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STAFF REPORT

Item # 9

To: Lemoore Planning Commission
From: Gloria A. Hobbs, Assistant Planner, *GH* Holly Smyth, Planning Director *HS*
Review Date: October 24, 2011
Subject: Tentative Parcel Map #2011-02 & Categorical Exemption #2011-20 for Carol Rocovits

A. General Information:

1. Applicant/Owner: Walter and Carol Ann Rocovits
12151 Fremont, #42
Yucaipa, Ca 93299
(909) 570-9934
Email: crocovits@hotmail.com
3. Engineer: Zumwalt- Hansen, Inc.
Jim Hansen
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Email: jhansen@zumwalt-hansen.com
3. Location: East side of North Lemoore Avenue, approximately 140 feet south from the Lemoore Avenue/"D" Street intersection
4. Property Description: Assessor Parcel #020-113-052
Site Address given: 254 N. Lemoore Avenue
5. Site Area: 8,711 square foot parcel
Parcel A – 2,947 square feet
Parcel B – 5,765 square feet
6. General Plan Designation: Neighborhood Commercial
7. Current Zone District: CC (Central Commercial)
8. Existing Use: Commercial (Rocky's Donut House and 2 units to the east consisting of a Beauty Shop and Barbershop)
9. Proposed Use: Parcel A – Commercial (Barbershop and Beauty shop)
Parcel B – Commercial (Rocky's Donut House)

PLANNING COMMISSIONERS

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Dave Brown, Bob Clement, Marshall Norgaard, Jeffrey Garcia, Sharon Kendall, Jim Marvin
"In God We Trust"

B. Plan Location & Description:

The applicants, Walter and Carol Rocovits, have submitted an application to divide an 8,711 square foot parcel in two parcels. The subject site is located at 254 N. Lemoore Avenue and is described as Assessor Parcel #020-113-052. The site is located on the east side of Lemoore Avenue approximately 140 ft. south of the Lemoore Avenue/"D" Street intersection. The applicant proposes to divide the 8,711 square foot parcel into Parcel A with 2,947 square foot site area (which includes approximately 660 square feet portion of an existing building with two tenant spaces) and Parcel B with 5,765 square foot site area containing the current Rocky's Donut House building. The applicant intends to sell both parcels. Parcel A will continue to have two units with a beauty shop and barbershop. Walter and Carol Rocovits own this parcel which is located next to retail buildings.

The subject site is surrounded by Commercial, Professional Office, and Multi-family residential. Proposed Parcel A will have the 660 square foot building which is divided into two units, 2 ½ parking stalls in front of the building, the landscape planter located on the northern boundary line of the site and a portion of the planter area located adjacent to Lemoore Avenue. Ingress/egress will continue from the drive approach off of Lemoore Avenue over a recorded 57' wide existing non-exclusive easement for ingress and egress located on the northerly 57' of both parcels.

Parcel B includes the Rocky's Donut building with 4½ parking spaces, three landscape planters in separate areas located adjacent to Lemoore Avenue and a portion of the planter to the north of the driveway with an existing pole sign.

One City street light exists on the northwesterly corner of the property. All utilities are undergrounded.

According to the applicant, the water meter for the building on Parcel A is shared with Parcel B (donut shop) and she receives one bill for trash and water for both buildings. The applicant plans on having a separate water meter for the building on Parcel A once the boundary line adjustment is recorded. There is no trash enclosure on this site.

C. Project Review:

The Tentative Parcel Map application is being reviewed to determine its compliance with the State Map Act, Lemoore's Subdivision and Zoning Ordinances, as well as City policies, standards, and environmental impacts. The following findings have been made:

1. Compliance with General Plan/Zoning/Setbacks:

The subject property is designated Neighborhood Commercial use in the current Lemoore General Plan and is zoned CC (Central Commercial). The Central Commercial zone district lists retail stores and other service establishments which supply commodities or provide services primarily to meet the needs of residents of the community as listed in section 9-9A-2 of the zoning ordinance, as permitted uses. Therefore, the donut shop, beauty salon and barbershop uses are considered permitted uses in the CC Central Commercial zone district. The CC district is also intended for application in areas designated by the General Plan as satellite commercial shopping centers.

Neighborhood Commercial is intended for small-scale commercial uses that primarily provide convenience, personal services, and social services such as small-scale retail, eating and drinking establishments, commercial recreation, and professional office as a secondary use.

The applicant proposes to divide the parcel into two separate parcels in order to sell the parcels with the existing Rocky's Donut shop on Parcel B and the two tenant unit section of a portion of an existing attached building located on Parcel A. The subject site is surrounded by Central Commercial zoning to the north, Professional Office to the west and south, and Central Commercial to the adjacent east side of the site.

Current City zoning Section 9-9-5:D-1 requires a minimum side or rear yard setback abutting a RSC, UR, R, RM or PO district in any commercial district to be ten (10') feet with a minimum 10' distance between dwelling units and another structure.

The current block building of Rocky's Donuts on Parcel B appears to be setback 5' from the rear property line on the south making the setback legally non-conforming as the parcel exists but would not be made worse by the proposed parcel split nor can it be changed. The distance between the Rocky's Donut building and the nearest dwelling is more than 10' to the single family dwelling located to the south of the property fronting Lemoore Avenue. The existing building on the proposed Parcel B has a rear yard setback of 10' and is more than 10' away from a dwelling unit. Because the abutting properties to the north and adjacent east side of the proposed site are zoned CC no setbacks are required along these frontages.

