

RESOLUTION NO. 2008-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LEMOORE APPROVING ENVIRONMENTAL IMPACT ASSESSMENT NO. 2007-22
AND SITE PLAN REVIEW NO. 2007-11 FOR
A FRESH AND EASY MARKET SUBMITTED BY RICK MCCANN**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on February 11, 2008 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, Rick McCann, has submitted an application for Site Plan Review No. 2007-11 to construct a 13,969 square foot Fresh and Easy Market, located at the north side of Cinnamon Drive east of Lemoore Avenue; and

WHEREAS, the zoning on the parcels is Central Commercial and the General Plan designation is Central Commercial; and

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

WHEREAS, a notice of intent to adopt a Negative Declaration was published in the Lemoore Advance on January 17, 2008, with mention of the Lemoore Planning Commission meeting to be held February 11, 2008; and

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

- I. Approve Mitigated Negative Declaration No. 2007-22 pursuant to CEQA and
- II. Approve Site Plan Review No. 2007-11 to expire on February 11, 2009 with the following conditions of approval pertaining thereto:
 1. The project shall be developed as per approved redlined plans, and any deviation from the approved plans will require a re-submittal, payment of appropriate fees, and a new approval by the Planning Department, unless otherwise covered in the conditions below.
 2. Cross access/cross utility/cross parking, or landscape easements discussed in the staff report shall be submitted in a format approved by the City Engineer, accepted by the City Council and recorded, if not in place.
 3. A road built to City Standards will need to be provided at the east property line and two proposed drive approaches will be incorporated into its design elements. Some of the improvements may be deferred by entering into a Deferral Agreement with the City of Lemoore but shall not include the deferral of landscape improvements within the parkway or landscape buffer/easement area. Approximately 16.39' feet of the needed street right-of-way is located on the applicant's property and will be dedicated to the City of Lemoore so that the future 60' street centerline will match the centerline of the adjacent apartment complex median. Additionally, if adequate right-of-way can be obtained on the easterly portion of the street, the first 80' of the full width of the street should be constructed to provide adequate permanent ingress/egress. If this is not feasible, a temporary turn around will need to be provided and then full access constructed when the street is constructed and guaranteed in a Deferral Agreement.

4. The existing Rite Aid trash enclosure shall be relocated as shown on redlined site plan to allow better visibility. Curbing and bollards around existing transformer shall be located 5' from edges of unit to reduce traffic issues. Additionally, eight parking stalls may be lost to allow for better configuration flows as shown on redlined site plan.

Pedestrian pathways shall be provided throughout the site as generally depicted in the redlined site plan with paving surface to be approved by the Planning Director.

Proposed bike rack shall accommodate at least six (6) bicycles and hold the bicycle frame (not just a wheel), accommodate a u-shaped shackle lock, accommodate a wide range of cycle sizes, wheel sizes and types, be covered with a material that will not chip the paint of a bicycle that leans against it, and not have hazards such as sharp edges.

5. The 84,672 portion of the project site shall provide 15% landscaping and be delineated on a new site plan sheet. The remaining vacant portion shall install landscaping so that dust control and weed abatement does not become a problem. If the proposed ponding basin is installed, a Deferral Agreement will be need to properly backfill area at such time required by the City.

Landscape easement areas shall be planted with shrubbery (to help hide the parked cars and long building) ground cover, and trees spaced on average of 20' on center. City approved trees will also be required along the parkways adjacent to Cinnamon Drive and the new north-south street planted 40' on-center average with groundcover to form a solid surface.

Trees shall be incorporated within parking wells and landscaped parking areas as shown on the redlined site plan. A 5' landscape buffer is required along the northerly property line between commercial and residential zoning and will need trees planted every 20'.

6. Chain link fence with vine landscaping, to provide a visual barrier, shall be installed along the northerly property line to match that used along the Auto Zone and include a pedestrian gate for future church access onto the site in the future.
7. Street lights shall be installed in accordance with City standards. Building mounted lighting should be integrated with the architectural design of the building and shall be shown in the construction drawings, approved by the Planning Department. All other exterior parking lot lighting shall satisfy Building Department standards and well as trying to maintain the 'dark sky' discuss in the 2030 General Plan.
8. All public improvements such as sanitary sewer, storm drainage, water, and streets shall be installed in accordance with the City of Lemoore design standards and applicable Master Plans. The storm drain system must be upgraded to handle run off and meet NPDES regulations.

Storm line improvements shall be made to eliminate the need for temporary storm basin onsite, and costs shall be shared by intended users. The storm water line should be located in the same easement as the sanitary sewer on the property site, then proceed northerly across the St. Peters property, then due east along the 40' PG&E power line easement to Heritage Park and oversized to accommodate the existing church school, new church site, auto, Fresh and Easy and the Wood Brothers properties. Should these easements not be obtained by the City prior to construction completion, the applicant may be allowed to have a temporary stormwater retention basin, but will be responsible for backfilling when requested by the City through a Deferral Agreement.

An adequate sized refuse trash and recycling enclosure shall be provided and the existing Rite Aid trash enclosure shall be relocated to the northwest as generally shown on the redlined site plan the per City Standards.

Paved temporary access road across the Fresh and Easy property from the Auto Zone property to the current Rite Aid trash enclosures shall be installed prior to any construction drawings or building permits on the Fresh and Easy project can move forward.

Fire Department Connection and Knox box shall be located on site as shown on redlined site plan.

Any above ground utilities shall be undergrounded. Other new utilities shall be integrated into buildings or landscaped areas in such a manner to hide their appearance from public view. Roof mounted air conditioning units shall also be appropriately screened so that they are not visible from the public street.

9. All required engineering plans will need to be prepared by a registered civil engineer. Any work to be done within the City street rights-of-way will require a permit issued by the Public Works Department. All work will be done in conformance with the latest City Public Works Department Standards and Specifications. 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.
10. Prior to any signage being ordered for the site, the developer must submit a sign application and pay applicable fee and receive separate approval from the Planning Department.
11. The developer shall comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District and the City of Lemoore at all times.
12. The Southern California Gas Company's policies and extension rules on file with the California Public Utilities Commission shall be followed when the contractual arrangements are made.
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.*

The grocery store will generate approximately 1,799 average daily trips for their proposed project.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on February 11, 2008, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Kimberly Moss, Chairperson

ATTEST:

Holly P. Smyth, Secretary

