



City of Farmersville  
Planning Commission Agenda  
August 19, 2020 • 6:00 p.m.  
909 W. Visalia Road

Pursuant to Governor Newsom's Executive Order N-25-20,  
the City of Farmersville will be allowing the public, staff, and City  
Council to attend this meeting via teleconference.  
Please dial 559-827-4929 to participate.

1. Call to Order.

2. Roll Call:

Casas: \_\_\_ Llamas: \_\_\_ Luna: \_\_\_ Valdovinos \_\_\_

3. Pledge of Allegiance.

4. Public Comments.

*This portion of the agenda is reserved for persons wishing to address the Planning Commission on any matter that is not listed for review on the agenda. Individuals must give their name and address and limit their comments to three minutes. Issues raised during Public Comments are informational only and the Planning Commission cannot take action at this time. All comments shall be directed towards the Chairperson and not to individual Commissioners or staff.*

5. Approval of Minutes: July 15, 2020.

Motion: \_\_\_ Second: \_\_\_ All in Favor: \_\_\_ All Against: \_\_\_

6. New Business

**A. Conditional Use Permit 2020-01.** A request for a Conditional Use Permit to establish a smoke shop at 624 N. Farmersville Boulevard. **Resolution 2020-07.**

Motion: \_\_\_ Second: \_\_\_ Casas: \_\_\_ Llamas: \_\_\_ Luna: \_\_\_ Valdovinos \_\_\_

7. Other Business

None.

8. City Planner's Comments, Commissioner Comments.

9. Adjournment.

Next Planning Commission Meeting: Scheduled for September 16, 2020.

Next Resolution number: 2020-08.

Public Notification: Agenda posted 72 hours prior to meeting date

Date/Time posted: (August 14, 2020), 5:00 p.m.      Verified by \_\_\_\_\_

Upcoming City Council meetings:

August 24, September 14, 28.

**STAFF REPORT**

**FARMERSVILLE PLANNING COMMISSION**

Date: August 19, 2020  
To: Farmersville Planning Commission  
From: Karl Schoettler, Planning Consultant  
Subject: Conditional Use Permit 2020-01 (Town Smokeshop (Samih))

**Summary/Recommendation**

The applicant is requesting a Conditional Use Permit to operate a store that sells tobacco products, clothing, gifts and accessories. Stores that sell tobacco and tobacco-related merchandise as a primary item are required to apply for a Conditional Use Permit. It is recommended that the Planning Commission conduct a public hearing and vote to approve the request, subject to conditions of approval by adopting Resolution 2019-08.

**Analysis**

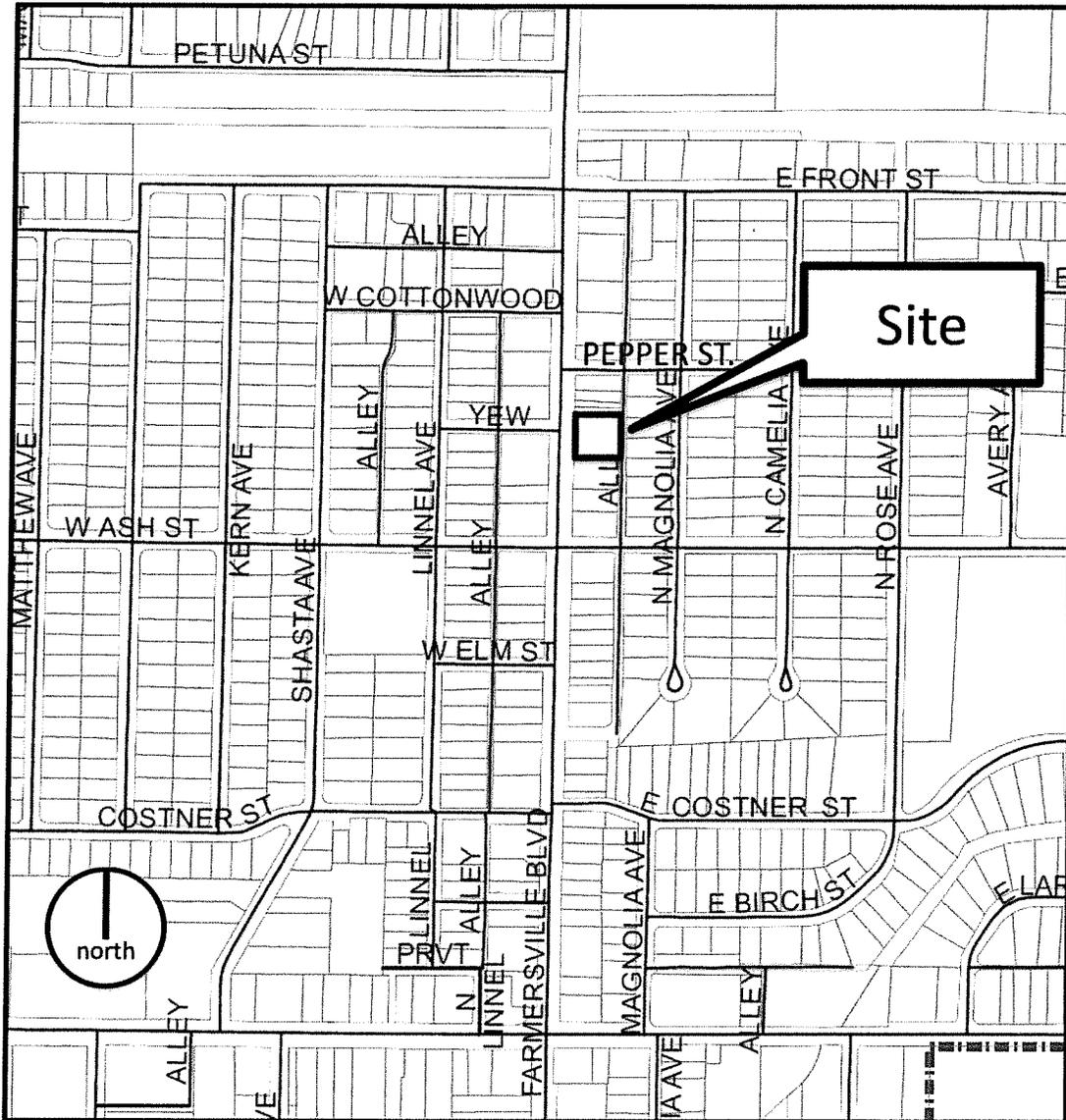
The applicant is seeking approval to establish a store that sells tobacco products along with gifts, clothing and accessories, in a retail space within an existing commercial building located in downtown Farmersville, on the east side of Farmersville Boulevard, south of Pepper Street.

