

**Minutes of the Regular Meeting of the
Lemoore Planning Commission
June 8, 2009**

Planning Director Smyth stated that Chairperson Kendall was out ill and Vice-Chair Elgin lost her mother, and neither of them would be in attendance and that an acting Chairperson would need to be voted in.

It was moved by Commissioner Norgaard, seconded by Commissioner Marvin, that Commissioner Clement be Acting Chairperson for the meeting.

AYES: Norgaard, Marvin, Ormonde, Meade, Clement.
NOES: None
ABSTAIN: None.
ABSTENT: Elgin, Kendall

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

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

Absent: Elgin and Kendall

Public Comments and Inquiries: No Public Comments

Approval of Minutes of Meeting of May 11, 2009.

It was moved by Commissioner Norgaard, seconded by Commissioner Meade, to approve the minutes of May 11, 2009 as submitted.

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

ZONING TEXT AMENDMENT #2009-01 / CATEGORICAL EXEMPTION #2009-10 / CONDITIONAL USE PERMIT #2009-02 / SITE PLAN REVIEW #2009-04

Assistant Planner Mendiola stated that the project is located at the southwest corner of Hill and G Streets and zoned Light Industrial. He stated that the applicant proposes to renovate the existing structure to accommodate a church with 14 pews. He said each pew will accommodate 6 members for a total of 84 seats, including a parking lot with parking spaces for every five (5) permanent seats and landscaping.

Mendiola stated that the applicant is requesting that text be added to Section 9-9A-4 of the Zoning Regulation to allow churches in the Service Commercial (CS) district under a Conditional Use Permit. This amendment could allow the construction of a church or the use of an existing building for a church in the Light Industrial (ML) designation under Section 9-10A-2, in addition to the CS district because all CS uses are also allowed in ML districts. He showed drawings of the proposed project, floor plans and landscaping.

Mendiola stated that notices were mailed to owners of properties located within a 300 foot radius of the project site and a public hearing was noticed in the Lemoore Advance and two letters were received and are included in the packet.

Commissioner Meade stated that the redlined landscape drawing Plan B shows a drive approach on 'G' Street and the staff report states that Public Works proposes that there would be no driveway access on 'G' Street that it would come from Hill Street.

Mendiola explained and showed on his power point that Public Works comments stemmed from the applicants original site plan proposal which did not show drive access to 'G' Street.

Commissioner Norgaard stated that Plan B would eliminate the courtyard. Mendiola replied that he was correct.

Commissioner Meade asked if there is an access into the possible courtyard on 'G' Street and another drive approach to the west of the building. He asked if having access that close together cause a problem.

Planning Director Smyth stated not generally for a local street. She stated that if it were an arterial street like Fox Street, that would not be allowed and the reason staff included two plans were for discussion purposes.

Chairperson Clement explained the procedures for the public hearing and opened the public hearing at 7:25 p.m. Clement asked if there was anyone in favor of the project to step up to the podium.

Phillip Hauck of 4711 N. Orchard St., Fresno, 93726 stated that he has been working with both Planning and Building Departments for 8 months discussing what can go in that building and what can't and what has to be done to make that building ADA compliant inside and out. He stated that if anyone has driven by they would notice the renovations that have taken place. He asked Commission approve both Plans A & B with the final results being Plan B. Hauck stated that the reason for the request is that the property has a contamination and for a year and a half he has been working with the State Water Department and all the wells have been drilled but the lateral lines have not been installed. He stated that Plan B is a better plan with one exception in regards to the direction of traffic flow entering from 'G' Street. He stated that for safety purposes it made better sense to enter from Hill Street and out on 'G' Street so that drivers would not have to make a left hand turn into or out of the site.

Kenneth Sleck of 247 Del Monte Place stated that he understands that at this location there are businesses that are allowed and churches are not one of them. He stated that as the Pastor of the Church, he is requesting that Commission recommend to Council that churches be allowed. Pastor Sleck stated that by allowing churches he cannot see where there would be any more liability than any of the businesses that are allowed to go in. He is requesting that Commission see the benefits that would come out of allowing a church in that location.

