

**Mayor**  
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City of

**LEMOORE**  
CALIFORNIA

**Planning Department**

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## **STAFF REPORT**

Item # 7

**To: Lemoore City Council**  
**From: G. Hobbs, Assistant Planner, Holly Smyth, Planning Director**  
**Date: September 6, 2011**  
**Subject: E.I.A #2011-16 /Zone Change 2011-01/Conditional Use Permit #2011-01/Site Plan Review #2011-04 application by Castadio & Burrows, Inc.**

### **Discussion:**

On August 22, 2011, Lemoore Planning Commission considered a Zone Change, Conditional Use Permit, Site Plan Review and Mitigated Negative Declaration applications by Castadio & Burrows, Inc. to expand the fuel dispensing facility and add bulk fuel storage at 1200 S. 19<sup>th</sup> Avenue. The proposed area is located on the east half of the 2.42 acre site described as Assessor Parcel #024-052-077. The applicant proposes to change the ML(Light Industrial) zoning of the 2.42 acre site to ML(Heavy Industrial) to conform with the 2030 General Plan. The bulk fuel storage proposal includes installation of switch loading rack, four (4) dispensers, two above ground 20,000 gallon vertical red diesel tanks (24' tall), one above ground 14,000 gallon vertical clear diesel tank (35' tall) and one future above ground 20,000 gallon horizontal red diesel tank (assumed to be about 10' tall) and ancillary 16" containment area and two (2) storm drainage basins behind the existing tank farm, fuel dispensing area and an existing slated chain link fence. The new dispensers will be used for loading larger company vehicles used to deliver to larger operations; no personal vehicles will use these new dispensers. The loading area is 22 feet wide between the new dispensers and the existing tank farm area. The applicant has already moved some of the "E" Street equipment items to this property and will be moving some of the Lemoore Avenue property as well as part of the relocation to the 19<sup>th</sup> Avenue properties. The applicant noted that these items will continue to be stored at this location around the proposed storm drainage basins.

The 2030 General Plan designation for the existing site is Heavy Industrial which allows for bulk fuel storage as described above with an approved Conditional Use Permit. The current zoning is ML (Light Industrial) and a Zone Change is being sought to MH (Heavy Industrial) to be in conformity with the 2030 General Plan.

The Lemoore Redevelopment Agency has a Development Disposition Agreement with and is in the process of selling Assessor's Parcel Numbers 024-052-078 and 024-052-079 to Burrows & Castadio Inc., so that the bulk fuel storage use could be on the existing card lock facility or on these contiguous parcels south of the project site. Once Burrows & Castadio Inc. owns these two parcels and a Zone Change to Heavy Industrial (MH) is complete, the "conditional use" of "bulk fuel storage" will be allowed on these two pieces. However, a new Site Plan Review will be needed for any additional development or tank above the four submitted with Site Plan Review #2011-04.

After taking public testimony on August 22, 2011, and having further discussion, the Planning Commission recommended the City Council pass the attached Ordinance #2011-04 and finds that it is consistent with the General Plan designation and therefore no new environmental is needed for the Zone Change. Council should also pass Resolution #2011-35 which affirms Planning Commission's decision to approve the Mitigated Negative Declaration #2011-16/Conditional Use Permit #2011-01/Site Plan Review #2011-04 with conditions therein. Pursuant to the Lemoore Municipal code, a public hearing has been noticed for the City Council to take further public testimony before making the final decision on the Zone Change.

**Budget Impact:**

None.

**Recommendation:**

Staff recommends that City Council open the public hearing, listen to staff's report, take public testimony, have a discussion on the project, and consider approving the attached Ordinance #2011-04 changing the Zone classification from ML (Light Industrial) to MH (Heavy Industrial) and thereafter, approve Resolution #2011-35 affirming Planning Commission's Resolution #2011-05 adopting a Mitigated Negative Declaration #2011-16/Conditional Use Permit #2011-01/Site Plan Review #2011-04 with the conditions therein.



