

COUNCIL AGENDA – JUNE 3, 2014

SUBJECT: SECOND READING – ORDINANCE 1810, MODIFYING ORDINANCE 1796 RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z


SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION


COMMENT: Ordinance No. 1810, An Ordinance of the City Council of the City of Porterville Modifying Ordinance 1796 Related to Conditions of Approval for Zone Change 2012-002-Z, was given first reading on May 6, 2014, and has been printed.


RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1810

Item No. 16


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ORDINANCE NO. 1810

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
MODIFYING ORDINANCE 1796 RELATED TO CONDITIONS OF APPROVAL FOR
ZONE CHANGE 2012-002-Z

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 5, 2013, conducted a public hearing to approve findings and consider Zone Change 2012-002-Z, being a change of zone from RM-3 (High Density Residential), RM-2 (Medium Density Residential), and CN (Neighborhood Commercial) to CMX (Commercial Mixed Use) for the site located on the south side of Henderson Avenue, west of Newcomb Street (APN 245-410-032); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (2012-002-Z) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated 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 February 8, 2013 to February 28, 2013; 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.
 - LU-G-10: Foster viable, pedestrian-oriented neighborhood centers with vertically- and horizontally- mixed-use development.
- b. Development of the site as proposed, including personal storage, requires approval of a Conditional Use Permit and would be subject to the City's development standards.
- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment 2012-002 G, to ensure consistency between the General Plan and Zoning. The commercial mixed use (CMX) zoning will allow for similar types of land uses but in different proportions than currently exist on the property. In addition, the CMX Zone will allow the personal storage development pursuant to approval of a Conditional Use Permit as well as the drive through lanes as proposed.

- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

WHEREAS: On May 6, 2014, the City Council considered modifications to certain conditions of this Zone Change as it pertains to access across an adjacent site to Newcomb Street. The original approval required recordation of an access easement for ingress/egress, parking, trash and connectivity to both streets, to serve as a guarantee for the functionality of the apartments on Parcel 4 and the adjacent development to the east. To increase security of the applicant's market rate apartments, the applicant requested that the condition be amended so that access is not allowed from the affordable housing project into the market rate housing project. The applicant shall develop the driveways as originally designed; however, use of automatic gates will provide exiting access from the market rate apartments east to Newcomb Street. The gates will limit westbound traffic into the market rate apartments.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: Condition 5 of Section 3 of Ordinance 1796, adopted by the City Council on March 5, 2013 is hereby removed and substituted with the following language:

The main access point for the residential component (Parcel 4), along Henderson Avenue shall be fully developed and provide connectivity to the street with the first building permit for any portion of the apartments. The connecting drive aisle and parking within this area, as shown on Exhibit "B", (approximately 80 feet width), shall be developed prior to issuance of a certificate of occupancy. A recorded access easement for refuse pickup to the favor of the City of Porterville shall be completed prior to issuance of a certificate of occupancy; and

Section 2: All other language and conditions of Section 3 set forth in Ordinance 1796 not inconsistent with this modification shall remain in full force and effect.

PASSED, APPROVED AND ADOPTED this 3rd day of June, 2014.

By: _____
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk