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City of

**LEMOORE
STAFF REPORT
CALIFORNIA**

Item # 6

To: Planning Commission
From: Joseph Mendiola, Assistant Planner & Holly Smyth, Planning Director
Review Date: April 9, 2007
**E.I.A. NO.2007-02 / CONDITIONAL USE PERMIT NO.2007-01 / SITE PLAN
REVIEW 2007-01 APPLICATION BY STEVEN W. REYNOLDS FOR THE FIRST
Subject: BAPTIST CHURCH OF LEMOORE**

A. Plan Location & Description:

The First Baptist Church is located on 3.03 acres at the northwest corner of Bush Street and Willow Drive. The church complex has a sanctuary, day care center and other ancillary structures. The proposal is to allow the placement of two (2) 24' x 40' portable classrooms that will be used for child related activities and as classrooms. The portable classrooms will be located at southwest corner of the site.

B. Compliance with Conditional Use Permit Criteria:

The proposed addition is reviewed to determine its convenience with Section 9-15B-2E of the Lemoore Municipal Code.

Criteria 1. 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.

The subject property has been a church for many years. It is located on the north side of Bush Street a "collector" street, making this location convenient for serving large residential populations and desirable for these types of uses. The proposed addition of two portable units is considered a minor addition and does not change the existing conditional use approved for the site.

Criteria 2. That the proposed location of the Conditional Use is in accordance with the objectives of the Zoning Regulations and the purpose of the district in which the site is located.

The purpose of the R-1-7 (Single Family Residential) designation is "to promote and encourage a suitable environment for family life" and "to provide space for community facilities needed to complement urban residential areas". The two ancillary structures are proposed to better serve the needs of a growing community, as they will provide the necessary accommodations for both child-related activities and the need for additional classrooms.

PLANNING COMMISSIONERS

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

Criteria 3. That the proposed use will comply with each of the applicable provisions of the zoning regulations.

The submitted proposal is found to generally comply with all applicable zoning standards as stated in the "Site Plan Review" portion of this staff report.

C. Site Plan Review:

1. Yards, Spaces and Buffers:

Location of the portable structures are proposed at the southwest corner of the property 55 feet from the center line of Bush Street approximately 15' from the property line, approximately 45 feet from the west property line, approximately 26 from the nearest existing building to the north and 76 feet from the nearest existing building to the east. Ten feet of separation between Building A and Building B is being proposed as shown on the site plan. The property is already landscaped and a row of mature trees at approximately 40 feet on-center exist and serve as buffers between the proposed buildings and Bush Street. These trees are proposed to remain.

2. Fences, Walls and Hedges:

The site has an existing six foot (6') masonry wall on the north and on the west property lines as a required buffer to the adjacent single-family residences per City of Lemoore's zoning requirements. A six foot chain link fence exists along the southwest portion of the site around the landscaped play area. Mature trees already exist throughout the site and are used for both shading and as buffers to the structures and parking lot from both Bush Street and Willow Drive.

3. Play Area:

The play area is buffered to the north and to the east by existing offices and classrooms and to the west by the proposed portable buildings. Detailed landscaping drawings have not been submitted. There presently exists mature trees in the proposed play area and are incorporated into the landscaping of the play area.

4. Parking:

The minimum on-site parking spaces required by this site is 100 (see CUP No. 2003-02). There are presently 114 parking spaces on the site, four of which are ADA compliant. The parking area is designed as a "one way" system with driveway widths varying from 16 to 20 feet. The additional classrooms will not generate a need for additional parking spaces.

5. Landscaping:

The entire site is already landscaped. The building footprint of all existing and proposed mobile structures, is 27,214 square feet covering 22.2 percent of the site. The landscaped area is 41,870 square feet covering 34.2 percent of the site which exceeds the 25 percent landscape requirement for this zone district.

6. Building Safety and infrastructure:

The proposed buildings will need to meet the requirements of the Uniform Building Codes (UBC) and the Americans with Disabilities Act (ADA), and will require the inspection of the City building Inspector. Improvements will need to be incorporated to insure safety with regards to child activities.

The portable buildings will need to be placed on permanent foundations and meet Local, State and Federal standards for this type of use. Lighting will need to be placed in and around the structures, suitable enough to meet and insure the safety of children and its occupants, and in such a manner as to not be a nuisance to the adjacent single-family residential neighborhoods. The proposed structures may need to be inspected by one or all of the following agencies before receiving clearance for occupancy: State Department of Social Services, County Health Department, the City's Fire Marshall, and the City Building Department.

The City Engineer has asked that grading and drainage plans be provide for their approval as well as plans for any utilities that will be provided to the portable units.

