

**Minutes of the Regular Meeting of the
Lemoore Planning Commission
August 25, 2008**

Vice-Chairperson Kendall called the meeting to order at 7:00 p.m.

Attendance: Commissioners Ormonde, Clement, LeRoy, Elgin, Norgaard, Kendall, Planning Director Smyth and City Attorney Bacigalupi.

Absent: Commissioner Moss

Public Comments and Inquiries: There was none.

Approval of Minutes of Meeting of July 28, 2008:

It was moved by Commissioner Norgaard, seconded by Commissioner Elgin to approve the minutes of July 28, 2008 as submitted.

AYES: Norgaard, Elgin, Leroy, Ormonde, Kendall

NOES: None

ABSTAIN: Clement

ABSENT: Moss

Proposed Amendments to the 2030 General Plan and Amendments to Section 9-7: Residential Chapter and Section 9-14-2 of the Lemoore Municipal Code regarding fences, carports, accessory structures and other provisions subsequent to adopting the 2030 General Plan

Smyth stated since the adoption of the 2030 General Plan, several areas of the Zoning Ordinance have been updated or need to be updated to comply with the 2030 General Plan. She stated that the City Council at their last meeting, based on code enforcement information, discussed carports and had letters sent out to those people who had carports. The 2030 General Plan has a policy would amend the Zoning requirements to prohibit the use of in the front yards and side yards where they are visible from the street. Smyth continued that City Council stated that they really didn't know what temporary was and several people came to the meeting to speak about keeping their temporary carports. City Council wanted to keep the carports whether they were in the front yards, side yards, they wanted to grandfather in the carports that were already in existence. Smyth stated that staff's goal was to implement the direction provided by City Council, while the remaining portions stemmed from the changes necessary to comply with the newly adopted 2030 General Plan.

Smyth mentioned that one of the things that staff did discover as they were going over the ordinance was that the State has a couple of rules the City cannot change 1) is that surfaces under vehicles must be a impermeable surface under vehicles, generally concrete and in some cases asphalt and 2) carports must be opened on at least 2 sides.

Secondly, the thing we are looking at is there is a general plan policy that wasn't very clear on fencing. She stated that the policy in the 2030 general plan limited the height to 5' for secondary frontages. She stated that she did not believe the intent of the plan was to eliminate back yard privacy. She stated that the 2030 General Plan policy also required 3' for landscaping from the sidewalk. In looking at these issues, our City Attorney stated it would be best to clean up the language on this policy and amend the General Plan. Staff also updated the density and setback sections to be consistent with the 2030 General Plan. All additions are underlined and deletions are striken.

The Public Hearing opened at 7:27p.m.

Don Geppert, 19578 Park Lane stated that he purchased a model home that does not have a garage and wants to put up a carport in front of the garage. He stated that he would like to put a 20 foot carport that looks nice. He stated that he did not like people telling him what he can and can't do with his property.

Mr. Ormonde mentioned that he has had to take a few of the carports down from power lines and that has been the problem.

Attorney Bacigalupi asked if Planning Director Smyth might explain under what conditions that a carport would be allowed in the proposed regulations. Planning Director Smyth reviewed the setbacks.

Commissioner Norgaard questioned Planning Director Smyth regarding the mention of grandfathering of certain carports. He questioned which ones would be grandfathered in and which ones would receive a citation. Smyth stated that the ones that were going to be issued a citation should have received it by now which are not properly maintained. The notices would have been sent right after City Council Study session, they mentioned that if it was not properly maintain, meaning, tattered or no cover, it needed to be removed. Smyth mentioned that staff is only bringing in proposed language that meets the direction given by at least three City Councils direction was.

Commissioner Elgin stated that as long as they are permanent, engineered and safe that they should be allowed in front of the house.

Commissioner Kendall asked if Smyth would define the difference between Permanent and Temporary. Ms. Smyth replied that temporary is usually a canvass type material shelter whereas a permanent structure would have metal or composition shingle roofing.

Willard Rodarmel, 460 W. Deodar stated to him that he believed a temporary carport is something that can go up and be taken down in a day, and that is not anchored to a foundation.

Commissioner Ormonde asked Smyth if staff could be put together a couple of sketches to show what would be preferred in carports.

The Public Hearing closed at 8:13 p.m.