Scott Elliot of NAS Lemoore stated that he was in agreement with Pastor Sleck.

Chairperson Clement asked if there were any others who would like to speak in favor of the project. There were none. Clement then asked if there were any others who would like to speak in opposition to the project.

Frank Gomez of 641 Hill Street in Lemoore stated that he has lived at that address since World War II and to allow a church to come into the area is no good, because the streets aren't wide enough, there is traffic from the north, east, south and west. He stated it would also create too much problems with Leprino, and you would have kids playing on the street. Gomez stated that he didn't know how someone could come from another town and want something built next to Leprino. He stated that if there would be an accident there and they would have a lawsuit. He stated that he had nothing against the church but he was against a church at that location.

Alicia Goforth of 1064 Pistache in Lemoore stated she grew up on 'G' Street behind the property when it was a market and her parents still live on 'G' Street. She stated that her concern wasn't what was going in that location but that the property would be somewhat of a public facility and safety was her main concern. She stated that with Leprino continually growing and the truck traffic going in and out of Leprino she is concerned for safety. She stated that the potential danger out way the benefits.

Tony DeBeem of 610 Hill Street in Lemoore stated that his concern is the safety with the church going into the site. He stated that he also belong to a church that started out with 3 members and grew to what is currently just under 400 members. He stated that he has seen a lot of cars almost get into an accident and there are no stop signs. He stated that children that walk to school already have to watch for the trucks. DeBeem stated that trucks go in and out constantly around the clock. He mentioned that Leprino not only has their trucks going in and out of there, they also have other delivery truck in and out of there driving different speeds. He stated that his neighbor Mr. Costa who lives next door has grandchildren who are always visiting and all it takes is for Mr. Costa not to be there.

Steve Delgado of 721 Olympic in Lemoore stated that he grew up on Hill Street. He stated that he also lived on 'G' Street. He stated that he believes in building more churches and bringing in more Christians especially to this town, just not at that site. He is against a church at that location because of safety. He stated that all churches goals are to bring in more Christians and get as large as they can. Delgado stated that this church can also grow but bringing in too many is going to cause a problem. Delgado stated that when he lived on 'G' Street he had a golden retriever that was hit by a Leprino truck. He stated that in regards to parking, as the church grows they will start parking on the street and that will also become a problem. Delgado stated that at that location Sundays are just like Tuesdays or any other days of the week, the trucks run in and out of there constantly and he is concerned for their safety.

Dave Costa of 515 G Street in Lemoore stated that he and his wife submitted a letter and that his son had also submitted a letter. Costa stated that it is a safety issue. He pointed out on the power point drawings the approach on Hill Street for the Leprino trucks, then pointed out ingress on 'G' Street and said that he had taken some measurements and to point out that it was 25 feet from his house, and that the ingress only allowed 20 feet to go in and out and the proposal did not show a fence being built. He stated that he and his wife already have problems going in and out of their property because of the traffic that goes to Leprino parking lot. Costa stated that his letter mentioned that 'G' Street is 65 feet wide and in front of his house it narrows down to 40 feet. He stated that the Planning Commission has already approved the project and was surprised that the narrowing of the street was not a concern to them. Costa stated that the church has 17 slots in the parking lot if its full and they get another 17 to park on the street and added that it would be in front of his house. He stated that you have another 300 employees that you have going to work at Leprino, and then you have winter fog. He stated that employees are supposed to walk in the designated walkway in Leprino's parking lot and that 90% of those people walk in front of his house because they won't go the additional 50 feet to Leprino's parking lot and that was their prerogative he could not control that.

Costa stated that he had talked to Superior in regards to the milk that is delivered there on a daily basis, and Superior indicated that they delivered 35 loads a day and that was in addition to the Leprino trucks and other delivery trucks that come from out of State. He stated that those drivers don't know Leprino and that could potentially cause an accident. Costa stated that there was already one tragedy in Lemoore involving a church van and an 18 wheeler and there were nine children killed. He stated that he respected the people of the church for coming in and trying to build their congregation but added that he thought the location that Mr. Hauck was proposing was ridiculous. He stated that he was very disappointed at staff being born and raised here that they would even consider allowing the church in that type of environment.

