

## AGENDA

### ORANGE COVE PLANNING COMMISSION MEETING

Tuesday, November 20, 2018, 6:30 P.M.

Orange Cove Council Chambers

633 6<sup>th</sup> Street,

Orange Cove, California 93646

#### A. Call to Order/Welcome

- Flag Salute led by Chairman 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.)

#### C. Consent Calendar

1. Consideration and necessary action on minutes of the March 6, 2018 regular Planning Commission meeting.

#### D. Public Hearing

2. **SUBJECT:** Consideration and necessary action on Resolution approving Conditional Use Permit 2018-02 for a "Test-Only" SMOG Station at 252 Park Blvd, Orange Cove, CA – Oscar Guterrez, applicant.

**Recommendation:** Conduct Public Hearing and either approve or disapprove of the findings with conditions for Conditional Use Permit No. 2018-02 - Planning Commission Resolution No. 2018-02.

#### E. Public Comment:

Members of the public shall have an opportunity to address the Planning Commission concerning any item on this agenda but the time allowed to speak may be regulated by the Commission.

#### F. Adjournment

**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.

## **ORANGE COVE PLANNING COMMISSION**

### **STAFF REPORT**

**Date:** November 20, 2018  
**To:** Orange Cove Planning Commission  
**From:** Karl Schoettler, Planning Consultant  
**Subject:** Conditional Use Permit 2018-02 (Gutierrez Smog Test Station)

#### **Summary/Recommendation**

The project is a Conditional Use Permit to establish a smog test business in an existing building at 252 Park Boulevard.

It is recommended that the Planning Commission take the following actions:

1. Ask for staff to deliver the report;
2. Ask any questions of staff regarding the project;
3. Ask the applicant for any statement regarding the project;
4. Open the public hearing for any comments; Close the public hearing.
4. Final Commissioner comments and questions. The Chairperson should then ask for a motion for action on the project. It is recommended that the Commission approve the project by adopting Resolution PC 2018-02.