The site is zoned CC (Central Commercial) and tobacco shops are permitted in this zone, subject to a Conditional Use Permit. It should be noted that the City Council reclassified tobacco sales as a conditionally permitted use several years ago. According to the applicant's submittal the store would be open from seven days a week from 9:00 am to 10:00 pm. Two persons will be employed by the store.

The City's main concern with tobacco sales is that they do not become a liability, do not negatively affect the surrounding area or the community at large, or promote the use of illegal substances.

The City cannot prohibit the sales of legal materials (all manner of tobacco, and smoking devices like water pipes, vaporizers, electronic cigarettes, cigarette rolling papers and the like. The City can require these items be kept behind the counter to reduce the chance of shoplifting and attraction to minors – and a condition is included in the resolution pertaining to this. In fact, for other tobacco shops, the Planning Commission has required that minors (those under 18) not be allowed into the store unless accompanied by an adult.

Map 1: Location



Map 2: Aerial Photo



The Police Department has reviewed the application. Their main concern (as with other previous smoke shops) is that the store not carry illegal merchandise and also that they not have a negative impact on children who visit other stores in the area. To address these concerns, it is recommended the following conditions be required:

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1. Minors (persons younger than 18 years) shall not be permitted into the store unless accompanied by an adult.
2. Tobacco products (and materials designed to be used with tobacco products) shall be kept behind the counter or otherwise in a location where they must be retrieved by an employee for view by customers.
3. The applicant shall submit a floor plan of the proposed store that shows proposed layout and product display areas and fixtures, prior to granting of a business license.
4. There shall be no display of products outside the store. Window signs or displays affixed to the window shall cover/occupy no more than 25% of the window surface.
5. The store shall include signs stipulating that smoking devices are to be used for tobacco products only.
6. The applicant shall prohibit loitering around the exterior of the store.
7. Prior to opening the applicant shall request an inspection of the store by the Farmersville Police Department.
8. The store shall be subject to periodic inspection by the Farmersville Police Department. If the store is found to be in violation of any conditions of approval, or of local, state or federal laws concerning controlled substances, this shall be grounds for termination of the Conditional Use Permit.

With the store being subject to the conditions above (including periodic inspections by the Police Department) staff recommends approval of the Conditional Use Permit.

**BACKGROUND INFORMATION**

Applicant: Kaiser Samih  
329 NE Third Avenue  
Visalia, CA 93291

Property  
Owner: Mohammad Ghani  
1414 N. Vickie St.  
Visalia, CA 93291

Location: The subject site is an existing commercial building on the east side of Farmersville Boulevard, south of Pepper Street. The Assessor Parcel Number is 129-131-018.

Request: The applicant is requesting approval for a Conditional Use Permit to operate a store that sells tobacco products, gifts, clothing and accessories. Specific products to be sold, as identified by the applicant include:

-cigarettes  
-cigars

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- bagged tobacco
- chewing tobacco
- hookah tobacco
- rolling paper
- posters/frames
- clothing
- body jewelry
- tobacco accessories
- water pipes
- tobacco pipes
- butane
- vaporizers
- electronic cigs
- e-juice
- water pipe accessories/attachments

**Site:** The site is a retail space within an existing commercial building in downtown Farmersville. The space contains approximately 1,380 square feet. Adjacent uses include commercial businesses on the north, south and west, and single family residential homes to the east.

