

**Minutes of the Regular Meeting of the
Lemoore Planning Commission
January 12, 2009**

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

Attendance: Commissioners Ormonde, Clement, Norgaard, Elgin, Marvin, Meade, Kendall, and Planning Director Smyth.

Absent: None

Public Comments and Inquiries: No Public Comments.

Approval of Minutes of Meeting of December 8, 2008.

It was moved by Commissioner Norgaard, seconded by Commissioner Clement to approve the minutes of December 8, 2008 as submitted.

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

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON:

Planning Director Smyth stated that traditionally the election of Chairperson and Vice-Chairperson has been for a 2 year term. Since Chairperson Moss left just months prior to her term expiring, the bylaws automatically moved Vice-Chair Kendall into the Chairperson position to finish the term. However, it was up to Planning Commission to nominate whom ever they chose. Smyth stated that all nominations should be heard first then we would move on to the roll call vote. Smyth asked for nominations for Chairperson.

Commissioner Norgaard nominated Commissioner Kendall.

Director Smyth asked for any other nominations and none were made. Smyth closed the nominations and asked for all in favor of Commissioner Kendall as Chairperson, she asked if anyone opposed or abstained then stated that with a 7-0 vote for Commissioner Kendall as Chairperson that she would turn the meeting back over to Chairperson Kendall to continue the nomination process.

Chairperson Kendall asked for nominations for Vice-Chairperson.

Commissioner Clement nominated Commissioner Elgin for Vice-Chairperson, with Commissioner Norgaard seconding the nomination. No other nominations were made.

Chairperson Kendall closed the nomination and asked for all in favor of Commissioner Elgin as Vice Chairperson then asked if anyone opposed. Commissioner Elgin was voted as Vice Chairperson with a 7-0 vote.

CONTINUATION OF PUBLIC HEARING AMENDING SECTION 9-3 OF THE CITY ZONING ORDINANCE ADDING SEMI-PERMANENT MOBILE FOOD VENDING ORDINANCE

Planning Director Smyth stated that staff has noticed the public hearing to mobile food vendors in both English and Spanish and would review the staff report then ask that the public hearing be continued. She stated that Joe Mendiola would translate in Spanish for any member of the audience that may need translation. Joe Mendiola translated.

Director Smyth stated that she has included in the packet a draft report for a semi-permanent vending which was reviewed by City Council through a study session. She stated that City Council directed staff to work on it because it proposes changes in the zoning ordinance. Joe Mendiola translated.

Director Smyth stated that the proposed ordinance generally does three things; it grandfathers in existing vendors for a twelve month period; it allows semi-permanently located mobile food vendors in the Central Commercial, Commercial Service, Light Industrial, and Mixed Use zone districts and requires the sites where they are located to have paved surface, a permanent restroom within 200 feet, landscaping and there can only be one other food vendor or restaurant within 1,000 feet. Joe Mendiola translated.

Planning Director Smyth stated that the draft ordinance will be similar to the home occupation process and stated that this would help to make sure that Kings County Health rules are being followed so that we would not be approving projects that the County Health Department would not approve. Mendiola translated.

Chairperson Kendall continued the public hearing at 7:15 p.m. and asked if there was anyone wishing to speak in favor of the project. Mendiola translated.

Angela Quintera of 414 W. Hanford-Armona Road, Space B19 in Lemoore stated that she was in favor of this ordinance. Mendiola translated. Director Smyth questioned if she understood the ordinance's provisions. Mendiola translated. Ms. Quintera stated that she understood. Mendiola translated.

Chairperson Kendall asked if there was anyone wishing to speak against the project. Then she asked if the Commissioners had any questions. Mendiola translated.

Commissioner Norgaard asked about the grandfathering for 12 months and questioned if that was for the existing vendors. He asked if Ms. Quintera was one of the grandfathered vendors. Mendiola translated.

Planning Director Smyth stated that all vendors that were grandfathered in would have to apply and go through the normal process at the end of the 12 months and there would be a fee at that time. Smyth stated that Ms Quintera lives in a mobile home park which does not allow her to apply for a Home Therefore, Ms Quintera would have to find a place to park her vehicle overnight and not do any business out of her residence. Commissioner Elgin asked if Ms. Quintera understood the process. Mr. Mendiola translated and replied that she stated that she understood.

