

**Minutes of the Regular Meeting of the
Lemoore Planning Commission**

ITEM #3

January 9, 2006

Chairperson Clement called the meeting to order at 7:00 p.m.

ATTENDANCE: Chairperson: Clement, Commissioners: Norgaard, LeRoy, Elgin, Silviera, Kendall, Chief Planner: Smyth, Assistant Planner Joseph Mendiola and City Attorney Nuefeld.

ABSENT: Ormonde.

PUBLIC COMMENTS AND INQUIRIES:

There were no comments or inquiries.

MINUTES: It was moved by Commissioner Silviera, and seconded by Commissioner Norgaard to approve the minutes of the December 12, 2005 meeting as submitted.

AYES: Norgaard, Silviera, LeRoy, Elgin, Kendall
NOES: None
ABSTAIN: Clement
ABSENT: Ormonde

HEARING TO INSTALL A 113.57 SQUARE FOOT FREESTANDING SIGN ON AN EXISTING SIGN POLE FOR THE DAYS INN LOCATED AT 877 EAST "D" STREET:

Smyth clarified the location of this area as "D" Street off of Highway 198. She stated that the hotel has recently changed ownership and that the new ownership would like to put their new sign in. Smyth stated that the submitted sign has pushed the total square footage over the 100 square feet maximum individual sign size for the site. She stated that the owners of the hotel were willing to remove the message board, but staff noted that everyone enjoys the words of wisdom every few weeks. She stated that this process would usually be an administrative hearing but with the new sign ordinance changes it now requires Planning Commission review and approval. Altogether when you look at the new sign and the existing sign, the new sign is better proportioned. Staff recommends adding a small roof structure to the top of the sign to tie into the architecture of the hotel and to allow the message board sign to stay in place (over the 100 square foot limit) to blend with the architecture of the building and keeping with the small town character. In closing staff recommends approving the sign application with the minor modification and allow the proposed signage.

Mr. Norgaard asked why the applicant couldn't just reduce the size of the sign. Smyth answered that the size and rectangular shape are more proportional than their current design. Additionally, if the sign size had to be reduced, the owner would then remove the changeable copy sign altogether to keep the larger sign.

It was moved by Commissioner Norgaard, seconded by Commissioner Silviera to allow the 113.57 square foot sign and existing message board with the three conditions as per staff report.

AYES: Norgaard, Silviera, Elgin, LeRoy, Kendall, Clement
NOES: None
ABSENT: Ormonde
ABSTAIN: None

REQUEST FOR EXTENSION OF CONDITIONAL USE PERMIT NO. 2003-05 (COUNCIL RESOLUTION NO. 2003-46) AND SPECIAL ZONE EXCEPTION NO. 2003-02 (ORDINANCE NO. 2003-12) FOR KERMAN KART CLUB TO ALLOW THEM TO BUILD A KART RACING FACILITY ON AN 11.65 ACRE SITE LOCATED ADJACENT TO EAST SIDE OF HIGHWAY 41 AND APPROXIMATELY 1,000 FEET SOUTH OF IDAHO AVENUE/HIGHWAY 41 INTERSECTION:

Smyth described the location of the site as being just south of the existing Lemoore raceway. In 2004 both the Planning Commission and the City Council approved a special zoning exception for this project. During this process they have experienced problems with financing for the extension of water lines out to the site and the development of infrastructure plans. December 2005 Kerman Kart asked for and received an extension on their Development Agreement with the Redevelopment Agency. They are now requesting an extension to their Conditional Use Permit and Special Zoning Exception to allow them to continue working towards building the Kart race facility.

Smyth reviewed the initial approval and showed the site plan for the asphalt raceway. Staff stated that two changes would need to be made. First, condition number nine (9) needs to be modified to address the new fees that will be implemented in June or July of 2006. Second, condition number ten (10) needs to be modified to extend the approval for an additional 25 ½ months, in which phase I would need to be completed by February 23, 2007 and phase II expiring February 22, 2008.

Brian Araki, 1502 Ball Avenue, Clovis California, stated that they haven't really had issues with financing and construction but finding engineers and contractors has been difficult. He stated that David Wlaschin approved their water line plans and they are now ready to pull permits by next month. Their goal is to be completed by next year. Araki gave a general explanation of the sport, the parking that is needed, and the people that attend these events.

It was moved by Commissioner Norgaard, seconded by Commissioner Silviera to recommend to City Council to approve the draft resolution to extend Conditional Use Permit No.2003-05, and Special Use Zoning Exemption No. 2003-12 with modifications to previously approved conditions numbers nine (9) and ten (10) as per staff report.

