

**Minutes of the Regular Meeting of the
Lemoore Planning Commission
February 11, 2008**

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

Attendance: Chairperson Moss, Vice-chairperson Kendall, Commissioners Elgin, Clement, Ormonde, Planning Director Smyth, City Attorney Montoy

Absent: Commissioner LeRoy

Public Comments and Inquiries: No public comments.

Approval of Minutes of January 28, 2008 meeting:

It was moved by Commissioner Clement, seconded by Commissioner Norgaard to approve the meeting minutes of January 28, 2008 meeting as submitted.

AYES: Voice Vote

NOES: None

ABSTAIN: Kendall

ABSENT: LeRoy

Conditional Use Permit No.2008-01/Categorical Exemption #2008-01 for Techie James to have living quarters in the 24' x 40 rear portion of her day spa located at 222 Heinlen Street.

Smyth stated that Techie James operates a business at 222 Heinlen Street and she is requesting to use the rear portion of the premises as her living quarters. She stated that in the Central Commercial Zone the Downtown Revitalization Plan allows second story residential units as a permitted use but ground floor residential units require Conditional Use Permits. She stated that when a permit is requested there are 3 criteria that are used in the evaluation for the permit. Smyth mentioned that Techie James had been issued a CUP when she was rented space three doors down utilizing the same exterior yard and that other permits have been issued in the downtown district for similar situations.

Smyth stated that the Downtown Revitalization encourages residential use within a building in downtown.

Smyth mentioned that property owners within a 300 foot radius were noticed along with the Lemoore Advance. Smyth pointed out that two letters were received on the project, one was received late Thursday as packets were being put together and was included in packets, and the second was received Friday which was forward e-mailed to Commissioners. She stated that the letters posed certain questions that the City Manager has gotten some answers on if Planning Commissioners wanted to discuss.

Smyth reviewed the three findings for granting a Conditional Use Permit which the project seemed to meet.

A revised copy of the draft resolution was handed out to Commissioners as Smyth stated that after City Attorney reviewed the conditions, she wanted two conditions added. One would state that "no portion of the proposed residential space shall be used for operation of a business". The other would state "the residential use may not commence until the Conditional Use Permit is approved." With these changes Ms. Smyth also wanted to add an additional condition which would state "that the front portion of the building shall have the address of 222a Heinlen Street shown on the front of the building and the living entrance off the alley shall have the address of 222b Heinlen Street shown over the entry". Smyth verified that Ms. James also was handed a copy of the revised draft resolution.

The public hearing opened at 7:10 p.m.

Ron J. Maciel of 222 Heinlen, stated that he is representing Techie James on this project. He stated that his client is ready to work with the City to comply with the requirements and they are in agreement with City's recommendation.

Techie James of 222 Heinlen Street stated that she received a permit by the Commission and Council for a building down the street from this site previously.

Chris Striklen stated that she is a former client of Techie and said that Techie conducts her business and herself professionally. She stated that Techie has enhanced the current location and it looks so much better.

Maria, from Maria's Furniture, stated that she has known Techie for three years or so and feels she is a very nice lady and very helpful. She recommends that the Commission allow her to do her project as submitted. She stated that Techie has made the building and alley way look so much better than what it looked like.

No testimony in opposition of this proposal other than the two letters previously submitted. The Public hearing closed at 7:25 pm.

Ormonde noted that we have two objections in the agenda packet. Smyth stated that this is correct and the writer did not state whether they would be attending or not.

Norgaard stated after reading these letters their objections seem to be that she is not adhering to the codes. Smyth reviewed the difference between a permitted use and a Conditional Use Permit. Smyth noted that currently the applicant owns the building.

Elgin stated that the letters mentioned something about the other business owners' insurance premiums going up. Smyth stated that when you have property like this you might not want open flames and may want electric stove to lessen fire hazards as was done in the Antlers Hotel.

Moss asked if there is a proposed cooking area. Techie stated that she does not like to cook and she does have a stove as she does not to cook. Ms. James stated sometimes she barbeques outside in the garden area. She stated that she has been taken to court by one of the persons who wrote the letter three times and they have lost. She stated that she has suffered tremendously and all she wants to do is continue her business in this building.

