

**Minutes of the Regular Meeting of
the Lemoore Planning Commission
August 27, 2007**

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

Attendance: Chairperson Moss, Commissioners Clement, Elgin, LeRoy, Norgaard, Ormonde, Planning Director Smyth, City Manager Jeff Britz, Attorney Dale Bacigalupi, Harry Tow, City Engineer

Absent: Commissioner Kendall

Public Comments and Inquiries: No public comments.

Approval of Minutes of Meeting of July 23, 2007:

It was moved by Commissioner Norgaard, seconded by Commissioner Clement to approve the meeting minutes of the July 23, 2007 meeting as submitted.

AYES: Voice Vote
NOES: None
ABSTAIN: LeRoy
ABSENT: Kendall

Variance #2007-02 application by Nelson Signs and Service requesting a Variance from Sections 9-14-4-5H and 9-14-4-5L of the Lemoore Municipal Code to allow Bush Street Chevron to have an 85 square foot freestanding sign on a 40' pole and exceed the maximum allowed cumulative sign area located at 25 ½ 19½ Avenue on the southwest corner of Bush Street and 19 ½ Avenue:

The public hearing was opened at 7:05 p.m.

Smyth stated that Nelson Signs submitted an application requesting a variance to allow Bush Street Chevron to have an 85 square foot freestanding sign on a 40' pole at the northwest portion of their site. She stated that the Chevron station is located at the southwest corner of Bush Street and 19 ½ Avenue. Smyth stated that the applicant stated that the second freestanding pole sign is needed so that it may be seen from motorist traveling on Highway 41.

Smyth reviewed the criteria and the findings based on Sections 9-15-F-3 and subsections F1a, F1b, and F1c as per staff report for variance. She stated that it has come to her attention that under the Sign Ordinance Section 9-14-5-5B allows the Commission to approve this request by making a finding under F1a or F1b and if you want to use that process you don't have to make a finding under F1c. She stated that the current sign section of the Zoning Ordinance for Commercial Highway zoned properties only allows one freestanding sign at a site containing more than three hundred feet of street frontage and such sign shall be no higher than the highest building roofline, and such sign may not exceed 100 square feet in area and the maximum cumulative area shall not exceed 400 square feet for each street frontage based on formulas. The applicant's site contains 320' of primary frontage and 520' of secondary frontage, for a total of 840' of frontage. Under the current sign ordinance, because the applicant has two frontages, they would be allowed a maximum of 800 square feet of signage, however the new ordinance does not allow more than one freestanding sign. She stated that currently, 400 square feet of signage, including a freestanding monument sign, exists on the site.

Smyth stated that the applicant's letter of July 25, 2007 states that he has contacted Caltrans regarding highway signs and was informed that the area on Highway 41 was going to be changed and that no new blue signage located on Caltrans right of way would be allowed. He stated that any current highway signage must be removed after January 1, 2008. Smyth stated that the applicant was depending on this type of signage to help show the business. She stated that the applicant feels the signage is important to drawing in Highway 41 traffic as this business cannot survive on local traffic alone.

Smyth noted that the applicant's original sign packet was approved by the Planning Commission with two freestanding signs, a monument and a 32' pole sign, even though the maximum allowed was 40' in the previous sign ordinance to be in scale with the site, with design enhancements, so long as they reduced the total cumulative signage to 400 square feet. She explained that the 32' represents 1 ½ time the height of the roof line as the ratio is in harmony with the site. She noted that a 40' sign would not be in scale to the building roofline.

Smyth stated that under the new sign ordinance, the only portion of the new sign ordinance that the applicant does not comply with in their variance proposal is the allowance of a second freestanding sign with a 40' height which far exceeds the building height. She stated that when the ordinance was changed, the intent of not allowing a secondary freestanding sign and eliminating the 40' maximum height under freestanding signs was to try to consolidate signage along freeways to fall under the Shopping Center Identification signs provision so that the highway frontage would not be littered with signs.

She stated that staff recommends that the Commission find the variance categorically exempt from the California Environmental Quality Act as per Section 15311 of the guidelines and thereafter approve the resolution which would allow a temporary pole sign as proposed with the exception that the height should not exceed the 32' and the structure include the architectural roof as was approved with the original site plan. She stated that such temporary pole sign should only be allowed until a shopping center type sign is approved and installed for the area.

Roger Guthrie of 37844 Myrtlewood in Madera stated that they would like to have the sign at 40' instead of 32' because of the height of the freeway and it can be a 40' temporary sign as recommended because you can't see a 32' sign from the freeway.

There was no opposition to this item.

The public hearing closed at 7:20 p.m.

Leroy asked if there would be a financial hardship by not following the Chevron rules. Guthrie stated he would have to go back to Chevron for their approval of the temporary sign as approved. Norgaard stated that he thinks the applicant has a valid point of having a 40' sign versus the 32' so that you could see it from the freeway. He stated that as far as the sign roof he's not really sure if it would make a difference. Clement agreed primarily because it's going to be temporary. Smyth stated that this is the purview of the Commission. Moss stated that she agreed with Norgaard because she felt that this type of sign would be to draw people from the freeway.

Moss requested to change the finding reference in the resolution to fall under criteria #F1a.

It was moved by Commissioner Norgaard, seconded by Commissioner Ormonde to approve Resolution 2007-20 to change the wording on III-1 to read "40' high" on the first sentence and delete "with a roof structure above the sign" in the second sentence. This is a finding under 9-14-5-5B.