AYES: Norgaard, Silviera, Kendall, Elgin, LeRoy, Clement
NOES: None
ABSTAIN: None
ABSENT: Ormonde

SITE PLAN REVIEW NO. 2005-12 APPLICATION BY JOHN ROUSH TO CONSTRUCT FOUR ADDITIONAL MOVIE AUDITORIUMS CONSISTING OF 434 NEW SEATS OVER 8,209 SQUARE FEET OF AREA WITHIN THE EXISTING LEMOORE STADIUM CINEMAS LOCATED AT 400 FOLLETT STREET:

Smyth explained that the Architectural Review Committee had previously reviewed the project and had placed conditions of approval and required some modifications to the exterior of the building and the parking features (add a stucco finish to the existing wall on the property line and detailing at the top, upgrading the exterior of the trash enclosure and parking lighting to match the depot). Smyth reviewed the drawing, that the Architectural Design Review committee had to better blend with the existing building. Any proposed signage would require the submission of a new application. Smyth stated that the Downtown Revitalization Plan requires one tree for every three parking spaces, therefore the Architectural Design Review Committee required the addition of six (6) more trees in order to meet the requirements. Other infrastructure requirements were included the addition of a fire hydrant and the addition of two street lights matching the downtown street lighting. Staff received a letter from the San Joaquin Valley Air District stating their concerns with dust control which caused them to block off the "E" Street parking lot entrance, and asked that the City require the paving of the parking lot with a deadline to eliminate the dust problem. In response to the Air Districts request, a condition requires that such parking shall be in place prior to occupancy or January 9, 2007 whichever comes first.

John Roush, 8500 Graves Creek Road, Atascadero stated that he is available for questions. In regards to Clement's question regarding changes to features in the auditorium, Roush replied that the only changes within the new auditorium will be indoor colors and chairs with arm rests that can lift up and out of the way so that couples can sit closer together. The Commissioners asked how he perceived the business to be coming along and as to why he was adding more screens. Mr. Roush replied that having extra screens would allow the theater to show more releases for a longer period of time rather than the quick turn-around that is presently being practiced at the theater.

Silviera asked if another marquee could be located on the "E" Street side so that people could read what movies are being offered as they drive by. Roush stated that the Police Department probably would not be too pleased with having drivers trying to read the movie selections while trying to keep an eye on the road. He also stated that it would be too costly at this point.

Smyth added that the Fire Department would like an additional fire hydrant to meet the one per every 300' requirement.

It was moved by Commissioner Norgaard and seconded by Commissioner Silviera to approve the Negative Declaration for Site Plan Review No. 2005-12 as long as the deadline by the Planning Director for approval of paving of the parking area was carried out.

AYES: Norgaard, Silviera, Kendall, Elgin, LeRoy, Clement
NOES: None
ABSTAIN: None
ABSENT: Ormonde

It was moved by Commissioner Norgaard, seconded by Commissioner Silviera to approve Site Plan Review Number 2005-12 application submitted by John Roush to construct four additional movie auditoriums with the seven conditions of approval which shall be valid through January 9, 2007 (within which time a building permit shall be pulled and construction started).

AYES: Norgaard, Silviera, Kendall, Elgin, LeRoy, Clement
NOES: None
ABSTAIN: None
ABSENT: Ormonde

CONTINUATION OF TENTATIVE SUBDIVISION MAP NO. 2005-01, TRACT 839 FOR COKER ELLSWORTH TO SUBDIVIDE 8.67 ACRES INTO 37 SINGLE FAMILY LOTS. (PLANNING COMMISSION TABLED THIS ITEM TO ALLOW THE DEVELOPER TO OBTAIN A SECONDARY ACCESS AND ALLOW STAFF AND THE APPLICATION TO LOOK AT ALL OPTIONS FOR A SECONDARY ACCESS):

The subject site is located to the west of the existing Self Help subdivision off Vine Street south of Highway 198 and is zoned R-1-7. The surrounding properties are also zoned R-1-7. The tabling of the Coker Ellsworth subdivision was made to allow staff and/or the developer to find an additional access point to the proposed subdivision that would allow access to either Vine Street or Iona Avenue. If the condition with regards to the provision of a secondary access point is to remain and developer can not obtain a secondary access, then the City may have to enact its power of eminent domain to obtain the access required but the developer would be responsible for all costs. The Commission had previously discussed possible changes to the zoning of the area but instead opted to let the General Plan update dictate the changes.