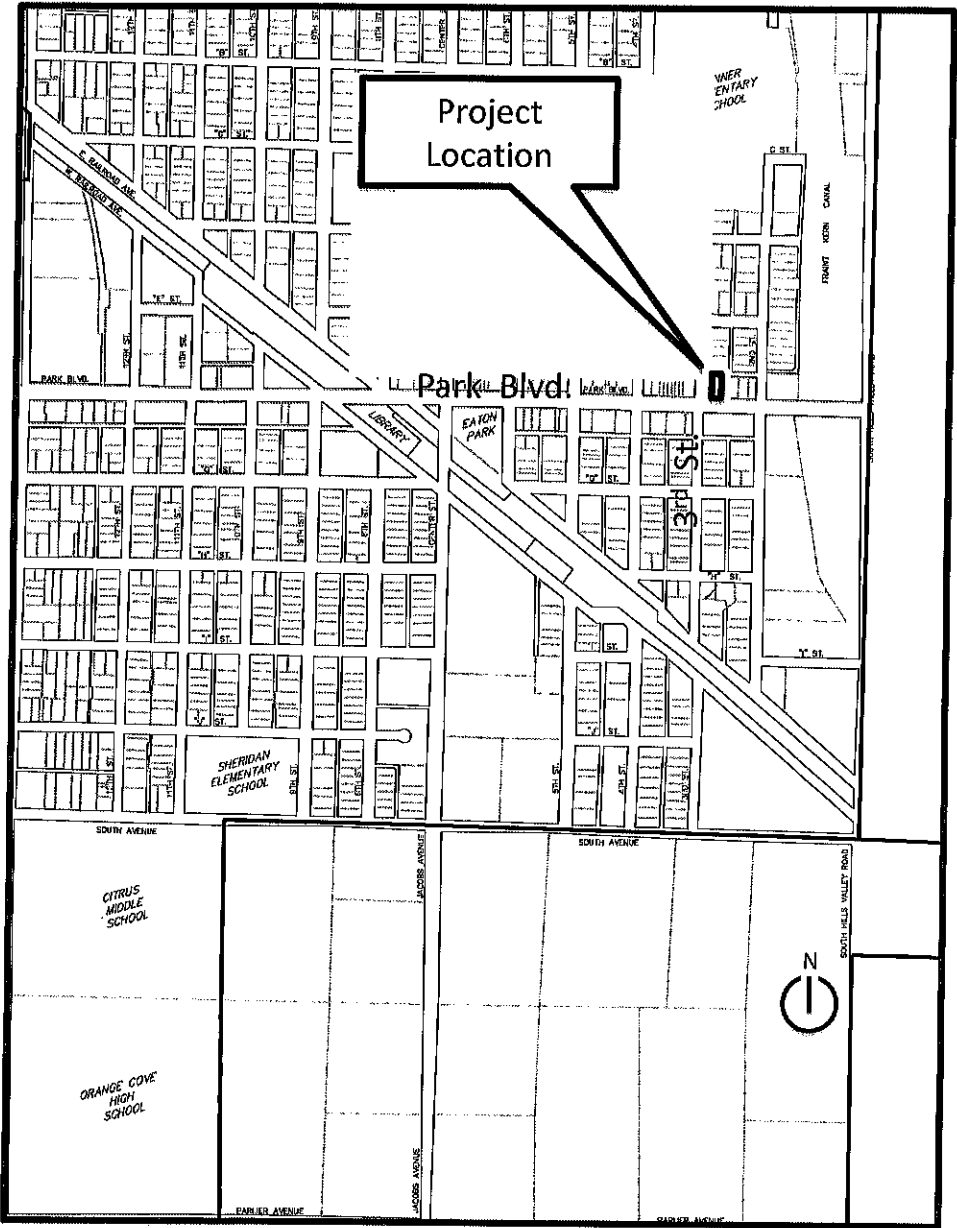
#### **Analysis**

The applicant is seeking approval of a Conditional Use Permit to move into an existing vacant building at 252 Park Boulevard and operate a smog test station. The building is located on the north side of Park Boulevard east of 3<sup>rd</sup> Street (see Maps 1 and 2). It appears to have been used as a bar in the past.

The site is zoned C-3 (Central Business and Shopping) and auto-related uses (like smog shops, auto repair, etc.) are allowed by Conditional Use Permit. The Conditional Use Permit process requires the City to notify all neighboring property owners within 300 feet of the site to give them the opportunity to voice any concerns about the project.

The applicant is proposing to install a roll-up door along the south wall, and also a driveway onto Park Boulevard. This will allow customers to drive into the building from Park Boulevard.

Map 1: Project Location



Project Location  
Conditional Use Permit 2018-02

City of Orange Cove

**Map 2: Aerial Photo**



If approved by the Planning Commission, the applicant will be required to secure approval from the State of California (Bureau of Automotive Repair) to operate the smog test station. It should be noted that the business will provide testing of vehicles only – vehicles needing repairs will be required to go elsewhere.

Several issues have been identified for analysis in this report, including the project's compatibility with downtown Orange Cove, architectural appearance of the building, street improvements and parking. These are analyzed below.



### Compatibility with Downtown

There is some concern that an automobile-related business in the downtown area may not be compatible with other uses in the downtown. The General Plan includes policies encouraging the establishment of businesses that are more pedestrian-friendly like stores and restaurants – to strengthen the pedestrian-oriented shopping character of downtown. However, the City has allowed other automobile oriented uses in the downtown. In addition, it appears that much of the subject block has been vacant for some time – it may be beneficial to allow this particular business to re-energize the area.

### Architectural

The existing building has a front façade surfaced with adobe bricks. The applicant is proposing to install a roll-up door where vehicles will enter the building (see Exhibit 1).

Some cities do not allow roll up doors in the downtown area, as they can change the character of the neighborhood to one where crime is perceived as a concern. If a roll up door is allowed, the Planning Commission may consider requiring one with architectural elements – like windows, wood features, etc. (as opposed to a standard steel roll up door). These are normally found on sliding doors, rather than true roll-up doors (see Exhibit 2).

Exhibit 1: Proposed Location of Door and Driveway



Exhibit 2: Example of a Sliding Door with Windows



#### Street Improvements

The applicant is proposing to install a driveway across the public sidewalk to allow vehicles to enter the building. A condition has been added to the attached resolution that will require the applicant to submit improvement plans for the driveway, for review and approval by the City Engineer, prior to construction. This will ensure the driveway is properly installed, to City standards.

#### Parking

There is currently no on-site parking for the site (although there is a vacant area behind the building where cars could conceivably be parked). The zoning ordinance normally requires a certain number of on-site parking spaces for new uses; however the site was developed many years ago before these parking requirements existed. The City has also installed on-site diagonal parking spaces along Park Boulevard. It is estimated that 2 or 3 spaces will be eliminated due to installation of the driveway. However there appears to still be an adequate number of spaces in this block of Park Boulevard.



**Conclusion**

The project has been reviewed by City staff, including planning and engineering. With conditions of approval in the attached resolution, it is recommended that the Planning Commission approve the Conditional Use Permit.

**BACKGROUND INFORMATION**

- Applicant: Oscar Gutierrez  
10700 S. Alta Avenue  
Dinuba, CA 93618
- Location: The subject site is located on the north side of Park Boulevard, east of 3<sup>rd</sup> Street. The Assessor Parcel Number is 375-193-020.
- Request: The applicant is requesting approval of a Conditional Use Permit to establish a smog test station in an existing vacant building.
- Site: The subject parcel is 50 feet wide and 140 feet deep and contains 7,000 square feet (0.16 acre). The building contains approximately 3,890 square feet.
- Zone: The site is zoned C-3 (Central Business and Shopping). This zone allows for a wide variety of commercial uses, including stores, restaurants, and offices, in addition to others. Auto repair and similar types of auto-oriented uses are allowed by Conditional Use Permit.

