

**RESOLUTION NO. 2008-09**  
**A RESOLUTION OF THE LEMOORE PLANNING COMMISSION**  
**RECOMMENDING APPROVAL OF MITIGATED NEGATIVE DECLARATION NO.2008-20 AND**  
**APPROVAL OF CONDITIONAL USE PERMIT NO.2008-08 /SITE PLAN REVIEW 2008-07**  
**APPLICATION BY ROBERT GIANNINI FOR SAINT PETER'S CHURCH**

At a Regular Meeting of the Planning Commission of the City of Lemoore, duly called and held on October 27, 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**, Robert Giannini has submitted a Conditional Use Permit application on behalf of the owner Diocese of Fresno Education Corp and the Roman Catholic Bishop, a Corp Sole to construct the new Saint Peter's church containing 23,041 square feet of space with offices, a lobby, vestry, storage area, day chapel, courtyard, restroom facilities and associated parking and landscape; and

**WHEREAS**, the subject property is a 14.2 acre parcel located on the east of Lemoore Avenue south of Club Drive described as Assessor's Parcel No. 021-330-006, 021-330-009, 021-320-001, and 021-320-002; and

**WHEREAS**, the zoning on the parcels are R-1-7 (single family residential) and RSC (Recreation, School, Conservation) and the General Plan designation is Community Facilities; and

**WHEREAS**, staff conducted an Environmental Impact Assessment # 2008-20 and determined that a mitigated negative declaration should be adopted.

**WHEREAS**, a public hearing was noticed in the Hanford Sentinel October 2, 2008, and notices were sent to the property owners within 300' of each of the corners of the four parcels of the subject site on October 2, 2008 (more than 10 days in advance of the meeting), and the Lemoore Planning Commission opened the noticed public hearing at their October 13, 2008 meeting, took testimony and continued and completed the public hearing at their October 27, 2008 meeting; and

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

- I. Make the following findings specified in Section 9-15B-2E of the Lemoore Municipal Code on the basis of the application, staff report, and the evidence submitted the Planning Commission:
  - a.) That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.
  - b.) That the proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance (Title 9 of the Lemoore Municipal Code) and the purposes of the district in which the site is located.
  - c.) That the proposed use will comply with each of the applicable provisions of the Zoning Ordinance so long as the following conditions of approval are met;

II. Hereby approves a Mitigated Negative Declaration No. 2008-20 pursuant to CEQA after receiving all written and verbal testimony, based on the finding, based on the whole record, that feasible mitigation measures or alternatives as set forth in the Mitigated Negative Declaration have been or will be incorporated in the project that will avoid or mitigate significant environmental effects to the point where clearly no significant effect on the environment will occur.

III. Hereby approves Conditional Use Permit 2008-08 and Site Plan Review No. 2008-07 to construct a 23,041 square foot church over 14.2 acres of land with offices, a lobby, vestry, storage area, day chapel, courtyard, restroom facilities and associated parking and landscape. Such approval shall be **valid so long as building permits are pulled within one-year from the October 27, 2008 approval date and below conditions are met before building occupancy is given** to guarantee that the objectives of the Zoning Ordinance, as generally described in Section 9-1-2 and 9-15B-2-A8, are met:

1. The project shall be developed as per revised Form 4/Zumwalt Hansen Site Plan (referred to as the "Revised Site Plan" throughout) with received date stamp of October 24, 2008, unless stated otherwise in the below conditions. Substantial deviation from these plans will require re-submittal, payment of appropriate fees, and a new approval by the Planning Department, unless covered in the conditions below.
2. *Right-of Ways (ROW) and Easements:* The Applicant will need to insure dedication of an additional 2' of ROW to the City along Lemoore Avenue and ROW for the new off-site street so that 60' of total right of way will exist. Additionally a 10' public utility easement (PUE) shall be dedicated along Lemoore Avenue and Club Drive behind the new ROW line(s) and allow the locating of a bus shelter along a portion of Lemoore Avenue close to Club Drive. Additionally, a blanket cross-access / cross-parking easement across all parcels shall be required and recorded. If not utilizing a Parcel Map, all other appropriate documents required to dedicate rights-of-way and easements listed herein shall be prepared to include appropriate cover document, individual written legal descriptions and map exhibit for each of these rights-of-way and easement dedications and must be accepted by the City and recorded prior to occupancy.

