

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



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

Staff Report

Item # _____

To: Lemoore City Council
From: Holly Smyth, Chief Planner
Date: January 17, 2006
Subject: Extension of Conditional Use Permit 2003-05/Special Zoning Exception by Kerman Kart Club Amending Resolution 2003-46 conditions of approval

Discussion:

Kerman Kart Club has applied for an extension of the project prior to the expiration date and therefore was automatically extended for up to 60 days or until the Planning Commission acted on the extension. The applicant is requesting to amend the time lines consistent with a recently amended Development and Disposition Agreement which indicated that Phase I will be completed on February 23, 2007 and Phase II shall be completed by February 22, 2008, which amount to a 25½ month extension contingent upon the Planning Commission and City Council granting the appropriate extensions.

The Conditional Use Permit and Special Zoning Exception were initially approved on January 20, 2004 by City Council Resolution No.2003-46 and Ordinance No.2003-02 for a two-year period. Phase I was to be completed by December 31, 2003 and Phase 2 by June 2005. This project was initially approved on January 20, 2004 to be developed within 2 years (Conditional Use Permits are usually allowed a 6 month term unless a longer term is approved by the Planning Commission and City Council during the initial approval).

The subject site adjoins Highway 41 on the east side and is south of the Idaho Avenue/Highway 41 intersection. The Special Zoning Exception approval also requires an extension. Under the Exception, the site remains ML (Light Industrial) zoned property until the site is developed in accordance with approved conditions of approval within a prescribed time period; a zone change to CH would become effective once all is completed.

The extension involves modifying the original conditions of approval set by Resolution 2003-46, therefore the extension must be approved via Resolution by the City Council. The Planning Commission discussed the extension at their January 9, 2006 meeting and recommended that the City Council approve the attached resolution.

A copy of staff's report to the Planning Commission is attached for your review along with the proposed Resolution.

Budget Impact:

None

Recommendation:

City Council should approve the Planning Commission's recommendation to grant a 25½ month extension of the project, and pass the attached draft Resolution amending City Council Resolution 2003-46, which modifies conditions #9 and #10 of the original Conditional Use Permit.

RESOLUTION NO. 2006-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE AMENDING RESOLUTION NO. 2003-46 APPROVING A 25½ MONTH EXTENSION FOR CONDITIONAL USE PERMIT NO.2003-05 AND SPECIAL ZONING EXCEPTION NO.2003-02

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on January 17, 2006 at 7:30 p.m. on said day, it was moved by Councilmember _____, seconded by Councilmember _____ and carried that the following Resolution be adopted:

WHEREAS, Kerman Kart Club has submitted an application to extend their Conditional Use Permit and Special Zoning Exception to allow them to build a kart racing facility on an 11.65 acre site located adjacent to east side of Highway 41 and south of Idaho Avenue and Highway 41 intersection; and

WHEREAS, the site on which the development is proposed is zoned ML (Light Industrial) and upon completion of the project will be zoned CH (Commercial Highway); and

WHEREAS, the approval for this project expires on January 20, 2006 as per Ordinance No. 2003-12 for Special Zoning Exception and the applicant submitted AN application for extension prior to the expiration as per Section 8-7B-10 of the Lemoore Zoning Code; and

WHEREAS, the Lemoore Planning Commission held a meeting on January 9, 2006 and recommended that the City Council grant the extension to Conditional Use Permit No.2003-46 along with extending Ordinance No.2003-12 with modifications to conditions 9 and 10 of the initial conditions of approval listed in Resolution No.2003-46; and

WHEREAS, the Conditional Use Permit with Special Zoning Exception requires the approval of the Lemoore City Council; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore does hereby approve the Planning Commission's recommendation to extend Conditional Use Permit No.2003-05 and Special Zoning Exception for 25½ months to expire on February 22, 2008 with the following revised language in conditions #9 and #10:

9. In accordance with City Council Resolution 2005-24 adopted on June 7, 2005, the Council has authorized staff to prepare an updated impact fee study which is anticipated to be completed within one year. The project will have an impact on the need for new public facilities and improvements in the City. The costs associated with that impact and the connection between the need for new public facilities and the proposed project will be set forth in a new Resolution to be adopted by the City Council. As a result, the applicant shall be subject to and shall pay these impact fees when they are set forth. Should construction commence prior to the completion of such fee schedule an interium assessment will have to be made. Development Impact Fees shall be collected upon issuance of building permits for the development at the rate in effect on the date of the building permit, and any increases in fees shall be paid when the new fees are set.
10. The extension approval is good for 25½ months which will expire on February 22, 2008. However, if Phase I is not completed by February 23, 2007 the CUP shall expire.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 17th day of January, 2006, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Thomas E. Buford, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

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

I, Nanci C.O. LIMA, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on January 17, 2006.

