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STAFF REPORT

Item # 6

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: May 30, 2012
Subject: Public Hearing on Site Plan Review #2012-02 /Zone Change 2012-02/Special Zone Exception #2012-01/ Conditional Use Permit #2012-01/ Mitigated Negative Declaration #2012-03 Application by Montrio Capital Partners to construct a 184 unit gated apartment community complex containing 2 and 3-story buildings and 1-story recreation building in 2 phases

Background:

The various applications are reviewed to determine their compliance with the City of Lemoore's policies, standards, codes, as well as fire codes, environmental impacts and other considerations. The Site Plan Review procedure requires that when approving a project, the conditions shall include items necessary to protect the public health, safety and general welfare in various categories outlined in Section 9-15C-1 through 9-15C-10 of the Zoning Ordinance including Section 9-7C-7 Site and Structure Requirements, and 9-7C-8 Fences, Walls and Hedges for Multi-Family Residential Districts in place when the applications were deemed generally complete, which was prior to the effective date of the new 2012 Zoning and Development Code Update.

Two separate reports to the Planning Commission contained in their April 23rd and May 14th meeting agendas cover the full project discussion on the environmental impacts and development details known up to those dates and can be accessed on the City's website at http://www.lemoore.com/planning/plan_com.htm . During these meetings it was determined by the Planning Commission first and foremost that this particular apartment project at the proposed location is "compatible multi-family housing" in the Professional Office zone district which is a required determination by the General Plan to allow the use in that district. Secondly, Commission determined that "parking frontage" limitations outlined in General Plan policy CD-I-46 should be limited to the portion of the complex facing 19½ Avenue and not be applied to those fronting on State Highway 41. Third, Commission determined that all of the units would have required parking spaces located "generally" within 200' of the units they serve instead of being held to a standard now contained in the new zoning code.

The Planning Commission passed the attached Resolution #2012-08 recommending that the City Council hold a public hearing and consider adopting an Ordinance approving Special Zoning Exception #2012-01 from PO (Professional Office) to RMD (Medium Density Residential) to be effective after the project is constructed by Phases, and pass a Resolution to approve a Mitigated Negative Declaration #2012-03, Conditional Use Permit #2012-01 and Site Plan Review #2012-02 to construct up to 184 unit multi-family gated residential complex, to be valid so long as building permits are issued within two-years of the approval with conditions.

"In God We Trust"

Condition #2 of the Planning Commission Resolution required that a revised site plan be submitted and approved by the City Council to address various site plan deficiencies. Some of the items have been fully addressed and therefore the text related to them are proposed for removal in the City Council Resolution. Parts of Condition #2 related to 10' building setbacks from drive isles, all parking being generally located 200' away from the units they serve, additional landscapace being added to the ponding basin area, and maintaining 20' building seperation to meet fire codes still remain unresolved in the Revised Site Plan and therefore remain in the Condition.

After the Planning Commission meeting, staff received a letter and a map from the Gas Company (see attached) stating that their 20" high pressure natural gas line is located approximately 60' inside of their southerly most portion of the property line parallel to the railroad tracks. Staff asked the developer to denote that utility on their revised site plan map. It appears that the line may be at the back of the parking stalls and may come into conflict with the carports. Therefore, Condition #12 is proposed to be modified to adequately address the concerns of The Gas Company as stated therein. It is unclear at this time if The Gas Company line is located within an existing easement or not.

Minor modifications to the Planning Commission's recommendations are incorporated to address these issues.

Recommendation:

1. The City Council should listen to the staff report, open the public hearing to take comments from the applicant and the general public, close the public hearing, and discuss the project and if further changes are needed to adequately protect the public.
2. Consider adopting the attached Resolution #2012-23, with any changes desired, finding that the proposed use is a "compatible multi-family use" in a Professional Office district, approving a mitigated negative declaration under the California Environmental Quality Act and approving Conditional Use Permit #2012-01 and Site Plan Review #2012-02 to construct a gated community of 184 apartment units with the conditions stated therein, expiring two years from Council's approval.
3. Consider adopting Draft Ordinance #2012-03 approving Special Zoning Exemption #2012-01 to allow zone change from PO (Professional Office) to RMD (Residential Medium Density) to be effective once Phase 1 of the project is completed in conformity with the Site Plan and Conditional Use Permit approval contained in City Council Resolution #2012-23.

See separate attachments:

- A. Revised Site Plan**
- B. Approved Planning Commission Resolution #2012-08**
- C. The Gas Company comments.**