

RESOLUTION NO. 2007-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING MITIGATED NEGATIVE DECLARATION 2007-18 AND SITE PLAN REVIEW NO. 2007-02 TO CONSTRUCT A 73 UNIT MULTI-FAMILY HOUSING COMMUNITY - BUTLER APARTMENTS

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on December 10, 2007 at 7:00 p.m. on said day, it was moved by Commission member _____, seconded by Commission member _____ and carried that the following Resolution be adopted:

WHEREAS, Butler Investment Group, LLC have submitted an application for Site Plan Review to construct a 73 unit of multi-family complex on a 4.34 acre site; and

WHEREAS, the project contains 8 one-bedroom units of 672 square feet each, 17 two-bedroom units of 864 square feet each, 32 two-bedroom units of 973 square feet each and 16 three-bedroom units of 1,132 square feet each. The manager's unit is included in the two-bedroom 864 square foot unit count. On-site amenities include a club house, pool and pool area, barbecue area, KIOSK/patio, and two tot-lots; and

WHEREAS, the proposed Butler Apartment complex is located on the south-side of Hanford-Armona Frontage Road, east of Cinnamon Drive and west of the Lemoore Canal, more specifically known as Assessor's Parcel Numbers 021-100-025 and 021-100-026: and

WHEREAS, the zoning on the two parcels is High Density (RM-2.0) and the General Plan designation is Medium Density (Multi-family); and

WHEREAS, staff conducted an environmental assessment and determined that a Mitigated Negative Declaration should be filed under the California Environmental Quality Act (CEQA); and

WHEREAS, a public hearing was noticed in the Lemoore Advance November 15, 2007, and notices were sent to the property owners within 300' of the subject sight November 21, 2007, (more than 10 days in advance of the meeting) and the Lemoore Planning Commission held a duly noticed public hearing at their December 10, 2007; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore approves the Mitigated Negative Declaration No. 2007-18 pursuant to CEQA and Site Plan Review No. 2007-02 to construct 73 multi-family residential housing units with expiration date of December 10, 2009. Approval to include the following conditions:

1. The project shall be developed as per approved plans, and any deviation from the approved plans will require re-submittal, payment of appropriate fee and a new approval by the Planning Department, unless covered in the conditions below.
2. Two (2) color palettes shall be used on the complex to provide a more aesthetic variety to the streetscape, as approved by the Planning Director.

Carport designs shall incorporate a pitched style roof system that would keep in color scheme with the rest of the structures as approved by the Planning Director, prior to the issuance of any building permits.

Tot lot amenities should include at least five activities and be approved by the Planning Director prior to issuance of building permits.

3. Building placements must be adjusted to meet setback requirements which may involve the drive aisles be reduced to a minimum of 25' to accommodate setbacks to interior parking/drive areas and between structures. Gated entrances shall not be allowed.
4. A ten foot (10') public utility easement will need to be given to the City and a Parcel Map Merger will need to be processed in digital and hard copy formats.
5. All ADA parking stalls, ramps and crosswalks for pedestrian and wheelchair access will need to be properly identified both on the plans and on the ground and approved by the Public Works Department for conformity with the Americans with Disabilities Act.

Bike racks shall be incorporated into the construction drawing site plan and detail sheet as proposed using a rack design to hold the bicycle frame and not just the wheel, accommodate a u-shaped shackle lock as well as a wide range of cycle sizes, wheel sizes and types, and be covered with a protective material to provide durability and avoid damaging the bicycle.

6. A certified arborist or horticulturalist shall determine the best method for protecting and incorporating the existing trees into the landscape and overall design of the complex. Should a tree be unhealthy and pose a danger then the tree should be removed and replaced with a new-healthy tree of similar size within 50' of the original location.

A complete landscape plan will need to be submitted for review and approval. Landscape plans will include the number of each plant, species, common name, scientific name, City approved trees, other trees, irrigation system, information for the parkway area and median area, and any other information deemed necessary to make an informed decision towards the approval process.

All landscaped areas must be adequately maintained by owner including that portion of the frontage road adjacent to the site.

The tot lot areas shall include all weather park benches, play station with a minimum of five activities, child-safe tile ground cover and sufficient trees to provide shading.

7. A 7' tan masonry block wall shall be installed along half of the southerly boundary line, tying into the existing 6' masonry wall, and along the easterly portion of the single-family site, as shown in the approved site plan. Proposed street side and pool area fences shall be wrought iron and pilaster not to exceed 6' in height.
8. Exterior lighting on buildings and in parking areas shall be placed in such a manner as to not produce excessive lighting or glare to adjacent residentially zoned properties so as to constitute a nuisance. Lighting shall be similar to the neighborhood and not bright white in color. Building mounted lighting shall be integrated into the architectural design of the buildings also avoiding any glare onto adjacent properties.

All street lights shall be required to meet City Standards as approved by the Department of Public Works and shall be located close to intersections or driveways.

9. The development will appropriately tie into all City utilities and shall meet Public Work Standards. The applicant will need to verify grades for sanitary sewer and storm water to appropriately tie into the system, which may or may not require a lift station. The site shall be graded so that it does not shed water onto adjacent properties and a drainage study shall be conducted. A design to handle onsite runoff shall be incorporated to handle water flows per NPDES Regulations. Sewer lines shall be extended along the frontage road.

All buildings over 5,000 square feet shall be equipped with fire sprinkler system. Fire Department Connections (FDC) for each structure will be inspected for compliance by the Fire Marshall. Keys for all electrical rooms shall be keyed alike and copies given to the Fire Department. A Knox box shall be located by the leasing office with keys for office and all electrical rooms contained therein. Adequate fire egress from the recreation building shall be provided in the area generally delineated on the redlined site plan drawing.

All utilities located on the project site shall be screened from the general view of the public and/or painted to blend in with adjacent objects.

Trash enclosures shall be oriented and placed in areas of accessibility to City Waste Management employees as generally shown on the redlined site plan to receive final location approval by the Public Works Department. These containers must be built per City Standards however upgraded gates shall be installed to be of a solid metal material painted to match the color scheme of the complex.

10. Signage for the project will require a separate application and administrative approval process before any installation will be allowed.
11. *The developer shall comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District at all times.*
12. *Upon completion of any infrastructure improvements and their acceptance by the City, the developer's engineer shall prepare drawings of as built improvements and shall submit to the City one reproducible and three blue line copies for the City's records in addition to a digital copy.*
13. *In accordance with the findings of City Council Resolutions: 2006-46 adopted on December 5, 2006; 2006-48 and 2006-49 adopted on December 19, 2006; 2007-01 adopted on January 16, 2007; 2007-04 adopted on February 20, 2007 and the Colgan Consulting Corporation Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in these five (5) Resolutions listed along with the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in these five (5) Resolutions.*

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on December 10, 2007 by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Kimberly Moss, Chairman

ATTEST:

Holly P. Smyth, Secretary

CERTIFICATE

STATE OF CALIFORNIA

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

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 December 10, 2007.

DATED: _____, 2007

Holly P. Smyth, Secretary
Lemoore Planning Commission