Key development standards for the C-3 district are as follows:

- Front yard setback: No requirement  
Rear yard setback: No requirement  
Side yard setback: No requirement  
Building height: 3 stories/40 feet, maximum;  
Parking: For motor vehicle sales and automotive repair shops, there shall be one parking space for each four hundred square feet of gross floor area.

Surrounding zone classifications are as follows:

- North: R-2 (Medium High Density Residential)  
South: C-3 (Central Business and Shopping)  
West: C-3  
East: C-3

**General Plan:** The subject site is currently designated “Central Commercial” by the Land Use Element of the 2025 Orange Cove General Plan. The C-3 zone is consistent with this designation.

**Land Use:** The site is currently developed with a commercial building that is vacant. Surrounding land uses are as follows:

North:	Residential
South:	Vacant commercial building
East:	Market
West:	Vacant parcel

**Access:** Access to the site is provided by Park Boulevard, as well as an alley to the rear. Park Boulevard runs east/west past the site and is classified as an Arterial roadway by the Circulation Element of the Orange Cove General Plan. This street features two travel lanes and diagonal parking spaces in each direction, along with curbs, gutters and sidewalks and a landscaped median divider. The alley to the rear of the site is unpaved.

**Infrastructure:** There are existing water and sewer lines that run past the site under Park Boulevard. Storm drainage is provided by surface curbs and gutters.

**Services:** Police protection is provided by the Orange Cove Police Department and fire protection is provided to the site by the Orange Cove Fire District.

**Environmental:** The project is categorically exempt from review for environmental impacts under the Guidelines of the California Environmental Quality Act (CEQA) per Section 15301 (a) Re-use of existing buildings with minimal changes.

**RESOLUTION PC 2018-02**

**BEFORE THE PLANNING COMMISSION  
CITY OF ORANGE COVE  
COUNTY OF FRESNO, STATE OF CALIFORNIA**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ORANGE COVE  
APPROVING CONDITIONAL USE PERMIT 2018-02  
(GUTIERREZ SMOG TEST STATION)**

WHEREAS, a request was submitted by Oscar Gutierrez, 10700 S. Alta Avenue, Dinuba, CA 93618, for a Conditional Use Permit to establish and operate a smog test station in an existing building that is vacant. The site is located at 252 Park Boulevard (on the north side of Park Boulevard, east of 3<sup>rd</sup> Street). The Assessor Parcel Number is 375-193-020, and

WHEREAS, the subject site is zoned C-3 (Central Business and Shopping) and the proposed project is generally consistent with the requirements of this zone; and

WHEREAS, the Planning Department has prepared a staff report and environmental finding regarding this request; and

WHEREAS, the City has notified property owners within 300 feet of the site of the proposed project, and has also published a notice of the Planning Commission hearing in the newspaper, at least ten days before the hearing; and

WHEREAS, the Planning Commission has considered this application and accepted evidence and testimony.

NOW THEREFORE BE IT RESOLVED that, the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. The project is consistent with the Orange Cove General Plan and the Orange Cove Zoning Ordinance.
2. The project will not have a significant impact on the environment and is exempt from review under Section 15301 (a) (Re-use of existing buildings with minimal changes) of the Guidelines of the California Environmental Quality Act.

3. The project will not have an adverse impact on the health, safety and welfare of residents in the neighborhood or community.

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby approves Conditional Use Permit 2018-02, subject to the following conditions:

1. The applicant shall submit improvement plans for the proposed driveway for review and approval by the City Engineer, prior to installation.
2. The applicant shall apply for a building permit for improvements to the building, including installation of the drive-in door.
3. The business shall provide a trash container.
4. The business shall comply with all requirements of the Fire Department prior to operations.
5. Cars waiting review or pickup shall not be parked on the street.
6. The applicant shall obtain approval from the State of California Bureau of Automotive Repair and submit proof to the City when applying for a City business license.
7. The site shall be well-maintained in a debris, and weed-free manner.
8. The applicant shall apply for a permit for signage, prior to installation. All signs must comply with standards of the Orange Cove sign ordinance.
9. Any outdoor storage shall be screened from view from the street right-of-way.
10. Any subsequent expansion or addition of buildings shall require a new application for a conditional use permit.



