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STAFF REPORT

Item # 4

To: Lemoore Planning Commission
From: Joseph G. Mendiola, Assistant Planner
Review Date: June 8, 2009
Subject: EIA No. 2009-10 / Zone Amendment No. 2009-01 / Conditional Use Permit No 2009-02 / Site Plan Review No. 2009-04, By Phillip Hauck for Philadelphia Ministries Church

A. Plan Location & Description:

The project site is located at the southwest corner of Hill Street and G Street on a 0.32 acre parcel described as Assessors Parcel No. 021-017-004 with address of 553 Hill Street Zoned Light Industrial (ML). The site was previously developed and has an existing 2,894 square-foot structure. The applicant proposes to renovate the existing structure to accommodate a church "Philadelphia Ministries". Other improvements to the site include a parking lot and landscaping. To the north of the site is existing residential district, to the west is non-conforming residential in light industrial district, and to the south and east is Leprino Foods also light industrial.

B. Zone Amendment:

The applicant requests that text be added to **Section 9-9A-4** of the Zoning Regulations 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** for Permitted Uses, in addition to the CS, district because all CS uses are also allowed in ML districts.

All designated light industrial (ML) zoning is not necessarily adjacent to neighborhood residential therefore draft City Council Ordinance No. 2009-07 proposes additional text to ensure that church conditional use permits would only be considered where a CS or ML district is adjacent to a residential neighborhood.

The General Plan proposes to do away with the CS districting in the future and create Mixed-Use designation. The Planning Commission may want to consider amending Section **9-10A-4** of the ML district to also include the proposed text."

C. Compliance with Conditional Permit Criteria:

The proposed church is located in a Light Industrial (ML) zone district

Criteria 1 – 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.

The subject site has had many uses with the last use being a market/gas station. The site contains an existing 2,894 square foot structure that has been unused for a number of years. The site is adjacent to existing residential (RM-2.5) to the north and existing non-conforming residential designated light industrial (ML) to the west. East and south are both existing light industrial (ML). The site does not appear to be sufficiently sized to attract light industrial use and has the potential to continue to be blighted. Additionally, the site has ground water contamination that will be remediated by the Regional Water Quality Control Board (similar to the site on the southwest corner of "D" and Fox Streets) which further limits the uses on the site.

Criteria 2 – That the proposed location of the Conditional Use is in accordance with the objectives of the Zoning Regulations and the purpose of the district in which the site is located.

Section 9-7B-1-B states that residential districts are designed "*To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment,*" The adjacent properties are not designated single-family residential never-the-less the properties have existing single family structures in place thus providing a residential environment. Additionally, single family zone districts allow churches through a conditional use permit.

Section 9-10-1:C states that light industrial districts are designed "*To protect residential and commercial properties and to protect nuisance-free nonhazardous industrial uses from noise, odor, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation and other hazardous and objectionable influences incidental to certain industrial uses;*" Allowing a church use at the project site could potentially help provide a **light buffer** between Leprino Foods and the existing residences; as well as being one of the proposed uses to be conditionally allowed in an ML district.

Based on these policies the proposed church use for the existing building appears to be the most viable and appropriate use that may help balance the zone districts purposes.

Criteria 3 – That the proposed use will comply with each of the applicable provisions of the zoning regulations.

The project proposes to re-develop the presently unused site and to bring it to today's standards. However, Zone Amendment No. 2009-01 and Ordinance No. 2009-07 must be passed by City Council before the proposed use is allowed on the site. The conditions of approval discussed below will ensure that the project complies with zoning regulations of the ML district.

D. Site Plan Review:

I. Fences, Wall and Hedges:

No fencing is proposed or required at the site. Light Industrial (ML) designations (**Sec: 9-10-6**) require fences, walls or hedges only when a site adjoins residential, professional offices or commercial designated districts. The project site does not adjoin any of the above mentioned zone districts. However, adequate landscaping could provide a reasonable buffer between the project site and the adjacent single-family residence located at the west property line.

II. Parking and Ingress/Egress:

Off-street parking required for the proposed type of use under **Sec: 9-12-3-1G** is one (1) parking space for every five (5) permanent or fixed seats. The project proposes 14 pews. Each pew will accommodate 6 members for a total of 84 seats. This equates to 17 required parking spaces. The project presently proposes 17 off-street parking spaces with one ADA compliant to meet the required parking needs for this particular use.

