

AGENDA
ORANGE COVE PLANNING COMMISSION MEETING
TUESDAY, MARCH 24, 2015
SPECIAL MEETING AT 6:30 P.M.

Orange Cove Council Chambers
633 6th Street,
Orange Cove, California 93646

Coy Weldon, Planning Commissioner
Rev. Rick Applegarth, Planning Commissioner
Benjamin Camarillo, Planning Commissioner
Inez Castillo, Planning Commissioner

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 6th Street, Orange Cove, CA 93646 during normal business hours.)

C. Administration

CITY ENGINEER

1. **SUBJECT:** Abandonment of Various Alley and Street Rights of Way

Recommendation: Planning Commission to consider approving Resolution No. PC 2015-01 Declaring conformity with the adopted General Plan of the Proposed Abandonment of various alley and street rights of way

2. **SUBJECT:** Conditional Use Permit 2015-01 Orange Cove Smog

Recommendation: Staff is recommending that the Planning Commission conduct a public hearing to receive testimony and then adopt the attached Resolution approving Conditional Use Permit 2015-01 allowing vehicle towing and storage in the C-3 District

D. 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 cityoforangecove.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.



CITY OF ORANGE COVE

REPORT TO THE PLANNING COMMISSION

To: Orange Cove Planning Commission
From: Gary D. Horn, City Engineer
Subject: Conditional Use Permit 2015-01
Orange Cove Smog

Attachments: Vicinity Map

RECOMMENDATION:

We recommend that the Planning Commission conduct a public hearing to receive testimony and then adopt the attached Resolution approving Conditional Use Permit 2015-01 allowing vehicle towing and storage in the C-3 District.

EXECUTIVE SUMMARY:

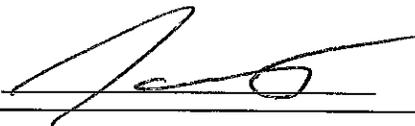
Mr. Alex Lopez, owner of Orange Cove Smog has applied for a Conditional Use Permit to allow vehicle towing and storage at his automotive service facility at 559 8th Street. The current use of the property is minor automotive repair and smog testing services.

BACKGROUND:

The site currently houses a smog testing and auto exhaust repair shop. The proposal is to add a towing and auto storage service. Vehicles will be towed to the site and stored until retrieved by its owner or moved off-site. The applicant has stated he will store 10 to 15 vehicles on site.

Automobile towing and storage yards are not addressed in the Zoning Ordinance. Automobile service stations (with incidental repair) are allowed in the C-3 zone district subject to a Conditional Use Permit. When uses are not described in the Zoning Ordinance the Planning Commission may consider approval of the use by Conditional Use Permit. In order to approve Conditional Use Permit No. 2015-01, the Planning Commission must make the following findings:

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: _____

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located;

Comment: The location at the corner of East Railroad Avenue and Eighth Street is an appropriate location for this commercial use. The irregular shape of the parcel makes it difficult to site rectangular buildings and parking lots.

2. That the proposed location, structures, and uses, and the conditions under which they would be operated and maintained, will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity. Such considerations should include, but are not limited to, avoidance or traffic congestion, safety of pedestrian and vehicular circulation, and esthetic values within the district; and

Comment: The proposed use will not be detrimental to the public health, safety or welfare. The site has adequate access to both East Railroad Avenue and 8th Street. The adjacent residential uses north of the site can be protected by construction of a concrete block wall to attenuate noise.

3. That the proposed use will comply with all of the applicable provisions of this title, including but not limited to yards, coverage, height of structures, walls and fences, landscaping, off-street parking and loading facilities, lighting, and signs.

Comment: There are no proposed improvements, other than the block wall.

Staff believes that the Planning Commission can make the above findings.

The project is categorically exempt from the requirements of CEQA as a Class 5 exemption: Minor alterations to land use limitations.

Property owners within 300 feet of the site have been mailed notices regarding the proposal and invited to attend the meeting and offer testimony.

REASON FOR RECOMMENDATION:

The addition of vehicle towing and storage will have minimum impact on the surrounding area. This shop is located on a triangular parcel that has street frontage on two sides.

FISCAL IMPACT: None

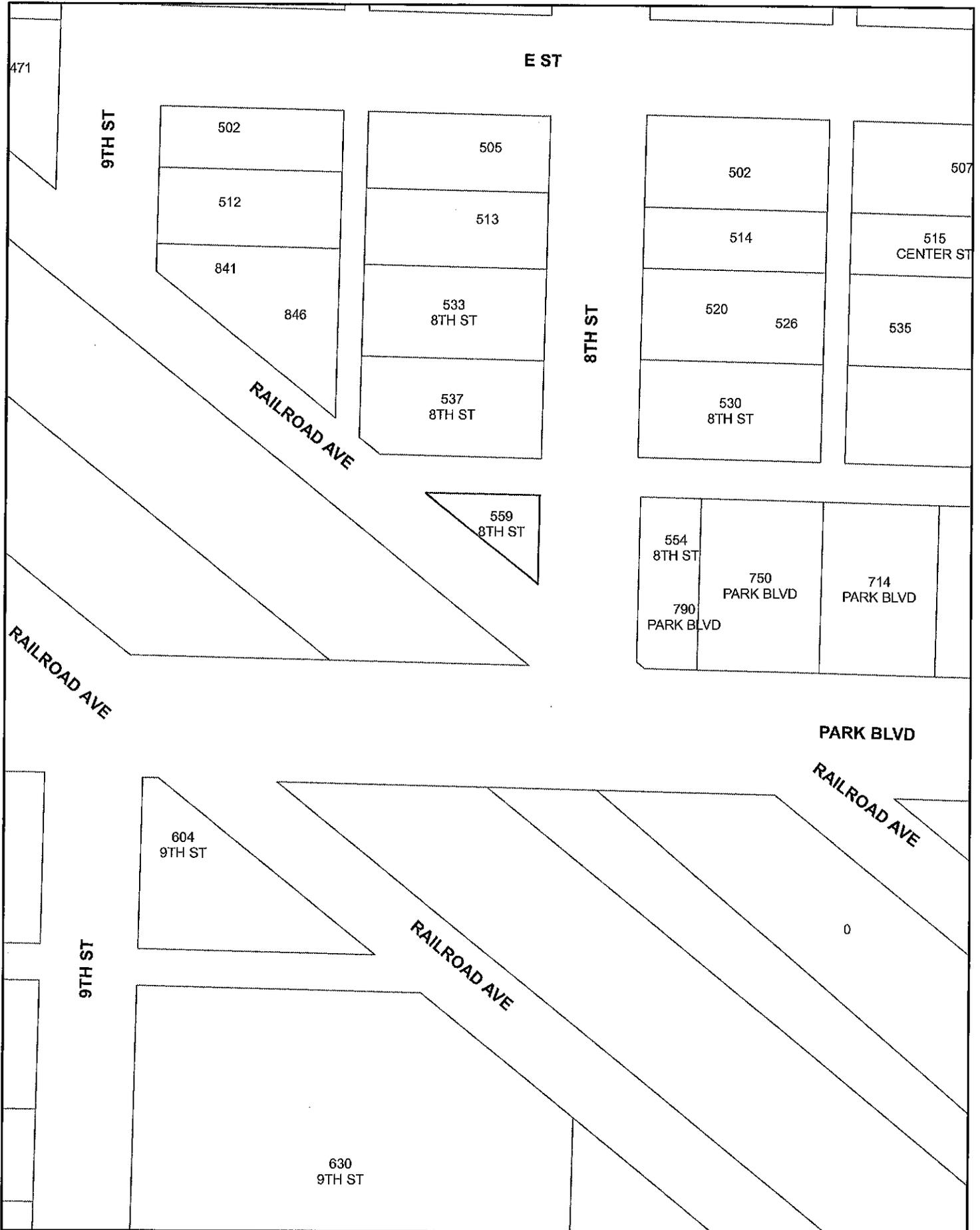
ALTERNATIVES: The Planning Commission may reject the application.

