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STAFF REPORT

Item # 4

To: Lemoore Planning Commission
From: Holly Smyth, Planning Director and Gloria Hobbs, Assistant Planner
Review Date: November 26, 2012
Subject: Conditional Use Permit #2012-02 Application by Jeff Kristenson for South Valley Community Church to Relocate the "Renewed" Thrift/Book Store

A. General Information:

1. Applicant: Jeff Kristenson
South Valley Community Church
25 Willow Drive, Lemoore, California 93245
(559) 924-3458 or (559) 924-6175
office@svclemoore.org
2. Property Owner: Edmund A & Ligaya C Rosario
1656 Ridgewood Drive
Camarillo, California 93012
3. Site Location: 238 West "D" Street
5. Property Description: Portion of Assessor Parcel #020-053-011
6. Site Area: -A 7,500 square foot portion of the 15,000 square foot parcel size within a 48'x133.5' building footprint
-Floor space includes a 6,408 square foot first floor area plus a 4,089 square foot basement (for a total of 10,497)
7. Existing General Plan Designation: Mixed Use
8. Existing Zone District: Downtown Mixed Use (DMX-1)
9. Existing Use: Commercial Building and Hair Salon
10. Proposed Use: Renewed Thrift Store, with use to include bookstore and snack bar

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PLANNING COMMISSIONERS

Chairperson – Ronald E. Meade, Vice-Chair Jeffrey Garcia
David Brown, Bob Clement, Calvin Monreal, Jim Marvin, Bill Wynne

B. Project Location & Description:

Jeff Kristenson of South Valley Community Church has submitted a Conditional Use Permit application to relocate the Renewed Thrift Store to 238 West "D" Street. According to the site plan and application, there will be a book store, snack bar, fitting room, lunch room, and office with two restrooms. A delivery area is located in the alley way to the north and the backside of the building. The store would occupy a portion of the parcel containing approximately a 50' x 150' (7,500 sq. ft.) land area with approximately 6,408 square foot 1st floor building interior and a 4,089 square foot basement. The building is located on the north side of West "D" Street approximately 200 feet west of Follett Street, 125 feet east of Heinlen Street and described as a portion of Assessor Parcel #020-053-011. To the east of this site is the Body Shop with its parking lot, to the west is Super Mercardo Leon Market, to the south is Lemoore Furniture and to the north is the alley way with an abutting vacant parcel. Parking for the store would utilize existing on-street parking. There are no trash enclosures currently serving the site as the building generally is built out to the property lines.

C. General Plan and Zoning:

This site is General Plan designated as Mixed Use. The General Plan states that the DMX-1 will allow retail, commercial, professional office, second-story residential, public and institutional uses, provided retail and restaurant uses are retained as a primary use at the site. Typical new buildings will require a minimum height of at least 16', with exceptions for uses with special needs (e.g. cinemas). Service Commercial types of uses may be allowed when deemed appropriate through a Conditional Use Permit.

The Zoning Map delineates the site as DMX-1 zone district. According to the Zoning Ordinance, the DMX-1 zone district "comprises the historic center of the downtown. The district is designated for retail, commercial, professional office, second-story residential, public, and institutional uses. Retail and restaurant uses are generally the primary use at the site. Where there is residential development, densities range between twelve (12) and twenty (20) units per gross acre." Additionally, zoning states that the DMX-1 zone building designs "emulate the historic styles of the older buildings but in less elaborate ways. The buildings are oriented toward the pedestrian, with buildings constructed directly abutting and facing the public sidewalk. Vehicle parking is generally found on-street, at city operated facilities, or at the rear of lots (when provided on-site)." The land use definition of a "thrift store" is "a retail establishment selling secondhand goods donated by members of the public." The DMX-1 zone district only allows for thrift stores with an approved Conditional Use Permit that follows standards listed in Section 9-4D-16 of the Zoning Code.

D. Conditional Use Criteria:

Conditional Use Permits, as defined in Section of the 9-2B-14E of the zoning regulations, are for the individual review of uses, typically having unique or unusual site development features or operating characteristics. A use permit is intended to ensure compatibility with surrounding areas and uses where such uses are deemed essential or desirable to the various elements or objectives of the General Plan. The approving authority, which in this case in the Planning Commission, may only grant a conditional use permit only when it is determined that the proposed use or activity complies with all of the following four (4) findings:

Criteria 1: The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title (referring to the Zoning Ordinance) so long as the City standards not being met are followed as outlined below:

Applicable Site Development & Operational Zoning Provisions in DMX-1 (Downtown)

