

RESOLUTION # 2012-16
A RESOLUTION OF THE LEMOORE PLANNING COMMISSION
GRANTING CONDITIONAL USE PERMIT NO.2012-03
TO ALLOW A SMOKE SHOP USE AT 1150 WEST BUSH STREET

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on November 26, 2012 at 7:00 p.m. on said day, it was moved by Commission member _____, seconded by Commission member _____ and carried that the following Resolution be adopted:

WHEREAS, the Gurpreet Singh Manger and Hardeep Kaur have submitted a Conditional Use Permit application, as required by the municipal code to allow the location of a “smoke shop” use at 1150 West Bush Street; and

WHEREAS, the subject property is located on a portion of APN#020-221-031 and contains approximately 952 square feet of tenant space in the Neighborhood Commercial zone district utilizing existing onsite parking; and

WHEREAS, the application for the use proposes to “sell cigarettes, cigars, tobacco paraphernalia and convenience store items like party stuff”; and

WHEREAS, a public hearing on the proposed Smoke Shop location was noticed in the Hanford Sentinel on November 6, 2012 and notices were sent to the property owners within 300’ of the subject site on November 6, 2012 (more than 10 days in advance of the meeting) and the Lemoore Planning Commission held a duly noticed public hearing at their November 26, 2012 meeting, to take testimony; and

NOW, THEREFORE, BE IT RESOLVED that based of the application, staff report, public hearing testimony, and the evidence in the entire record before it, the Planning Commission makes the following findings in accordance with Section 9-2B-14E of the Lemoore Municipal Code:

- I. 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),
- II. The establishment, maintenance, or operation of the use applied for will not 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 (based on the circumstances of this particular case and its location, size, design, and operating characteristics)
- III. The proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed
- IV. 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 the proposed use and related structures are compatible with other land uses, transportation, and service facilities in the vicinity.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission approves Conditional Use Permit #2012- 03 allowing the Smoke Shop use with the proposed signage with the following conditions of approval so long as use is established before November 26, 2014.

1. Onsite noise and odor shall continually meet the City standard of 65 dB CNEL exterior noise as it is adjacent from residential uses and no obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site per Section 9-5A-4C of the Lemoore Municipal Code. Additionally, no onsite smoking is allowed by law on the site as all areas are less than 25’ from an entry or exit door.

2. Onsite parking stalls need to be re-stripped in their existing locations. Potential ADA bathroom or occupancy related improvements may be needed per building codes as determined by the Building Department and need to be verified with them. Should food conveniences be provided onsite at a future time, the business will need to conform to requirements of the Kings County Environmental Health Department as they generally require a food vending permit be issued.
3. All recycling boxes must be broken down and existing refuse and recycling areas must be shared with other tenants.
4. The smoke shop must comply with the following California code and regulatory sections which prohibit tobacco and related sales to minors, and specify required in-store signage: Health & Safety Code 119405; Penal Code 308(a) and (c); Business & Professions Code 22952 and 22957 ("Stake Act"), and ; 17 CCR 6902(a)" in coordination with the Kings County Environmental Health Department.
5. Given the close proximity to the Safe Routes to school path, materials or products of an immoral nature shall not be displayed in the windows. If the store later sells goods and products of a sexually oriented nature, the code requires that those products not be displayed in the front of the store where visible to passersby nor are they to be immediately visible upon entering the store. No more than 15% of the gross floor area of the space can contain sexually oriented products as it would be classified as a sexually oriented business which is not allowed in this zone district. .
6. Any additional onsite signage beyond the one permanent sign submitted approved with this application, shall be in conformity with Sections 9-5F of the Lemoore Municipal Code - Zoning section.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on November 26, 2012, by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Ron E. Meade, Chairperson

ATTEST:

Holly P. Smyth, Secretary

CERTIFICATE

STATE OF CALIFORNIA

)
COUNTY OF KINGS) **ss.**
CITY OF LEMOORE)

I, Holly P. Smyth, Secretary of the City of Lemoore's Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on _____, 2012.

DATED: _____, 2012

Holly P. Smyth, Secretary
Lemoore Planning Commission