Moss asked if the applicant has agreed to all the conditions. Smyth stated correct they agreed to the conditions as underlined and just handed out.

Norgaard asked if we allow this does it set a precedent. Smyth stated that because it is a CUP all future reviews would be on a case by case basis. She stated that residential is encouraged in the downtown area and is also encouraged through the new general plan where it may become an allowed use.

Chris Striklen stated that in inner city areas it was found that there is less crime in areas where people live and work and it flourishes at all times and it does make it a safer place and more attractive area. Moss stated that she agrees with that and we are encouraging more of this in the downtown area.

Ormonde stated that he has an issue with the parking area. Smyth explained that in the Antlers Hotel all the parking is in the street because there is no parking use behind them. So in the past for an existing building they did not have to provide additional parking so long as no additions were being made.

Elgin asked about restricting open flames. Smyth stated that we do not restrict only the health department has restrictions for restaurants.

Based on the discussion about open flame, Smyth recommended a condition to be added that "no open flame for cooking shall be used within the interior of the residence".

It was moved by Commissioner Nogaard, seconded by Commissioner Elgin to adopt Resolution #2008-01 finding the project Categorical Exempt and approving Conditional Use Permit 2008-01 with the conditions noted on the revised resolution and the addition of Condition #6 regarding no open flame for cooking within interior of the residence.

AYES: Norgaard, Elgin, Ormonde, Kendall, Clement, Moss

NOES: None

ABSTAIN: None

ABSENT: LeRoy

E.I.A #2007-19/Zone Variance #2008-01/Site Plan Review #2007-12 for Matthew Stoll requesting a 5 foot variance to construct a duplex at 626 West “D” Street.

Public hearing opened at 7:35 p.m. for testimony for the project.

Mendiola stated that the applicant has submitted a Site Plan Review to construct a multi-family duplex on an 8,150 square foot site. He said duplex will contain 2 three-bedroom units with two 2-car detached garages for each unit. An application was also submitted for a Variance to allow a 5' side yard setback and to allow a 22' wide driveway.

Mendiola stated that the project proposes that the side yard setback on the west side of the property only along the garages be 5 feet instead of 10 feet required by Section 8-7C-7.E2 to 5 f feet in order to allow adequate driveway space and side entry garages providing improved aesthetics. The remainder of the property will have adequate setbacks. If allowed, there would still be 10 feet between the new garage structure and the adjacent property's garage as required by the fire code. Mendiola stated that additionally, the applicant is proposing a 22 foot wide driveway versus a 28 foot driveway width required. Mendiola reviewed the findings made in accordance with Chapter 15, Article F for Variances.

Mendiola stated that the site plan review was reviewed to determine its compliance with the City of Lemoore's policies, standards, codes and environmental impacts. He stated that referrals were sent to other agencies and City departments and comments have been received and considered in the staff report and its recommendations

Mendiola stated that the staff recommends that Planning Commission approve that attached Resolution 2008-02 approving a Categorical Exemption under the California Environmental Quality Act and approving Variance No. 2008-01 and Site Plan Review No 2007-12 with the Conditions stated herein to expire by February 11, 2009.

Moss asked if the owner or applicant was present or if anyone would like to speak on behalf of the application. There was no testimony for or in opposition to the project.

The public hearing closed at 7:50 p.m.

Commissioner Clement complimented staff on a thorough report. He believes this project will be an enhancement to the area particularly because it is on main street. He stated that he does not see a down side to the project. Commissioner Norgaard agreed that it is a good infill project. Chairperson Moss stated that is blends in with the area and will not stand out.

It was moved by Commissioner Clement, seconded by Commissioner Kendall to approve Resolution No. 2008-02, Categorical Exemption #2007-12, Variance #2008-01 and approve Site Plan Review #2007-12 with the 10 conditions as stated in the resolution.