Planning Director Smyth stated that the new policy requires that there be paved surfaces and landscaping. Previously, mobile food vendors were allowed on dirt sites which bring about issues for air quality when vehicles pull onto the site. She stated that it is not the intent to have vendors located on one site for 5 years, 10 years without any improvements to those sites. The health department also requires a bathroom within 200 feet, but the proposed ordinance does not allow porta-potties on the sites. This plan now allows for a permanent business and mobile vendor to be within a 1,000 feet of each other but, will not allow a permanent business and two mobile food vendors. Mr. Mendiola translated.

Chairperson Kendall asked about the areas that currently have two mobile vendors within 1,000 feet of each other will it now be first come first serve. That is correct.

Commissioner Elgin questioned if the Schwann man couldn't park in front of his home. Planning Director stated that he is not a semi-permanently located mobile food vendor so that is not the case. Mendiola translated.

Planning Director Smyth stated that staff suggested that the hours of operation to be 7 a.m. to 10 p.m., basically following construction hours. She stated that there was a brief discussion at Council about allowing them until 2 a.m., however PD mentions that the loitering could lead to bar fights.

Chairperson Kendall asked if there were any mobile vendors that go out to the sports complex and would that exclude them from going there. She stated that she wasn't sure if there were any restrooms and as a mobile vendor they would probably be out there more than 14 days per year, which would qualify as semi-permanent. Planning Director Smyth read a portion from the semi-permanent mobile food vehicle section which excludes them from farmers markets and recreation facilities; she stated that these are regulated differently. Smyth stated that if it's a City sponsored event they don't go through this process. Mr. Mendiola translated.

Commissioner Ormonde stated that the board that sponsors the events at the little league or the sports complex don't want or need outside vendors because they usually are doing concession stands of their own as fundraisers. Planning Director Smyth stated that she would work with the City Attorney to adjust the wording to include sports complex and the little league park. Mr. Mendiola translated.

Commissioner Ormonde stated that he is concerned that the ordinance is not clear regarding the restrooms within the 200 ft. He asked if that meant there was a business within the 200 ft. Planning Director Smyth stated that the Granary allows them to use the restrooms, so they are usually tied to something else, but you also have the cardlock where there is a restroom facility on site. Commissioner Ormonde asked if that that would be checked by the Health Department. Smyth stated that we just verify that the owner allows them to use the site and the restroom facility. Mendiola translated.

Commissioner Norgaard mentioned that he had read an article in the bay area where restaurant business owners complained about the vendors because they didn't have overhead costs, and the business owners did, and it would take their business away. He stated that he was curious if there had been any complaints. Director Smyth stated that there had been one complaint all those lines. She stated some cities prohibit mobile food vendors, but not Lemoore. She stated that this topic was a policy call by City Council.

Planning Director Smyth stated that an example application has been handed out. She stated that Council wanted something simple that could be completed by all vendors.

Syd Smyth, 240 Hogan Drive stated that as a hot dog cart owner, from what he just understood, he is allowed to apply and pay for a Home Occupation permit and set his cart up at the Senior Center, City owned property, and the little league ball park can't do anything about it pointing out that it would be a complaint to the City but nothing could be done. Commissioner Ormonde stated that was the way that he understood it.

Chairperson Kendall questioned if there was anything that could stop them from doing that now and questioned if the ordinance gives them anymore opportunities than they have now. Planning Director Smyth stated that with being given little direction, this is staff's best guess of the direction Council wanted to pursue.

Chairperson Kendall stated that she has never been to the complex and didn't know if there was a snack shack and wondered if the complex would be hindered by the ordinance.

Commissioner Ormonde said he had a problem with vendors asking for permission from property owners across the street from places such as the Little League Park because of the children having to cross the street.

Commissioner Elgin stated that she would like to see them banned so many feet from a non-profit organization. Planning Director Smyth stated that under item "H" she would work with the City Attorney on the wording.

Jeff Briltz, City Manager stated that there are other vendors such as King Kone and Kettle Corn, that partner with the complex and they are on site. He stated that if Commission wanted exclusions they just needed to let staff know and staff would come up with the wording and bring to Council.

Commissioner Clement mentioned that a 1000 ft is a long way almost ¼ of a mile.

Commissioner Norgaard stated that we have picked this apart enough and with the changes that Planning Director will be making, he would like to recommend to City Council and if something comes up, then it might need to be changed, it's better than what we had to begin with.

Chairperson Kendall asked if there were any other comments from the public, and with none she closed the public hearing at 7:45 p.m.