Mr. Costa requested to ask Mr. Hauck a question. Chairperson Clement allowed the question. Mr. Costa asked how Mr. Hauck why would he want to put a church in such a hazardous area.

Chairperson Clement asked if there were any others who would like to speak in opposition of the project. There were none. Clement then allowed rebuttal statement from those in favor of the project.

Mr. Hauck stated that some have stated that maybe Leprino would be interested in the property. He stated that in May of last year he had started negotiations with Leprino and came to a point where all were in agreement with a price then their office in Denver decided that they would not be expanding at that time. Hauck stated that at the point in time that they got the building back and they did not know that there was a contamination but felt that the building was strong enough to remodel and put a business in that location. He stated that no matter what goes in that location you're going to have a traffic problem. Hauck stated that working daily on the building he saw the traffic situation and feels and would recommend that a four way stop go in. He stated that most of the traffic that parks on the street is employees of Leprino that work during the five day week. If you were to go there on a Sunday you would find that the traffic would be light. He stated that when they were approached for a church, they felt that would be a good location and would be the lesser traffic than any other business.

Pastor Sleck stated that what was said by Alicia put her finger on the situation; she mentioned that it wasn't because it was a church going into that location she didn't want anything going into that location. He stated that most of the complaints were of safety and thought that the real complaint was with Leprino. Pastor Sleck stated that there isn't anything about having a church there that will have a different effect than any other business going in there other than the traffic because they will not be bring in traffic at all times of the day and night. He stated that he agreed with Mr. Hauck that the church would be the less of all traffic because hour of services would not be from morning into the evening, as other businesses that are allowed to go in would have.

Pastor Sleck stated that one of the neighbors talked about the growth of the church. He stated that he hoped that the church would grow, and at the time that they grew to the capacity of the building they would want to move. Pastor Sleck stated that his thoughts from the concerns that were voiced, and they have made it a point to point out, have not been because it's a church at this location, but because of Leprino.

Chairperson Clement asked if there were any others who would like make a comment as far as a rebuttal. There were none.

Mr. DeBeem approached the podium and stated that safety is the main thing. Mr. Costa stated that the zoning was changed to light industrial and should stay that way with no exceptions being made.

Clement closed the public hearing at 8:05p.m.

Clement asked Pastor Sleck on the times of service. Pastor Sleck replied that services would be Wednesdays from 7 p.m. to 8-8:30p.m., and on Sundays 9 a.m. to 12 noon and 5 p.m. to 7:30-8 p.m.

Mr. Ormonde stated that there were 600 employee vehicles that are going into that parking lot daily and he agreed that there was not enough parking on the street.

Planning Director Smyth stated that she had information from the Chief of Police that she received when she did an Administrative Approval for Leprino's office project and there will be a four way stop at 'G' and Hill Streets. She stated in regards to the street size, that a 40 foot street is normally a standard size local street, face of curb to face of curb. Smyth stated that it was mentioned by the Police Chief that if there was parking on Hill Street that would slow down traffic, because visually that would be a narrower street. Smyth stated that the new standard is even narrower, which is 36 feet; face of curb to face of curb, which would have parking on both sides of the street and two way traffic, therefore the size of 'G' Street was not a problem.

Mr. Ormonde stated that bodies lying in the street will also slow traffic down.

Clement asked Pastor Sleck what the current size of his congregation was. Pastor Sleck stated that including children about 20, 10 adults and 10 kids.

Commissioner Norgaard asked where they currently hold their services. Pastor Sleck replied at his house. Norgaard asked what other sites had they considered. Sleck mentioned 'D' Street, but a lot of work had to be done to get it ADA compliance.

Commissioner Meade asked if it was in the blighted area and could they possible use RDA funds.

Planning Director Smyth stated that she wasn't sure but it would be in the Redevelopment area and they could not use funds for this type of project. She stated that staff looked at this area which is already a harsh zone and asked what would be the worse type of business that could go in this location where residents already are. She stated that staff did not want to see a metal shop go in that would be noisier than Leprino and put off more dust, fumes and other problems to the existing residents.