DATED: January 18, 2006

Nanci C.O. Lima, City Clerk

**LEMOORE PLANNING COMMISSION
STAFF REPORT**

**APPLICATION BY KERMAN KART CLUB TO EXTEND
CONDITIONAL USE PERMIT NO.2003-05 & SPECIAL ZONING EXCEPTION NO.2003-12
TO BUILD A RACE CAR FACILITY**

Meeting of January 9, 2006

A. Project Location & Description:

Conditional Use Permit No.2003-05 involves building a kart racing facility on an 11.65 acre site located adjacent to east side of Highway 41 approximately 1,000 feet south of Idaho Avenue and Highway 41 intersection. This site is currently zoned ML (Light Industrial). The Conditional Use Permit and Special Zoning Exception were initially approved on January 20, 2004 by City Council Resolution No.2003-46 and Ordinance No.2003-02. This project was to be approved in two phases. Phase I of the project included constructing the race track, pit stalls and landscaping to be completed by December 31, 2003. Phase 2 included the construction of a shop building, bleacher seats, a covered scale, scoring tower and permanent restrooms to be completed by June 2005.

The Special Zoning Exception with a Conditional Use Permit would allow a particular project or use on a site which is not permitted under the current zoning district. It requires the site to be developed in accordance with approved plans and a particular purpose within a prescribed time period. The zone change becomes effective only after the project has been completed within the set time period unless an extension is granted by the City prior to the expiration date.

Kerman Kart Club is requesting to amend the timelines consistent with the development and disposition agreement recently amended by the Lemoore Redevelopment Agency, which sold the property to Kerman Kart Club. This agreement states that Phase I would be completed by February 23, 2007 and February 22, 2008 for Phase II with the same tasks originally outlined remaining in tact. Since the application was submitted prior to the expiration date, this project is automatically extended for up to 60 days or until the Planning Commission acts on the extension.

B. Staff Review:

The applicant's request is reviewed based on City criteria for granting extension approvals and the following findings are made.

a. How long of an extension is being requested?

The original approval was given by City Council Resolution 2003-46 and Ordinance No.2003-12 with 12 conditions of approval for a two (2) year period, expiring January 20, 2006.

If the current request for a 25½ month extension is granted, the project would have a little more than a four-year life. Planning Commission rarely allows an extension for over 1 year at a time. Conditional Use Permits initially are granted for six (6) months with the exception of a longer term approved by the Planning Commission and City Council as deemed appropriate by these bodies.

b. What is the current status of the project?

The applicant has indicated that the off-site waterlines were recently approved by Public Works and the work is out for bid. The track was rough graded and conduit was placed for on-site electrical during 2004.

c. What efforts were made to complete or start the project within the approval period?

The track surface was graded and electrical conduit placed. According to the applicant, civil engineering of the plans took longer than anticipated and they are waiting to hear from PG & E on their service connection.

d. How will the project be completed if the extension is granted?

Permits are ready to pull on waterline and plans are being prepared for the access road to the facility.

e. Are there any new circumstances, which may need amending any previously imposed approval conditions or imposing new conditions?

On June 7th, 2005 the City Council adopted Resolution #2005-24 directed City staff to prepare an updated development impact fee and that all development applications deemed complete after the adoption would be subject to the new impact fee study when complete (which is anticipated to be June 2006). Therefore, conditions #9 and #10 need to be modified, unless the City Council directs staff otherwise, to read as follows:

9. In accordance with City Council Resolution 2005-24 adopted on June 7, 2005, the Council has authorized staff to prepare an updated impact fee study which is anticipated to be completed within one year. The project will have an impact on the need for new public facilities and improvements in the City. The costs associated with that impact and the connection between the need for new public facilities and the proposed project will be set forth in a new Resolution to be adopted by the City Council. As a result, the applicant shall be subject to and shall pay these impact fees when they are set forth. Should construction commence prior to the completion of such fee schedule an interium assessment will have to be made. Development Impact Fees shall be collected upon issuance of building permits for the development at the rate in effect on the date of the building permit, and any increases in fees shall be paid when the new fees are set.”

10. The extension approval is good for 25½ months which will expire on February 22, 2008. However, if Phase I is not completed by February 23, 2007 the CUP shall expire.

D. Recommendation:

The Commission should recommend that the City Council approve the attached draft resolution which would approve the above listed for Conditional Use Permit No.2003-05 and Special Zoning Exception 2003-12 with modifications to Conditions #9 and 10.