It was moved by Commissioner Norgaard, seconded by Commissioner Clement to recommend to City Council to approve an amendment to section 9-3 of the City Zoning ordinance adding semi-permanent mobile food vending, as Commission has amended during tonight's meeting.

AYES: Norgaard, Clement, Ormonde, Marvin, Meade, Elgin and Kendall

NOES: None

ABSTAIN: None

ABSENT: None

CONTINUATION OF PARCEL MAP MERGER APPLICATION SUBMITTED BY JIM HANSEN OF ZUMWALT-HANSEN FOR JAY PATEL OWNER OF THE CURRENT BEST WESTERN INN & SUITES LOCATED A T 820 E. BUSH STREET TO MERGE ASSESSOR PARCELS #023-020-040 AND #023-020-070

Planning Director Smyth stated that this was a continuation from the last meeting at the request of the applicant so that he may have a chance to speak to the owner of the property. She stated that applicant proposes to merge the contiguous parcels for the two story Best Western Inn & Suites which currently exists on the two parcels. She stated that at the last meeting the engineer asked that condition numbers 3 & 4 be revisited which included a pedestrian easement actually being recorded on the property. The main purpose, after discussing with the engineer, for the Parcel Map merger is because they would like to construct additional rooms in the gap between the two buildings.

Planning Director Smyth stated that she has included in the packet a copy of an aerial photo and a copy of the approved Senior Poncho's project and pointed out that there is no pedestrian pathway.

Commissioner Clement stated that by having a pathway might encourage a public pathway. Commissioner Elgin pointed out that the conditions stated that it would be a keyed entry.

Commissioner Norgaard asked about the pedestrian walkways on both sides of the motel? He stated that what is built next to them will determine if the pathway will be needed or not and if not they won't use it they won't build it. Planning Director Smyth agreed.

Commissioner Elgin asked if when the project was originally approved if that pathway had anything to do with fire codes. Director Smyth replied that she had checked with David Wlaschin and asked if there would be any problems if they added a room on both the top and bottom floor and he stated that there would not be a problem. She mentioned that the applicant was present and probably had comments on the project.

Jim Hansen of Zumwalt Hansen, 609 N. Irwin Street, Hanford – stated that the first phase was constructed in 1995, when the time came to construct the second unit, Mr. Patel and the bank did not come to an agreement and a second lender required a creation of a separate lot, which is why the lot line exists. He continued that Mr. Patel would like to merge the parcels together so that he may join the

buildings together and they don't see why the pedestrian access should be required. He asked that the Commission not to impose Condition #3 and Condition #4 requiring any easements at this time.

Rosie Marshall of 1175 Pine Drive stated that she doesn't understand why an easement is being imposed when currently there is no easement and all Mr. Patel is trying to do is connect his buildings.

Jay Patel of Alamo, California stated that all he is asking for is to merge the two parcels into one so that he has one assessors parcel number.

Commissioner Ormonde stated that on the Bush side there is electrical to his building coming in if he is going to build on that side. Mr. Patel stated that tonight he is not asking to build something he just wants to merge the parcels together and when the time comes he will go through the proper steps. Commissioner Clement asked Commissioner Ormonde if the electrical will effect the merger for the one assessors parcel number. Commissioner Ormonde replied no.

Commissioner Meade asked if what he understood was that originally the 10 ft. area around the building was barked and if they don't put bark it will just be dirt. Planning Director stated that was correct since it is currently dirt around the building staff is stating that this should be deferred until future development. Commissioner Meade asked if Mr. Patel objected or agreed to this. Mr. Patel stated that when the time came he had no problem with this condition of the landscape and sidewalk if needed.

It was moved by Commissioner Meade, seconded by Commissioner Norgaard to approve Resolution No. 2008-20 with condition number three (3) be removed and condition No. seven (7) modified.

AYES: Meade, Norgaard, Ormonde, Marvin, Clement, Elgin and Kendall
NOES: None
ABSTAIN: None
ABSENT: None

PROPOSED CHANGES TO PLANNED UNIT DEVELOPMENT GUIDELINES:

Planning Director Smyth stated that since the 1970's the general purpose of Planned Unit Developments was to overcome the inflexibility of conventional single use districts and to achieve a more integrated development pattern. She stated that rather than apply design standards on a lot by lot basis, PUD's are based on a unified master plan, allowing flexibility of uses and exemptions from dimensional and density requirements.

