

COUNCIL AGENDA – NOVEMBER 19, 2013

SUBJECT: SECOND READING – ORDINANCE 1800, APPROVING ZONE CHANGE  
(PRC 2013-035-Z)




SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1800, An Ordinance of the City Council of the City of Porterville Approving Zone Change (PRC 2013-035-Z) From D-PO (Downtown Professional Office) to DR-D (Downtown Retail – D Street Corridor) for that .38± Acre Site Located at the Southeast Corner of Cleveland Avenue and D Street, was given first reading on November 5, 2013, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1800, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1800

Item No. 15

 Dir	 Approp./ Funded	 CM
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ORDINANCE NO. 1800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING ZONE CHANGE (PRC 2013-035-Z)  
FROM D-PO (DOWNTOWN PROFESSIONAL OFFICE)  
TO DR-D (DOWNTOWN RETAIL - D STREET CORRIDOR)  
FOR THAT .38± ACRE SITE LOCATED AT THE  
SOUTHEAST CORNER OF CLEVELAND AVENUE AND D STREET

WHEREAS: On September 11, 2013, the Project Review Committee considered a request to rezone Assessor's Parcel Number 252-186-003, located at the southeast corner of Cleveland Avenue and D Street from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor). No physical development of the site is proposed at this time and the committee voiced no concerns with the request; and

WHEREAS: On September 23, 2013, the applicant submitted an application for Zone Change for the subject parcel. The application materials were reviewed and deemed complete; and

WHEREAS: Notice was duly made of a public hearing to consider the proposed rezone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 5, 2013, conducted a public hearing to approve findings and consider Zone Change PRC 2013-035, being a change of zone from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor) for the parcel located at the southeast corner of Cleveland Avenue and D Street (APN 252-186-003); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2013-035) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: The subject parcel was considered Downtown Retail in the 2030 General Plan. The General Plan Environmental Impact Report (EIR) identifies the land use for the parcel as retail, and the rezoning of the parcel would bring said parcel into compliance with the General Plan. Pursuant to Section 15162, no further environmental review is required to rezone the parcel as proposed; 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 General Plan policies.

Specifically, the project promotes a sustainable, balanced land use pattern that responds to the needs of a re-emergent economy, while also encouraging Downtown growth (LU-G-1 and LU-G-2). By providing a vacant, buildable site in the downtown area, the project accommodates potential future interest for business owners who choose to construct a building specific to their enterprise.

- b. Future development of the site consistent with the DR-D zoning would require subsequent review at the staff level, through the Project Review Committee process. Development would be subject to the standards of the Development Ordinance as well as the Downtown Porterville Design Guidelines (adopted in 2010 by Resolution 48-2010). In the event the proposed use would require discretionary approval, the application would be brought before the City Council for consideration.
- c. The land use designation for the subject area was approved with the initial adoption of the General Plan in 2010 as Downtown Retail. The proposed project is consistent with that land use designation.
- 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 any subsequent development project. Pedestrian orientation standards and other design and development standards of the General Plan and Development Ordinance were established specifically to limit environmental impacts. In the event that a proposed project may have an adverse impact on the environment, additional analysis and evaluation would be required.

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 2013-035-Z, is hereby rezoned from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 252-186-003 located southeast of the corner of Cleveland Avenue and D 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 D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor) 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 not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of November, 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk