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Lois Wynne
Mayor Pro Tem
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**Public Works/
Planning Department**

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Staff Report

ITEM NO. 3-1

To: Lemoore City Council
From: Steve Brandt, City Planner *SB*
Date: September 30, 2014 **Meeting Date:** October 7, 2014
Subject: Continuation of First Reading – General Plan Amendment (Resolution 2014-29) and Zone Change (Ordinance 2014-05) for B&L Moving and Storage

Discussion:

B&L Moving and Storage (Jeffrey Kemper) is requesting a change of land use designation from Medium Density Residential to Light Industrial, and to change the zoning from RMD (Medium Density Residential) to ML (Light Industrial) for the site located at 847 and 849 Champion Street, on the northwest corner of Iona Avenue and Champion Street in Lemoore. The site proposed for amendment includes APNs 023-150-017, 023-150-018, and 023-150-019.

Planning Commission met on August 25, 2014 and recommended approval of General Plan Amendment No. 2014-01 and Zone Change 2014-01. A public hearing is required to take testimony regarding the General Plan Amendment and the Zone Change.

Budget Impact:

None

Recommendation:

City staff recommends that the City Council conduct a public hearing to take testimony regarding the General Plan Amendment and Change of Zone. Following the public hearing, staff recommends that the City Council consider the testimony given as well as the recommendation of the City Planning Commission, approve the General Plan Amendment Resolution 2014-29, waive the first reading of Ordinance 2014-05 for the Zone Change and pass to a second reading.

Proposal submitted to the Planning Commission:

The applicant, B&L Moving and Storage (Jeffrey Kemper) requests a General Plan Amendment and Zone Change on his property. The applicant is proposing to change the existing zone district from Medium Density Residential to Light Industrial. This will allow him to continue to operate the existing moving and storage facility.

The existing structures on the property were built for operating a moving/storage facility and have been there for many years. Mr. Kemper feels that a moving and storage facility would be successful because of the influx of people that are drawn to the area by the Lemoore Naval Air Station and the housing in the area.

The applicant fears that if not permitted to use the facility as a moving/storage business, the property would be left vacant and become more of a hindrance to the area. There are no future plans to use the property for residential purposes.

If amended, changes to the property will not be required and will allow the current tenants to continue to operate a moving and storage facility. Nearby storage facilities have proven to be successful and have been in business for the last 30 years. The modification of the zoning ordinance will alleviate any discrepancy for the proposed property to continue at its current capacity.

<u>Applicant</u>	Jeffrey Kemper
<u>Location</u>	847 & 849 Champion St.
<u>Existing Land Use</u>	Moving and storage facility
<u>APN</u>	APNs 023-150-017, 023-150-018, and 023-150-019
<u>Site Size</u>	1.48 Acres
<u>Zoning</u>	Existing: RMD (Medium Density Residential) Proposed: ML (Light Industrial)
<u>General Plan</u>	Existing: Medium Density Residential Proposed: Light Industrial

Adjacent Land Use, Zone and General Plan Designation

<u>Direction</u>	<u>Current Use</u>	<u>Zone</u>	<u>General Plan</u>
North	Moving/storage buildings, rural residences	RLD (Low Density Residential)	Low Density Residential

South	Golf course, single-family residences, storage facility	PR (Parks/ Recreation), ML (Light Industrial)	Parks and Recreation, Industrial
East	Golf course	PR (Parks/ Recreation)	Parks and Recreation
West	Vacant land and rural residence	RMD (Medium Density Residential)	Medium Density Residential

Zoning/General Plan

The current General Plan designation and Zoning is Medium Density Residential. Moving and storage facilities are not allowed in this zone. Therefore, the business is currently in violation of the Zoning Ordinance. A letter to this effect was sent to the Mr. Kemper on April 17, 2014. He has submitted the requested amendments in an effort to bring the business back into compliance.

History

The property was inherited by Jeffrey Kemper. It was given to him and his brother Matthew Kemper, following the passing of their mother. It was previously owned and operated by his grandfather as a moving and storage facility for 30 years. The site had been previously planned and zoned for light industrial uses. The comprehensive General Plan Update changed the site to Medium Density Residential, making the business out of conformance with the General Plan and the Zoning Ordinance.

On August 25, 2014, the Planning Commission reviewed the staff’s recommendation, heard testimony from the applicant and voted 4-0 to recommend approval of the general plan amendment and zone change.

Proposal Evaluation

The proposal will allow the existing moving and storage facility to keep operating as it is currently. If the request is denied, then the business will be out of compliance with the zoning ordinance and will be required to close. Since the buildings cannot likely be converted to residential uses, the buildings would likely have to be demolished and new residential buildings built in order for the site to be productive again.

Staff sees this situation as an unintended consequence of the comprehensive General Plan Update. The proposed amendments would restore the site to an allowed Industrial use status, allowing the business to continue to operate.

There are other industrial uses nearby that are compatible with the existing use. The facility is also compatible with the golf course. Therefore, changing the site back to Light Industrial would not result in any incompatible, adjacent land uses.

Environmental Assessment

Pursuant to CEQA (California Environmental Quality Act), Initial Study was prepared to determine if there were any potentially significant effects to the environment from the project. The Initial Study determined that no potentially significant effects would result from the project.

Recommended Approval Findings

Staff recommends that the Commission make the following findings and recommend approval of the project to the City Council:

1. The general plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
2. The zone change is consistent with the general plan goals, policies, and implementation programs.