2. Circulation/ Parking/ Rights-of-Way/ Sidewalks:

The proposed parcels are located on the east side of Lemoore Avenue. Ingress/egress is from a 35' drive way located on Parcel B from Lemoore Avenue however, there exists a recorded non-exclusive easement for ingress and egress over and across the north 57' of the entire parcel for the benefit of the property owner to the east further in the shopping center that would continue to provide access to the newly created Parcel A. This 57' covers the northerly landscape area, the access area, and most of parking space stalls. This easement will need to be both delineated on the Final Map and the easement document referenced.

Seven parking stalls are shown on the Tentative Parcel Map. The beauty salon and barbershop uses are considered "Personal service establishments" under Section 9-12-3-1D and require 1 space for each 200 square feet, thereby requiring 3 parking spaces, however only 2½ stalls are provided. The donut business use is considered "places of assembly including café, restaurant or other establishment for the sale and consumption on the premises of food and beverages" under Section 9-12-3-1G 1 and require 1 space for each 4 seats, thereby requiring 3 parking space, which 4½ stalls are provided. No handicap parking is shown on either Parcel A or B and may be required as per Public Works Standards. In order to meet the parking standards and the fact that users of both properties share each others parking areas depending on the time of day, a cross parking and maintenance agreement need to be put in place for the entire asphalt area. The area will need to be delineated on the Final Parcel Map with appropriate reference to the written agreement to be recorded concurrently with the Final Map in a format acceptable to the City Attorney.

The General Plan shows Lemoore Avenue as an "Arterial" street (which requires 84-100' of right-of-way). Along Lemoore Avenue, 42' of right-of-way (ROW) exists from the street centerline and therefore meets minimum City standards.

Monolithic sidewalks, curbs, and gutters exist along Lemoore Avenue in front of the property in conformance with existing standards.

3. Public Infrastructure/Easements/ Refuse:

City water, sewer and storm drainage are available to the site with the main lines located in Lemoore Avenue while power lines were recently undergrounded along Lemoore Avenue by the City. Only one water meter currently exists on the site, therefore the applicant will need to work with the Public Works Department to provide access to water and install appropriate meter(s) and backflow devices as needed so that both parcels have adequate provision for water prior to the recordation of the final map. It is uncertain where exactly the onsite water, sewer or natural gas lines exists, therefore the Final Parcel Map should contain a blanket easement covering both parcels to accommodate access to subsurface utilities lines as it is assumed they have to cross Parcel B before getting to Parcel A.

In addition to the access easement in place, the Tentative Parcel Map shows the existence of several utility easements; a 10' P.G & E easement along the northern portion of the site, another 10' PG&E easement through the middle of the drive access area, and a 10' P.U.E. easement to the City of Lemoore along the western boundary of the entire site.

Trash service is currently provided to the site through one shared freestanding trash container located due south of the landscape area on Parcel A near the existing palm tree. The applicant will need to contact the Public Works department to identify refuse container location that can service parcel B. This may be accomplished through a shared trash enclosure that parties agree to share via recorded agreement that could be tied to the shared parking / maintenance agreement previously discussed.

4. Landscape/Signs:

Approximately 815 square feet of landscaping is located in the planter areas along the northwestern corner and northern portion of the property line and three (3) planter areas along the western property line adjacent to Lemoore Avenue. This landscaping consists of ground cover, and some flowers and no trees in the planter areas. Three (3) palm trees are directly on the northeast property line of proposed Parcel A According to an on site visit, two (2) large Street Trees were recently cut down with stumps still in the ground from the two front planter areas and one tree was removed from the northerly landscape area. These three (3) trees need to be replaced with new 15 gallon trees from the Street Tree list as they were part of the approved site plan.

Because the proposed parcel lines splits a contiguous landscape area, a covenant for joint maintenance of all landscaping areas needs to be put in place, which can be included in the joint parking/maintenance agreement referenced earlier in this report. If parcel lines are adjusted to no longer bifurcate the northerly landscape area, this agreement would not be needed.

E. Environmental Assessment:

A preliminary environmental impact assessment of the project was conducted by staff in accordance with the California Environmental Quality Act (CEQA) and it was found that the Tentative Parcel Map is categorically exempt under section 15315 of the State Guidelines.

E. Recommendation:

The Final Map submittal process is listed in Section 8-7C-13 and 8-7C-14 of the Lemoore Municipal Code and the applicant or his representative will need to pay required Final Map fees to the City and any delinquent or current taxes to the Kings County Tax Collector and go before City Council to accept the Final Map via consent calendar once all the conditions of approval are met and appropriate information is contained therein acceptable to the City Engineer. Also the following

conditions must be met:

The Planning Commission should approve the attached Resolution #2011-10 making a finding that this Parcel Map is categorically exempt under the California Environmental Quality Act and approve Tentative Parcel Map #2011-02 with the conditions included therein to expire two (2) years from the of approval of this Tentative Map (which would be October 24, 2013).

Section 8-7C-9 states that the applicant or any other interested person may appeal any action of the Planning Commission with respect to the tentative parcel map to the Council filed in writing with the city clerk with applicable fee within 10 days after the action of the Planning Commission.