ACTIONS FOLLOWING APPROVAL:

The action by the Planning Commission is final unless appealed to the City Council by an interested party.

CONFLICT OF INTEREST: None

City of Orange Cove - CUP 2015-01 SMOG SHOP



1 inch = 100 feet



CITY OF ORANGE COVE

REPORT TO THE PLANNING COMMISSION

To: Orange Cove Planning Commission
From: Gary D. Horn, City Engineer
Subject: Abandonment of Various Alley and Street Rights of Way
Attachments: Maps and Resolution

RECOMMENDATION:

We recommend that the Planning Commission adopt the attached Resolution finding that the proposed abandonments conform to the General Plan.

EXECUTIVE SUMMARY:

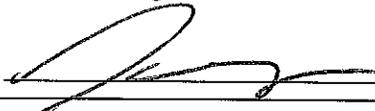
There are several alleys and street rights of way that are not being used for either of those purposes. Some of them contain utility lines and public utility easements will be reserved for those uses. The Council has set a date for a public hearing on March 25, 2015 and notices have been posted on the sites and a notice has been published in a newspaper. Prior to considering the abandonment, the Planning Commission must report to the Council as to conformity of the proposed abandonments with the General Plan.

BACKGROUND:

The proposed abandonments are as follows:

1. The East/West Alley between 10th Street and 11th Street north of Park Blvd. Adjacent property owners on each side of the alley have extended their fences to about the centerline of the alley right of way. There is a city sewer main and a water main in the alley right of way.
2. East Railroad Avenue diagonal between Center Street and Park Boulevard. There is existing pavement but no curb and gutter along the street. The city has existing sewer and water mains in the right of way. The proposal is to abandon the right of way so that half of the street area goes each of the adjacent property owners. The Bank of the Sierra owns the property on the southwest side of the right of way. The bank is agreeable to dedicate an

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: _____

- easement along Center Street to provide for a more direct connection of the trail from Center Street in exchange for the abandonment of the street right of way.
3. Eleventh Street from Park Boulevard South to existing alley. The AC Market parking lot covers the alley area. There are existing sewer, water and overhead utilities in the alley.
 4. Fourth Street crossing of Pedestrian/Bike Trail. When the Rails to Trails Project was originally planned a street crossing was to be constructed near the Fourth Street alignment. The Council dedicated right of way for a public street. During construction it was determined that the new street would negatively impact the existing residence on the south side of West Railroad Avenue. The Council directed that the new street crossing be moved to the current location at Third Street. New right of way will be dedicated concurrently with the abandonment.
 5. I Street between 2nd Street and Hills Valley Road. There are overhead utilities, but no pavement or city utilities in this street. The adjacent parcels have access to other public streets.
 6. Second Street from Adams Avenue to 200 feet South.
 7. Portions of B, C, D, E, G and H Streets falling within the Friant-Kern Canal. These street rights of way were never abandoned when the canal was constructed.

The attached diagrams show the location and extent of the proposed abandonments. None of the areas are being used for public vehicular or pedestrian travel. None of the proposed abandonments will conflict with the policies of the General Plan.

REASON FOR RECOMMENDATION:

The rights of way being proposed for abandonment are not being used for public vehicular or pedestrian transportation. All of the areas proposed for abandonment are minor in nature and do not include any collector or arterial streets.

