

**Minutes of the Regular Meeting of the  
Lemoore Planning Commission  
October 26, 2009**

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

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

**Absent:** Commissioner Clement

**Public Comments and Inquiries:** No Public Comments

**Approval of Minutes of Meeting of October 12, 2009.**

It was moved by Commissioner Norgaard, seconded by Commissioner Meade, to approve the minutes of October 12, 2009 as submitted.

AYES: Norgaard, Meade, Marvin, and Elgin

NOES: None

ABSTAIN: Ormonde and Kendall

ABSENT: Clement

**Gated Communities Amendments to General Plan policy CD-I-47 and related portions of the Zoning Regulations Section 9-2 and 9-7 of the Lemoore Municipal Code**

Planning Director Smyth stated that the ordinance that was placed on the Commission's seats includes additional modifications made by the City Attorney on what is legally defensible and enforceable. She stated the gated communities' definition is straight forward specific language rather than the lengthy language which was previously included. Director Smyth stated that Section 3-E-1-a thru f are basic conditions that must be met before being considered for a gated community. She stated that (a) a neighborhood could not become a physical barrier between neighborhood parks and schools, (b) General Plan Policy CD-I 44 requires that the design be cognizant of connectivity to other City streets, (c) stacking distances came from discussions with the Fire Chief and, (d) drive entrances came from the discussions with Fire Chief and Commander Laws of the Police Department. She stated that no General Plan proposed pedestrian walkways of bicycle paths are to be hindered or blocked and no streets, parks, landscape areas can be City owned but converted into privately facilities.

Director Smyth reviewed the items that were addressed by the City Attorney. She stated that the policies stem from input from emergency services and what was received from Commission.

Chairperson Kendall opened the Public Hearing at 7:15p.m., and asked if anyone would like to speak in favor of the amendment to the General Plan.

John Gibson, Fire Chief for the City of Lemoore stated that he installs motorized gates and there were a few items that he wanted to address. He stated that in "Standards" section items "f" and "g" in regards to maintenance he thought there should be another rule stating that if the gate is not functioning properly it can be locked in the open position immediately so there won't be a safety issue. He stated that under Section 3 item "c" regarding the rate that the gates must open that statement was correct. He stated that the statement of "sliding gates are preferred" section could be modifies to read swinging gates are "acceptable", as it just depended on how the project was set up. Gibson stated that in regards to the UL listed and 325 compliant, the 325 compliant is a building code and refers to gate operators, door operators and there is a specific set of rules that the gate has to reverse back upon hitting an obstruction. He stated that there are safety issues in the 325 compliant rules. Gibson stated that on item "f", Knox is a corporation and should be spelled with a "k". He stated that there should be a letter "h" listed that if the Knox box is activated that the gate needs to be deactivated, not to deactivate on its own after 30 minutes.

Planning Director Smyth asked Gibson if that statement needed to be listed as a separate item or could it be rolled into item "g". Gibson stated that it could be rolled into "g". Commissioner Meade asked Chief Gibson if he was suggesting that more wording be included in the 325 compliant languages. Chief Gibson stated that he would get staff the exact wording for the 325 compliant and explained that the "Click-2-Enter" is basically a scanner and to use it all Fire Department has to do is have the initial setup at no real cost to the department.

Vice Chair Elgin stated that the City Attorney had mentioned that an impact fee was not enforceable. Planning Director Smyth stated that the attorney was referring to the 3M Strobe Opticom System which in the future will be required to be installed on all new gated communities. She stated that the City could not require the two existing communities to install the Opticom System, which would require changing all the vehicles which is estimated to cost \$1,700 plus installation of new light bars for every emergency vehicle. Fire Chief Gibson stated that down the road the City of Lemoore should start looking into the change so that it could be used for stop signals and traffic control other than just apartment complexes. Vice Chair Elgin stated that if that system could be used for traffic control and stop signals then that would be a City expense. The Fire Chief agreed.

Chairperson Kendall asked if anyone else would like to speak in favor of the amendment. She asked if anyone would like to speak in opposition of the amendment. There was none, so she closed the public hearing at 7:25 p.m.

Vice-Chair Elgin asked if three days was enough to get a gate fixed, and even if they have the gate locked is three days reasonable. Planning Director Smyth, state that the Fire Chief's suggestion of locking the gate immediately was a good suggestion, with a reasonable time of 30 days to have gates repaired and working.

Commissioner Meade stated that he concurred that 3 days was enough time to call someone out to check out the problem but if parts need to be ordered, they just have to be aware that it may take some time for the parts to come in. Planning Director asked the Fire Chief if in his experience with gates, he thought that 30 days was enough time. Fire Chief Gibson stated that 30 day was too many days and that two weeks would be more reasonable. Commissioner's agreed to change to 14 working days.

Commissioner Norgaard asked Director Smyth what was the reason the key pad entry system should not be implemented. Planning Director Smyth mentioned that the key pads may never get changed, and over the years with people coming and going with the key pad never getting changed it would defeat the purpose of having a gated community.

Commissioner Ormonde asked if there were a way to include that if for any reason the gates are a continuous problem they would have to upgrade to current standards. Director Smyth stated that item 2g of the Ordinance does cover that.

Commissioner Elgin stated that she would not like to see gates on an Arterial street, because she did not want to see gate after gate, after gate. Director Smyth stated that Arterial Streets such as Hanford-Armona Road, where there is a frontage road, it wouldn't be problematic but other Arterial Streets would. She stated that Collector Streets allow drive approaches onto them.

Smyth asked Fire Chief if there has been a problem with the gates at Lakeview Apartments that is on Cinnamon Drive. Fire Chief stated that they have had no stacking problem, and when they have had an emergency call to the apartments the on site security has the gates already open by the time the emergency vehicles get there. Commissioner Meade asked if it could be left up to the discretion of emergency services.

Director Smyth read item 1c of the Ordinance and asked the Commission if they wanted additional verbiage after "additional stacking" that read "high volume traffic flow will be on an adjacent Street at the discretion of the emergency services."

It was moved by Commission Norgaard, seconded by Commissioner Ormonde to make a recommendation to City Council to approve Resolution 2009-43 amending the General Plan policy on gated communities.

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

It was moved by Commission Norgaard, seconded by Commissioner Meade to make a recommendation to City Council to approve Ordinance No. 2009-10 with the changes as discussed.

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

## Sign Ordinance Amendment to Zoning Ordinance

Assistant Planner Hobbs stated that currently, as written, freestanding signs require landscaping around their base; whether they are information signs, population signs or election signs or those signs listed under section 9-14-5-1D of the sign ordinance which is exempt from approval or Monument signs which must go through the approval process. Hobbs stated that when reviewing the "Shop Local" signs proposed by the City, as well as past practices of other exempt signs, it appears that signs not subject to approval should be exempt from the landscape requirement. Hobbs stated that Planning Commission should review the information, open the public hearing and provide a recommendation to City Council to consider the adoption of Ordinance 2009-11 amending Sections 9-14-2 and 9-15-5-1D.

Chairperson Kendall opened the Public Hearing at 7:43p.m. and asked if anyone would like to speak in favor of the amendment to the Sign Ordinance. There were none. She asked if anyone would like to speak in opposition of the Sign Ordinance. There were none, Kendall closed the public hearing at 7:45 p.m.

Commissioner Meade asked how long people have to take temporary signs down and what is being done with the ones that are up for 16 months or 18 months. Planning Director Smyth stated usually 30 days or it is complaint driven and at that point there is usually a letter that goes out to please remove the sign. City Manager Jeff Britz stated that if the signs are left up the City can remove the sign and will bill you. Commissioner Meade stated that needs to be done. City Manager Britz stated that it was done everyday.

Commissioner Meade asked if the City received any revenue from the collection of the signs and how is it collected. City Manager Britz stated that it was billed.

It was moved by Commissioner Meade, seconded by Commissioner Norgaard to recommend that City Council approve Ordinance 2009-11 as submitted.

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

## Site Plan 2009-08 / Boundary Line Adjustment 2009-01 / Environmental 2009-16 for Lemoore 19<sup>th</sup> Avenue Partners, L.P. for Dialysis Center on south side of Bush Street between 19<sup>th</sup> Avenue and Acacia Drive

Assistant Planner Hobbs stated that Lemoore 19<sup>th</sup> Avenue Partners, LP has submitted a boundary line adjustment application between two vacant properties located on the south side of Bush Street, east of Acacia Drive and about 500 feet west of 19<sup>th</sup> Avenue / Bush Street intersection. She stated that after the adjustment Parcel 1 will be 104,108 square feet and Parcel 2 will decrease in size to 31,240 square feet.

Hobbs stated that the Site Plan application is to construct a 6,300 square foot single story building for a private outpatient dialysis clinic on Parcel 2. The medical building will be 30 feet in height and have 27 parking stalls with 3 ADA stalls. Ingress/egress will be from a 32 foot driveway from Bush Street. She stated that the applicant is encouraged to try to negotiate with the adjacent neighbor to construct drive access from Bush Street to be in its ultimate location. She stated that a portion of the driveway and drive aisles will need to be shared in the future with others and therefore a cross-access agreement from the applicant across their property for the benefit of neighboring properties will need to be provided as requested by the City Engineer prior to occupancy. She stated that the site is designated neighborhood commercial in the General Plan with Central Commercial zoning. She stated that it was determined that the proposed project meets the categorical exemption criteria under CEQA Section 15303C.

Hobbs stated that staff reviewed the site plan and boundary line adjustment application to determine its compliance with the City's policies, standards, codes and environmental impacts as per the staff report. The design of the building is based on General Plan policies CD-I-34, 35 & 36 which identify building design standards and orientation design standards of neighborhood commercial centers. She stated that the policies require pedestrian orientated access with rows of canopy trees to provide shaded walkways, as well as a continuous street frontage. She stated that therefore, a pedestrian trellised entry feature was provided on the site so that this policy could be met.

Assistant Planner Hobbs stated that staff worked with the applicant on several iterations of building elevations so that enough details would be incorporated into the building so that the architecture could be translated into future designs and set the standard for the remainder of the future shopping center buildings. Hobbs stated that referrals were made to various agencies and City Departments and all comments have been addressed within this report and conditions of approval.

Hobbs stated that staff recommends that the Planning Commission take any public testimony, even though no public hearing is required, discuss the project, and adopt Resolution 2009-07 that determines that the proposed project meets CEQA Section 15303c and approves the boundary line adjustment and site plan review with the conditions of approval listed therein to expire if building permits are not pulled by October 26, 2010. Assistant Planner Hobbs noted that the developers and a representative of the dialysis center are present to answer Commission's questions.

Chairperson Kendall asked if the applicants would like to address the Commission.

Jon Glickbarg with Village Properties, 121 Spear Street, San Francisco stated that they are the owners of the property. He stated that what attracted them to the site is the close access off the freeway and that the south side of Lemoore is underserved for retail and services. He stated that with the economic downturn they had no luck leasing the property. He stated that they were pleased to have DeVita as a tenant and stated that they have committed by signing a 12 year lease with them with 2 options and stated that this is their second deal with DeVita. He stated that they are currently in construction with DeVita in the bay area. Glickbarg stated that in regards to what Hobbs had mentioned about negotiating with adjacent neighbor for drainage and access, he said they had already contacted his neighbor Dick Wills, which he purchased his property from, and believes that they will be able to come to an agreement. He stated that he wanted to thank staff and mentioned that they were in agreement with the conditions and hoped that everything went well so that groundbreaking could take place in early part of the year and for the center to be opened by next summer.

Dan Shalit, Design Architect stated that they went through many iterations with Holly's guidance watching for the things that mattered to the City and the requirements of DaVita, such as in the dropoff canopy that they are required in there design.

Michael Macias, Administrator for DaVita, 4400 Stevens Street Blvd., San Jose stated that DaVita is a national company and currently is the 2<sup>nd</sup> largest dialysis provider in the United States, and represented in 35 states. He stated that currently there are 400,000 patients with end-stage kidney disease. He stated that the leading cause of kidney disease is diabetes and hypertension.

Commissioner Meade asked what the hours of operations would be. Macias stated that patients usually come in three times a week for four to five hours and the center would recommend Monday, Wednesday, and Friday or Tuesday, Thursday and Saturday. He stated that at first they would start small and would be there from 6 a.m. to early afternoon and when they hit full capacity hours they might run from 6 a.m. to 10 or 11 p.m. 6 days a week. Commissioner Marvin stated that he had lived next door to a center in another community and that there was no additional traffic or noise.

Commissioner Norgaard asked if Macias anticipated physicians locating and having a building near there also. Macias stated that physicians from the Hanford area would fill in at first and as patient population grew, they anticipated that they would. Commissioner Ormonde stated that he knows people go to Fresno because the one in Hanford is crowded.

Director Smyth pointed out to Commission that there were not any redlines anywhere on the plans because staff was able to work diligently with the applicant to make modifications during the review and she appreciated the applicant's coordinated efforts.

Commissioner Elgin stated that there were only 3 ADA parking spaces and questioned if that was enough. Macias stated that a lot of patients do drive themselves, but the majority are dropped off by family members or the transport services of the community and then picked up at a scheduled time and they don't require a lot of ADA parking spaces.

It was moved by Commissioner Norgaard, seconded by Commissioner Elgin to approve Resolution No. 2009-07

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

## **Cinnamon Drive / Fox Street Intersection options (roundabout or signal)**

Assistant Planner Hobbs stated that on August 4, 2009, City Council approved Resolution 2009-32 for phase one of Fox Street Villas, to allow construction of an 80 unit affordable senior multi-family complex on 5.4 acres located on the southeast corner of Cinnamon Drive and Fox Street recommended by Planning Commission Resolution 2009-5. She continued that condition #7 requires that a roundabout or signal should be incorporated at this intersection. Hobbs stated that policies were incorporated into the General Plan to ensure Lemoore's small town atmosphere continues into the future. Additionally, policies were adopted within the Circulation Element that require improvements to be pedestrian, bicycle, and automobile friendly. More specifically, the 2030 General Plan Chapter 4 Circulation Policy C-1-3 encourages "the construction of roundabouts instead of traffic signals and 4-way stop signs, where feasible".

Hobbs stated that the Planning staff met with Lemoore Volunteer Fire Chief John Gibson, Commander Laws of the Police Department and David Wlaschin, Public Works Director to discuss and get their comments, suggestions and concerns regarding a potential roundabout at the Fox Street and Cinnamon Drive intersection as it pertains to their departments over the course of 2 meetings. She reviewed the list of issues they had which were included in the staff report.

Assistant Planner Hobbs stated that Commander Laws explained that a roundabout at this intersection would encroach onto the front of the Police Department Building therefore taking some of the sidewalk to the public entrance. However, in discussions with the City Engineer, long-term improvements to the intersection, require that on-street parking be removed thereby causing a problem for the public regardless of what intersection option is chosen. Commander Laws did explain that the City is currently considering a remodel option to move the front public entrance to the parking lot entrance when the dispatch project is executed which may address this problem.

Hobbs stated that in regards to Chief Gibson's question regarding financing for the roundabout, the adopted Capital Improvement Program budget allocates \$250,000 to install a new traffic signal light and/or roundabout at the intersection in the 2010-12 fiscal years. Half of these funds have been collected from developers over the years as part of Eastside Streets and Thoroughfare Impact Fees while the other half is funded from gas tax. Additionally, \$354,000.00 of Congestion Mitigation Air Quality (CMAQ) funding has been programmed by the Kings County Association of Governments in the 2011-12 fiscal years for a signal at the intersection, which can be changed to a roundabout.

Hobbs stated that Planning staff contacted Leprino, KART, the Lemoore School Transportation Department, the Kings County Fire Department, and the City of Visalia engineering, for information on the wheel base and turn radius information. She stated that with the information received, Richard Webb of Quad Knopf was able to map out turn radii for the two (2) vehicle types that are the most cumbersome (including a Leprino refer truck and school bus) and his general design with a small truck apron, these larger trucks were able to be logistically accommodated in a potential single-lane roundabout at the intersection.

Hobbs stated that in general, emergency services were not opposed to roundabouts in town, but were more resistant to them in existing intersections while Public Works did not see specific problems with the subject intersection so long as design details were worked out. She stated that Planning staff was able to obtain three (3) videos that showed various roundabouts and addressed the questions asked. She stated that the videos were previously shared with Fire, Police and Public Works Departments and would be shown tonight.

Hobbs stated that the Planning Commission should review the information, watch staff's presentation, take additional testimony, discuss the options and provide a recommendation to City Council if they should consider or not consider a roundabout at the Fox Street and Cinnamon Drive intersection. She also mentioned that a summary of pros and cons on roundabouts were attached to the staff report.

The three videos were shown to the Commission.

Jeff Britz, City Manager stated that staff had been collecting information on roundabouts for sometime and that Planning Director Smyth along with other City staff members had attended class about 4 years ago on roundabouts. He stated that as they saw on the videos it is much easier to build in new construction areas. He stated that in 2006, per his suggestion, the City began to look at this particular intersection to be examined because the City owns real estate on 3 of the four corners. He stated that he came across some groups that did not want to deal with that type of intersection to come at that location, so he backed off and was going to wait until the intersection was closer to needed improvements. He stated that because of the recently approved apartment complex being located on the fourth corner at that location and in order for the applicant to develop their drawings and pursue their funding the applicant asked that we further our efforts in this process.

Commander Laws of Lemoore Police Department stated that he originally was against roundabouts, and now he is not opposed to the idea but it's the location. He stated that if they were to put the roundabout at Fox and Cinnamon, Lemoore Police Department would have to move the front door. Laws stated that he was concerned for the emergency vehicles that they would have a problem getting through. He stated that there have been very few crashes at that intersection. Laws stated that should a roundabout go in at that location Lemoore Police Department has two plans that they will work with one showing the front door remaining where it is and the other shows the front door being moved to where the public parking lot is. He stated that he does not think there is enough traffic congestion or accidents to warrant a roundabout. Commander Laws suggested a roundabout by West Hills College, where they will be building their large entertainment facility which will bring in lots of traffic to that location, where it may be a more appropriate location.

Commissioner Norgaard stated that he noticed that on the City of Visalia video there was a curb and the truck apron was not tapered like the others where you can use them if you had to. He asked if the curb could be painted red. Director Smyth answered yes and then reviewed issues of throat distance, cross walks, bike path travel and the like.

Commissioner Marvin stated that the City should be considering roundabouts in the areas like 'D' and Lemoore Avenue, at the High School, and Cinnamon and 18<sup>th</sup>. Planning Director Smyth stated that 19<sup>th</sup> / Bush and Hanford-Armona / Antelope intersections have drive approaches within 40 feet which would be a problem for a roundabout.

Chairperson Kendall stated that from the staff report, she sees that something needs to go there to meet the traffic impacts and City Standards because of the development that Commission already approved. She stated that at this point it's not just experience for the City, but the Commission needs to decide if they want a light or roundabout there, it can not stay the way it is indefinitely.

Commissioner Elgin stated that she agreed with Commander Laws, in regards to Bush Street by the College and that she would like to see a temporary roundabout at Bush and Bell Heaven and that this particular intersection being reviewed tonight seemed silly. Planning Director Smyth stated that when the traffic studies were done with Wal-Mart, the queuing distances are too close to the Highway off ramps and the problem would be that even if you have free flowing traffic you don't have free flowing traffic for the on and off ramps.

City Manager Britz stated that the question wasn't when to build, it's what to build, roundabout or signal at this location.

City Manager Britz stated that he wanted to clarify that roundabouts are coming to Lemoore because the General Plan calls for it. It's not a question if you like them or want them and where you want them. He stated that this intersection is the only intersection in question.

Commissioner Marvin asked Chairperson Kendall to pose a question to the Commissioners as to what was being asked. Chairperson Kendall asked the Commissioners if anyone would like to make a recommendation to City Council that Commission recommend a roundabout at the intersection of Fox Street and Cinnamon Drive.

It was moved by Commissioner Norgaard, seconded by Commissioner Ormonde to recommend that City Council consider a roundabout for the intersection of Fox Street and Cinnamon Drive.

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

#### **PLANNING DIRECTOR'S REPORT:**

Smyth reviewed the activity report included in the Commissioner's packet. Chairperson Kendall asked what was the status on Fresh and Easy. Director Smyth stated that they had a tentative opening date of December 1, 2009. She stated that Valley Oak Apartments also had a tentative opening date of the first week of November. Commissioner Meade asked if the large daycares listed in the report were new and stated that this list information would be good to forward to the school district, as parents are always asking about childcare. Planning Director stated that the department did have some listing and would try to put together to share with the schools.

#### **COMMISSION'S REPORT AND REQUEST FOR INFORMATION:**

None

**ADJOURNMENT:** The meeting adjourned at 9:30 p.m.