City Issues	City Standard	Project Characteristic	Standard Met?
Noise (Section 9-5A-4B)	70 dB CNEL exterior noise for Commercial Use per Table 9-5A-4-B1 in the Zoning Code and on Table 8.6 of the General Plan as a mixed use	-The building has previously contained a hair store as well as retail and the proposed retail/snack bar use should not create any additional noise.	-Need to meet standard continually
Odor/particulate Matter/Air Contaminants (Section 9-5A-4C)	-No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.	-Does not involve any discharges into the air	-Not applicable
Parking (Section 9-6-3C)	-0 stalls required for change in use only (no new construction).	-In street parking available on both sides of "D" Street.	-Yes
Bicycle Parking (Section 9-5E-7)	-10% of total vehicle parking provided, but no less than 2 bike stalls for all "developments"	-No new development involved	-Not applicable
Encroachment (Section 9-6-3D)	8' over right-of-way allowed, so long as 8' minimum vertical clear area above sidewalk	≈8' already being utilized for existing awning, with no proposed new encroachments	-Yes
Signs (Section See 9-6-3E & Section 9-5F)	Long section predominately in Section 9-6-3E Signs in Downtown	-One (1) wall sign is proposed on an existing non-conforming structure. - One (1) projecting sign is proposed	-Non-conforming sign needs to be removed/and or modified to conform to Sections 9-6-3E-5c as discussed below under Criteria #4 discussion. -Projecting sign meets standard.
Downtown related exterior building design standards and exterior site developments Standards (9-6-4)	Only applies to new, renovated, or remodels within downtown	-No changes to exterior or roof proposed at this time with this new use	-N/A
Trash Collection (Section 9-5A-9 Screening & Section 4-1-4)	-Must be fully screened from public view and adjoining public streets and rights-of-way and residential zoned areas	-No trash discussed.	-Public Works requested that a hard surface be provided adjacent to the site for refuse and recycling containers that would be needed for the use.
Building and Fire Code Items related to occupancy type	-ADA compliant restrooms -Maximum Occupancy to be set by the Fire Marshall based on interior site characteristics, ingress/egress, and the like -Interior tenant improvements may require a building permit.	-No changes to restrooms were proposed -Snack bar may initially just contain prepackaged goods	-Potential ADA bathroom or occupancy related improvements may be needed per building codes -snack bar area may require health department clearances and building permits depending on improvements being made.
Section 9-4D-16 Standards for Thrift Stores	-Shall not be located closer than five hundred feet (500') from another thrift store. -All activities shall be completely enclosed within the building for the use. -The collection area shall be located on the side or rear of the building with adequate directional signage from the main entrance to collection area. The collection area shall be noticed to prohibit depositing goods when the store is closed. -Management shall be responsible for the removal of litter from the subject property, adjacent property, and streets that results from the thrift store (with adjacent property owner consent).	-Nearby pre-existing "thrift stores" (as defined by the zoning code) include Kings Christian Thrift Store and Second Time Around thrift which are both more than 500' from this location -All activities proposed inside -Delivery area is shown from the back of the building.	-Yes on distance -Yes on enclosed activities which will need to be continually met -Yes to collection location -No signage for collection proposed, therefore will need to be part of conditions of approval -Management will need to be responsible for the removal of thrift store litter continually

Per section 9-5A-4 of the Lemoore Municipal regarding noise standards, “no use, activity, or process shall exceed the maximum allowable noise levels established”, which in this area cannot exceed 70 db CNEL at the property line in a mixed use district (which is equivalent to a pneumatic drill at 50’). “No person shall allow or cause the generation of any noise of a type, volume, pitch, tone, repetition, or duration that would be found to be a nuisance by a reasonable person beyond the boundaries of the property where the noise is generated.” Given the proposed use, meeting these noise standards should not be a problem but will still apply to the use.

A signage application was submitted for the project for one wall and one projecting sign. The projecting sign meets City Standards and should be approved as submitted while the wall sign is a non-conforming structure and is discussed further under Criteria #4 below.

It is unclear if the building has any need for any modifications for ADA restrooms or doorway openings or plumbing improvements potentially required by Kings County Health Department depending on the extend of the snack bar use. Therefore, any needed tenant improvements within the building will need to verify if permits are needed and be in conformity with the building code and any Health Department requirements.

Public Works requested that a hard surface be provided for refuse and recycling containers that would be needed for the use. This will need to be accommodate adjacent to the site on the northside of the alleyway in coordination with Public Works Department and adjoining property owners.