Egress/ingress to the property is proposed from Hill Street onto the proposed parking lot. The Public Works (PW) Director requires that the parking lot be graded towards Hill Street for surface water run-off. PW also requires the provision of ADA compliant walks behind the driveway approach and an ADA ramp at the intersection all constructed to current standards and to provide ADA information for site parking. Any existing driveway approaches on G Street shall be removed and sidewalk installed. A streetlight should be installed to replace the wood-pole light at the corner of G & Hill Street to standards per PW Director. The nearest street light is located approximately 600 feet on north side of Cinnamon Drive. Street lights in local streets are required every 250 feet per Section 29.3 of Public Works Standards. Both Hill Street and G Street are designated local streets with existing 80 foot Right-of-Ways (ROW). No Public Utility Easements (PUE) exist on the property. Any existing utilities are either overhead, in the alleyway, or underground in the street as per PW Director.

III. Landscaping:

The General Plan requires a minimum of 15% of an ML designated site to be landscaped. The proposed parking, sidewalk and exiting structure use 67% of the site area and the proposed plans provide 3% landscaping. A landscape strip of three feet three inches is proposed on the south side of the property as a buffer between the parking lot and the paved alley way. Triangular or other shaped landscape wells will need to be incorporated into the hard-space design to provide adequate space and long term survival for the proposed trees. No landscaping is presently proposed on the site plan for the west, east or north sides of the site. These areas will need to be landscaped to provide an aesthetically pleasing environment to the neighborhood and to mitigating radiant heat and to meet percentage requirements. The use of SOD should be avoided where landscape strips are less than 10' in width. This will avoid over spraying, excessive water loss, and run-off which can potentially be detrimental to asphalt roadways. Trees should be planted at an average of 20' on-center, low shrubs and ground cover (other than SOD) should be used where ever possible. The use of drip irrigation overall has the potential for low maintenance and less water usage as per the policies of the newly adopted General Plan and should be incorporated into the landscaping. Staff's redline drawings propose two scenarios to accommodate two different landscape designs: one with 33% landscaping and the other with 24% landscaping for Commission's consideration. The latter would accommodate a one-way driveway, through the property, to aide with traffic flow.

IV. Building Safety and Infrastructure:

Any and all remodeling of the existing structure must comply with the City's Building Department standards and building codes. Exterior lighting should be of low wattage and designed to illuminate and accent the structure but not pose an inconvenience to adjacent sites due to excessive glare, illumination, or improper fixture placement.

Regular residential trash cans will be allowed for the site but must be kept out of site on non-trash pickup days per the Public Works Director.

V. Design and Signs:

The newly adopted General Plan policies require that careful design considerations be taken with respect to building orientation, human scale and overall building design. Both passive and active solar designs should be considered and incorporated where ever possible. Energy efficient fixtures, appliances, and locally available materials should be used if available. Through the renovation process all material should be discarded properly and hazardous material should be handled as per required regulations and overseen by the authorized agency.

A sign application will need to be submitted for review and approval to the Planning Department before any signage will be allowed at the site.

E. **Public Input:**

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, published May 21, 2009. One letter was received from Mr. and Mrs. Dave Costa and is included in this packet.

F. **Comments from other Agencies:**

City departments have received a copy of the submitted map for review. Comments have been received from the City Manager, Public Works Department, and Lemoore Fire Department and are included in this report and/or on the redlined drawings.

G. **Environmental Impact:**

The project was determined to be categorically exempt under CEQA Article 19 Categorical Exemptions Section 15301(a) and 15301(d).

H. **Recommendation:**

Staff recommends that the Planning Commission hold a public hearing, take testimony, and;

- I. Approve the attached Resolution No. 2009-04, with or without modification, which approves the EIA No. 2009-10 / Conditional Use Permit No. 2009-02 / Site Plan Review No. 2009-04, and identify which redlined drawing should be approved (which may cause modifications to conditions), and;
- II. Recommend the City Council adopt the attached draft Ordinance No. 2009-07, and ratify Planning Commission's Resolution to allow a church in CS districts subject to the following conditions listed in the Resolution (which must be met prior to occupancy):