The foregoing resolution was duly approved at a regular meeting of the City of Orange Cove Planning Commission held on the 20<sup>th</sup> day of November, 2018 by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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Coy Weldon, Chairman  
Orange Cove Planning Commission

Attest:

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Melanie A. Carter, Acting Secretary  
Orange Cove Planning Commission

City of Orange Cove  
633 6<sup>th</sup> St.  
Orange Cove, CA 93646  
559-626-4488

APPLICATION FOR CONDITIONAL USE PERMIT

Name of Applicant: OSCAR GUTIERREZ

Applicant is ☒ Agent LESSEE ☐ Owner \_\_\_\_\_

Address of Property : 252 PARK BLVD ORANGE COVE 93646

APN 375 193 20 Existing Zoning of Property C-3

The applicant requests a Conditional Use Permit to use the above property for the following reasons:

I AM REQUESTING A CONDITIONAL USE PERMIT FOR THE  
PROPERTY I AM RENTING TO OPEN A TEST ONLY SMOG STATION.

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT

In order for the Planning Commission to approve a Conditional Use Permit, the Orange Cove Zoning Ordinance requires that certain findings to be made. Please provide information that will help the Planning Commission make the following findings:

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

NOT IN ACCORDANCE WITH ZONING DISTRICT NEIGHBORHOOD  
COMMERCIAL

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 of traffic congestion, safety of pedestrian and vehicular circulation, and esthetic values within the district.

THE LOCATION ON WHICH I WANT TO OPEN A TEST ONLY  
SMOG STATION WILL NOT BE IN ANYWAY HARMFUL TO THE  
PUBLIC HEALTH SAFETY OR WELFARE. ACTUALLY THE LOCATION IN WHICH  
IM RENTING WILL BE BENEFICIAL TO THE BUSINESSES IN THE  
VICINITY, BY BRINGING NEW TRAFFIC TO THE AREA.

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

YES THIS WILL COMPLY WITH ALL OF THE FOLLOWING REGULATIONS.

Plans and Drawings: Attached sketches/drawings to clearly show proposal.

STATEMENT:

I, OLLAR GUTIERREZ depose and say that I am the owner, lessee or agent of the property involved in this application, and I have completed this application and all other documents to the best of my ability and all statements and documents are true and correct to the best of my knowledge.

Signed



Address

10700 S ALTA DINUBA CA 93618

Phone

(559) 393-8869

Email

OLLARGUTS97@GMAIL.COM

**A use permit may be revocable, may be granted for a limited time period or may be granted subject to such conditions as the commission may prescribe. The commission may deny an application for a conditional use permit.**

Application Fee for a Conditional Use Permit - \$980. The fees related to an Application for a Conditional Use Permit are set by resolution of the City Council sufficient to cover the cost of handling the application.

THESE FEES CANNOT BE REFUNDED.

I have read the above and understand that I will not be entitled to a refund.



Applicant Signature

OCT 15 / 2018

Date

OFFICE USE

Amount Received

CK #

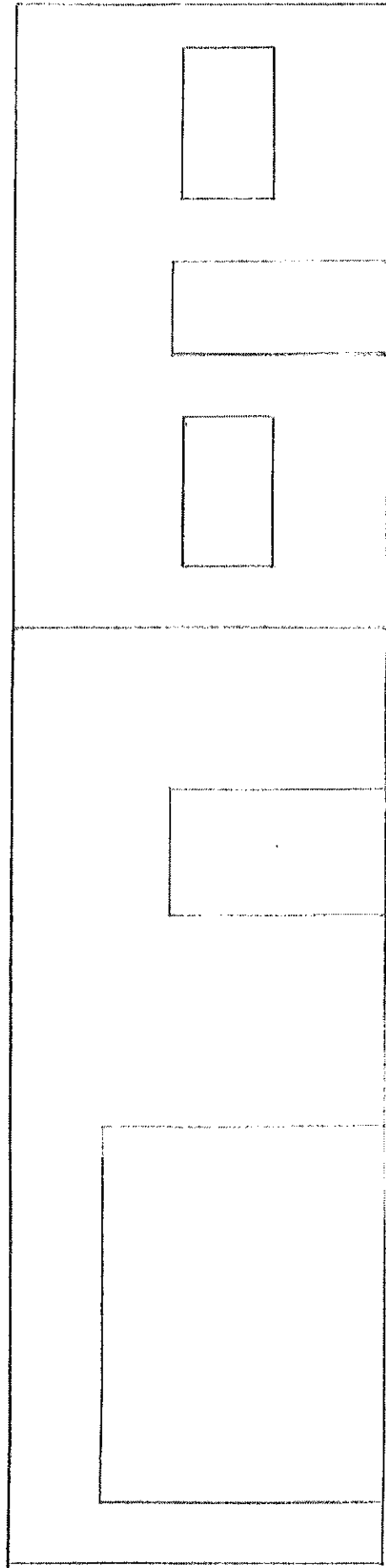
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