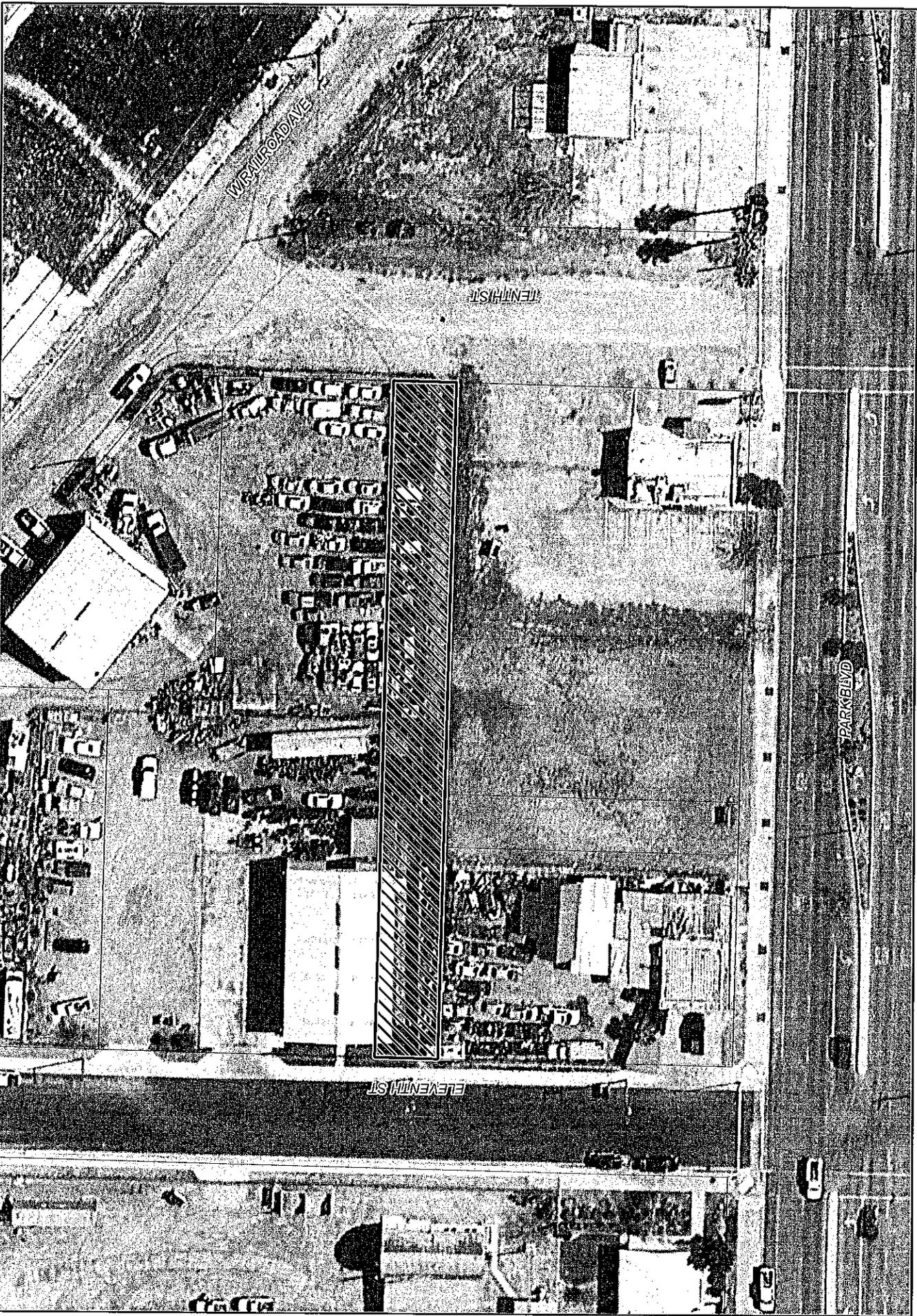
FISCAL IMPACT: None

ALTERNATIVES: The Commission may decide that the proposed abandonments are contrary to the policies of the General Plan.

ACTIONS FOLLOWING APPROVAL:

Following the adoption of the Resolution, a report will be made to the City Council of the Commission's findings.

CONFLICT OF INTEREST: None



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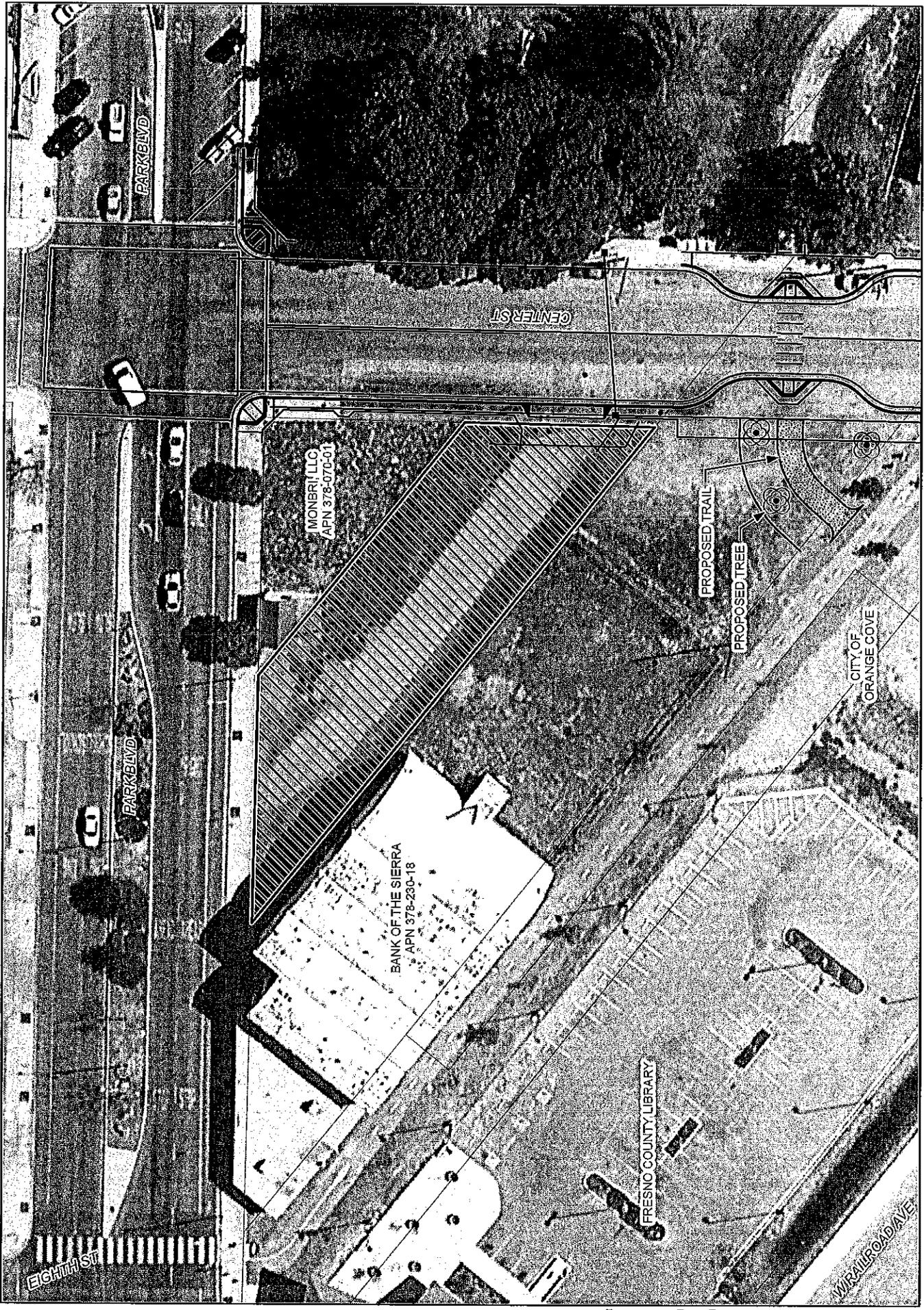