Condition number two (2) stated that a secondary access must be provided to the subdivision either through Iona Avenue or Vine street at the developers cost, and a sixty foot right of way would shall be dedicated with the final map recordation and at least two thirds (2/3) of the street would be built.

Staff has recommended a slight modification to the originally proposed conditions of approval. Condition number three (3) shall clarify that the developer will bear the costs for the secondary access. Condition number twelve (12) that the developer request inclusion to the existing Lighting Landscaping Maintenance District to help pay for the large ponding basin in front of the current subdivision and the

landscaped area along Vine Street. It was discovered after the staff report in May, when originally approved that the developers were to build out the back portion of the property and was anticipated that both would pay into the Lighting Landscape Maintenance District and for the maintenance of those facilities. Staff has added the particular conditions and recommends approval of the project.

LeRoy asked whose property might be affected by the use of eminent domain. Staff did not research adjacent property owner information. Prior to the 19th Avenue interchange being built, the City may be required to use its eminent domain to acquire the Highway Commercial zoned property just west of the proposed subdivision and a re-parcelization may provide an opportunity for an access road to Iona from the Coker Ellsworth subdivision to be built.

Clement continued the public hearing of the December 23, 2005 meeting, which opened at 7:55 p.m.

Coker Ellsworth, 129 Bridge Street Suite B, Arroyo Grande. Ellsworth stated that this piece of property may be considered a one of a kind situation in-so-far as his piece was initially intended to be the second phase of the existing Self Help Housing project which never materialized. He stated that when the Self Help Housing project was originally approved, the secondary access should have been considered and put in. He suggested that the access could have been put in on the northeast corner of the property and made part of the plan. He also stated that they have an existing subdivision at this location and that there is a need for affordable housing.

Norgaard read aloud condition number three (3) explaining that a secondary access must be found to the subdivision to access Iona Avenue or Vine Street at the developers cost and a sixty foot right of way shall be dedicated with a final map or at least 2/3 of the street shall be built.

Smyth reviewed questions about the situation of the road changes, and the time lines of the proposed interchange originally scheduled for 2008 which could now be 2012. Smyth agreed with Mr. Ellsworth's point that the access road should have been put in with the first subdivision.

The Planning Commissioners discussed the eminent domain topic and the unfortunate fact that there is no secondary access available. Smyth suggested that it be required that lot # 6 remain un-buildable until such a time that a secondary access is provided or the possibility of an access being provided by the purchase of the interchange property.

Smyth stated that under condition number three (3) that language could be added to state that Lot # 6 be left un-buildable until such a time that a secondary access can be provided to the entire subdivision. She continued by saying that we are not now requiring a secondary access to be built but left open to when development occurs to the north or south of the proposed subdivision or the City acquires the property for the highway interchange then a secondary access may be created.

David Wlaschin, Public Works Director for the City, suggested that the condition should not refer to lot #6 but whatever lot is in alignment with Cabrillo Street. Commissioner LeRoy asked if a statement could be given to the residents that a secondary access to the subdivision was not available. Smyth corrected condition number 3 to make the two alterations as well as requiring disclosure to homebuyers to be added to the white paper report as more specifically determined by the City Attorney.

Public hearing closed at 8:20 p.m.

It was moved by Commissioner Silveira, and seconded by Commissioner Norgaard to approve the Tentative Subdivision Map with the conditions in the staff report and with the addition of condition # 12 for the Lighting Landscaping Maintenance District and modification to condition # 3 as discussed and cleaned up by the City Attorney and City Planner, with the twenty conditions.

AYES: Silveira, Norgaard, Elgin, Kendall, Clement
NOES: LeRoy
ABSTAIN: None
ABSENT: Ormonde

Clement called a break at 8:40 p.m.

The meeting reconvened at 8:50 p.m.

TENTATIVE PARCEL MAP NO. 2005-03 HAS BEEN SUBMITTED BY PROVOST AND PRITCHARD TO DIVIDE APPROXIMATELY 956 ACRES, WHICH INCLUDES 23 PARCELS, INTO 15 PARCELS ON THE WEST SIDE OF HIGHWAY 41, SURROUNDING WEST HILLS COLLEGE SOUTH OF THE INDUSTRY WAY ALIGNMENT WITHIN CITY LIMITS.

Smyth reviewed the existing assessor's parcel maps. There are a total of four assessor parcel map pages involved in this particular project totaling 23 parcels. Staff did not require that several parcel maps be filed under the Subdivision Map Act because the map met several of the exception rules outlined in the staff's report "a-d". Staff requested a single map. The project lies west of Highway 41 along Bush Street and south of Industry Way surrounding West Hills College as well as the Cimarron Park subdivision. The Tentative Parcel Map reduces the amount of parcels from 23 to 15 and redistributes the lines to follow those of the City's General Plan.