AYES: Clement, Kendall Ormonde, Nogaard, Elgin, Moss

NOES: None

ABSTAIN: None

ABSENT: LeRoy

E.I.A #2007-21/Special Zoning Exception #2008-01/Site Plan Review #2007-09 for Lemoore Equity Partners to construct a three-story extended stay 83 room hotel, with kitchenettes in each room. The hotel site is located on a 80,358 square foot portion of a 3.49 acre site located northwest of the Daphne Street and East “D” Street intersection.

Public hearing opened at 8:00 p.m.

Mediola stated that Lemoore Equity Partners have submitted an application to build Candlewood Suites Hotel located on the northwest corner of East D Street and Daphne Lane. He stated that they have submitted overall concept for the parcel developed in three phases, but only phase one is being reviewed at this time. He stated that the proposed hotel will contain 83 rooms with kitchenettes, spa, swimming pool, fitness center, laundry facility, and small convenience store.

Mendiola stated that a portion of the project is in a Professional Office Zone and Hotels/Retail are not allowed in this zone district and therefore the applicant has submitted a Special Zoning Exception so that the parcel would be in conformity with the proposed 2030 General Plan.

Mendiola reviewed the criteria for special zoning exception and conditional use permit in compliance with the provisions of the Lemoore Zoning Code.

Mendiola stated that the site plan review was reviewed to determine its compliance with the City of Lemoore's policies, standards, codes and environmental impacts. He reviewed the findings as per staff report.

Mendiola recommended that Planning Commission pass Resolution 2008-03 recommending to the City Council to find that the change to the mixed use designation is needed to meet the purposes and objectives outlined in Section 9-1-2 of the Lemoore Municipal Code to approve the special zoning exception, make a finding for the conditional use permit, adopt a negative declaration for the project under California Environmental Quality Act and approve the application for special zoning exception, conditional use permit, site plan review to build an 83 room Candlewood Suite Hotel with the conditions included therein.

Smyth stated that Item #6 should add a second sentence to read " A cross-parking access agreement should be recorded over the site prior to a Parcel Map being recorded." Additionally pedestrian access was not shown on the redlined drawing from the east side of the hotel to Daphne Lane and should be added.

Chairperson Moss has asked if the applicant/owner was present.

Mimi Del Rio Director of Marketing of Infinite Hospitality came to the microphone. She stated that they are a Hotel Development, Management and Consultant Company located out of Visalia. She stated that Candlewood Suites is an extended stay Hotel and will be going after extended stay clients. She will bring in her own established customers from the Comfort Suite Hotel, established corporate accounts and established Correctional Officers and she also does the independent contractors at the Naval Air Base. Many of their customers are staying in Visalia but have business at the Naval Air Base.

Ms. Del Rio stated that this location would be a better location for those clients and that they are very excited about this project. She indicates that she has brought a letter from Petty Officer Scott Reid from the Navel Base which she has had this account with for 3 years. She had out some of her marketing material.

Chairperson Moss asked if there is anyone else in favor of the application. She asked if there is anyone that would like to speak in opposition of this application.

Rosie Marshall of 1180 Pine Drive, stated that she has lived and worked here since 1985. In 1997 she managed the Holiday Inn and a few years later they recognized that there was a demand for more rooms as they were sending the overflow to Hanford. In 2003 they added 40 additional guest rooms to the Hotel. In 2004 Motel 6 opened with 60 plus rooms, making total room count for the City to 225, between three mid scale hotels. In 2006 Tachie Palace opened their Hotel with 255 rooms, doubling the room inventory for Lemoore in one shot; with decrease in the TOT being experience from their opening through the end of 2007.

Ms. Marshall stated that Candlewood Suites is part of the Holiday Inn and will be marketing the same people. She indicated that Tachie Palace may build another 250 rooms and that the market is currently soft. She asked if the Planning Commission thinks Lemoore needs two more mid-scale motels and if so why. She suggested that if the City of Lemoore wants more Hotels why not build the right hotel. Why not a full service Hotel with banquet facilities, that will put Lemoore on the map. She said to build something that Hanford doesn't have so that it will bring business to Lemoore to help everyone. Marshall handed out written questions to the Commission. Marshall stated that Tachie Palace is planning on adding another 250 rooms. She stated that because of this they have lost clientele and sports groups. She stated that the TOT for the City has reduced. She urged the Commission to make the right decision for all businesses.

