION

**To:** Orange Cove Planning Commission  
**From:** Gary D. Horn, City Engineer  
**Subject:** Rezone 2017-01, Orchard Village Apartments  
**Attachments:** Resolution and Map

**RECOMMENDATION:**

We recommend that the Planning Commission adopt the attached Resolution recommending approval to the City Council for Rezone Application 2017-01, Orchard Village Apartments from R-2, Medium Density Residential to R-3, High Density Multi-family Residential.

**EXECUTIVE SUMMARY:**

The Orchard Village Apartments is an existing project that has two zoning designations, R-2 and R-3. This application will convert the R-2 designation to R-3 to make the zoning uniform for the entire property.

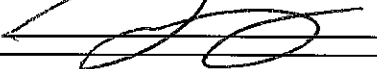
**BACKGROUND:**

The Orchard Village Apartments were developed sometime in the early 1990's. The property was originally composed of two parcels. The northerly 4.7 acres were zoned R-3, High Density and the southerly 9.1 acres was zoned R-2, Medium Density. The project was constructed as a high-density residential project, but the southerly portion was not re-zoned.

The owners are pursuing financing for the project and need to have the zoning consistent with the developed project. This application will accomplish that end. There is no new construction planned and no units will be added to the site. This is merely to correct a previous oversight.

The General Plan designation for the property is High Density Residential. The General Plan Land Use/Zoning Consistency Table shows the proposed R-3 designation as compatible with the land use designation.

Prepared by: GH

Approved by: 

REVIEW: City Manager: \_\_\_\_\_

Finance: \_\_\_\_\_

City Attorney: \_\_\_\_\_

**TYPE OF ITEM:**

**Commission ACTION: APPROVED DENIED NO ACTION**

- Consent
- Info Item
- Action Item
- Department Report
- Redevelopment Agency

- Public Hearing
- Matter Initiated by a Council Member
- Other
- Continued to: \_\_\_\_\_

**REASON FOR RECOMMENDATION:**

The rezoning of the project will make the zoning consistent with the project as it is built.

**FISCAL IMPACT:**

None

**ALTERNATIVES:**

The Planning Commission may request additional information or make a negative recommendation to the City Council

