

Mayor
Tom Buford
Mayor Pro Tem
John Murray
Councilmembers
John Grego
Ed Martin
John Plourde



LEMOORE
CALIFORNIA

**Planning
Department**
210 Fox Street
Lemoore, CA 93245
Phone (559) 924-6740
FAX (559) 924-6743

Item# _____

Planning Commission Staff Report

To: Lemoore Planning Commission
From: Joseph G. Mendiola, Assistant Planner
Review Date: November 13, 2006
Subject: CUP No. 2006-05 / Site Plan Review No. 2006-013 / E.I.A No. 2006-20 /
Application by, Dassel's Petroleum Inc.

A. General Information:

- | | | |
|-----|-------------------------------------|--|
| 1. | Planning Commission Review: | November 13, 2006 |
| 2. | Owner: | Dassel's Petroleum Inc.
31 Wright Road
Hollister, CA 95023
(831) 636-5100 |
| 3. | Applicant: | Dassel's Petroleum Inc.
31 Wright Road
Hollister, CA 95023
(831) 636-5100 |
| 4. | Location: | 1735 West D Street
North of Bush Avenue |
| 5. | Property Descriptions: | APN # 023-450-008 (Portion) |
| 6. | Site Area: | 34,975 Sq-Ft |
| 7. | General Plan Designation: | Highway Commercial (HC) |
| 8. | Current Zone Classification: | Commercial Highway (CH) |
| 9. | Existing Use: | Cardlock |
| 10. | Proposed Use: | Cardlock |

PLANNING COMMISSIONERS

Chairperson – Bob Clement, *Vice-Chair* – Kimberly Moss
Lisa, Elgin, Sharon Kendall, Angie Leroy, Marshall Norgaard, Mel Ormonde

Project Location & Description:

The applicant Dassel's Petroleum Incorporated has submitted a Conditional Use Permit No. 2006-05, a Site Plan Review No. 2006-13 and an Environmental Impact Assessment No. 2006-20 proposing to install an above ground diesel fuel tank on an existing cardlock facility. The proposed tank will be 20,000 gallons in size and will provide two (2) hoses for dispensing fuel. The tank dimensions are ten feet (10') high by thirty-nine feet (39') long.

The site is located at 1735 West D Street north of Bush Avenue and south of the railroad. The site is known as a portion of Assessors Parcel Number 023-450-008 or Parcel No. 2 (34,975.79 square-foot) of Parcel Map (PM) No. 18-13.

B. Compliance with Conditional Use Permit Criteria:

The City Code requires the Planning Commission to make findings on an application for conditional use, based on criteria stated in Section 9-15B-2E of the City code. The following findings are made for Commission's consideration and acceptance.

Criteria 1: *That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right.*

There presently exists commercial highway type facilities and structures already in place both on the project site and on adjacent sites, both to the west and to the north.

The existing cardlock station provides fueling to various businesses and industries in the area. Dassel Petroleum would like to increase the on-site fuel reserves so that it can adequately provide to the demands of a commercially viable business and provide bio-diesel product; while maintaining the same number of trips presently needed to recharge the tanks. An additional 20,000 gallon tank will almost double the on-site tank capacity.

The site is already improved and has sidewalks, pavement, fueling equipment, underground fueling tanks, above ground ancilliary structures and the required right-of-ways. The site, as is, may not provide room for an additional underground tank. Added to this is the high ground-water table in the area, which makes the task of excavation an undesirable and difficult working condition. Above ground tanks have become more acceptable over time as technological advances continue to provide safer and more effecient methods of dispensing fuels.

By allowing the above ground tank installation, the fueling station will continue to provide service to the community's growing business and industrial needs and alleviate the need for more land being used for this purpose.

The proposed project meets the above criteria and serves the public's needs as well as providing an economic viability to the businesses long term. No additional land will be needed for the project.

Criteria 2: *That the proposed location of the conditional use is in accordance with the objectives and purposes of the zoning regulations and the purposes of the district in which the site is located.*

The highway commercial district is intended primarily for application to areas along major highway entrances to the city in accord with policies of the general plan where controlled access to the highway is afforded for the convenience of patrons traveling the highway.