Commissioner Clement stated that he would like to take into consideration what legal council suggested and table this item. He continued that it didn't make since that we are doing this for aesthetics and yet you see so much blight throughout the City, and yet we are going to let that blight continue through the grandfather clause or temporary sheltered. He continued to question if there were any code enforcement that he was not aware of.

Smyth mentioned that there is a policy that allows code enforcement to enforce on property that shows blighted structures only.

Attorney Bacigalupi mentioned that Planning Commission can recommend City Council to change the grandfathering language on page 10. He continued that that if they wanted the existing carports to remain for a year, two years, five years, that was up to them.

It was moved by Commissioner Norgaard, seconded by Commissioner Ormonde to direct staff to bring a new amendment with the changes as directed by the commissioners and changes to the general plan to allow carports in the front yards and to eliminate temporary carports in two years.

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

Tentative Parcel Map 2008-04/ Categorical Exemption 2008-14 by New Rooms Enterprises

Mendiola stated that this application is per a condition of a site plan review that was earlier approved by the Commission. He stated that the site is at the northwest corner of Daphne Lane and D Street, west of the Lemoore Canal. He stated that the applicant proposes to subdivide the property into three (3) separate parcels. These parcels will be 1.85 acres, 0.83 acres and 0.82 acres. Mendiola stated that page three of the staff reports listed additional easements to be included with this map as per Public Works Director's comments. He stated that there are several comments made by the Director of Public Works as listed in Page 3 of the staff report which will need to be shown on the final map.

Mendiola reviewed the conditions as listed on the resolution attached to the staff report.

Kendall asked if anyone from the audience would like to make comment on this project.

Dale Mell of 2090 North Winery in Fresno stated that he is the representative for the owners of this project and asked for clarification on the report. He stated on the proposed amendment to the parcel lines, he asked to respect the tentative map parcel dimensions as shown to conform here and whether they conform to a driveway is beside the fact. He stated that there was a reference in the staff report to provide a storm water easement from the lift station to the Westside of the property. He did not see any detail on the map or reference to such in the conditions and asked what impact does this have on the property and where will the easement be because they show a 10 foot easement on the westerly boundary.

Mell stated that there is no objection to the dedication of the irrevocable offer over the westerly 28 ft. He asked if the irrevocable offer can be made on the map instead of a separate document.

Smyth stated that in regards to the 28 foot dedication on the far westerly side of the property, the City won't be accepting it immediately the thought process is should a street come through there then the City will accept it. So we need an acknowledgement on the map for that portion and an acceptance for the other two portions and yes it can be done on the face of the map. She stated that it shall be reviewed and approved by the City Attorney and City Engineer.

Smyth stated that in regards to the issue of the drive approach, it is her understanding from the Public Works Department that the improvements are made on both of Phase I's driveway's ingress and egress which was bisected by the parcel map so the issue was construction and maintenance. She stated should Phases 2 and 3 never move forward then you don't have adequate ingress/egress on one parcel then it is on somebody else's parcel.

Mell stated that this is the reason we have the cross access agreement. Smyth stated that it is Public Works Director's comment about shifting the parcel line and so she would think their issue would have been to have both ingress/egress in both directions. Mell stated that he can't see the need to add both parcel lines to be added to specific locations.

Smyth asked if it was acceptable to leave the phase lines in place but we were to construct the existing portion. Mell stated yes. Smyth stated that this is the main intent. She stated that if we modified the redline map to keep parcel lines but require construction of the egress on southerly driveway of parcel line with Phase I construction.

Smyth asked if he was speaking only for parcel 1 or parcel 1 and 2. Mell stated that parcel configuration in general. She added with developments to allow access in condition #3.

Mell stated the reference to the storm easement. Smyth stated that this is an existing storm easement just delineated what is already in place. He stated that the staff report stated that an additional easement needed to be provided from the storm water lift station from Public Works Director comments listed in item ii.

Smyth stated that this would be a public works condition and should be added to the conditions of approval. Mell asked if this would be a condition on the map. Smyth stated that there is a lift station across from this and all storm water will be directly north to parcel A.

After a brief discussion on the Public Works comments, Bacigalupi stated that the resolution needs to be amended to include those items as discussed by Public Works Director on page 3 of 3 staff report items i,ii,iii,iv & v.

Mell stated that he is still not clear where the easement is going to go. He stated that they have to have some definition or fix this. He asked for commitment where this is going to be. Smyth stated that she can not speak for the Public Works Director.