Alley Abandonment
Exhibit 1

Yamada & Sperry
ENGINEERING, INC.
2000 W. 10TH AVE., SUITE 100
DENVER, CO 80202

 Alley to be Abandoned





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Street Abandonment
Exhibit 2



Right of Way to be Abandoned



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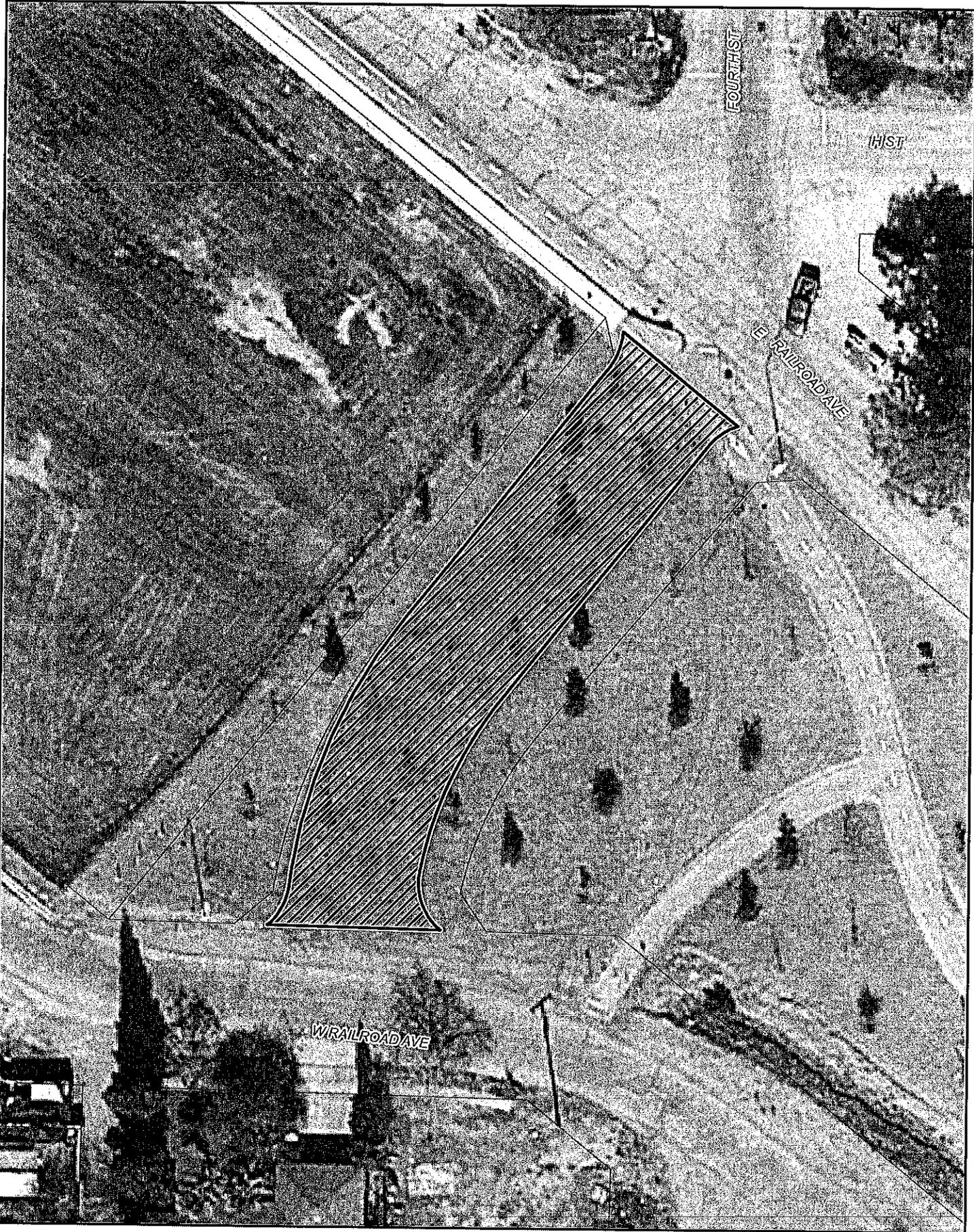