Special zoning criteria are identified for thrift stores under Section 9-4D-16. The site location is more than 500’ away from any other Thrift Store as defined by the Code. Some retail secondhand stores in downtown label themselves as thrift stores, but do not meet the City’s definition when they do not accept donations from the public. The special criteria does require adequate directional signage be provided at the main entrance to direct individuals to the collection/receiving area. Additionally, signage is required next to collection area that depositing goods when the store is closed is prohibited. Therefore, these signage types are required to be incorporated into the use as a condition of approval. Special criteria also requires management to be responsible for the removal of litter from the subject property, adjacent property (with the adjacent property owner consent), and streets that results from the thrift store continually and therefore will also need to be part of the conditions of approval.

Criteria 2: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or the general welfare of the City:

The definition of “Thrift Store” is a retail establishment selling secondhand goods donated by members of the public. ” So long as the thrift store observes all development standards of the underlying zoning district and the standards listed in Section 9-4D-16 of the use regulations, and discussed herein, the establishment, maintenance, and operation of the use applied for should not be detrimental to the health safety, peace, morals, comfort, or general welfare of the neighborhood.

According to the zone district, a restaurant use is also allowed by right in the district, so the proposed snack bar use is already allowed in this DMX-1 Zone District.

Criteria 3: The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed:

Section 9-6-3 all proposed development of property within the downtown shall comply with the base development standards as listed in Table 9-6-3-A1 as well as standards listed in Section 9-4D-16. Because, no changes to the structure are being proposed on the building exterior, many of the standards do not apply. The applicable standards were discussed in the above table and needed conditions are listed in the attached Resolution.

Given the proposed use description, the existing building is physically suitable for a Thrift Store type of use so long as the standards and conditions contained in the Resolution are adhered to.

A response was received by the Kings County Environmental Health Department stating the if the snack bar will sell any foods other than prepackaged non-potentially hazardous foods, then the operator must submit construction plans to them for review and approval prior to construction. Furthermore they stated that food sales of any kind generally require a food vending permit be issued by the Health Department prior to operation. Therefore, the Health Department needs to be contacted directly for further information to conform to their applicable requirements.

Criteria 4: The use will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located and is the proposed use and related structures compatible with other land uses, transportation, and service facilities in the vicinity:

The Renewed Thrift Store is currently located in a smaller building on “D” Street with about half the square footage as the proposed building and has not be problematic in the DMX-1 zone. The new location would allow more room for retail floor space as well as more storage space in the basement. The highest use of this same floor space in the past was a retail hardware store which worked well and was compatible at the location. Given the thrift store use has less traffic than the previous highest use, the use should be compatible with neighboring land uses.

Based on the building frontages, the business is allotted 200 square feet of cumulative permanent signage for awning, changeable copy, portable A-frame, projecting, window, or wall signage to be used on any face of the building. The applicant applied for two (2) permanent signs, one projecting sign (which is currently in use at the current location) and one wall sign. The projecting sign meets City Standards so long as it is hung where the bottom of the sign is at least 8’ above the sidewalk. The existing 2.5 x 24’ (60 square feet) wall sign that was proposed to be re-used is no longer a legal non-conforming sign structure as it was “abandoned”. According to our records the furniture store which used the sign previously closed in 2009 and has not been used since. Section 9-5F-2G states that “Abandoned Signs” shall be those signs left after the close of a business and which have not been updated upon occupancy of a new business at the same location. The standards include a sign that is maintained with blank copy shall only be allowed to remain for nine (9) months (for a total of twelve (12) months from business closure). At the conclusion of this time period, if a new business that utilizes the nonconforming sign structure has not been established, the sign shall be removed. Therefore, this non-conforming sign and structure need to be removed. A revised wall sign submittal is needed in conformity with Sections 9-5F and 9-6-3E of the Zoning Code and can be administratively approved with no new fees required.

E. Public Input:

The Conditional Use Permit application requires that a public hearing notice be published in a least one newspaper of general circulation in the City and that a notice be sent to property owners with 300’ radius of the proposed project and that a public hearing be held. Notice was published in the newspaper and letters sent to adjacent property owners more than 10 days in advance of the scheduled public hearing. Only one verbal comment has been received to date, clarifying that only a portion of the parcel is proposed to be occupied by the use.

F. Comments from Other Agencies/Departments:

Referrals were made to Public Works Department, Fire Department, Police Department, Kings County Environmental Health. Public Works and Environmental Health comments were received and have been incorporated in this report.

Given that the site is pre-existing, no environmental review is required for the proposed use.

G. Recommendation:

After listening to the staff report and opening the public hearing to take public testimony, the Planning Commission should consider passing the attached draft Resolution #2012-15 (with or without modification as deemed appropriate) which makes the appropriate findings and approves Conditional Use Permit #2012-02 for the Thrift Store Use with the conditions stated therein. The approval will expire two years from the date of approval if the project is not completed by that time.