*Map:* A Lot Line Adjustment, a Parcel Map, or other legal documentation acceptable to the City shall be applied for, fees paid, approvals given, and recorded to effectively combine parcels 021-330-006 and 021-330-009 together or otherwise meet building setback and other property line requirements prior to building occupancy.

3. *Access:* The rear access driveway shall be constructed with a 25' wide unabstracted drive approach.

Adequate ADA compliant pedestrian sidewalks shall be provided to and around the entire site to provide safe access in, around and through the entire site. This involves installing adequate curb cuts at all driveways which abut the entire project site (generally behind the apron driveway held towards the landscape easement area), adequate access from the parking space to building entrances, and installing concrete pathways through parking areas to tie together the access between uses with cross slopes less than 2%. The Revised Site Plan does not show pathways from the sidewalks on Lemoore Avenue and the new north-south driveway/street to the Church and need to be incorporated in the construction drawings.

Parkway style sidewalk system shall be installed along the entire frontage of all four parcels, which will provide ADA compliant crossing of drive approaches, provide adequate pedestrians safety, and improve the general welfare. The layout shall incorporate a 5' parkway, 10' meandering sidewalk and a 10' landscaped area behind the existing face of curb as shown on the Revised Site Plan. Trees within the parkway or within 5' of the sidewalk in the landscape easement will need to be from the approved City Tree list and spaced at a 40' on center average within the parkway area and 20' on center within the landscape easement area and need to be incorporated into the Landscape Plan and approved by Planning Department. All landscaped areas shall be properly maintained at all times.

Bike lanes shall be striped along both sides of Club Drive from Lemoore Avenue to Murphy Drive (which contains approximately 700 lineal feet of street frontage or 1,400 feet of striping).

The applicant shall allow, via recorded document, the future installation of a bus shelter paid and installed by the City or KART behind the sidewalk near Club Drive within the public utility easement being dedicated.

4. *Traffic:* The drive approach at the main church driveway in line with Devon Drive on Lemoore Avenue shall have removable channelization bollards which restrict left turn movements from the church onto Lemoore Avenue (which is not shown on the Revised Site Plan). These bollards must be in place on Sunday mornings, and may later be required to be in place at other time periods as determined by the Police Department.

Driveway curb cuts shall be constructed per Public Works standard P-10, with the exception of how the parkway ties into the curb.

Landscaped median on Club Drive shall be extended from its existing location to the cross walk as a short term traffic mitigation as shown on the Revised Site Plan. The design width, landscape and irrigation shall be approved by the Planning and Public Works Directors in conformance with General Plan policy CD-I-6 and incorporate drip irrigation as needed and properly maintained. The City of Lemoore shall monitor the intersection to address possible long-term mitigation of installing a center median along Lemoore Avenue or installing a traffic signal which initial traffic impact fees will help offset.

A new north-south off-site driveway/street connecting from the backside of the proposed church to Cinnamon Drive shall be dedicated and constructed with curb and gutters constructed on the westerly half of the street in addition to 24' of asphalt to City Standards. Plan and profile sheets shall be provided for this new street and shall include the two previously delineated curb cuts accessing the Fresh and Easy project in addition to the curb-cut onto the church property.

The MIQ drive approach shall be 38' to accommodate one ingress and two egress travel lanes as shown on Revised Site Plan and will include directional arrow striping.

5. *Parking:* 305 parking spaces shall be provided over the entire site prior to occupancy of the church as generally shown on the Revised Site Plan. The 70 additional parking stalls shown in the "Future Parking" area shall be deferred until the church parking exceed capacity for three (3) consecutive Sundays. Additionally, a

blanket cross-access / cross-parking easement across all parcels shall be required and recorded and can be reflected on the Parcel Map or recorded through separate document.

A copy of PG&E easement document shall be submitted for review by the City Engineer to ensure that parking is allowed under the utility lines. Additionally, the proposed light under the 70kv powerlines shall be located to ensure that it does not conflict with PG& E easement per the City Engineer.

