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**Public Works/
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Staff Report

ITEM 5

To: Lemoore Planning Commission
From: Steve Brandt, City Planner
Date: October 25, 2013
**Subject: Public Hearing – Pharris Lemoore, LLC – Resolution #2013-05
Recommending Approval of Negative Declaration – General Plan
Amendment 2013-01 and Zone Change 2013-01**

Discussion

A Public Hearing is being held to accept public comment on General Plan Amendment 2013-01, a request to remove the collector street and bikeway status from west Bush Street, west of Marsh Drive, and to change the land use designation from Low Density Residential and Parks & Recreation to Community Facilities.

Public Comment will also be accepted on Zone Change 2013-01, a request to change the zoning map from Low Density Residential (RLD) and Parks & Recreation (PR) to Public Services & Community Facilities (CF).

The site is currently owned by Pharris Lemoore, LLC, who is being represented by Tim Palmquist, the applicant. The site is approximately 53 acres. Pharris Lemoore, LLC, is planning to deed the property to the U.S. Navy (Lemoore Naval Air Station). There are also plans for a conservation easement to be placed on the site that would prohibit future development of the site, including the development of residential dwellings. The conservation easement would allow some limited use by West Hills Community College District.

The site proposed for amendment includes APNs 023-510-34, 023-510-36, and a portion of 023-510-37. The site is located at the northwest corner of West Hills Community College: Lemoore, both north and west of the intersection of west Bush Street and Marsh Drive. Exhibit A shows the existing and proposed land use designations.

Project Description

The proposal would change the City of Lemoore General Plan and the City of Lemoore Zoning Map in the following three ways:

1. The General Plan's Circulation Element would no longer show any required streets west of the Marsh Drive alignment.
Currently the Circulation Element shows Bush Street extending as a collector street west of Marsh Drive and then turning south at the abandoned Stratford railroad spur and curving back to Marsh Drive further south.
2. The General Plan's Land Use Element Map would be modified to Community Facilities on the land located west of Marsh Drive between the Union Pacific Railroad line and the land designated for Wetlands Conservation. Currently this land is designated mostly Low Density Residential, with approximately 3 acres designated Parks & Recreation.
3. The Zoning Map would be modified to Public Services and Community Facilities (CF) on the land located west of Marsh Drive between the Union Pacific Railroad line and the land designated for Wetlands Conservation as. Currently the Zoning Map shows RLD (Low Density Residential) and PR (Parks & Recreation) on the site.

The applicant is making this request so that the City General Plan and Zoning Map will be consistent with agreements in principle between the applicant (the property owner Pharris, LLC), the U.S. Navy and West Hills Community College District.

A tentative subdivision map to divide the property into single-family residential lots was approved by the City in 2006. This subdivision map, called TTM 845 or Victory Village, covers most of the project site as well as land east of the project site that is north of Bush Street. The land outside of the project area is Phase I of TTM 845 and is not a part of these proposed amendments.

After the tentative map approval the Lemoore Naval Air Station expressed great concern to the property owner and the City, saying that the residential development would be a detriment to the Air Station's mission. After much negotiation, the U.S. Navy has agreed to purchase the property.

In addition, a conservation easement will be placed on the property so that it cannot be developed for residential uses. California's laws for conservation easements require a local non-profit entity be the trustee of the easement. Because of its proximity to the site, West Hills Community College District has agreed to be the trustee of the conservation easement. The conservation easement will allow the District to use the site for very limited purposes, including stormwater drainage basins, agriculture, passive recreation, and educational activities related to conservation and environmental restoration.

Background Information

Project Number:	GPA 2013-01, COZ 2013-01
Project Applicant:	Pharris, LLC
General Plan Land Use Designation:	Low Density Residential and Parks & Recreation
Adjacent Circulation Element Designations:	Bush Street designated a Collector Street
Zoning:	RLD (Low Density Residential) and PR (Parks & Recreation)
Special Zoning/Planning designations:	Within the Naval Air Station Lemoore Overlay Zone
Existing Land Use on site:	Vacant; previously used for agriculture
Proposed Land Use on site:	Conservation, agriculture, storm drainage basins; residential development and buildings prohibited
Surrounding Land Use to the North:	Union Pacific Railroad line and agriculture (row crops)
Surrounding Land Use to the South:	Designated wetlands
Surrounding Land Use to the East:	Vacant land (future single-family subdivision) and West Hills College: Lemoore
Surrounding Land Use to the West:	Abandoned railroad line, ditch, and agriculture (row crops)
Environmental Review Document:	Negative Declaration
Previous Actions:	TTM 845 approved in July 2006 to allow single-family residential development City Council abandoned the portion of Bush Street that had extended west of Marsh Drive on October 1, 2013

Project Evaluation

The City staff has reviewed the draft agreement between the property owner, the U.S. Navy, and the College District. The agreement would prohibit Phases 2 and 3 of TTM 845 from ever developing, and those phases of the tentative map would eventually expire. Phase 1 of the tentative map would not be affected, and the applicant will continue to pursue development and home construction there.