Commissioner Meade stated for him there is a dilemma. He stated that whether there are 70, 50, or 40 trucks a day they are going in and out of there, loaded and unloaded. He stated that no matter what Commission decides the street is not going to get any wider. He stated that it didn't matter what type of business is allowed to go in, traffic is traffic. He stated that maybe the solution would be to not allow the property owner to do anything with the property, which he stated that he is opposed to. Meade stated that he did see both sides of the coin and no matter what decision he made it would be the wrong one.

Commissioner Marvin stated that he agreed with Commissioner Meade. He asked the members of the community that disagree with the church, to think about having a body shop come in and when they fill the lot with a bunch of wrecked cars at which point they have to move leaving Mr. Hauck to clean the lot off again. He stated that the problem with the church would be that they would there for a little while because when they grow they won't be there and if they don't grow they wouldn't be there and stated what they would rather have.

Chairperson Clement stated that he agreed with Commissioners Meade and Marvin, and agreed it's a tough situation because your wrong either way, in some ways, either way we vote. He stated to keep in mind that no matter what decision was made by Planning Commission, it would go before City Council and they would make the final determination.

Clement allowed Mr. Costa to reply to Commissioner Marvin.

Mr. Costa stated that his concern is that on May 9, 2009 Mr. Hauck had a barbeque for the people of the Philadelphia Ministries Church and their were 12 children and twelve adults and the property has no park designated area for the children to play. He stated that he didn't care if Mr. Hauck put a restaurant there and that Mr. Hauck even threatened to put a bar / pool hall there. Costa stated that he told Mr. Hauck that if he could find someone to build the bar /pool hall there that would be fine because he liked to play pool and drink beer. Costa stated that it was all about the children and the safety for all. He stated that the Pastor mentioned that he was holding services at his house and that was probably the safest place until he finds another location. Costa stated that what it comes down to is Mr. Hauck was in it for the money.

Reverend Sleck stated that Mr. Hauck was not in it for the money, because of all of his time and the money he has put into the building. He stated that if Mr. Hauck were trying to recoup his money the church would not be

able to pay the rent for the building. Sleck stated that even though the neighbors don't mean to discriminate against the church, which is exactly what it boils down to because a church is not on the permitted list, but if it were a pool hall or bar it would be okay. He stated that no matter what business, off of the list, that goes in, the problems that the neighbors presented are still going to exist, no matter what business that is on the list goes in there and they are still going to have to live with them.

Commissioner Ormonde stated that the comments need to be addressed and asked Planning Director if it is only on Light Industrial that requires a Conditional Use Permit for the use.

Planning Director Smyth stated that the list that was being referred to was in the Zoning Ordinance. She stated that each of the Commissioners had it in front of them a copy of the zoning regulations and asked them to turn to page 111. She stated that this page includes a list of Permitted Uses, and also Permitted Uses Requiring Administrative Approval and Conditional Uses. Smyth stated that what Mr. Hauck is proposing is to add "church" to the list under Conditional Use which is allowed in residential district as a Conditional Use and that was the only reason that staff considered it because we have residential adjacent to the site.

Commissioner Ormonde stated that he has been on that intersection with a big truck many times and if he knew that there would be no on-street parking he would not have a problem and with the 600 cars going through there he was sure that they would hit one of the busy time zones. He asked if the approval stated that if the church had more than 84 members, they would have to move to a different location.

Costa replied that it wasn't only them it was the trucks and other contractors that work at Leprino. He stated that when it was mentioned that it was slow on Sunday, the cows don't take a day off on Sundays and those employees are still working on Sunday.

Commissioner Clement stated that Planning Director had just handed him a note stating that 600 cars per day that Mr. Ormonde threw out, would be an average of about 30 cars an hour.

Commissioner Norgaard stated that he did not see anything on the Resolution that mentioned that if there are more than X amount of people in the congregation it will cease to be used. He stated that he wasn't trying to be vindictive but thought it was an important thing to have. He stated that he appreciated Reverend Sleck's input and that the part that was bothering him, was the people who are opposed to it, aren't as opposed to anything else coming in that will have traffic coming in too.