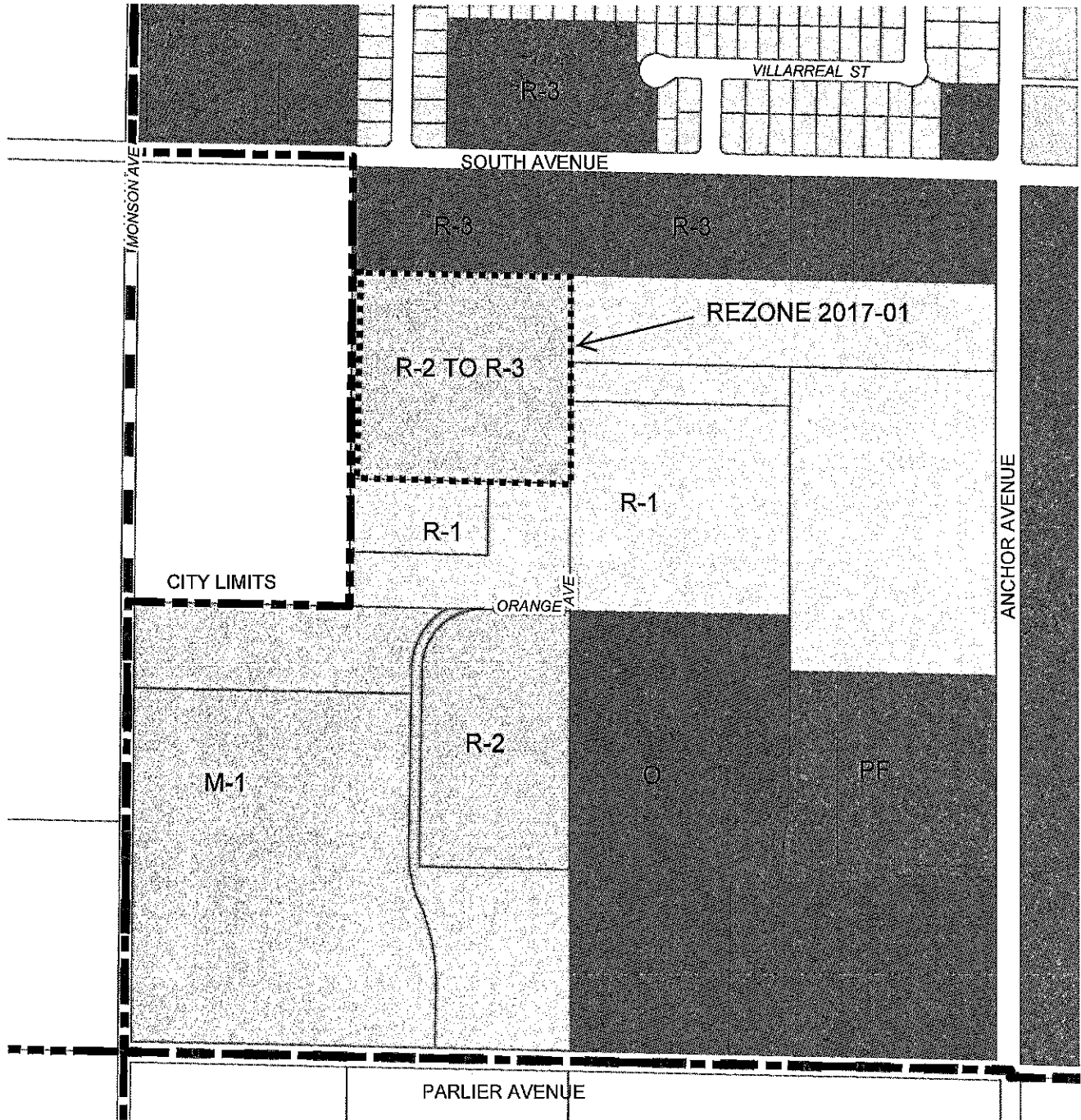
**ACTIONS FOLLOWING APPROVAL:**

The application will be forwarded to the City Council for final action.

**CONFLICT OF INTEREST:** None



REZONE 2017-01  
R-2 MEDIUM DENSITY RESIDENTIAL TO  
R-3, HIGH DENSITY RESIDENTIAL



**RESOLUTION NO. PC 2017-03**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ORANGE COVE RECOMMENDING CITY COUNCIL  
APPROVING ZONE CHANGE AMENDMENT 2017-01 FROM  
R-2, MEDIAN DENSITY RESIDENTIAL DISTRICT TO  
R-3, HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT**

**WHEREAS**, a zoning ordinance amendment application was filed by Orchard Village 188, LP requesting a zone change amendment from R-2, Medium Density Residential to R-3, High Density Multi-Family Residential, for the property described as follows:

Parcel 1 of Parcel Map 92-02 according to the map thereof recorded in Book 53 of Parcel Maps at Page 75, Fresno County Records; and

**WHEREAS**, the subject project requires approval of a zone change amendment in accordance with Chapter 17.58 of the Orange Cove Zoning Ordinance; and

**WHEREAS**, the subject application was reviewed for compliance with the Orange Cove Municipal Code; and

**WHEREAS**, the Commission reviewed the proposal at a noticed Public Hearing on June 13, 2016, and gave opportunity for the public to testify; and

**WHEREAS**, a Categorical Exemption for the proposed project as a Class 1 – Existing Facilities project according to Section 15301 of the CEQA Guidelines has been prepared and considered by the Planning Commission, and the Initial Study contains no evidence that the project proposal will individually or cumulatively adversely effect wildlife resources as defined by Section 71.2 of the Fish and Game Code; and

**WHEREAS**, it is in the best interests of General Plan consistency and the surrounding neighborhood to recommend approval of the zone change amendment from R-2, Medium Density Residential to R-3, High Density Multi-Family Residential.

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Orange Cove hereby recommends to the City Council that Zone Change Amendment 2017-01, changing the land use zone for the described parcel from R-2, Medium Density Residential to R-3, High Density Multi-Family Residential, be approved.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Orange Cove held on the 13th day of June, 2017, and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

ATTEST:

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June Bracamontes, Secretary