Bacigalupi stated since we don't have the Public Works Director here and the developer wants an answer he suggested that the item be tabled to the next meeting.

It was moved by Commissioner Clement, seconded by Commissioner Norgaard to table item #5 until we receive further direction from City Staff which might be an October Planning Commission meeting.

A recess was called at 8:45 p.m. The meeting resumed at 8:55 p.m.

Mell stated that what he would like to see is to address the easement, look at the comments as they were addressed as comments in the staff report and not request from the Public Works Director, condition the map and approve the map as it was originally proposed. It is undefined and what route goes across, who repairs the asphalt replacement, what about conflicts of the utilities already existing. Smyth asked Bacigalupi for his direction. Bacigalupi stated that these are all questions for a Public Works Director. He stated that he does not know how this map can be approved with guess work on these easements. Mell stated that the staff report states that these are just Public Works Director's comments not necessarily conditions.

Bacigalupi stated that those comments by the resolution of the map will be made conditions. Your wanting an answer that no one here can answer it and other then table it he doesn't know what to do. Mell stated that approve the resolution as it is the staff's recommendation because they repaired that report. Smyth stated that these are comments that the public works needs to have as part of the resolution.

Elgin asked the applicant if he would be okay to table this to the September 8th meeting. Mell stated yes he would agree to September 8th.

Bacigalupi suggested to table this to September 8th meeting to allow staff work with Public Works Director on the comments and questions.

It was moved by Commissioner Clement, seconded by Commissioner Norgaard to table item #5 until September 8th.

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

Tentative Parcel Map 2008-05 / Categorical Exemption 2008-16 by Montgomery Crossing

Mendiola stated that this Parcel Map is for Montgomery Crossing Apartments and the site plan review was approved for this map with a condition that the developer shall work with City staff to determine the exact design on location of the ponding area as well as the exact alignment of Tammy Lane and submit a parcel map to separate the ponding area from the project and dedicate all appropriate right of way and public utility easements prior to submitting construction drawings for the project.

Mendiola stated that this site is located east of 19th Avenue, south of Cherry Lane, north of Tammy Lane/Silverado Alignment. He stated that this is a 5.05 acre parcel with a residential house on it which is proposed to be removed. He stated that the applicant proposed to divide this parcel into two separate parcels, whereas, Parcel 1 will be 3.13 acres and Parcel 2 is proposed to be 0.84 acres to be added to the 19th Avenue Park for park/ponding basin needs and meeting the conditions of site plan review 2007-04.

Mendiola stated that this map was reviewed to determine its compliance with the State Subdivision Map Act, as well as the Lemoore Subdivision and Zoning Ordinance, City policies and standards. He reviewed the findings and conditions as per resolution for the tentative parcel map. He also showed this site on the overhead.

Mendiola stated that there are representative from the project in the audience. Mendiola stated that it is his understanding that the applicant and engineers will meet tomorrow to hammer out the final portion of the park/ponding basin issues.

He stated that staff is recommending approval of Categorical Exemption 2008-16/tentative Parcel Map 2008-05.

Smyth stated that they will be meeting with the developer tomorrow on the park/ponding basin of which they will hash out any problems or questions. She stated that In the Resolution 2008-19 for this parcel map should be modified for the second Whereas to read "WHEREAS, Parcel 1 of the Tentative Parcel Map will be 3.13 acres and Parcel 2 will be approximately 0.84 acres in size; with the actual size determined by City Engineer."

Representatives for this parcel map stated that they agree with staff's recommendation and conditions.

It was moved by Commissioner Clement, second by Commissioner Elgin to approve Resolution #2008-19 pertaining to Tentative Parcel Map #2008-05 and Categorical Exemption #2008-16 for Montgomery Crossing with conditions as stated and with the modification as stated by staff.

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

Planning Director's Report:

Smyth stated that Council did pass the sign ordinance but wanted to charge the full fees for appeals. Otherwise they passed the first reading of the ordinance and will go to a second reading and implementation in about 30 days after. She stated that we are trying to get Wal-Mart Draft Environmental Impact Report out by next month.

Smyth mentioned that not only is Commissioner LeRoy resigning but Chairperson Moss has also submitted her resignation because she is moving out of town.

Commission's Report and Request for Information:

There was none.

Adjournment: The meeting adjourned at 9:17p.m.