

**RESOLUTION # 2012-
A RESOLUTION OF THE LEMOORE PLANNING COMMISSION
DETERMINING PUBLIC CONVENIENCE # 2012-01, GRANTING CONDITIONAL USE PERMIT
#2012-04 AND APPROVING SITE PLAN & ARCHITECTURAL REVIEW #2012-12
TO ALLOW A WINE TASTING ROOM AT 358 W. "D" STREET**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on January 14, 2013 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 have submitted a Public Convenience or Necessity, Conditional Use Permit, and Site Plan Review applications, as required by the municipal code to allow the location of a "wine tasting room" use at 358 West "D" Street; and

WHEREAS, the subject property is located on a portion of APN#020-054-019 and contains approximately 994 square feet of total interior building space on a 7,500 square foot parcel with 7 existing onsite parking stalls in the DMX-1 Downtown Zone district utilizing existing on-site and off-site parking; and

WHEREAS, the use proposes to have wine tasting and selling wine, as well as selling shirts, hats, wine racks, wine bottle holders, and other items along with cheeses and olive oil and small appetizer type food;

WHEREAS, a public hearing on the proposed wine tasting room location was noticed in the Hanford Sentinel on January 2, 2013 and notices were sent to the property owners within 300' of the subject site on December 28, 2012 (more than 10 days in advance of the meeting) and the Lemoore Planning Commission held a duly noticed public hearing at their January 14, 2013 meeting to take testimony; and

NOW, THEREFORE, BE IT RESOLVED that based of the application, staff report, public hearing testimony, the evidence in the entire record before it, the Planning Commission makes the following determinations and findings in accordance with Sections 9-2B-17D Public Convenience or Necessity, 9-4D-2E Alcoholic Beverage Sales, and 9-2B-14E Conditional Use Permit of the Lemoore Municipal Code so long as the project meets the below listed conditions of approval:

- I. The wine tasting room would provide a "Public Convenience" as Lemoore does not have a similar type of facility and should be allowed.
- II. The location of the use will not result in adverse impacts on park facilities, school facilities, existing religious land uses, and/or existing residential land uses.
- III. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic.
- IV. The development conforms to all applicable provisions of the zoning code.
- V. 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),
- VI. 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)
- VII. The proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed.
- VIII. 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 Public Convenience or Necessity #2012-01, Conditional Use Permit #2012-04, and Minor Site Plan & Architectural Review #2012-12 to allow the wine tasting room at 358 West "D" Street to generally operate daily 4-9pm, with extended hours available for special events/occasions, with the following conditions of approval per the attached redlined site plan drawing to be established before January 14, 2015.

1. Onsite noise and odor shall continually meet the City standard of 70 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.
2. Raised or damaged curb, gutter, or sidewalk around property be replaced to prevent trip hazards and not stop water flow.
3. Three (3) non-conforming freestanding signs need to be removed to conform to Sections 9-6-3E-5c. Any further permanent signage added to the property will need approval in conformity with the Zoning Ordinance prior to installing signs.
4. Five (5) new Street trees are required along the property frontage (at least 2 adjacent to parking with bubbler irrigation) as well as replanting shrubs in parking area planter to screen parking.
5. Fencing to meet ABC requirements for outdoor alcohol serving and if over 30" in height must be substantially open view in conformity with City Code.
6. Should additional onsite lighting be added, it needs to meet requirements of Section 9-6-4E.
7. Building Department will need to confirm that the building meets ADA and Fire Codes. Fire Marshall determined maximum occupancy is limited to 48, tables cannot block any door passage ways, and a fire extinguisher needs to be provided.
8. The business will need to contact the Health Department for further information to conform to their applicable requirements and potential food service that might be utilized.
9. The wine room must continuously comply with Alcohol Beverage Control laws.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on January 14, 2013, by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

, **Chairperson**

ATTEST:

Holly P. Smyth, Secretary