The main facility use is considered a commercial highway permitted use and as such has been granted to the existing cardlock under Zone Ordinance No. 9-9C-2 of "Permitted Uses." The conditional use permit is required due to the fuel tank's proposed above ground installation. Both internal departments and Kings County have been contacted and their responses and comments have been documented further in this report. The provision of more fueling capacity at the site serves the purpose of the zoning regulations.

Criteria 3: *That the proposed use will comply with each of the applicable provisions of the City's Zoning Regulation.*

The site plan review analysis, which is included as part of the conditional use permit approval process, will ensure that the project complies with all applicable zoning regulations.

C. Site Plan Review:

The submitted site plan was reviewed to determine its compliance with the City's zoning ordinance, policies and standards as well as fire codes, environmental and other considerations. A preliminary Site Plan Review (SPR) meeting was held on October 17, 2006, the comments from that meeting have been incorporated into this report.

The following findings have been determined:

1. General Plan and Zoning Compliance:

The site is designated *Highway Commercial* use per the Lemoore General Plan and is zoned Commercial Highway (CH). The land surrounding the site to the north, east, south and west is also zoned Commercial Highway (CH). Property immediately to the north and west is developed. Property immediately to the south and east is presently vacant (see attached aerial map).

2. Ingress/Egress:

Ingress and egress to the site is directly from West D Street via two existing driveways as well as through the adjacent Shell Gas Station, west of the property. City Staff attending the preliminary SPR meeting felt that the original tank's location posed a serious concern to the site and that it would have a negative affect on adjacent sites and consequently required the relocation of the tank (see original plan).

A new site plan was submitted depicting the relocation of the tank. The new position of the tank alleviated the concerns, and posed a more positive affect to the adjacent sites. The revised site plan also proposed a twenty-five foot (25') easement for "Building Setback" along the north property line of Parcel B of Parcel Map 7-99 (see re-submitted plan).

3. Parking:

The most recent KCAG model estimates that an average of 1.28 employees will be generated for every 1,000 square feet of industrial building space. However this project does not propose any additional buildings other than the existing structures which are designed as part of an automated credit-card-operated fueling station thereby creating zero employees for the site. No on-site parking is being provided or required as the facility is automated and will not have any on-site employees.

4. Hazards:

Hazardous materials business plan will need to be filed by the facility operator with the Department of Public Health, Kings County due to onsite storage of hazardous materials in volumes of at least 55 gallons. It should be noted that the installation of a 20,000 gallon above ground storage tank does not require approval by the Department of Public Health, Kings County unless underground piping is installed that contains at least 10% of the total system volume.

5. Refuse:

A refuse enclosure is located at the corner of the site and is deemed appropriate per Public Works Department.

6. Utilities:

City water, sewer and storm drainage services are presently provided and received by the site. No further improvement plans and/or grading plans are being requested by the Public Works Department and/or the City Engineer for additional utilities.

7. Fire Hydrants:

There presently exists one fire hydrant at the site. It is within the landscape easement adjacent to West D Street. The Fire Chief had no comments with regards to the addition of more fire hydrants or fire safety features.

8. Right-of-Way and Easements:

A 30' public utility and access easement provides access through Parcel No. 2 unto Parcel No. 1 per Parcel Map 18-13. However this easement does not connect to Parcel 3 (shown as Parcel B of P.M. 7-99 on site plan), therefore, the existing cross-access easement will need to be extended to meet with the property line between Parcel 2 and Parcel 3 to allow Parcel 3 access to West D Street (see detail drawing).

A new setback easement, as shown on the site map will need to be recorded along the northerly portion of Parcel B of Parcel Map 7-99 to guarantee no building be placed within twenty-five feet (25') of the tank as well as to meet the fire code requirements (see re-submitted plan) unless the block wall is determined to provide additional safety which may allow for a reduced setback as determined by the Public Works Director.

9. Lighting:

Street lights presently exist in the City right-of-way and at the site. No further requests were received from Public Works, Police Department or the Fire Department requesting additional lighting.

10. Dust Control:

Soil disruption during construction causes significant fugitive dust, contributing to the current air quality problem in the region. The developer will need to comply with the San Joaquin Valley Air Pollution Control District Standards as well as with the City of Lemoore's dust control requirements.