7. Design:

According to Section 9-3-1.F, of the Zoning Ordinance General Zoning Provisions Chapter 3 states that a use ".....will not adversely affect the character of any district in which it is proposed to be permitted." In order for the modular buildings to blend more harmoniously with the surrounding neighborhood, the exterior elevation plan should be modified to a) add building details to break up the long blank wall on the south side of the building like windows and shutters, b) paint the color of the building, visible air condition units and trim work to match the existing structures on site, c) add landscaping to the west and south sides of the modulars, d) add appropriate skirting around the building to match the building if placed on piers and e) keep the existing trees to help buffer. The attached redlined drawings, labeled Exhibits A and B, should be part of the conditions of approval to ensure that the project meets the intent of the district.

D. Public Input:

Notices were mailed to owners of properties located within a 300 feet radius of the project site and a public hearing was noticed in the Lemoore Advance. No comments have been received by this agency either against or in favor of the project.

E. Comments form Other Agencies/Departments:

Agencies and City Departments who may be impacted by project received notification. To date comments have been received from the City Manager, City Engineer, Public Works Department, the Gas Company and the County of Kings Department of Public Health. (see Attached)

F. Environmental Impact:

The project was determined to be categorically exempt under CEQA Article 19 Categorical Exemptions Section 15301(e)(1).

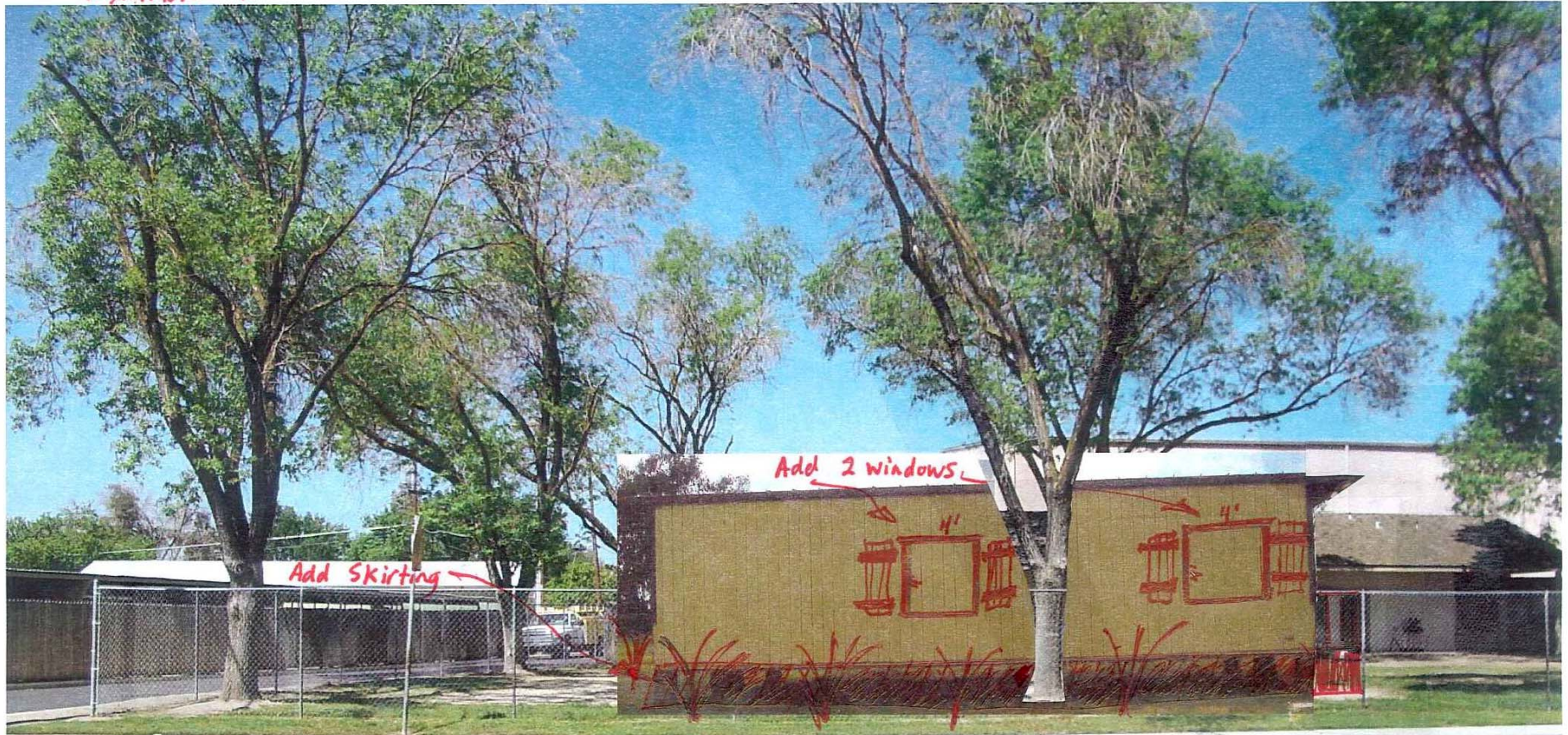
G. Recommendation:

The following conditions are applicable to the portable building installation and do not modify the original conditions already adopted for the site. **Staff recommends that a presentation be given on the project, then that the Planning Commission hold a public hearing, and approve the attached Resolution 2007-06** which approves the environmental assessment 2007-02 / Conditional Use Permit application No. 2007-01 / Site Plan application No. 2007-01, to

add two portable classrooms, and be approved for one (1) year subject to the following conditions:

1. The applicant will comply with the State Department of Social Services with regards to the number of children permitted at the premises. If a new permit is required by the State Department, a copy will be forwarded to the Planning Department to be kept on record.
2. The portable classrooms will meet the minimum setback requirements under the R-1-7 (Single-Family Residential) zone district. Section 9-7B-6.3. The portable building will be inspected by the City's Building Department to ensure its safety and compliance with the Americans with Disability Act (ADA), and applicant will obtain a fire clearance from the City's Fire Marshall.
3. Lighting will need to be placed in and around the structures, suitable enough to meet and insure the safety of its occupants, and in such a manner as to not be a nuisance to the adjacent single-family residential neighborhoods.
4. The applicant will need to provide grading and drainage plans to the City Engineer for approval. The applicant will also need to provide plans for any utilities that will be provided to the portable units.
5. Minor modifications to and around the modular buildings shall be made as shown in the redlined Exhibits A and B.

Exhibit A



- Add landscaping around south and west sides of modulars
- Paint bldg. & trim to match other existing bldgs
- Add two windows with trim to the bldg. facing Bush Street with false shutters to improve visual look
- Add appropriate skirting around modulars to match bldgs.

Exhibit B



• Add ADA ramps as needed

RESOLUTION NO. 2007-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE GRANTING CONDITIONAL USE PERMIT NO.2007-01 BY FIRST BAPTIST CHURCH

At a Regular Meeting of the Planning Commission of the City of Lemoore, duly called and held on April 9, 2007 at 7:30 p.m. on said day, it was moved by Commission member Clement, seconded by Commission member Kendall and carried that the following Resolution be adopted:

WHEREAS, The First Baptist Church has submitted a Conditional Use Permit to allow them to place two 24' x 40' portable classrooms; and

WHEREAS, The subject property is a 3.03 acre parcel located at the northwest corner of Bush Street and Willow Drive described as Assessor's Parcel No. 020-221-0263 and zoned R-1-7; 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) so long as the following conditions of approval are met;

WHEREAS, it is determined by the Lemoore Planning Commission that is Categorical Exempt under CEQA Article 19 Section 15301(e)(1); and

NOW, THEREFORE, BE IT RESOLVED that the Lemoore Planning Commission does hereby adopt Resolution No. 2007-06 approving the Categorical Exemption determination and the Conditional Use Permit No. 2007-01 / Site Plan Review No. 2007-01 to expire on April 09, 2008 with the following conditions of approval pertaining thereto:

1. The applicant shall comply with the State Department of Social Services with regards to the number of children permitted at the premises. If a new permit is required by the State Department, a copy of said permit shall be forwarded to the Community Development Department to be kept on record.
2. The portable classrooms will meet the minimum setback requirements under the R-1-7 (Single-Family Residential) zone district. Section 9-7B-6.3. The portable building will be inspected by the City's Building Department to ensure its safety and compliance with the Americans with Disability Act (ADA), and applicant will obtain a fire clearance from the City's Fire Marshall.
3. Lighting will need to be placed in and around the structures, suitable enough to meet and insure the safety of its occupants, and in such a manner as to not be a nuisance to the adjacent single-family residential neighborhoods.
4. The applicant will need to provide grading and drainage plans to the City Engineer for approval. The applicant will also need to provide plans for any utilities that will be provided to the portable units.
5. Minor modifications to and around the modular buildings shall be made as shown in the redlined Exhibits A and B.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on April 9, 2007, by the following votes:

AYES: Clement, Kendall, Ormonde, Elgin, Leroy, Moss
NOES: None
ABSTAINING: Norgaard
ABSENT: None

APPROVED:

Kimberly Moss, 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 City of Lemoore's 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 April 9, 2007.

DATED: _____, 2007

Holly P. Smyth, Secretary
Lemoore Planning Commission