 Right of Way to be Abandoned

0 15 30 Feet

Street Abandonment
Exhibit 3



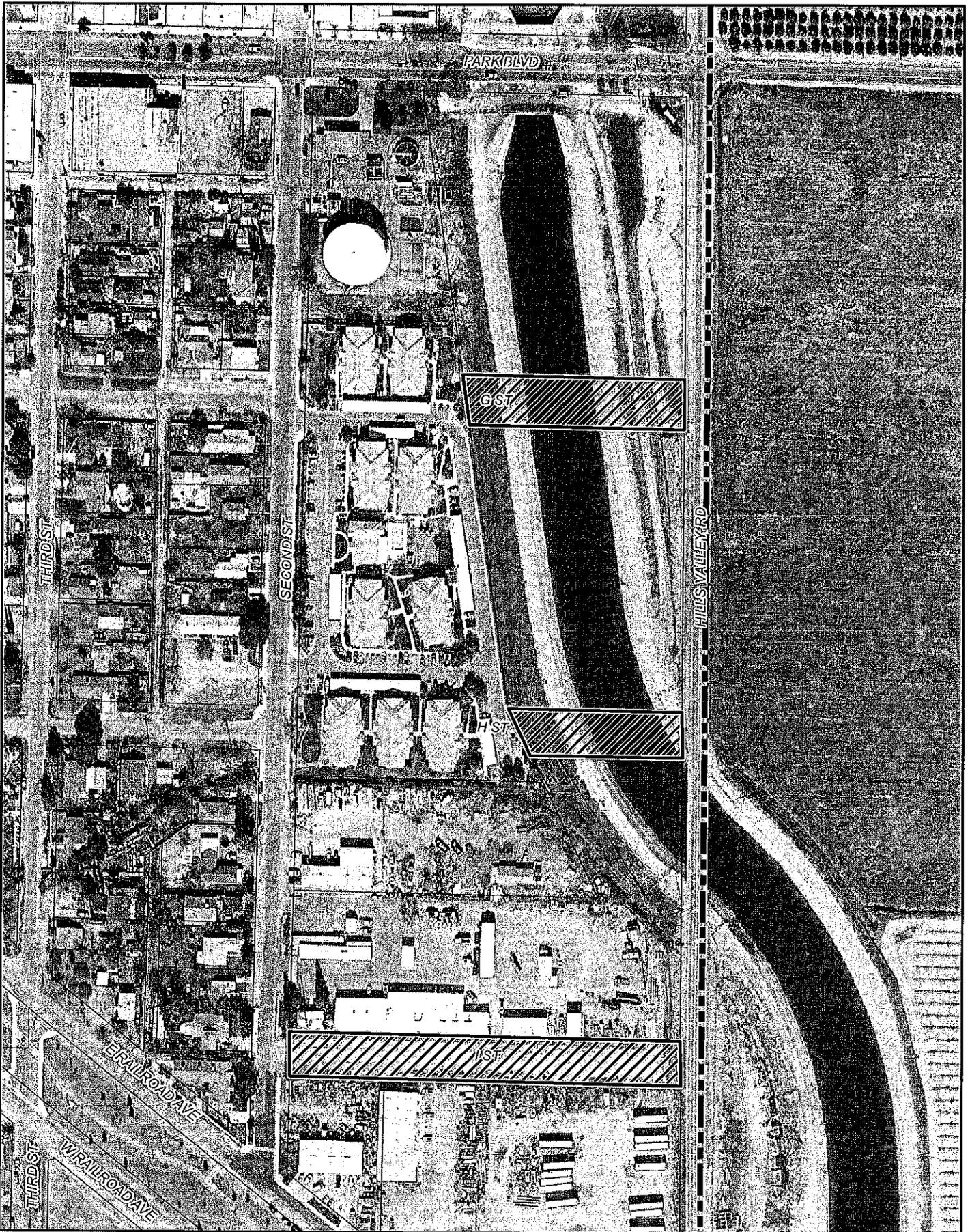


 Right of Way to be Abandoned

0 20 40
Feet

Street Abandonment
Exhibit 4



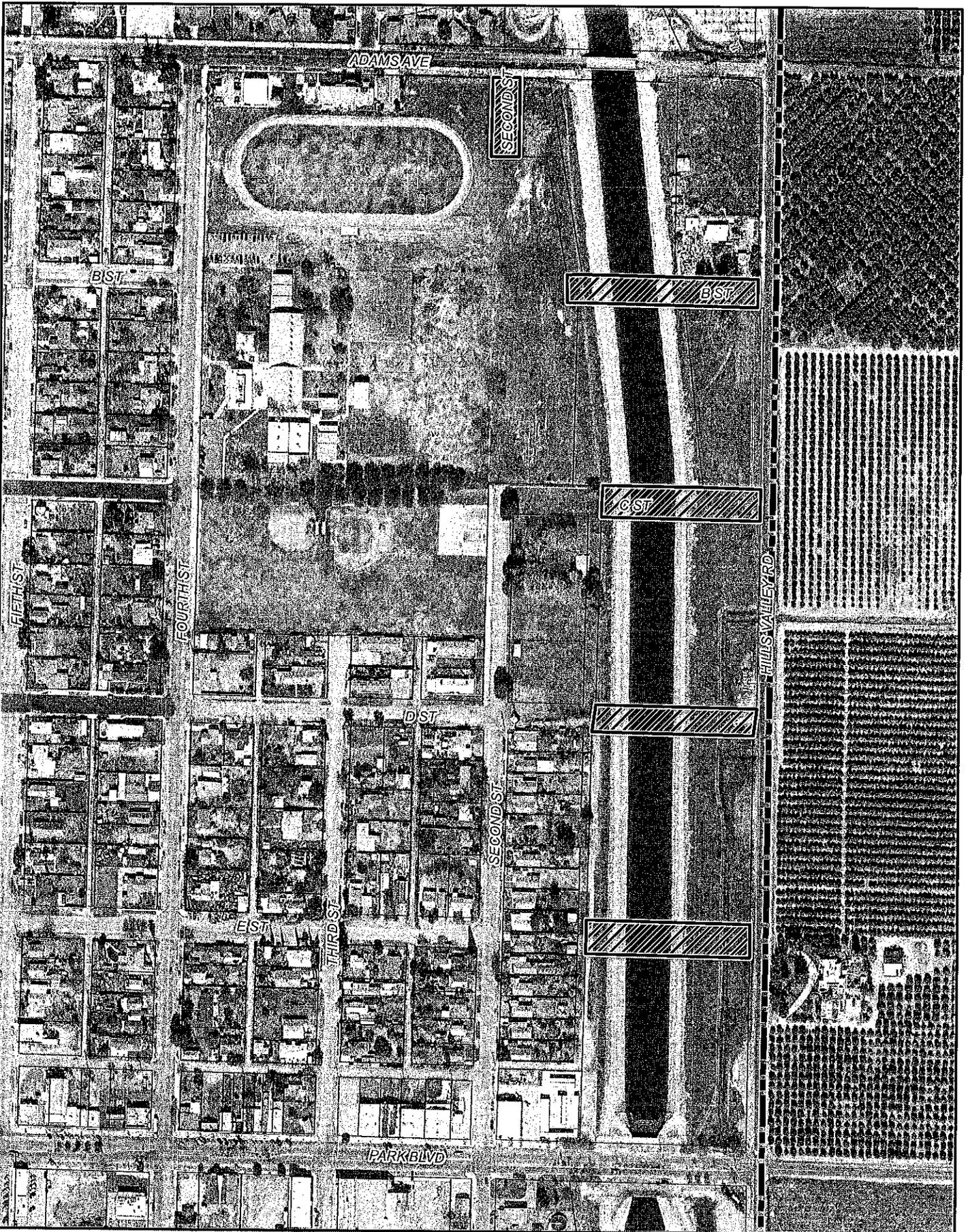


 Right of Way to be Abandoned

0 100 200 Feet

Street Abandonment
Exhibit 5





 Right of Way to be Abandoned

0 150 300
Feet

Street Abandonment
Exhibit 6

 Yamabe & Horn
Engineering, Inc.
www.yamabe-horn.com



RESOLUTION NO. PC 2015-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE COVE,
CALIFORNIA, DECLARING CONFORMITY WITH THE ADOPTED GENERAL PLAN
OF THE PROPOSED ABANDONMENT OF VARIOUS ALLEY
AND STREET RIGHTS OF WAY

