

**Minutes of the Regular Meeting of the  
Lemoore Planning Commission  
December 13, 2010**

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

**Attendance:** Garcia, Norgaard, Marvin, Meade, Elgin and Kendall

**Absent:** Clement

**Public Comments and Inquiries:** None

**Approval of Minutes of Meeting of November 22, 2010**

It was moved by Commissioner Garcia seconded by Commissioner Meade, to approve the minutes of November 22, 2010 as submitted.

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

**Continue discussion on General Plan Amendment #2010-02 regarding Air Quality to satisfy AB 170**

Planning Director Smyth stated that at the last meeting the Planning Commission requested that she get a second opinion from the City Attorney on whether they could choose to not include portions of the the Goals and Implementations under COS-G-15, COS-I-53 AND COS-I-54 in the General Plan Amendment.

Director Smyth stated that the City Attorney was asked to again review said policies COS-G-15, COS-I-53 and COS-I-54 and when staff spoke with Dale Bacigalupi, City Attorney, he stated that the air district cannot mandate that we include the information, however, if we do not include, the Air Quality Board may challenge the adequacy of the amendment, therefore, it is better to include staff's proposed language. He also stated that the paragraphs in questions are informational only, and in no way do they interfere with the school districts' authority.

City Attorney Behrens stated that legally you can leave the Resolution as is or eliminate the policies, or if a modification was to be made he would suggest that on the second to the last "Whereas" where is states "has made certain recommendations which are included" the word "substantially" should be inserted between "are included". He stated that you can choose not to include those policies, they are not statutorily mandated, and there is no jurisdiction in this section or bill that mandates policies over school districts.

Commissioner Elgin stated that she sees two written recommendations from Dale Bacigalupi to include the proposed language.

Director Smyth stated that upon reviewing the entire section staff noticed two items that she wanted to bring to the Planning Commissions attention that Policy COS-I-72 looks as if a portion was included in a prior Policy which is COS-I-42, therefore she suggested striking through COS-I-72 and renumbering accordingly. She stated that COS-I-67 which is on page 7-61, the third paragraph states ".....and signaling intersections reduce vehicle emission" and should read "... and signaling intersections to reduce vehicle emissions".

It was moved by Commissioner Meade, seconded by Commissioner Garcia to not include various portions of the Air District's proposed language in the following goals/policies COS-G-15, COS-I-53 and COS-I-54 as indicated in the staff report and go on the recommendation from the City Attorney, in the Resolution that the policies included "substantially" address the Air District's comments.

Planning Director Smyth asked if the motion also includes deletion of COS-I-72 policy and changing COS-I-67 to add "to" as discussed. Mr. Meade stated as stipulated by staff motion to include both items.

Kendall stated that it has been moved by Commissioner Meade, seconded by Commissioner Garcia to accept City Attorneys recommendations and also remove portions of COS-G-15, COS-I-53, COS-I-64 as stated in the staff report deleting COS-I-72 and changing COS-I-67 as stated.

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

**Planned Unit Development Application #2010-01 Cambridge/Lennar to modify plans and elevations within portions of Tract 817, previously known as the Landing Subdivision**

Planning Director Smyth stated that the project was originally approved for Terrance Flatly for The Landing Subdivision located on the west side of 19<sup>th</sup> Avenue south of Bush Street which is currently under a purchase contract with Cambridge-Lennar. Cambridge –Lennar has submitted a PUD application to modify plans and elevations. Smyth stated that currently Phase I and Phase II are recorded but Phase III is not. She stated that included in the packet were both old and new color elevations so that similar elevations could be seen between Flatley elevations and Cambridge-Lennar elevations. She stated that the existing homes in the Flatley subdivision have tile roofs and Cambridge-Lennar is proposing composition. Smyth stated that Cambridge-Lennar had a neighborhood community meeting and from the discussions of the meeting with the neighbors they have agreed to, carry on the tile roofs and utilize the rock elevations on homes east Acacia Drive next to the existing homes and they agreed to drop a fifth floor plan/elevation which was Cambridge-Lennars' smallest elevation that the neighbors didn't want.

Chairperson Kendall opened the Public Hearing at 7:20p.m., and asked if anyone would like to speak in favor of the project.

Les Peterson of Lennar Homes located at 8080 N. Palm Ave., Fresno, stated that this project is a little different than in the past because of the challenge of meeting the PUD ordinance and keeping it a viable project. He stated that they are in the process of purchasing the remaining 15 finished home sites and 31 unfinished home sites and if plans are approved by Planning Commission and City Council, escrow to purchase will close in February and they will begin building right away. He stated that at the neighborhood meeting, some of the neighbors were concerned with the property values. He stated that he had comps pulled and had them available if anyone would like to review to compare with what was anticipated as a sales price.

Chairperson Kendall asked if anyone would like to speak against this project.

Miguel Rodriguez (Herlinda) of 1419 Atlantic Avenue, stated that he had purchased his home at one value and that these homes will be sold at a lower value. He stated that when he purchased the home there were problems with the sidewalk and when he complained to the owner/developer he was told that he needed to talk to City. He also stated that he has problems with the street lights and when he talked to the City he was told it was his responsibility. He stated that he also did not like two story homes.