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

Site Plan Review #2007-03 and Environmental Assessment #2007-09 application by Leprino Foods Company to expand the Lemoore West Plant by 245,550 square feet in 3 phases, expand the wastewater treatment facility near the City's wastewater treatment plant related to the expansion, and amend the Owner Participation Agreement with the City:

Smyth stated that Leprino Foods has submitted an application to expand its existing Lemoore West Plant and the wastewater system associated with the expansion. She stated that the main expansion would occur at their existing 60.81 acre site on the southwest corner of Belle Haven Drive and Industry Way in Lemoore. She stated that the expansion related wastewater treatment improvements are being made at the Leprino wastewater treatment site adjacent to the City's facility on City property located east of 19th Avenue, west of Vine Street and south of Iona Avenue. She stated that proposal is to expand the existing 519,000 square foot Lemoore West cheese and whey processing facility by 245,550 square feet in three phases. The expansion will include a 142,350 square feet in Phase I, 18,200 square feet in Phase II and 85,000 square feet in phase III to allow the facility to process 10 million pounds per day of milk into cheese, a 4 million pound increase from the 6 million pounds currently processed. Smyth stated that they anticipate that the total employment at the facility for all shifts could increase from 530 employees to 755 employees. She stated that 175 employees will be added in Phase I, none in phase II and 50 employees in phase III. This will only increase the number of positions per day from 379 to 540.

Smyth noted that this also includes a proposed amendment to the Owner Participation Agreement with the Lemoore Redevelopment Agency; therefore the environmental impacts related to such amendment are also being analyzed as part of the environmental review.

Smyth stated that the City of Lemoore with the assistance of Quad-Knopf has prepared a Mitigated Negative Declaration to address environmental issues associated with the project in accordance with the provisions of the California Environmental Quality Act.

Smyth reviewed the site plan application to determine compliance with City of Lemoore policies, standards, codes and environmental impacts. She stated that the site plan procedure require that when approving a project, the conditions shall include items necessary to protect the public health, safety and general welfare in various categories outlines in Section 9-15C-4 of the Zoning Ordinance.

Smyth reviewed the findings which include, compliance with general plan/zone classification, vehicular ingress/egress/internal circulation, streetscape and traffic; parking and off-street loading requirements; building coverage/setbacks/height of buildings, utilities, streetlights and on-site lighting, fences and walls, landscape, trash enclosures, design, signs. Smyth went over the traffic impacts delineated in the environmental document. The remainder of the environmental document was reviewed by Harry Tow with additional focus on air quality, wastewater, and water issues.

Smyth stated that this project did not require notices to be sent out to adjacent property owners as it is a regular Site Plan Review but the notice of intent to adopt a mitigated negative declaration was published in the newspaper and sent out to commenting agencies and no comments have been received to date. She stated that it was determined that the project could not have any significant adverse impacts on the environment if the mitigation measures outlined therein were carried out. She stated that if the Planning Commission concurs with this assessment, after reviewing all project documents and listening to testimony, approving the attached draft resolution for the project would also adopt a mitigated negative declaration for the project with the associated mitigation measures.

Smyth recommended that the Planning Commission take public testimony, discuss the project and adopt the attached Resolution 2007-21 which approves the Mitigated Negative Declaration under CEQA and approves the Site Plan Review 2007-03 with the listed conditions of approval.

Smyth stated that the square footage for each of the phases has been modified just slightly from what is shown in the environmental document, but because, all mitigations measures will be implementing during phase I of the expansion and the total square footage of all phase is essentially the same, the environmental document is still valid.

Smyth put up a color-coded transparency of the project phasing. Phase I of the project is shown in green which includes various buildings, additional parking, additional employment, and additional truck traffic by 2009. Average daily employment and total employment may be confusing because not all employees come to the site every day. Phase II include the items in blue and additional cold storage next to the railroad spur line that is currently in place in these areas by 2012. The pink toned area is possible future Phase III somewhere in the neighborhood of 2015. With the project expansion, the site would look virtually the same as it does today driving up Belle Haven Drive because all additions are close to the existing building, with the exception of the new 140 foot tall tower.

Mr. Tow, the City Engineer, explained that the existing site does contain some on site waste water treatment facilities that will be abandoned for that use and involves two of the existing tanks along Belle Haven Drive. This treatment would be moved adjacent to the City wastewater treatment plant by Vine Street and Iona Avenue where some Leprino treatment is already being done. Additionally, new tanks will be added to accommodate the additional flows that will be generated by the project expansion. An aerial drawing was shown of the location of proposed improvement at the wastewater treatment plant.

Moss asked if there was any comments for the Leprino Foods Project.

Robert Garcia from Leprino Foods spoke more in depth about the current and future odor issues and handed out a schematic of the anticipated flows. He said that due to improved technologies, the expansion project will use a bit different form of wastewater treatment that should greatly reduce the odors being experienced at the site today.

Brian Castodio, located at 1200 S. 19th Avenue, asked what happens to the water from the wastewater plant and will it affect his property?

Moss closed the public comments.

Scott Straton of 1522 Cypress stated that his concern is the noise and odor issue.

It was moved by Commissioner Norgaard, seconded by Commissioner Elgin to adopt Resolution No.2007-21 which would approve a Mitigated Negative Declaration for the project and Site Plan Review No.2007-03

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

Planning Director's Report:

Smyth stated that because we do not have any applications ready at this time, there will not be a need for a meeting on September 10th and possibly none for September 24, 2007.

Commission's Report and Request for Information: There was none.

Adjournment: The meeting adjourned at 9:00 p.m.