

RESOLUTION NO. 2006- 12

A RESOLUTION OF THE LEMOORE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 2006-05/ SITE PLAN REVIEW NO. 2006-13 FOR DASSEL'S PETROLEUM, INC.

At a Special Meeting of the Lemoore Planning Commission duly called and held on November 27, 2006 at 6:00 p.m. on said day, it was moved by Commission member Moss, seconded by Commission member Ormonde and carried that the following Resolution be adopted:

WHEREAS, Dassel's Petroleum Inc. has submitted an application for Conditional Use Permit No. 2006-05 / Site Plan Review No. 2006-13, proposing to install an above ground diesel fuel tank on an existing cardlock facility.

WHEREAS, The proposed tank will be 20,000 gallons in size and will provide two (2) hoses for dispensing fuel with dimensions of 10 feet high by 39 feet long; and

WHEREAS, The site is located at 1735 West D Street, north of Bush Avenue and south of the railroad and known as Assessors Parcel Number 023-450-008; and

WHEREAS, the Planning Commission held a duly noticed public hearing, as set forth in Section 9-15B-2C, at their November 13, 2006 meeting on the above-stated proposal as required by the City of Lemoore Municipal Code; and

WHEREAS, on the basis of the application, staff report, and the evidence submitted, the Planning commission makes the following findings specified in Section 9-15B-2E of the Lemoore Municipal Code:

- a. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
- b. That the proposed location of the conditional use is in accordance with the objectives of this Title and the purposes of the district in which the site is located.
- c. That the proposed use will comply with each of the applicable provisions of this Title. (Ord. 7901 2-6-79 as amended, 1-1986).

WHEREAS, the Planning Commission reviewed the Environmental Impact Assessment pertinent to the proposal and determined that it will not have any significant effect on the environment and should adopt a Mitigated Negative Declaration pursuant to California Environmental Quality Act, as amended; and

NOW, THEREFORE, BE IT RESOLVED that the Lemoore Planning Commission does hereby a Mitigated Negative Declaration and approve Conditional Use Permit No. 2006-05 / Site Plan Review No. 2006-13 to expire on December 5, 2007 with the following conditions of approval pertaining thereto:

1. The project shall be developed as per approved plans as shown on the redlined Exhibit A, and any deviation from the approved plans will require to be resubmitted to the Planning Commission.
2. A ten foot (10') block wall shall be constructed on three full sides surrounding the tank's west, south and east sides, and protective bollards shall be placed on the remaining side. A triangular landscape area shall be constructed on the east side of the tank outside the block wall, as generally shown on Exhibit A.1.
3. A twenty-five foot (25') easement at the northern property line of Parcel No. B of Parcel Map No. 7-99 for building setback shall be provided and recorded as shown in Exhibit A, unless the Public Works Director determines that an engineered block wall may be able to serve additional safety to allow the reduction of the this setback requirement.
4. The existing cross access easement shall be expanded and recorded to provide access to Parcel No. B of Parcel Map No. 7-99 as generally shown on Exhibit B.

5. The proposed raising of the existing sign should be approved and the sign cleaned up.
6. Repairs to the existing site and any other general maintenance issues will need to be made., such as repairing the damaged bollards and renovating the existing landscape areas, shall be made
7. The developer shall comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District at all times.

Passed and adopted at a Special Meeting of the Lemoore Planning Commission held on November 27, 2006, by the following votes:

AYES: Moss, Ormonde, LeRoy, Elgin, Kendall, Clement

NOES: None

ABSTAINING: None

ABSENT:Norgaard

APPROVED:

, Chairman

ATTEST:

Holly P. Smyth, Secretary

This resolution is subject to review by the City Council pursuant to Lemoore Municipal Code Section 9-15-B-2G. The City Council may affirm, reverse, or modify this resolution.

CERTIFICATE

STATE OF CALIFORNIA)
 COUNTY OF KINGS) ss.
 CITY OF LEMOORE)

I, Holly P. Smyth, Secretary of the Lemoore Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on November 27, 2006.

DATED: November 28, , 2006

Holly P. Smyth, Secretary