The agreement provides a benefit for each party. The Navy will be assured that there will be no development west of Marsh Drive. The College District obtains the use of additional property for a storm drainage basin that can serve their college site as well as land that could be used for educational conservation purposes. Pharris, LLC, who also owns other property east of the site, will use the dirt dug out from the stormwater basins to raise the grade of other nearby sites. These nearby sites are currently in flood zone areas and need to be raised in order to develop.

Given the provisions of the conservation agreement, the Community Facilities land use designation is the appropriate designation for the site. Staff had considered the Conservation and the Agriculture land use designations, but those designations might not allow the educational uses and storm drainage basins that the College District intends. Also, since the site will no longer be developing with urban uses, it is appropriate to remove the requirements for collector streets on the site.

Implementation of the intended conservation easement can occur whether the City changes the land use designation and zoning or keeps it as is. However, retaining residential designation and zoning on the site would provide a false impression of what appears to now be the permanent land use disposition of the site, and would overly inflate the statistics of vacant residential land inventory in the city. Therefore, Staff recommends that the applications be approved.

Recommendation

Staff recommends that the Planning Commission hold a public hearing to receive public comment. Then make a motion to adopt Resolution #2013-05, recommending that the City Council adopt the Negative Declaration and approve General Plan Amendment 2013-01 and Zone Change 2013-01 based upon the findings stated in the Resolution.

Subsequent Actions

The Planning Commission's recommendation will be sent to the City Council where they will hold a public hearing, and then make the final adoption of the Negative Declaration and the final decision on the applications. If approved after the public hearing, the Zone Change will be brought back to the City Council for a second reading of the Ordinance change. The changes, if approved, will be effective 30 days after final approval.

Attachments

Draft Resolution

Initial Study / Negative Declaration

Exhibit A – General Plan Amendment Map – Existing and Proposed

Exhibit B – Exhibit Assessor's Parcel Map showing site

RESOLUTION #2013-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 2013-01 AND ZONE CHANGE 2013-01

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on October 28, 2013, at 7:00 p.m. on said day, it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, Pharris, LLC, represented by Tim Palmquist, has submitted applications to: 1) remove the collector street and bikeway status from Bush Street west of Marsh Drive; 2) to change the land use designation from Low Density Residential and Parks & Recreation to Community Facilities; and 3) to change the zoning map from Low Density Residential (RLD) and Parks & Recreation (PR) to Public Services & Community Facilities (CF); and

WHEREAS, an Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), which disclosed that no significant environmental impacts would result from the project; and

WHEREAS, the Planning Commission of the City of Lemoore, after duly published notice, held a public hearing before said Commission on October 28, 2013; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council concur that no significant environmental impacts would result from the identified project, and certify that the Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA.)

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore recommends approval to the Lemoore City Council of General Plan Amendment 2013-01 and Zone Change 2013-01, based on the evidence presented and the following specific findings:

1. The general plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
2. The zone change is consistent with the general plan goals, policies, and implementation programs.
3. Given the provisions of the intended conservation agreement between the applicant, the U.S. Navy, and the West Hills Community College District, the Community Facilities land use designation is the appropriate designation for the site.

4. Given the provisions of the intended conservation agreement between the applicant, the U.S. Navy, and the West Hills Community College District, the removal of required collector streets is the appropriate for the site
5. Given the provisions of the intended conservation agreement between the applicant, the U.S. Navy, and the West Hills Community College District, the Public Services & Community Facilities (CF) is the appropriate zone for the site.
6. Retaining the residential designation and zoning on the site would provide a false impression of what will now be the permanent land use disposition of the site, and would overly inflate the statistics of vacant residential land inventory in the city.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on October 28, 2013, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Dr. Ronald E. Meade, Chairperson

ATTEST:

Kristie R. Baley, Planning Commission Secretary