Recommended Approval Conditions

There are no recommended conditions. Approvals of General Plan Amendments and Zone Changes typically do not include conditions.

Subsequent Actions

If approved by the City Council, a General Plan Amendment will be granted. The Change of Zone will be brought back to Council for a second reading at a future meeting.



RESOLUTION #2014-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 2014-01**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on October 7, 2014, at 7:30 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, B&L Moving and Storage., represented by Jeffrey Kemper, has requested a general plan amendment and zone change to: 1) change the land use designation in the General Plan from Medium Density Residential to Light Industrial, and 2) change the zoning from RMD (Medium Density Residential) to ML (Light Industrial), on property at 847 and 849 Champion Street in Lemoore (APNs 023-150-017, 023-150-018, and 023-150-019); and

WHEREAS, the site currently contains a moving and storage facility; and

WHEREAS, the land use designation and zoning on the parcel at one time was ML (Light Industrial) and then was changed to Medium Density Residential with the comprehensive General Plan Update; and

WHEREAS, the project proposes no changes to the operation of the facility; and

WHEREAS, an Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), and found no potentially significant effects that might result from the project; and

WHEREAS, the Lemoore Planning Commission recommended approval after a duly noticed public hearing at their August 25, 2014, meeting.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore finds that no significant environmental impacts would result from the identified project, and certifies that the Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA.)

BE IT FURTHER RESOLVED that the City Council of the City of Lemoore approves General Plan Amendment 2014-02 and Zone Change 2014-02, based on the evidence presented and the following specific findings:

1. The general plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
2. The zone change is consistent with the general plan goals, policies, and implementation programs.
3. Without the change to the General Plan and zoning, the existing business would be not allowed to continue operating, as it would be in violation of the City Zoning Ordinance.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Lemoore held on the 7th day of October 2014 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

ATTEST:

APPROVED:

Mary J. Venegas, City Clerk

Lois Wynne, Mayor

"In God We Trust"

ORDINANCE NO. 2014-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE
AMENDING ZONING MAP OF THE CITY OF LEMOORE ZONING ORDINANCE
(ZONE CHANGE #2014-01)

WHEREAS, B&L Storage, represented by Jeffrey Kemper, has submitted applications to: 1) change the land use designation from Medium Density Residential to Light Industrial; and 2) change the zoning map from Medium Density Residential (RMD) to Light Industrial (ML); and

WHEREAS, an Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), which disclosed that no significant environmental impacts would result from the project; and

WHEREAS, the Planning Commission of the City of Lemoore, after duly published notice, held a public hearing before said Commission on August 25, 2014, and then recommended approval of the General Plan Amendment and Zone Change; and

WHEREAS, the City Council, held a public hearing on October 7, 2014;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMOORE DOES ORDAIN AS FOLLOWS:

Section 1. The Zoning Map of the Lemoore Zoning Ordinance is hereby changed as follows: The portions of the zoning map north of the Iona Ave alignment that are designated Medium Density Residential (RMD) and identified as Assessor’s Parcel Numbers (APNs) 023-150-017, 023-150-018, and 023-150-019 shall be changed to Light Industrial (ML).

Section 2. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Lemoore, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code Section 36933. Any summary of this Ordinance must be approved by the City Attorney before its publication. The City Clerk is further directed to cause this Ordinance to be codified after its adoption.

Section 3. This Ordinance shall take effect thirty (30) days after its adoption.

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of Lemoore held on the 7th day of October 2014 and was passed and adopted at a Regular Meeting of the City Council held on the _____ day of _____ 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary J. Venegas, City Clerk

Lois Wynne, Mayor

RESOLUTION #2014-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2014-01 AND
ZONE CHANGE NO. 2014-01**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on August 25, 2014, at 7:00 p.m. on said day, it was moved by Commission member Clement, seconded by Commission member Badasci and carried that the following Resolution be adopted:

WHEREAS, B&L Moving and Storage., represented by Jeffrey Kemper, has requested a general plan amendment and zone change to: 1) change the land use designation in the General Plan from Medium Density Residential to Light Industrial, and 2) change the zoning from RMD (Medium Density Residential) to ML (Light Industrial), on the property at 847 and 849 Champion Street in Lemoore (APNs 023-150-017, 023-150-018, and 023-150-019).

WHEREAS, the site currently contains a moving and storage facility; and

WHEREAS, the land use designation and zoning on the parcel at one time was ML (Light Industrial) and then was changed to Medium Density Residential with the comprehensive General Plan Update; and

WHEREAS, the project proposes no changes to the operation of the facility; and

WHEREAS, an Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), and found no potentially significant effects that might result from the project; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at their August 25, 2014, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council concur that no significant environmental impacts would result from the identified project, and certify that the Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA.)

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment 2014-01 and Zone Change 2014-01, based on the evidence presented and the following specific findings:

4. The general plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
5. The zone change is consistent with the general plan goals, policies, and implementation programs.
6. Without the change to the General Plan and zoning, the existing business would be not allowed to continue operating, as it would be in violation of the City Zoning Ordinance.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on August 25, 2014, by the following votes:

AYES: Clement, Badasci, Dow, Garcia

NOES:

ABSTAINING:

ABSENT: Marvin, Monreal, Wynne

APPROVED:



Jeff Garcia, Chairperson

ATTEST:



Planning Commission Secretary