The Applicant shall provide bike rack parking to accommodate at least 17 bikes (approximately 5% of the parking stalls) within the site adjacent to church, school site and social hall areas. The bike racks shall be of such design as to hold the bicycle frame (not just the wheel), should accommodate a u-shaped shackle lock, a wide range of cycle sizes, wheel sizes and types, and shall be covered in a protective material such as a rubberized paint coating to reduce damaging the bicycle.

6. *Parking Landscape:* Parking lot trees shall be spaced a minimum of 1 tree per 6 stalls for double-loaded bays, or 1 tree per 3 stalls for single-loaded or side-loaded bays to provide shade. The Landscape Plan shall be modified to meet the General Plan policy CD-I-12 which requires some screening of the parking area. The modified plan can be submitted to the Planning Department for approval after pulling a building permit if it is not in the construction plan approval set.
7. Portions of the existing chain link fencing that interferes with the parking lot shall be removed or relocated. Additionally, a portion of the slatted chain link fence along Club Drive from the parking lot to the wrought iron fence shall to be removed to leave open at least a 25' visibility triangle and allow adequate ADA access along Club Drive.

Vines and shrubbery shall be planted adjacent to service yard walls.

8. *Lighting:* Light poles within the parking lot shall be located so as to provide adequate lighting for pedestrian safety and traffic flow. Old light poles which are remaining shall be painted to cover rust or maintenance issues.

Uplighting should be incorporated into the building to highlight the architecture so long as it does not encroach into dark sky policies of the General Plan.

Seven (7) street lights shall be installed as part of the Rule 20A by the City of Lemoore at City of Lemoore expense but their future location shall be depicted on the construction site plan as generally shown on the Revised Site Plan, verified with the Public Works Department.

9. *Utilities:* All above ground utility poles, excluding the 70 kv power line or those being undergrounded with the Rule 20A project, on site must be undergrounded.

All utilities shall be designed in coordination with and approved by the Public Works Department so that adequate facilities are installed.

Storm drainage must be taken away from the entire project site, which includes both the church and MIQ areas, and shall tie into the existing storm line from the inlet on Lemoore Avenue to on site storm lines and then tie into a new off-site storm line. A

storm drainage line shall be constructed from the project site to Heritage Park, approximately 800', and oversized to accommodate the church and various adjacent parcels. The costs for installation will be determined based on fair share formulas from the City Engineer dependent on the users of the line. Additionally, on-site storm drainage must also handle run off to meet NPDES Regulations and meet Public Works and City Engineer requirements.

10. Three to four fire hydrants shall be installed along Lemoore Avenue and 1 near the rear driveway entrance to meet the City standard spacing of one every 300' which is not shown on the Revised Site Plan. Fire Department Connection (FDC) shall be installed on the northeasterly portion of the new church as shown on the City redlined site plan unless alternate location approved by the Fire Chief. A fire sprinkler system shall be installed as determined by the Building Department.
11. The proposed trash enclosure location shall be approved by the Refuse Department where it does not interfere with vehicular line sight and is softened with landscaping around the enclosure. Enclosure gates shall be solid metal and shall be painted to match the wood plank looking doors of the church and constructed to meet the structural integrity in Public Works standard M-6. Landscaping shall be incorporated around enclosure to reduce the visual appearance and incorporated into a revised Landscape Plan.
12. Signs: A separate sign application along with the required documentation and fees shall be submitted for separate approval process to determine conformity with the City's Sign Standards.
13. The developer shall comply with the San Joaquin Valley Air Pollution Control District standards, including compliance with Rule 9510, and the City of Lemoore dust control requirements.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on October 27, 2008, by the following votes:

**AYES:**  
**NOES:**  
**ABSTAINING:**  
**ABSENT:**

**APPROVED:**

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**Sharon Kendall**

**ATTEST:**

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**Holly P. Smyth**

**\*This resolution is subject to review by the City Council pursuant to Lemoore Municipal**

**CERTIFICATE**

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

**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 October 27, 2008.**

**DATED: \_\_\_\_\_, 2008**

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**Holly P. Smyth, Secretary  
Lemoore Planning Commission**