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**Planning  
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**STAFF REPORT**

**Item #** 4

**To:** Lemoore City Council  
**From:** Joseph G. Mendiola, Assistant Planner / Holly Smyth, Planning Director  
**Date:** June 25, 2009  
Draft Ordinance No. 2009-07 conditionally allowing churches in CS zone districts when adjacent to residential and Resolution affirming Planning Commission Resolution No. 2009-04 for Conditional Use Permit No. 2009-02 / Zone Amendment No. 2009-01 / E.I.A No. 2009-10 / Site Plan Review No. 2009-04 /  
**Subject:** Submitted By Phillip Hauck for Philadelphia Ministries Church

**Discussion:**

Lemoore's Planning Commission, at its regular meeting of June 8, 2009, considered Conditional Use Permit No. 2009-02, Zone Amendment No. 2009-01, Environmental Impact Assessment No. 2009-10, and Site Plan Review No. 2009-04 applications proposing the renovation of an existing 2,894 square-foot structure that will accommodate a "Philadelphia Ministries" church. The project site is located at 533 Hill Street on a 0.32 acre parcel and is presently zoned ML (Light Industrial). The applicant, Mr. Phillip Hauck is also requesting a zone amendment to the Service Commercial (CS) zoning and requests that text be added to allow churches in CS zoning under Conditional Use when adjacent to residential property. Staff and the Planning Commission believed that this would also allow churches in ML zone district as a Conditional Use per Section 9-10A-2 of Light Industrial Permitted Uses.

After hearing public comments, the Planning Commission recommended that the City Council adopt the attached Ordinance and passed Resolution 2009-04 with approved Redlined Site Plan A1, with revisions from the original draft, pending Council's approval of the Zone change through the adoption of the draft ordinance. A draft copy of their meeting minutes is attached for your review. The Planning Commission staff report and corresponding documents was previously sent to City Council with the Planning Commission agenda but can also be found at the Lemoore web site at <http://www.lemoore.com/planning/agendas/2009/jun8.htm>. The attached Plans A1 and B1 were prepared by staff and handed out at the Planning Commission during their meeting and is therefore included herein for your reference.

The day after the Planning Commission adopted the Resolution, the applicant requested that further revisions be made to the site plan (as shown in the attached Option C), which he is anticipated to discuss during the meeting.

In reviewing the draft Ordinance recommended by the Planning Commission, Section 9-10A-2 of the Zoning Ordinance, and the information from the Planning Commission, the City Attorney determined that the Ordinance should be further modified to also amend Section 9-10-A-4 to add the church use to the Conditional Use list within the Light Industrial District as Section 9-10-A-2 that states that "all uses permitted in the CS" are permitted in the ML district is a little unclear; therefore the attached draft ordinance incorporates this language.

In addition to the Lemoore Municipal Code, Title 42, Chapter 21C of the Federal Regulation also governs how local agencies make land use decisions for religious institutions. Should Council Wish to consider denying the CUP and Zone Amendment, this statute will need to be taken into consideration and the appropriate findings made.

**Budget Impact:**

None.

**Recommendation:**

City Council should open the duly noticed public hearing, after listening to staff's report, take testimony on the project and:

1. Waive the first reading of revised draft Ordinance No. 2009-07 as discussed above with any further modifications Council may want, which approves Zone Amendment No. 2009-01, that will add text to the CS zone district to allow churches to be a considered use when adjacent to residential property through a Conditional Use Permit and pass to second reading.
2. Pass the attached draft Resolution No 2009-27 with any needed modifications Council may want, affirming Planning Commission's adoption of Resolution No. 2009-04 approving a categorical exemption under CEQA, Conditional Use Permit No. 2009-02, and Site Plan Review 2009-04 to allow a church use on an existing 2,894 square-foot renovated structure at 553 Hill Street.