**RESOLUTION #2011-05**  
**A RESOLUTION OF THE LEMOORE PLANNING COMMISSION APPROVING**  
**MITIGATED NEGATIVE DECLARATION #2011-16/ZONE CHANGE #2011-02/**  
**CONDITIONAL USE PERMIT #2011-01 / SITE PLAN REVIEW #2011-04**  
**APPLICATION BY CASTADIO & BURROWS, INC.**

At a Regular Meeting of the Planning Commission of the City of Lemoore, duly called and held on August 22, 2011 at 7:00 p.m. on said day, it was moved by Commission member CLEMENT seconded by Commission member GARCIA and carried that the following resolution be adopted:

**WHEREAS**, Castadio & Burrows, Inc., has submitted a Zone Change and Conditional Use Permit/Site Plan Review applications to expand the fuel dispensing facility by adding bulk fuel storage at 1200 S. 19<sup>th</sup> Avenue. The proposal includes installation of switch loading rack, four (4) dispensers, two above ground 20,000 gallon vertical red diesel tanks, one above ground 14,000 gallon vertical clear diesel tank and one future above ground 20,000 gallon horizontal red diesel tank and ancillary containment area and storm drainage basins:

**WHEREAS**, The project area is a 230'x234' portion of the 2.42 acres of the entire site described as Assessor Parcel #024-052-077 located at 1200 S. 19<sup>th</sup> Avenue; and

**WHEREAS**, the General Plan designation for the site is Heavy Industrial which allows bulk fuel storage while the current zoning is ML (Light Industrial). Therefore, a Zone Change is being sought to MH (Heavy Industrial) to be in conformity with the 2030 General Plan and the proposed project; and

**WHEREAS**, staff conducted an Environmental Impact Assessment #2011-16 and #2011-01 and Site Plan Review; and

**WHEREAS**, staff recommends no new environmental assessment be done for the Zone Change as it brings the existing Zoning into conformity with the Heavy Industrial designation of the 2030 General Plan; and

**WHEREAS**, a public hearing was noticed in the Hanford Sentinel on August 10, 2011, and notices were sent to the property owners within 300' of each of the corners of the subject site more than 10 days in advance of the meeting, and the Lemoore Planning Commission held a duly noticed public hearing at their August 22, 2011 meeting; and

**NOW, THEREFORE, BE IT RESOLVED** that the Lemoore Planning Commission of the City of Lemoore :

- A. Recommend that the City Council approve Ordinance #2011-04 approving Zone Change from Light Industrial (ML) to Heavy Industrial (MH) after holding a public hearing on the proposed Zone Change and agree that no new environmental assessment is needed for the Zone Change as it conforms to the General Plan.
- B. Make the following findings specified in Section 9-15B-2-E of the Lemoore Municipal Code on the basis of the application, staff report, and the evidence submitted to the Planning Commission:
  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.
  2. That the proposed location of the conditional use is in accordance with the objectives of this Title and the purposes of the district in which the site is located once the Zone District is changed.