Chris Striklen stated that she recently retired but was customer relations and training manager out at the Navy Exchange, as well as being in hospitality for many years in San Diego which is why she was interested in the application. She questioned what the occupancy rate is during various seasons. Stiklen stated that on base there's the Navy lodge with kitchenettes, so it provides long term stay. She stated that unofficially they don't plan any expansion, at certain times of the season they are full and at other times they do not have a high occupancy rate. She asked what is the affect of the traffic on "D" Street.

Allen Hinch of 800 'D' Street, located directly behind the project stated that he is opposed to the project because of the size of the project, a three story building. He stated that looking out his front door he will be looking at a three story structure almost the size of a football field. He stated that he is concerned with the drive approach, how will the easement be handled and the fencing, masonry or wrought iron. He asked is this going to be a masonry fence 7 feet. He asked about the easement trying to go to his driveway. How are these things going to be handled. He is the only owner out there right now and he doesn't want to be looking at the side of the building.

Rebuttal:

Ms. Del Rio stated that rooms are a one or two bedroom with living room, kitchenette, and are not intended for a one night stay. They do not have continental breakfast, although they have a convenient store on the property which carries items that can be cooked in the units. These units are intended for stays of 4 or 5 days or longer. She stated that it is a good hotel, and they do have a lot of contractors driving from Visalia. It is a different concept, they do in Visalia get the overflow for soccer tournaments from Lemoore. She stated that her clientele are looking for long stay, comfort and this is a good hotel.

Ms. Marshall pointed out that the extended stay customers are all that is targeted in Lemoore. Most customers stay 3 to 5 days, very rarely do they stay one night. She asked if the kitchenettes won't take away from the restaurants in the community?

The public hearing closed at 8:35 pm

Smyth stated in response to the easement on the side of the property, when you look at it there is currently a 12' recorded easement that allows the residential property to the north to access the property. To the west of this the City owns a 30' sliver that connects to D Street next to the Fleet Reserve which has landscape growing over the top of it. She stated that there both the City and Mr. Hinch's property access is through a narrow area through the medical offices parking lot. She stated that for future circulation in the area were looking at a 28' right of way dedication and 18' of asphalt and a landscaped parkway and a sidewalk. Smyth showed this on the overhead drawing. She stated that this will give them more access. She showed options to get to his residence.

Smyth stated that the staff report currently the site to the north of the project is zoned residential and in the 2030 general plan it is proposed as ponding basin. We currently have 3.1 acres of City owned ponding but in the storm water master plan we need about double this size to serve the entire area. Because City Council asked that staff start processing application as if the proposed 2030 General Plan land use will be adopted, staff recommends using wrought iron fencing with heavy landscaping which would also eliminate future graffiti on a block wall.

Smyth stated that in regards to the banquet facility we thought that the area in the back may provide future options for this or on the remainder of the parcel. She stated that it is the purvue of the Planning Commission if they want to have a masonry wall or a wrought iron fence. Smyth stated that originally the project was suppose to be four stories and had an office building, but staff felt 4-stories would not be acceptable and the project was revised to just a 3-three story hotel in phase I.

Smyth stated that the 2030 General Plan designation is Mixed Use which is currently defined very vaguely and we do not have a Mixed-Use Zone District in place at this point in time that would provide a longer list of allowed uses. Therefore, per the language under mixed use, it is up to the Planning Commission to decide if they think that a hotel in this location should be an allowed use appropriate in this Mixed Use area.

Smyth stated that anything that the Palace builds we do not have any say over or input on whatsoever. She stated that in regards to the banquet facility, it is a good idea but she does not know what it involves. Smyth stated in the past we have not looked at competition and she did not have an answer regarding TOT.

Marshall stated that her idea is to have a full scale hotel with a banquet facility that would help bring in events and would include a restaurant located inside the building.