Director Smyth stated that Item No. 7 of the attached Resolution, on the second paragraph needed to change typos starting with the word "behind" remove the letter "e" and the word "approved" needed to be corrected.

Commissioner Norgaard asked the Planning Director Smyth where the maximum would be added. Planning Director Smyth stated it should be added as Item No. 11 and suggested it to read "This Conditional Use Permit shall be valid so long as congregation shall not exceed 84 persons in accordance with building occupancy code".

Clement stated that the Commissioners have been at this agenda item for two hours which was unusual but that was the process that they had to go through. He stated that whatever way the decision was made he wanted to thank all who spoke in favor or in opposition to the project.

Planning Director Smyth stated that what she understood from Commissioner Norgaard was, on Item No. 1 add after "approved redlined plans" "A1 with a fenced courtyard". Item No. 7, make the grammar changes and Item No. 11 shall read "This Conditional Use Permit shall be valid so long as congregation shall not exceed 84 persons or in accordance with the maximum building occupancy code whichever is the lesser."

It was moved by Commissioner Norgaard, seconded by Commissioner Marvin, to approve Resolution No. 2009-04 with the mentioned corrections as discussed.

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

GENERAL PLAN ANNUAL REPORT;

Planning Director Smyth stated that the 80 page 2008 Annual General Plan Progress Report was lengthy due to the new lengthy General Plan that includes many policies. The report contains the Housing Element policies

which we are in the process of updating and we anticipate seeing at the August 4, 2009 joint session meeting. She stated that staff builds the report not only because it is required by State annually from cities, but helps decision makers see what General Plan policies are in place and what is being planned to carry out those policies. Smyth stated that the format that is used is one that has been used over the last few years. It easily shows who each particular policy is responsible for implementing that policy and what kind of time frame they anticipate carrying it out. It also helps knowing if we are on track of implementing the policies or if we need to revisit policies.

Planning Director Smyth stated that part of what the State looks at it through the housing perspective and at the end of the report is progress on providing the RHNA (Regional Housing Needs Allocation) plan that shows over the last 8 years how the Moderate, Low, and Very Low income sector has been implemented and pointed out that the very low section the City has only provided 2% of what the State says we should be providing, verses the 70% on the moderate side. Smyth stated that this annual report may help Commissioners answer the public when they ask what the City is doing with a particular policy; they should have the answer 90% of the time.

Planning Director Smyth stated that if Commissioners have questions, corrections or concerns to let staff know, and if Commission doesn't have anything for staff she would direct Commissioners to recommend to Council to accept the report and submit it to the State.

Commissioner Norgaard questioned Policy LU-I-3 regarding Kings County LAFCO on AICUZ, being the main responsible person. Planning Director stated that the policies that deal with AICUZ, includes LAFCO as partially responsible as the determine approvals for annexations.

By consensus, the Planning Commission recommended City Council accept the 2008 General Plan Annual Progress Report and direct staff to submit the report to the Governor's Office of Planning and Research and the Housing Community Development Department in accordance with Government Code Section 65400(b)(1).

PLANNING DIRECTOR'S REPORT:

Director Smyth mentioned that Commissioner Elgin's' mother passed away and the City Attorney Don Nuefeld had also passed away and she would pass cards to be signed. Chairperson Clement requested a moment of silence for Don Nuefeld and Lisa Elgin's Mother.

Planning Director Smyth stated that colored drawings of the new fence / accessory structures / carport policy were included in the packages. She stated that the Planning staff had a lengthy training meeting with Public Works and Redevelopment and they thought the visual version would be good to share with the public. She stated that one more map is being worked on regarding monolithic sidewalks. Smyth reminded the Commission to mark August 4, 2009, on their calendars for a tentative joint session meeting on the Draft Housing Element before it gets submitted to the State. She stated that updated Title 9 Zoning Regulations along with Title 8 Subdivision Ordinance was being handed to them to replace what is in their current Zoning Binder.

COMMISSION'S REPORT AND REQUEST FOR INFORMATION:

None.

ADJOURNMENT: The meeting adjourned at 9:15 p.m.