11. Landscaping / Walls:

The City General Plan requires a minimum of 10% of commercial zoned properties to be landscaped. The site is 34,975 square feet in size and the existing landscaped area is approximately 5,150 square feet (15% landscaped) exceeding the 10% required by the City General Plan. No additional landscaping is being proposed by the owner. However, the existing areas require renovation. Landscaping will require to be maintained and irrigated, so as to keep a pleasing and aesthetic environment.

The owner proposes to place a 10' split-faced block wall around the entire south side of the tank and along each of the sides as delineated on the site plan. The wall was originally proposed for aesthetic purposes only and not for safety purposes, per Fire Chief. Due to the size of the tank several options exist to provide a more aesthetically pleasing area as follows:

- a. The wall should be constructed on three sides around the tank with bollards placed on the remaining fourth side for safety. Additionally a landscaped triangular shaped area should be added to the eastside of the tank (outside of the block wall) to help visually enhance and improve the protection of the wall from vehicles.
- b. Landscaping could be added to the south side of the tank so that vines could grow on the wall structure thereby reducing graffiti surface, however with the relocation of the tank this option seems infeasible.
- c. The tank could be fully enclosed with a green metal roof added to the top to look like an ancillary building, however the fire department stated it may make fires more difficult and the applicant stated that regular maintenance is required at the top of the tank via crane making this option not very feasible.

The attached photos depict a simulation of the tank without a wall or without landscaping. Staff recommends option (a.) above; be used for screening the tank.

12. Signs:

Dassel's Petroleum Incorporated has concurrently submitted a sign application requesting to raise the existing sign by eight (8) feet to a total height of 16-ft 3-in to clear the existing landscape. The sign ordinance allows freestanding signs in CH and M zone districts to be as tall as the tallest building roofline onsite not exceeding 100 square feet in size. There are no building structures on-site, however, the adjacent car wash building is approximately 16' in height and most assume it is part of the site and the tank will be ten feet (10') in height, therefore the new height should not exceed the 16'. The proposed sign (that was pre-existing on site) is 4.25' x 9.93', thereby totaling approximately 42 square feet, meeting the limitations of the sign ordinance. The condition of the existing sign may need to be improved in order for it to be acceptable should any pieces be broken or in disrepair.

In and out arrows, directing traffic, should be strategically placed at the drive approaches to provide improved traffic flow and decrease hazardous traffic conditions.

13. Existing Site Conditions:

The existing site was vacant for a number of months and the condition of the site became dilapidated. Therefore along with the installation of the tank the following issues will need to be addressed: the landscaped areas shall be renovated, the damaged bollards shall be repaired and any other general maintenance issues will need to be handled.

D. Public Input:

A notice of intent to adopt a mitigated negative declaration and notice of public hearing was published in the Lemoore Advance on October 19, 2006. Additionally, letters were sent to property owners within a 300 foot radius of the site to notify them of the proposed project. No comments have been received to date.

E. Comments from Other Agencies/Department:

Of major concern and voiced by department heads, during the preliminary site plan review meeting of October 17, 2006, was the original proposed location for the 20,000 gallon diesel fuel tank (see original plan).

A better location was proposed and submitted to Dassel Petroleum's representative, who was present at the meeting. The new proposed location was accepted by all and is reflected on the revised site plan submitted by applicant and received by the Planning Department date stamped October 18, 2006 (see re-submitted plan).

A first draft staff report and resolution was sent to applicant for comment and review. Attach is a copy of applicant's comments. Some of the applicant's concerns and comments were valid and have been incorporated where appropriate into this report.

F. Environmental Impact Assessment:

A preliminary Environmental Impact Assessment of the project has been conducted by staff in accordance with the California Environmental Quality Act (CEQA) and staff has determined the proposed project to be a Mitigated Negative Declaration (Environmental Checklist Form attached).

G. Recommendation:

- Staff recommends that the Planning Commission recommend approval of the Mitigated Negative Declaration to the City Council.
- The Planning Commission recommends that the City Council approve Conditional Use Permit No. 2006-05 / Site Plan Review No. 2006-13 submitted by Dassel's Petroleum Inc. as shown in the attached draft Resolution No. 2006-46 with its 8 conditions.