Commissioner Kendall has asked Smyth to point out Mr. Hinch's property. Smyth stated that his house is located about 235 feet from the hotel building. Hinch asked if the ponding basin is proposed on his property in the future. He stated that he has about 2 acres. He stated that he can't see a wrought iron fence between his property and the hotel and asked for a 7' block wall for privacy.

Smyth stated that based on tonight's discussion, Condition #6 should add the end of the first sentence to read and four additional handicapped stalls shall be added. And add to Condition #6 "A cross parking access agreement should be recorded over the site prior to a parcel map being recorded." Add to Condition #8 last paragraph "A 5' wide landscape buffer strip shall be installed and shall form a solid visual cover to 7' in height within one year, along the west and northerly portions of the site spaced at an average of 20' on center (with appropriate deep bubbler irrigation). Landscaping shall be provided over Phases II & III areas to reduce dust problems."

Change Condition #10 to read "A 7' wrought iron fence be installed along the northerly property line and the southwesterly portion of Phase I, as shown on the redlined drawing, and vines shall be strategically located so that solid screening can grow on the structure to create a visual buffer. Landscape buffer requirements will apply along the length of the fence to assist in further buffering the adjoining zones and be 5' wide in depth".

It was moved by Commissioner Norgaard, seconded by Commissioner Elgin to pass Resolution 2008-03 recommending that the City Council adopt a Negative Declaration for the project pursuant to CEQA, approve Lemoore Equity Partners application for Special Zoning Exception No.2008-01, CUP No.2008-01/Site Plan Review No.2007-09 with the amendments to condition #'s 6, 8 and 10 and the addition of pedestrian connectivity from the eastside of the hotel to Daphne Lane.

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

Chairperson Moss called for a break at 9:05pm. The meeting reconvened at 9:15pm.

E.I.A #2007-12/Site Plan Review #2007-06 for Bhoopendra Mowji to construct a four story 60-room hotel and two retail buildings. The hotel project is proposed on a 1.12 acre site located on the north side of Iona Avenue and the retail buildings are proposed on a 1.31 acre site located on the west side of 19th Avenue.

Mendiola stated that Mr. Mowji proposes to construct a 60 room "Holiday Inn Express" hotel and two retail buildings located at the northwest corner of Iona Avenue and 19th Avenue. He stated that the hotel is approximately 27,606 square feet in size and will provide a indoor swimming pool, fitness center, meeting room and a great room. He stated that the retail portion of the project is located on a 1.31 acre site. Mendiola stated that the retail buildings one being 5,635 square feet in size and the other 5,250 square feet. He stated that 80 parking spaces are proposed for the hotel site, and 45 spaces for the retail site.

Mendiola stated that the site plan review was reviewed to determine its compliance with the City of Lemoore's policies, standards, codes and environmental impacts. He reviewed the findings which included site conditions, compliance with zoning/General Plan, ingress/egress, internal circulation and traffic, parking, landscape/open space and pedestrian accessibility, fences/coverage, on-site lighting, public utilities, dust control, miscellaneous items, and signs.

Mendiola stated that referrals were made to various agencies and City Departments and their comments/responses have been incorporated into this report.

Mendiola recommended that Planning Commission approve Resolution #2008-04 adopting a Negative Declaration and approving Site Plan Review #2007-06 to build a 60 room "Holiday Inn Express" Hotel and retail buildings with the attached twenty three (23) conditions and expiring on February 11, 2009.

Smyth stated that she noticed that only the portion of 19th Avenue closest to the highway going south to the site was dedicated and not the site along the Valero gas station that is almost complete. Either a condition can be added to this project or the dedication will be required prior to occupancy being given on the Valero site. From the audience Mr. Mowji agreed to complete the dedication with the Valero project.

Joe Mowji from Merced stated that they presented a conceptual plan about a year ago and Valero should open within 30 days. He stated that they are excited about this project and they understand what competition is and they feel this will compliment what is out there and the City of Lemoore. He stated that the end parcel abutting the highway is being left vacant for future restaurant development. They are in escrow with Dynaco who owns Perkos and other restaurants.