WHEREAS, the City Council adopted Resolution 2015-08 declaring its intention to abandon certain public streets and alleys pursuant to the provisions of Chapter 3 of the Public Streets, Highways and Service Easements Vacation Law, Streets and Highways Code Section 8320; and

WHEREAS, Section 8313(b) of the Streets and Highways Code and Section 65402 of the Government Code require the Planning Commission to report to the City Council as to conformity of the proposed abandonments with the adopted General Plan; and

WHEREAS, the Planning Commission has received a report from the City Engineer describing the location, purpose and extent of the alley and street rights of way which are proposed for abandonment, and a list of the proposed alleys and street rights of way is attached hereto as Exhibit A, and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED, by the Planning Commission of the City of Orange Cove, California, as follows:

1. The above recitals are true and correct and are adopted as the findings of the Planning Commission.
2. That it is the finding of the Planning Commission of the City of Orange Cove that the proposed abandonment of the alley and street rights of way as shown on Exhibit "A" attached hereto, and incorporated herein by reference, and according to the maps on file in the office of the City Clerk of the City of Orange Cove are in conformity with the adopted General Plan for the City of Orange Cove in regards to circulation for vehicular and pedestrian facilities for minor local streets.
3. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any

person or circumstances, such as illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

4. That the Secretary of the Planning Commission shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

This resolution was adopted at a Regular Meeting of the Planning Commission of the City of Orange Cove held on March 24, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Coy Weldon, Chairman

ATTEST:

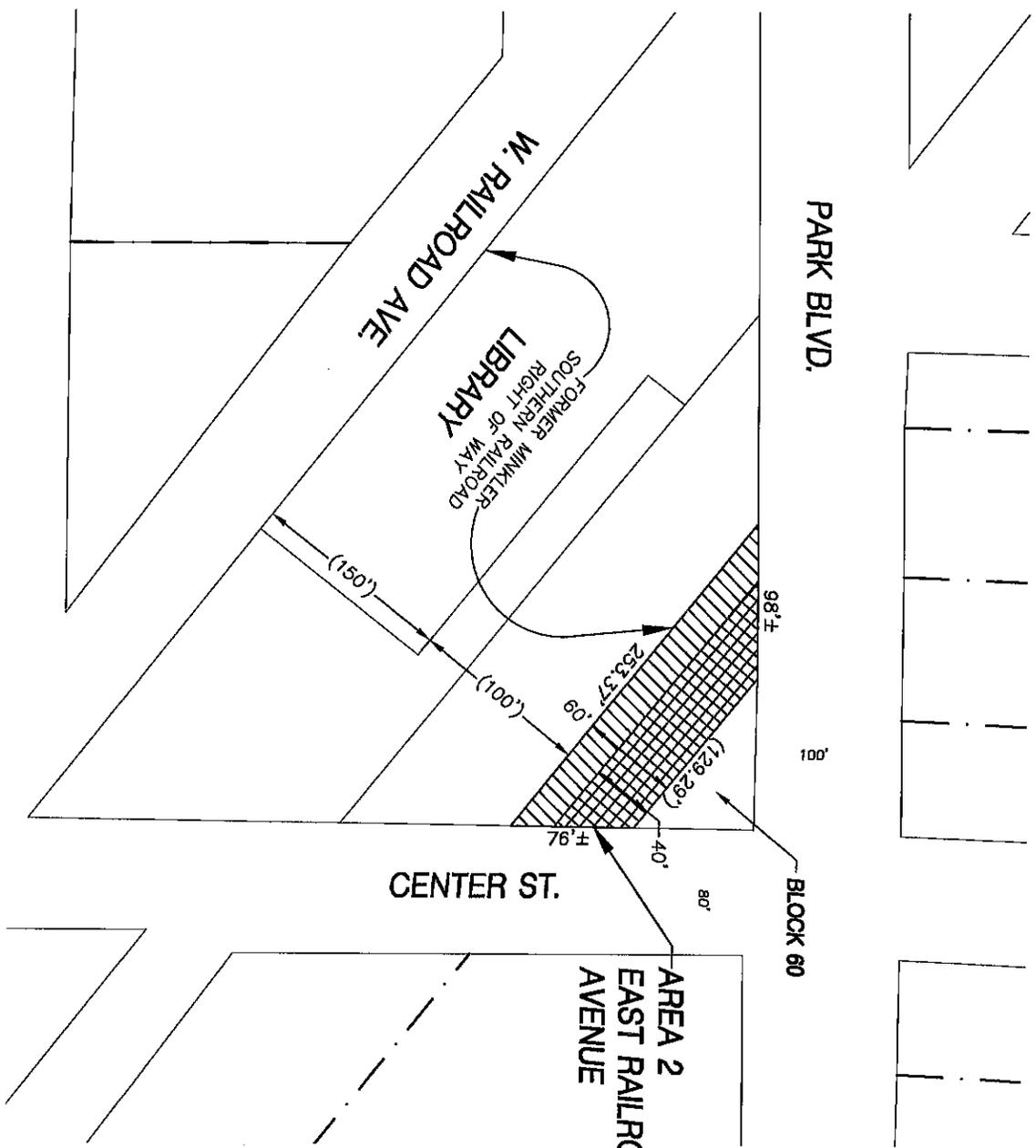
June Bracamontes, Secretary

EXHIBIT "A"

The alley and street rights of way as shown on the map of the Town of Orange Cove recorded in Volume 7 at Pages 93 through 96, Fresno County Records, as follows:

1. The East/West Alley in Block 61 between Tenth Street and Eleventh Street North of Park Boulevard and South of West Railroad Avenue, subject to reservation of a public utility easement.
2. East Railroad Avenue lying southwesterly of Block 70 and between Center Street and Park Boulevard, subject to reservation of a public utility easement.
3. Eleventh Street from Park Boulevard South to the existing East/West alley, subject to reservation of a public utility easement.
4. Third Street between East Railroad Avenue and West Railroad Avenue.
5. I Street from Second Street to Hills Valley Road, subject to reservation of a public utility easement.
6. Second Street from Adams Avenue to 200 feet South.
7. B Street adjacent to Blocks 1 and 24 between Second Street and Hills Valley Road.
8. C Street Adjacent to Blocks 24 and 25 from Hills Valley Road to a point 200 feet East of the West Right of Way line for Second Street.
9. D Street adjacent to Blocks 25 and 50 between Hills Valley Road to a point 200 feet East of the West Right of Way line for Second Street.
10. E Street adjacent to Blocks 50 and 51 between Hills Valley Road to the East Right of Way line for the alley lying East of Lots 6 and 7 of Tract No. 2407 according to the map thereof recorded in Volume 27 of Plats at Page 74, Fresno County Records.
11. G Street adjacent to Blocks 75 and 76 between Hills Valley Road and the westerly boundary, extended, of the right of way for the Friant-Kern Canal.
12. H Street adjacent to Blocks 76 and 101 between Hills Valley Road and the westerly boundary, extended, of the right of way for the Friant-Kern Canal.

EXHIBIT B



LEGEND:

 RIGHT OF WAY TO BE ABANDONED

 RIGHT OF WAY TO BE ABANDONED AND EASEMENT RESERVED FOR PUBLIC UTILITIES

() DATA PER MAP OF TOWN OF ORANGE COVE PLATS BK. 7 PGS. 93-96, F.C.R.

SCALE: 1" = 100'

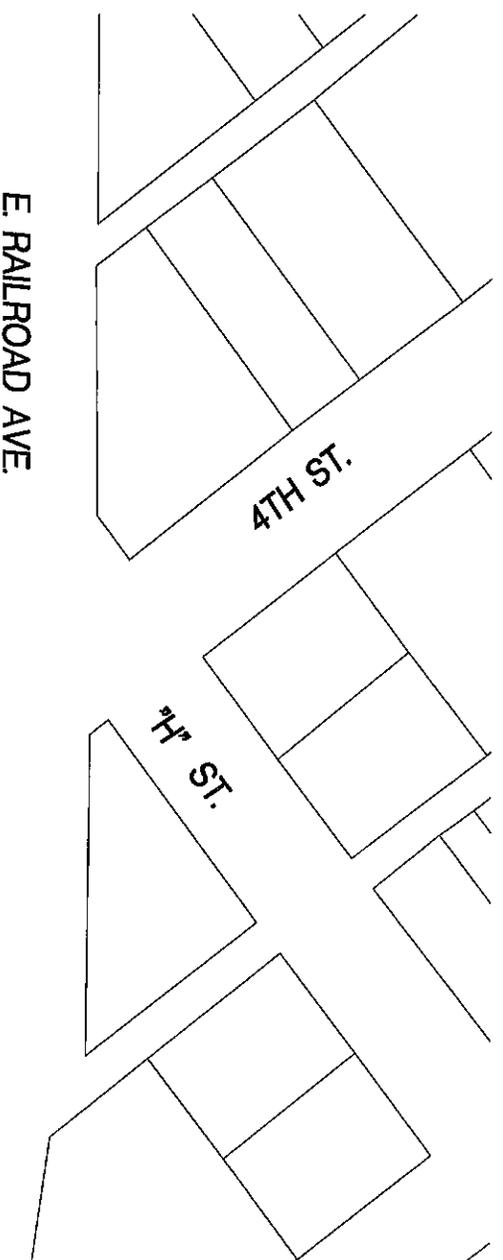
0' 50' 100'



YAMABE & HORN ENGINEERING, INC.

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EXHIBIT "B"



LEGEND:
 RIGHT OF WAY TO BE ABANDONED

() DATA PER MAP OF TOWN OF ORANGE COVE PLATS BK. 7 PGS. 93-96, F.C.R.