There are seven conditions of approval. The most complex of which is item # 2 and staff, the city attorney, and the developer's attorney worked through some new language and provided a hand-out for this evening's meeting. Don Neufeld (City Attorney) is present to answer any questions. Staff stated that portions of Semas Avenue as well as Pederson Street, which was not mentioned in the staff report, will need to be properly abandoned concurrent with filing of the Final Parcel Map, pursuant to the California Highways Code. The process will require that the City Council initiate the vacation process by passing a resolution which sets a public hearing date and refers the issue to the Planning Commission to determine general plan conformance. The Planning Commission will then review and determine its conformance with the general plan via resolution.

The Planning Commission, Developer, attorneys, and City staff were in agreement with the proposed new language to condition # 2, and conditions 1-7 in the staff report required as part of the Final Map. With these new changes staff recommends that the Planning Commission approve the parcel map contingent upon the City Council initiating the vacation process for a portion of Semas Avenue and portion of Pederson Street, and that condition # 2 be modified per the revised language handed out.

John Dutton of Provost and Pritchard Engineering Group, 3500 Orchard Court, Visalia. Introduced Craig Pederson as one of the owners, Michael Willin as council for the owners, Steve Brandt with Centex Homes, Rick Tarbell one of the buyers of the property, and Mike Porter with Provost and Pritchard. He stated that they were there to answer any questions.

It was moved by Commissioner Silveira, and seconded by Commissioner Norgaard, to make a recommendation that the Planning Commission adopt a Negative Declaration for the project pursuant to the CEQA.

AYES: Silveira, Norgaard, LeRoy, Elgin, Kendall, Clement
NOES: None
ABSTAIN: None
ABSENT: Ormonde

It was moved by Commissioner Norgaard, and seconded by Commissioner LeRoy to approve the Tentative Parcel Map No. 2005-03 with the seven conditions as imposed, revision to Condition (2) per the attachment handed out to Commission, including the modification to the street alignment for Pederson Street.

AYES: Norgaard, LeRoy, Silveira, Elgin, Kendall, Clement
NOES: None
ABSTAIN: None
ABSENT: Ormonde

REVIEW FLOOR PLANS, EVALUATIONS AND OVERALL PLOT PLANS FOR TRACT 821 PHASE II LOCATED NORTH OF CINNAMON DRIVE, SOUTH OF THE FALLEN LEAF DRIVE, EAST OF 19TH AVENUE AND WEST OF LIBERTY DRIVE.

Smyth presented the location of the property, floor plans and elevations and overall plot plan for the subdivision. Staff recommended several revisions be made to the overall plot plan but is very pleased with the elevations and floor plans. Staff also recommended changes to a few lots so that they would conform to the Planned Unit Development standards and to give a better overall look to the subdivision's streetscape. Staff also recommended front-yard setbacks range from 18'-25' rather than a set 20' to give a better variety to the streetscape. Staff recommended that the Planning Commission recommended the City Council approve the submitted floor plans, elevations and overall plot plan with the modifications stated in the staff report with the two (2) conditions.

Clement opened the Public Hearing at 9:25 p.m.

Jeff King of Nova Development, 7600 N. Ingram Ste. 131, Fresno stated that there are three separate elevations for each floor plan that they offer. The tract is referred to as a semi-custom tract which will have a very attractive streetscape. He hopes that staff is as happy with the subdivision as his team is.

The Public Hearing was closed at 9:30 p.m.

It was moved by Commissioner Norgaard, and seconded by Commissioner Silviera to recommend that the City Council approve the submitted floor plans, elevations, and overall footprint plans for Tract 821 Phase II of the Nova Development, DeVante Villas with the two conditions presented by the Planning Director and reviewed by the Commission.

AYES: Norgaard, Silviera, Elgin, Kendall, LeRoy, Clement
NOES: None
ABSTAIN: None
ABSENT: Ormonde

CHIEF PLANNER'S REPORT:

Smyth introduced the new Assistant Planner, Joe Mendiola. Smyth anticipates not having a second meeting in the month of January. Currently there is one item scheduled for the February 13th meeting. The City Council will be reviewing four different items that were previously viewed by the Commission; including the Frisone Map, Del Valle Homes elevations, Vacating of Semas Avenue and Pederson Street, and extension to Kerman Kart Club's special zoning exception at their January 17th, 2006 meeting.

ADJOURNMENT: The meeting adjourned at 9:30 p.m.