John Frame, architect for the project, stated that they are looking for the Yukon Jack Restaurant that is also owned by Dynaco. He handed out a picture of what they might be proposing to build. Frame stated that Yukon Jack's is kind of like a Tahoe Joe's restaurant. He stated that they have two in Fresno and have Breakfast right now but are looking at closing for breakfast.

In response to some of the conditions, he stated that there is a condition regarding the trash enclosure and the public works comments stated they can have a new one or use what's there. He stated that regarding the retail portion trash enclosure being relocated he asked where it should be located and they have relocated in the middle. Turnarounds at the north end parking stalls, they would like to keep parking stalls as in and when he does the design for the restaurant he can add a turn around. They don't want to lose any more parking. During this stage of the development they want to use a gravel base. He stated that they are confused as to why the easement on the retail side was recorded but not the portion in front of Valero.

Smyth reviewed the redline drawing in the packet and explained why staff prefers a one way exit at the drive thru area as it will avoid head on collisions in that area.

Clement asked about the retail buildings being reviewed tonight, do they have anyone lined up. Mowji stated not at this time.

It was moved by Commissioner Norgaard, seconded by Commissioner Clement to approve Resolution #2008-04 approving Negative Declaration and approving Site Plan Review #2007-05 with the 14 conditions as stated in the Resolution including the change on the redline drawing to state that the area near the exit point of the drive-thru shall be as approved by the City Engineer. This site plan will expire February 11, 2009.

AYES: Norgaard, Clement, Ormonde, Elgin, Kendall, Moss

NOES: None

ABSTAIN: None

ABSENT: LeRoy

E.I.A #2007-22/Site Plan Review #2007-11 for Rick McCann to construct an approximately 14,000 square foot retail building for a Fresh and Easy Grocery on a 1.94 acre portion of 3.18 acres located north of Cinnamon Drive, east of the Rite Aid which is located at the northeast corner of Cinnamon Drive and Lemoore Avenue intersection.

Smyth stated that a Revised Resolution with underscores and strikethroughs to reflect items clarified between the applicant and staff clarified some items and a one page e-mail received from Kings Environmental Health regarding their requirements/regulations for food businesses were handed out at the start of the meeting. She stated that the project is on Cinnamon Drive and Lemoore Avenue and will be called Fresh and Easy. She stated that the proposed retail grocery market intends to provide food goods and other amenities as allowed under this type of retail business to the adjoining neighborhoods. She stated that they are more of a green company. Smyth stated that we worked with them on their overall design of the remainder of the site.

Smyth stated that the site plan review application was reviewed to determine its compliance with the City of Lemoore's policies, standards, codes and environmental impacts. Smyth reviewed the findings including compliance with zoning, General Plan, ingress/egress, internal circulation and traffic, parking, landscaping and open space, onsite lighting, public utilities, signs, and dust control.

After reviewing the staff report, Smyth stated that the redlined drawings is being used more frequently as it is easier to understand the conditions in a visual format.

Rick McCann stated that hand outs are being given to the Planning Commission regarding the Fresh and Easy company. He stated that he has comments that he spoke to staff about and wanted to read into the record. Condition #4 should add "Once approval has been received from Rite Aid, the existing Rite Aid trash enclosure shall be relocated as shown on redlined site plan to allow better visibility and curbing and bollards around existing transformer shall be located 5' from edges of unit to reduce traffic issues prior to certificate of occupancy."

He wanted to also change condition #8 first sentence to read "An adequate sized refuse trash and recycling enclosure shall be provided and once approval has been received by Rite Aid the existing Rite Aid trash enclosure shall be relocated to the northwest as generally shown on the redlined site plan per City's standards."

Mr. McCann then wanted to revise Condition #8 second paragraph second sentence and the fourth sentence to read "Offsite storm line improvements shall be made pursuant to a separate Agreement with the City to eliminate the need for a temporary storm basin onsite, to provide for the sharing of one line that is adequately sized to accommodate adjacent uses and costs shall be shared by intended users. Reimbursement to Fresh and Easy for construction of an oversized storm line will be made by the City within six months of installation unless otherwise listed in separate agreement. The storm water line may 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 Zone, Fresh and Easy and the Wood Brothers properties. Should these easements and related Civil

Plans not be obtained by the City by August 1, 2008 or the start of Fresh and Easy construction, whichever occurs first, the applicant may be allowed to have a temporary stormwater retention basin, but will be responsible for backfilling when requested by the City and enter into a Deferral Agreement.”