Smyth stated that the PUD Ordinance states that "PUDs, involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the City which otherwise might not be possible by strict adherence to the regulations of this title. She stated that the City Council adopted Ordinance 2002-07 applying the PUD overlay over single family residential designated areas where more than 10 acres of vacant contiguous property existed and in multi-family designated areas containing more than 5 acres of contiguously designated land. The Council then adopted Resolution 2002-18 approving the Livable Neighborhood Development: Implementation Guideline to a Landscape of Choice and the principles, concepts and development choices contained therein. She stated that the City Council adopted Resolution 2002-37 which provided 28 guidelines to "assist the designing of projects on PUD zoned residential lands".

Smyth stated that between the Ordinance and the Guidelines, all PUD's were required to get their elevations and floor plans and a subdivision-wide foot print plan approved by the Planning Commission and City Council with public hearings at both bodies prior to recording their Final Map and moving forward with construction. She stated that under the current Guidelines, staff can administratively approve different previously approved floor plans and/or elevations on different lots so long as they continue to conform to the PUD Guidelines and do not equate to more than 20% of the lots being changed throughout the entire subdivision.

Smyth stated that given the current housing market trends and slowing economy, Cambridge-Lennar, DeVante Villas, and Flatley Homes want to utilize new floor plans in their subdivisions and/or exceed the 20% modification limit without having to go back to the Planning Commission and City Council due to the long processing limits and costs when decisions need to be made quickly to keep buyers.

Smyth stated that Silva 10's PUD was approved to allow the administrative approval of floor plans and their elevations on an individual plot plan basis and a plot plan process was developed and a fee set to recoup staff processing costs. She stated that staff believes that this administrative process should be extended to other subdivisions given the current economy which should require the addition of item 29 to the "City of Lemoore Conceptual Guidelines for Application to Planned Unit Development" which was adopted as part of City Council Resolution 2002-37. Smyth read aloud item #29 from the staff report.

Planning Director Smyth stated that this process insures that plans are sufficiently varying in their elevation features. She went on to explain the process required and gave examples of varying features. After a brief discussion on the options they would like to see incorporating the PUD Guidelines, Smyth recommended that the Planning Commission recommend to the City Council to adopt a resolution to include Item #29 and reiterate the original 28 guidelines. She stated that this would provide more flexibility to single family developers during the housing down turn while retaining high quality design.

Commissioner Norgaard stated that if Planning Commission approves this change it allows the Developer to change out lots in their subdivision without going through Planning Commission and City Council.

Chairperson Kendall asked if the 20% was any modifications not just their changing 20% in this fashion or that fashion. Planning Director Smyth stated that was correct and in most cases it is changing from an elevation 4C to a 3B, ect, so long as they meet the six pack rule.

It was moved by Commissioner Norgaard, seconded by Commissioner Clement to recommend to the City Council the changes to the Planned Unit Development Guidelines

AYES: Norgaard, Clement, Ormonde, Marvin, Meade, Elgin and Kendall
NOES: None
ABSTAIN: None
ABSENT: None

Planning Director's Report:

Planning Director Smyth reviewed the Activity Update. She stated that Public Works and Planning Staff attended a meeting with Caltrans regarding the rights-of-way and construction plans for the 19th Ave. Interchange at SR-198. She said that there would be special joint ethics training on Jan. 13, 2009 at 5:30p.m., and all Planning Commissioners are required to attend the 2 hour training or take 4 hour training on line as required by State law. She also mentioned that Lemoore's portion of the Housing Conditions Survey of the Kings County Housing Element had been completed. She continued that is was anticipated that in February or March the Planning Commission and City council would have a joint study session/Housing Summit to discuss goals, objectives, and actions to include in the plan.

Commission's Report and Request for Information:

Commissioner Norgaard stated that the apartments out on 19th seem to be going pretty good.

Director Smyth stated that project is coming along and that she had just had a meeting with Cal Trans on the interchange and found out that the design that they started drawing was very close to the footings that they had just poured but it was worked out with Cal Trans and both projects are moving forward.

Chairperson Kendall asked if there was a time frame on the interchange. Director Smyth stated that originally they were looking toward a 2 year construction period starting in 2011 and being completed by 2013 but now we are looking at construction starting by 2010 if the economic recovery package comes through, and being completed by 2012.

Commissioner Elgin asked if the properties have been bought. Smyth replied that they have the few houses and some right-of-way (ROW) along the Mowji project site, but won't have additional property until Caltrans finalizes ROW's legal descriptions and appraisals.

Adjournment: The meeting adjourned at 8:40 p.m.