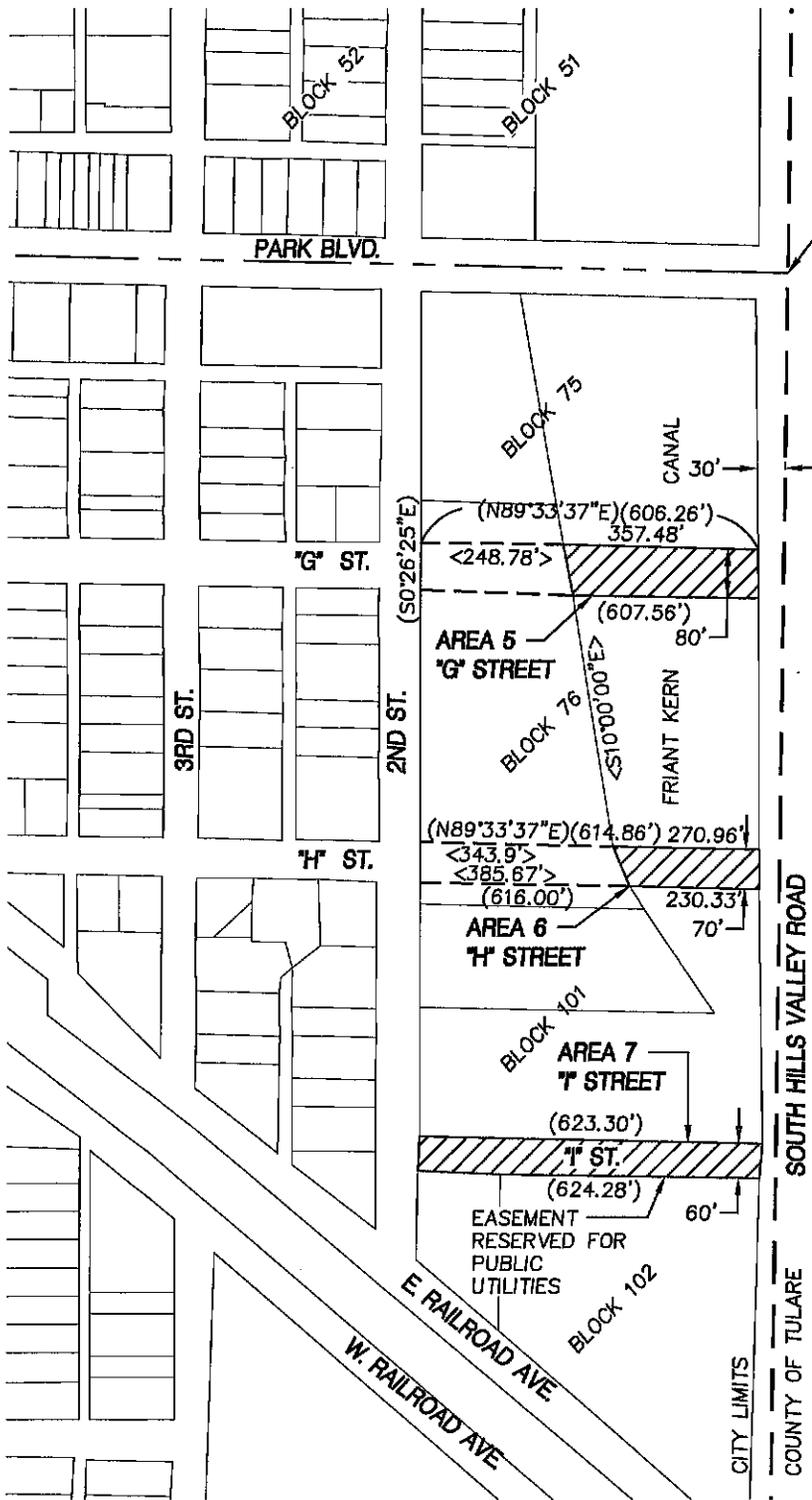


AREA 4
FOURTH ST.
DOC. NO. 20090164210
RECORDED DEC. 3, 2009



**YAMABE & HORN
ENGINEERING, INC.**

EXHIBIT



E 1/4 COR.
SEC. 13
T.15S., R.24E.
M.B.D.&M.

LEGEND:



RIGHT OF WAY TO BE ABANDONED

()

DATA PER MAP OF TOWN OF ORANGE COVE PLATS BK. 7 PGS. 93-96, F.C.R.

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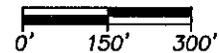
DATA PER LOT LINE ADJUSTMENT MAP, RECORDED OCT. 2, 1985 BK. 2 MISC. MAPS PG. 28, F.C.R.

SOUTH HILLS VALLEY ROAD

CITY LIMITS
COUNTY OF TULARE

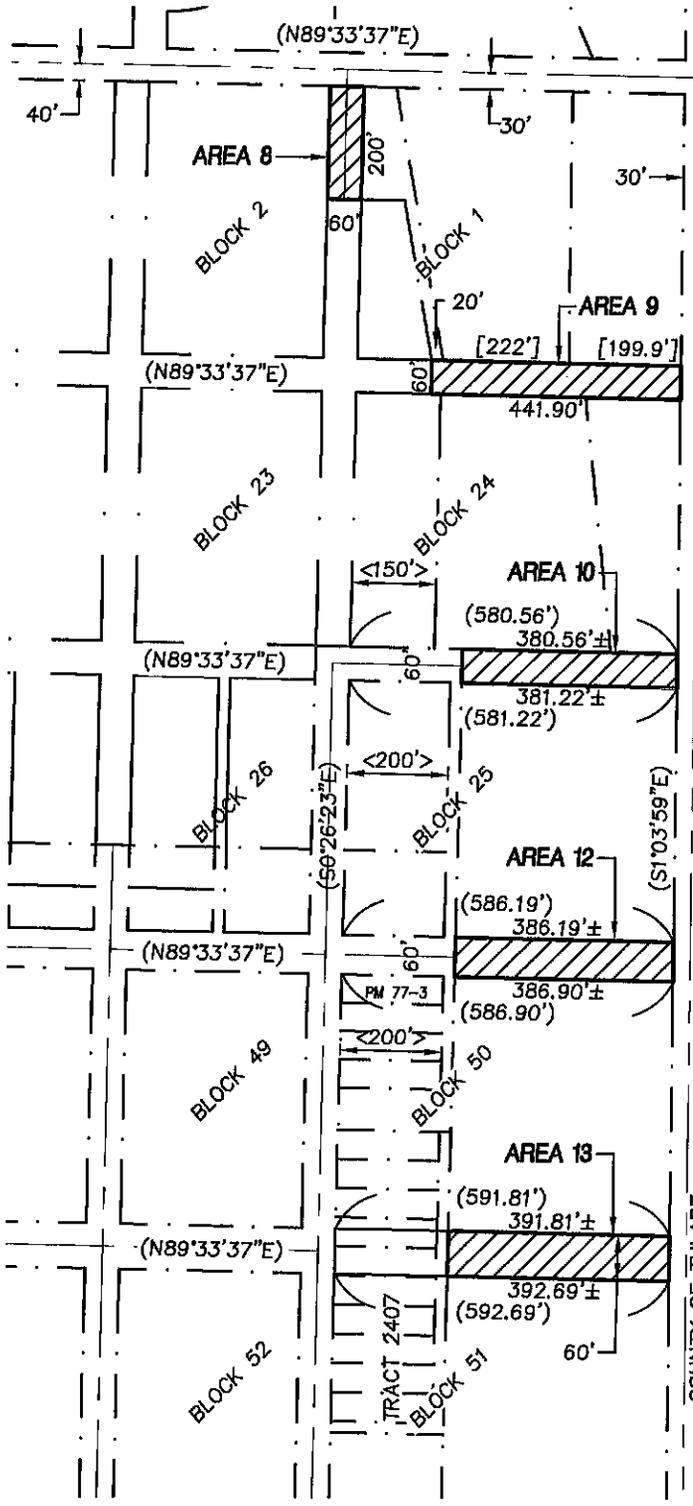


SCALE: 1" = 300'



**YAMABE & HORN
ENGINEERING, INC.**

EXHIBIT



NE. COR.
 SEC 13
 T.15S., R.24E
 M.D.B.&M.

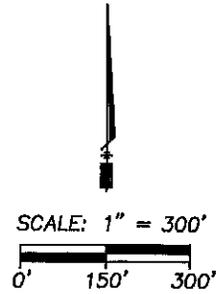
LEGEND:



RIGHT OF WAY TO BE
 ABANDONED

- () DATA PER MAP OF TOWN OF ORANGE COVE PLATS BK. 7 PGS. 93-96, F.C.R.
- < > DATA PER DEED RECORDED VOL. 2451, PG. 353, O.R.F.C.
- [] DATA PRE DEED RECORDED VOL. 2484, PG. 206, O.R.F.C.

COUNTY OF TULARE



**YAMABE & HORN
 ENGINEERING, INC.**