McCann stated that this is the first site the company has contemplating purchasing and building as most of their projects are leased buildings. He stated that they have had to stretch their idea and vision with the purchase of land. He stated that he would like to think that Fresh and Easy is different from other operators. He stated that staff has worked with Fresh and Easy to bring a good looking site to blend in with the Rite Aid and Auto Zone. They have a goal to open by March 2009 and for them to move quickly they need others to need quickly as well. He stated that in order to do what they want certain things have to be in place and they need to start soon. He stated that they are looking at other locations in other cities as well for more markets.

Greg Switzer of Fresno stated that he represents HR, LLC and they have worked closely with staff, they support what is taking place and he is available for questions.

City Manager, Briltz stated that most of the changes are agreeable but he wants to clarify item #4 regarding the trash enclosures. He stated that regardless what the language says in Item #4 with or without Rite Aid approval, they can't open the store unless they relocate the trash enclosure unless they come back for new approvals. This is clear in the staff report. This is an obligation of the parties to deliver on that otherwise you can't have the roadway that travels towards the east. Briltz stated that he can assure that the roadway can not be safely built unless the trash enclosure is moved.

Briltz stated that he is very familiar with this project and generally speaking what gets built is very close to what you approve and if there are revisions presented during the construction phase or subsequent phases, only the minor revisions are approved administratively once the items come before the Commission and you can expect not to be surprised that it will look like the way you approve it. It's only if you provide staff with a great amount of latitude and this needs to be in your motion tonight if you want to expand beyond what we normally do. Generally staff does not deal with a major site change and it can only be with explicit stated latitude that we would be able to consider substantial changes without coming back before the Commission.

Briltz stated that with regards to provisions in item #8 the Commission is not the party or reviews oversizing agreements the City Council would do that. He stated that the suggested language that McCann had reimbursement within six months with installation unless otherwise stated in an agreement that would be drafted in the future was agreeable. Briltz stated with regards to issue to when the easements will be provided he can live with the language as proposed.

He asked if we committed to the civil plans, to producing the civil plans, Smyth stated that David Wlaschin already was having Quad work on it. Briltz stated that he wants to make it clear that historically we try to build exactly what is approved.

Smyth stated that staff recommends the Planning Commission adopt the attached Resolution #2008-05 which adopts a Mitigated Negative Declaration for the project and approves Site Plan Review #2007-11 to allow the construction of a Fresh and Easy Market with conditions stated therein with the discussed changes. This application shall expire one year expiring on February 11, 2009.

Smyth reviewed the issues of the trash enclosure and its location. Elgin stated that she believes this one should come back. Moss stated that she feels this is something that may come back to the Planning Department unless the Planning Director feels this needs to come back to the Planning Commission.

It was suggested to add to condition #r4 “The Planning Director shall be delegated the authority to adjust the area further if approval can not be obtained to maintain adequate vehicular safety and accessibility. Additionally, eight parking stalls may be lost to allow for better configuration flows as shown on redlined site plan.”

It was moved by Commissioner Clement, seconded by Commissioner Norgaard to approve Resolution #2008-05 approving Negative Declaration and approving Site Plan Review 2007-11 with the 14 conditions and amendments to Conditions #4 and condition #8.

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

Application by Coker Ellsworth for extension to the approval of Tentative Subdivision Map Tract 839 located East of Vine Street, north of Iona Avenue at Otero and Cabrillo Street extensions.

Hobbs stated that prior to the expiration of January 9, 2008, Coker Ellsworth submitted an application to extend the approval of Tract 839 located east of Vine Street, north of Iona Avenue at Otero and Cabrillo Street extensions. Under City's code section 8-7b-10, applicant received an automatic extension for sixty days until the extension is either, approved, conditionally approved, or denied whichever occurs first. She stated that this development would subdivide 8.68 acres into 37 single family residential lots ranging from 7,000 to 11,410 square feet.

