

**RESOLUTION NO. 2009-04**  
**A RESOLUTION OF THE LEMOORE PLANNING COMMISSION**  
**RECOMMENDING APPROVAL OF ENVIRONMENTAL IMPACT ASSESSMENT NO.**  
**NO.2009-10 / CONDITIONAL USE PERMIT NO.2009-02 / SITE PLAN REVIEW 2009-04**  
**APPLICATIONS BY PHILLIP HAUCK FOR PHILADELPHIA MINISTRIES CHURCH**

At a Regular Meeting of the Planning Commission of the City of Lemoore, duly called and held on June 8, 2009 at 7:30 p.m. on said day, it was moved by Commission member Norgaard, seconded by Commission member Marvin, and carried that the following resolution be adopted:

**WHEREAS**, Phillip Hauck has submitted a Conditional Use Permit, Site Plan Review, and Zone Amendment applications to allow a Philadelphia Ministries church within an existing structure containing 2,894 square feet of space and the associated parking and landscaping; and

**WHEREAS**, the subject property is a 0.32 acre parcel located on the southwest corner of Hill Street and G Street described as Assessor's Parcel No. 010-017-004 also known as 553 Hill Street; and

**WHEREAS**, the zoning on the parcel is ML (Light Industrial) and General Plan designated Light Industrial; and

**WHEREAS**, staff conducted an Environmental Impact Assessment No. 2009-10 and determined the project to be Categorically Exempt under CEQA Sections 15301(a) and 15301(d), Article 19, and;

**WHEREAS**, Staff has evaluated the appropriateness of the zone text change, allowing church uses with a Conditional Use Permit in certain circumstances and has drafted a City Council Amendment Ordinance.

**WHEREAS**, a public hearing was noticed in the Lemoore Advance on May 21, 2009, and notices were sent to the property owners within 300 feet of the subject site, and the Lemoore Planning Commission held a duly noticed public hearing and took testimony at their June 08, 2009 meeting; and

**NOW, THEREFORE, BE IT RESOLVED** that the Lemoore Planning Commission of the City of Lemoore does:

- I. Recommend City Council approves Ordinance No. 2009-07, to add text to Section 9-9B-4 of the Lemoore Municipal Code Service Commercial District to allow a church use within the Service Commercial (CS) district under a Conditional Use Permit when adjacent to residential property.
- II. Determine the project to be Categorically Exempt under CEQA Article 19 – Categorical Exemptions Sections 15301(a) and 15301(d).
- III. Make the following findings specified in Section 9-15B-2-E of the Lemoore Municipal Code on the basis of the application, staff report, and the evidence submitted to the Planning Commission:

- 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; and the City Council passes Ordinance 2009-07 approving church use in a CS zone district.
- IV. Approve Conditional Use Permit 2008-08 and Site Plan Review No. 2008-07 allowing a church on a 0.32 acre parcel within an existing 2,894 square foot structure and the associated parking and landscaping areas, so long as appropriate building permits are pulled within one year of approved date and following conditions of approval are met before building occupancy is given:
1. The project shall be developed as per the approved redlined plans A1 with a fenced courtyard which are made a part of the conditions and any substantial deviation from the approved plans will require re-submittal, payment of appropriate fees, and a new approval by the Planning Department, unless covered in the conditions below.
  2. *Access:* Access to the property shall be provided from Hill Street onto the proposed parking lot. Any existing drive approaches on G Street shall be removed and a sidewalk constructed to City standards.

An ADA compliant 5' monolithic style sidewalk system shall be installed along both Hill Street and G Street to include ADA compliant design standards and include adequate curb cuts and walks behind the parking drive approach, and adequate access from the parking space to the building entrances are generally shown on the redline map. An ADA compliant ramp shall be constructed at the intersection of Hill Street and G Street. Trees adjacent to the sidewalk shall be set back 5' from the sidewalk and shall be spaced at an average of 20' on center. All landscaped areas shall be properly maintained at all times. Driveway curb cuts shall be constructed per Public Works standards P-10. The applicant shall provide ADA details to the Building Department for review and approval.

3. *Right-of Ways (ROW) and Easements:* The project will not need to dedicate any additional ROW to the City. Both Hill Street and G Street are local streets with 80' ROW.
4. *Parking:* Seventeen (17) paved 9' X 20' foot parking spaces are required for this land use and shall be provided as generally shown on the approved redlined drawing.
5. *Landscape (other than streetscape):* Proposed trees in the parking lot area shall be spaced at a minimum of 1 tree per 3 stalls to provide adequate shade. A landscape well shall be incorporated into the hard-space design of the parking lot to ensure tree survival. The use of SOD shall be avoided in landscape strips less than 10 feet in width. Drip irrigation and other low ground cover shall be used to reduce water run-off and water loss per General Plan Policy CD-I-12. Landscaping along the west property line shall provide screen buffer between properties.

Remainder of the site shall be generally landscaped as per approved redlined drawing

6. *Lighting:* Parking lot shall be adequately lighted with light poles and exterior lighting to provide adequate pedestrian safety and traffic flow. The old wooden light-pole at the intersection of Hill Street and G Street shall be replaced with standard City light pole as approved by the Public Works Department.

Exterior lighting shall be of the energy efficient type with low illumination. The placement and design shall be to accent the structure and provide a safety element for pedestrians. Exterior lighting shall be installed such as to not be a nuisance to adjacent residential neighborhood and to building standards.

7. *Utilities:* Upgraded utilities shall be designed to meet Building Department and Public Works standards. The site shall be graded and surface water at the parking area shall be directed towards Hill Street. No surface water run-off shall be directed towards adjacent properties.

Residential trash cans will be allowed at the site but shall be kept stored out of sight on non-trash pickup days, within the building or behind an enclosure approved by the Planning Department.

8. *Design:* Building renovation designs shall be submitted for review and approval to the Building Department.
9. *Signs:* A separate sign application along with the required documentation and fee will need to be submitted to the Planning Department for separate approval process to determine conformity with the City's Sign Standards, prior to ordering signs.
10. The developer will need to comply with the San Joaquin Valley Air Pollution Control District standards and the City of Lemoore dust control requirements.
11. This Conditional Use Permit shall be valid so long as congregation shall not exceed 84 persons or in accordance with the maximum building occupancy code, whichever is the lesser.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on June 8, 2009, by the following votes:

**AYES: Norgaard, Marvin, Ormonde, Meade, and Clement**

**NOES: None**

**ABSTAINING: None**

**ABSENT: Elgin and Kendall**

**APPROVED:**

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**Bob Clement, Acting Chairperson**

**ATTEST:**

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**Holly P. Smyth**

**\*This resolution is subject to modification by the City Council pursuant to Lemoore Municipal code Section 9-15-B-2G.**

**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 June 8, 2009.**

**DATED: \_\_\_\_\_, 2009**

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**Holly P. Smyth, Secretary  
Lemoore Planning Commission**