Director Smyth stated that she would get his information to the correct City Department in regards to the street lights, and as far as the sidewalk was concerned it was her understanding that the sidewalks adjacent to the properties were the property owners' responsibility.

Les Peterson stated that he has talked to Dave Wlaschin regarding the public improvements. He stated that there is an active punch list that Lennar is requiring the current owners to complete prior to the close of escrow and the sidewalk that Mr. Rodriguez talked about is on that list and will be resolved if the project is approved and moves forward.

In response to Smyth's question regarding the comps, Mr. Peterson stated that he had comps pulled from a little over years worth which shows homes selling for \$235, \$237, \$252 and the last one selling in March for \$295 thousand. He stated that the proforma for the sale of Lennar homes shows \$219 to \$263,000 price range which is comparable based on house size.

John Buyense of 1445 Spyglass Drive stated that this is probably not the best ideal project that the neighborhood would like but is better than the vacant weeded lots that are there and if this is the best that can come out of it, he is in favor of the project.

Chairperson Kendall asked if anyone would like to speak on the project. There was none. Chairperson Kendall closed the Public Hearing at 7:35 p.m.

It was moved by Commissioner Garcia, seconded by Commissioner Marvin, to approve Planned Unit Development Application #2010-01 Cambridge-Lennar to utilize new floor plans and elevations on the remaining vacant lots in Tract 817 – previously known as "The Landing" and also approve Resolution #2010-15 which includes the CEQA determination.

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

**Tentative Parcel Map Application #2010-01 submitted by Yamabe and Horn Engineering to divide Assessor Parcel #024-051-016 at 1600 Enterprise Drive consisting of 12.71 acres into two parcels of 6.89 acres and 5.82 acres**

Planning Director Smyth reviewed the staff report stating that the project location is north of Enterprise Drive, south of Highway 198, east of Highway 41 and west of Commerce Way. The property was the old Western RV site and is currently vacant and owned by Premier Bank. She stated that Premiere Bank is requesting that the parcel be split into two parcels. She stated that attached to the staff report was a copy of the Tentative Parcel Map showing the Parcel with the proposed Parcel 1 and Parcel 2. She stated that the Preliminary Title Report described various easements that are in place and she wanted to be sure that that the easements are properly identified when the Final Map is recorded. She stated that the Preliminary Title Report did identify a 60 foot easement that runs along the back side of the highway that the City abandoned 30 feet of about 2 years ago and the City would want to make sure that the mentioned portion is removed. Smyth stated that when Mr. DeArmond owned the property he allowed a heliport be built for emergency landing. She stated that it is not something that is required to maintain but Premiere Bank has submitted a letter stating that they will leave it in place until someone at some point wants to remove it or buys that piece of property.

Smyth stated that it has been brought to our attention that there may be a possible right of way dedication that we did not see and we might want to amend on of our conditions to meet this correction.

David Jayne of Yamabe and Horn representative for Premier Bank stated that he prepared the Tentative Map under the City's guidelines. He stated that he had pointed out to the City that the current easements that were granted for Enterprise Drive only extended out to the existing right of way to Commerce and a 40 foot radius curve was not included in the dedications and public utility easements in line with where the improvements were built and needed to be offered to the City.

Planning Director Smyth stated that staff believes that item # 3 should be modified to read "Should a portion of Enterprise Drive extension not be properly dedicated that it be dedicated with this map." This would insure that infrastructure would be on property that is owned or under easement by the City.

Commissioner Meade asked if the proposal mentions anywhere what the proposed uses would be. Mr. Jayne stated that Premiere Bank wishes to separate the developed portion from the undeveloped portion but has no specific use identified for the property.

It was moved by Commissioner Meade, seconded by Commissioner Elgin to approve Resolution #2010-16 with the change to Condition #3 to read "Should portion of Enterprise Drive extension not be properly dedicated that it be dedicated with this map."

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

Mr. Jayne of Yamabe and Horn stated that it was a pleasure to work with Planning Director and her Staff. He stated that he has worked with multiple cities all over the Valley and the staff in Lemoore processed the project the fastest he has seen any staff do. He stated that he had worked for the County Planning Department / Surveyors Office for 10 years, and they could not get a project out that quickly nor did they see folks work together in close co-operation.

**Planning Director's Report:**

Smyth stated that the packets include the monthly Activity Report that shows items that staff has reviewed and approved in the office that does not come before the Planning Commission or City Council. She stated that this report she would list policies that may need to be revisited in the future in bold.

Smyth stated that the next meeting would be on January 10th and is scheduled as a Joint Study Session with City Council to review our Site Plan approval procedures and Zoning Ordinance update before the Consultant starts writing the implementation sections of the Ordinance.

**Commission's Report and Request for Information:**

Commissioner Marvin stated that his question was, prior to the parcel split how much information regarding the use of the property does the City have a right to receive. Smyth stated that according to the Parcel Map under the Subdivision Map Act there are levels of clearances that staff gets to say something on. Parcel Maps are one of the few things that the City can not bond on improvements and has the least scrutiny in comparison to other applications. As to use of the property, a Parcel Map application does not require a use be defined before City approval.

**Adjournment:** The meeting adjourned at 8 p.m.