Hobbs stated that this item was reviewed based on City criteria for granting extension approvals. She reviewed the findings. Under Item f., Hobbs stated that there are two new circumstances requiring amending conditions. She stated that Condition #12 should be modified so that the second sentence would be added to read "The subdivision shall also request inclusion into the newly created Public Facilities Maintenance District (PFMD) per Ordinance #2006-01 to maintain local streets, curbs, gutters, street lights, and block walls". She stated that Condition #20 should be modified to read "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 (5) Resolutions."

Hobbs recommended Planning Commission approve Resolution #2008-06, approving a one year extension for Tract 839 to expire January 9, 2009 and reiterating the original conditions of approval, with the modifications to Conditions 12 and 20.

It was moved by Commissioner Norgaard, seconded by Commissioner Kendall to approve Resolution #2008-06 reiterating the original conditions of approval and with the modifications to Conditions #12 and #20.

AYES: Norgaard, Kendall, Ormonde, Elgin, Clement, Moss

NOES: None

ABSTAIN: None

ABSENT: LeRoy

Application by Coker Ellsworth for extension to the approval of Tentative Subdivision Map Tract 752 located on the southwestern most portion of the Lemoore Municipal Golf Course, south of Iona Avenue and east of Vine Street.

Hobbs stated that this extension application is for tract 752 located south of Iona Avenue and Golf Links Drive and the southern portion of Fairway Homes owned by Coker Ellsworth. She stated that this map was initially approved on February 1, 2005 to subdivide 18.23 acres into 73 single family homes in two phases, with 33 conditions of approval. Since then this tract was granted a one year extension which expired on February 1, 2008. Hobbs explained that under City code section 8-7B-10, the applications it automatically extended for sixty (60) days until the extension is either, approved, conditionally approved, or denied, whichever occurs first.

Hobbs reviewed the City criteria for granting extension approvals. She stated that under item f regarding new circumstances which need to be imposed, an impact fee resolution was adopted after the last extension was given and it was noticed that the previous resolution references were incorrect. Therefore, a new condition #32 has been put in placed of the old one as per attached recommended Resolution.

Hobbs stated that staff is recommended that the Planning Commission should approve the attached Resolution #2008-07, approving a one year extension for Tentative Subdivision Map 2004-06/Planned Unit Development #2004-04 for Tract 752 to expire February 1, 2009 reiterating the original conditions of approval and the change to condition #32.

It was moved by Commissioner Clement, seconded by Commissioner Norgaard to approve Resolution #2008-07 approving a one year extension to Tract 752, reiterating the original conditions of approval and the change to Condition #32 regarding the impact fee.

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

E.I.A #2008-12/Tentative Parcel Map #2008-01 for Precision Civil Engineering representing Butler Investments Group to merge two parcels described as Assessor Parcel #021-100-025 and 021-100-26 located south of Hanford-Armona Road and west of the Lemoore Canal.

Mendiola stated that the tentative map merger application is to meet condition #4 of the site plan approval for the Butler's proposed multi-family complex that required "A ten foot public utility easement to be given to the City and a Parcel Map Merger to be processed in digital and hard copy formats". Mendiola stated that the parcel map application is reviewed to determine compliance with the state map act, the city of Lemoore's policies, standards, codes and environmental impacts. He reviewed the findings.

Mendiola stated that staff recommends that the Commission approve Resolution #2008-08 finding that the division of land into four or fewer parcels is categorically exempt from California Environmental Quality Act as per Section 15315 of the State Guidelines and approve Tentative Parcel Map Merger with the condition as per staff report..

It was moved by Commissioner Norgaard, seconded by Commissioner Elgin to approve Resolution #2008-08 finding that this project is categorical exemption under CEQA and approve Tentative Parcel Map Merger #2008-01 with the condition as stated..

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

Planning Director's Report:

There was none.

Commission's Report and Request for Information:

There was none.

Adjournment: The meeting adjourned at 11:15 p.m.