Surrounding land uses are as follows:

- North: Commercial
- South: Automated car wash
- East: Single family dwellings
- West: Commercial

**Zone:** The site is currently zoned CC (Central Commercial). This zone is intended for a variety of commercial uses that are suitable in the downtown, including stores, restaurants and offices, among other uses.

Surrounding zone classifications are as follows:

- North: CC (Central Commercial)
- South: CC (Central Commercial)
- West: CC (Central Commercial)
- East: R-1 (Single Family Residential)

**General Plan:** The site is designated "Central Commercial" by the Land Use Element of the 2025 Farmersville General Plan. The CC zone is consistent with this designation.

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- Access:** Access to the site is primarily provided by Farmersville Boulevard. This street is classified as an Arterial roadway and in the vicinity of the site features two lanes in each direction, along with curbs, gutters and sidewalks, along with on-street diagonal parking. There is also an alley to the rear of the site. There is some unimproved space for parking to the rear of the building but sufficient parking exists on the street along Farmersville Boulevard.
- Infrastructure:** The site is currently served with City water, sewer and storm drainage lines.
- Services:** Police and fire protection are provided by the City of Farmersville.
- Environmental:** The project is considered to be exempt from review for environmental impacts under the California Environmental Quality Act (CEQA) – Section 15301 (a) (Re-use of existing buildings with minimal changes).

**RESOLUTION 2020-07**

**BEFORE THE PLANNING COMMISSION  
CITY OF FARMERSVILLE  
COUNTY OF TULARE, STATE OF CALIFORNIA**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
FARMERSVILLE APPROVING CONDITIONAL USE PERMIT 2020-01 (TOWN  
SMOKESHOP (SAMIH)) FOR THE ESTABLISHMENT OF A RETAIL  
TOBACCO/SMOKE SHOP.**

WHEREAS, a Conditional Use Permit was requested by Kaiser Samih to establish a retail store selling tobacco, tobacco products and other merchandise in an existing commercial building located at 624 N. Farmersville Boulevard. The Assessor Parcel Number is 129-131-018, and

WHEREAS, the proposed store will operate from 9 am to 10 pm, seven days per week, and

WHEREAS, property owners within 300 feet of the subject site were notified of the meeting and a public hearing notice was published ten (10) days prior to the Planning Commission's meeting, and

WHEREAS, the Planning Department has prepared a staff report and environmental finding, and

WHEREAS, it has been determined that the project is categorically exempt from review under the California Environmental Quality Act, and

WHEREAS, the Planning Commission held a public hearing on this Conditional Use Permit and accepted 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 request:

1. The project is consistent with the Farmersville General Plan, Land Use Element and the Farmersville Zoning Ordinance.
2. The project will not have a significant impact on the environment and is categorically exempt under Section 15301(a) of the Guidelines of the California Environmental Quality Act.

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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 Conditional Use Permit 2020-01 is approved subject to the following conditions:

1. Prior to opening for business the applicant shall contact the Farmersville Police Department to request an inspection by the Department.
2. Minors (persons younger than 18 years) shall not be permitted into the store unless accompanied by an adult.
3. Tobacco products (and materials designed to be used with tobacco products) shall be kept behind the counter or otherwise in a location where they must be retrieved by an employee for view by customers.
4. The applicant shall submit a floor plan of the proposed store that shows proposed layout and product display areas and fixtures, prior to granting of a business license.
5. The store shall include signs stipulating that smoking devices are to be used for tobacco products only.
6. The applicant shall prohibit loitering around the exterior of the store.
7. The store shall be subject to periodic inspection by the Farmersville Police Department. If the store is found to be in violation of any conditions of approval, or of local, state or federal laws concerning controlled substances, this shall be grounds for termination of the Conditional Use Permit.
8. There shall be no display of products outside the store. Window signs or displays affixed to the windows shall cover/occupy no more than 25% of the window surface.
9. Prior to design, fabrication and installation of an exterior wall sign, the applicant shall apply for a sign permit. Any such signage must comply with standards for size and placement contained within the Farmersville Sign Ordinance (Farmersville Municipal Code Chapter 17.84) and the City's Sign Design Guidelines. The business shall install a permanent sign within 60 days of starting business. A banner (or similar temporary signage) may be used temporarily but is not allowed as the permanent sign for the business.
10. Significant change of operations or expansion of the use shall require a modification of the Conditional Use Permit and a public hearing before the Planning Commission.

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11. The proposed use shall be established within one year of the Planning Commission's approval, or the permit shall become null and void. A one year extension of the approval may be requested in writing.

The foregoing resolution was adopted upon a motion of Commissioner \_\_\_\_\_, second by Commissioner \_\_\_\_\_, at a regular meeting of the Farmersville Planning Commission on the 19th of August, 2020, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Chairperson, Farmersville Planning Commission

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Secretary, Farmersville Planning Commission