3. That the proposed use will comply with each of the applicable provisions of this Title. (Ord. 7901 2-6-79 as amended, 1-1986) so long as the following conditions of approval are met;
- C. Approve Mitigated Negative Declaration #2011-16 pursuant to CEQA after receiving all written and verbal testimony.
- D. Approve Conditional Use Permit #2011-01 for "bulk fuel storage" use to be applicable to the project site on APN#024-052-077 as well as APN#024-052-078 and #024-052-079 once the parcels are owned by Burrows & Castadio Inc. and a zone change to Heavy Industrial (MH) has occurred. However, any additional tanks above the four submitted tanks listed on Site Plan Review #2011-04 shall require a new Site Plan Review.
- E. Site Plan Review #2011-04 to add bulk fuel storage with four (4) additional fuel tanks and ancillary apparatus described above to the existing four (4) approved tanks delineated on the attached Site Plan to expire by May 3, 2016 (unless the project is fully exercised) after Zone Change Ordinance takes effect, with the following conditions of approval pertaining thereto:
1. The project shall be developed as per approved plans as shown on the Exhibit A, and deviation from the approved plans will require to be resubmitted to the Planning Commission along with applicable fees.
  2. Public Works is requiring refueling area to show truck delivery pattern, fuel containment areas to drain to new storm basins with their sizing and piping be shown with construction plans. City Engineer is requiring the construction plan to show the concrete areas which are to drain to the city storm drain system and flow facilities, if any, and the dimensions, length, width and depth of the proposed storm drainage basins. Access around drainage basins to remain accessible. City Engineer will ensure that the drainage basins are designed to not adversely affect the City's sewer ponds that are due east of the proposed basins.
  3. Any electrical feeding new proposed light poles or other equipment on site will need to be undergrounded.
  4. One street tree on the southwesterly project site must be replaced. A landscaping plan will need to be submitted with the construction drawings showing the provision of a total of 10,503 square feet of landscaping over the entire site (keeping the front landscape parallel to 19<sup>th</sup> Avenue intact) for approval by the City Planning Department. Landscape should generally be around the perimeters of the site visible from the street, should incorporate trees and landscaping, and must meet the State Water Efficient Landscape Ordinance. The use of above ground potted trees and plants is acceptable and can be incorporated into the total square footage. Public Works has requested that no trees be planted along the rear property line near the City's effluent outfall line.
  5. Kings County Health Department or Building Department will need to determine the required height of the containment wall to meet applicable local, state, and federal regulations.

The porta pottie on site and the proposed additional porta pottie will be allowed on site, so long as no future addition requires restroom facilities (which would then need to be permanent).

6. The HMBP site plan and chemical inventory must be updated within 30 days of operation to reflect the new construction and storage and must be provided to the Kings County Environmental Health Services, 330 Campus Drive, Hanford, Ca 93230. The necessary forms are located at [www.countyofkings.com/health/eha](http://www.countyofkings.com/health/eha) . The facility is also

subject to the California Aboveground Petroleum Storage Act, (California Health & Safety code 25270-25270.13 and 40 CFR 112). As such, the facility's Federal spill Prevention Control and Countermeasure (SPCC) plan must be amended and recertified within 6 months of installation of any new tanks(s) and meet fire code requirements.

7. Should the applicant want to use more tanks than the previously approved four tanks and the four tanks in this approval, they will need to be approved via new Conditional Use Permit and Site Plan approval and meet the same local, state, and federal requirements, including containment, as the other tanks on site.
8. In accordance with the findings of City Council Resolution #2011-10 adopted on March 15, 2011 and the Colgan Consulting Corporation City of Lemoore, CA – Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in Resolution #2011-10 and the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in Resolution #2011-10. Traffic impacts shall be based on fifty (50) trips per day.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 22, 2011, by the following votes:

**AYES:** GARCIA, CLEMENT, MARVIN, NORGAARD, KENDALL, MEADE, ELGIN  
**NOES:** NONE  
**ABSTAINING:** NONE  
**ABSENT:** NONE

**APPROVED:**

  
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Lisa Elgin, Chairperson

**ATTEST:**

  
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Holly P. Smyth

\* This resolution shall not become effective until reviewed by the City Council (anticipated to be September 6, 2011) pursuant to Lemoore Municipal code Section 9-15-B-2G and the Zone Change Ordinance #2011-04 takes effect. The City council may affirm, reverse, or modify this resolution.\*

CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF KINGS ) ss.  
CITY OF LEMOORE )

I, Holly P. Smyth, Secretary of the City of Lemoore's Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on August 22, 2011.

DATED: 8/23, 2011

  
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Holly P. Smyth, Secretary  
Lemoore Planning Commission