

**LEMOORE PLANNING COMMISSION**  
**Regular Meeting**  
**AGENDA**  
**Lemoore Council Chambers**  
**429 'C' Street**

**September 22, 2014**  
**7:00 p.m.**

1. Pledge of Allegiance and Roll Call

2. Public Comments and Inquiries

*If you wish to comment on an item, which is not on the agenda, you may do so under "Public Comment." In order to allow time for all public comments, each individual's comments are limited to five minutes. When addressing the Commission, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your presentation.*

3. Approval – Minutes – Regular Meeting August 25, 2014

4. Public Hearing – Review and Consider Adoption of Resolution No. 2014-06 – Recommending Approval of Zoning Text Amendment No. 2014-02 – A Request by City Council to Amend the Current Zoning Text – Allowing the City Council to Modify Performance Standards for Home Occupation Permits when there are Special Circumstances Applicable to the Site of the Home Occupation

5. Planning Director's Report

6. Commission's Report and Request for Information

7. Adjournment

**Tentative Future Items**

October 13th  
None.

Notice of ADA Compliance: If you or anyone in your party needs reasonable accommodation to attend, or participate in, any Planning Commission Meeting, please make arrangements by contacting City Hall at least 24 hours prior to the meeting. They can be reached by calling 924-6700, or by mail at 119 Fox Street, Lemoore, CA 93245.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 119 Fox Street, Lemoore, CA during normal business hours. In addition, most documents will be posted on the City's website at [www.lemoore.com](http://www.lemoore.com).

**CERTIFICATION OF POSTING**

I, Kristie Baley, Planning Commission Secretary, do hereby declare that the foregoing Agenda for the Lemoore Planning Commission Regular Meeting of Monday, September 22, 2014 at 7:00 p.m. was posted on the outside bulletin board located at City Hall, 119 Fox Street in accordance with applicable legal requirements. Dated this 19<sup>th</sup> day of September 2014.

\_\_\_\_\_  
//s//  
Kristie Baley, Commission Secretary

## **WELCOME TO YOUR LEMOORE PLANNING COMMISSION MEETING**

Whether you are attending this meeting because of general interest, or because a particular item of special interest is to be reviewed, your presence is an important means of helping to insure an informed public and responsible City Government.

### **PLANNING COMMISSION**

The Planning Commission has been established to advise the City Council in planning and zoning matters.

### **REGULAR PLANNING COMMISSION MEETINGS**

Meetings are held at 7:00 p.m. on Second and Fourth Monday of each month. Business requiring Commission action is listed on the Planning Commission Meeting Agenda. An agenda is prepared for each Planning Commission Meeting. In compliance with the State open meeting laws (Brown Act), only those items on the agenda may be acted upon by the Planning Commission.

### **CONDUCT AT PUBLIC MEETINGS**

Your courtesy is requested to help our meeting run smoothly. If you'll be kind enough to follow these simple rules, we can make the best possible use of time. Please silence all electronic devices. Please refrain from public displays or outbursts such as unsolicited applause, comments, cheering, foul language, or obscenities. Any disruptive activities that substantially interfere with the ability of the City to carry out its meeting or prevents/disrupts others from fully participating in the meeting will not be permitted and offenders will be requested to leave the meeting pursuant to Government Code § 54957.9.

### **PUBLIC COMMENTS**

At a Planning Commission meeting, those who wish to be heard on matters on the agenda should indicate their desire to speak when the item is ready for discussion. If you wish to comment on an item which is not on the agenda, you may do so under "Public Comments". In order to allow time for all public comments, each individual's comments are limited to five minutes. Time shall not be shared/loaned from speaker to speaker. If you wish to request time on an upcoming Planning Commission Agenda to present a particular item or matter to the Planning Commission, you may contact the Planning Commission Secretary at any time before 12:00 noon on the Tuesday immediately preceding the Planning Commission meeting to so request. If the matter is within the Planning Commissions jurisdiction, and the Planning Commission has not taken action or considered the item at a recent meeting, the Planning Director may place the item on the Agenda. When addressing the Planning Commission, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your presentation.

### **PLANNING COMMISSION ACTION**

#### **Resolution**

A Resolution is a formal written expression of a policy, opinion or desire of the Planning Commission. It requires only one reading and becomes effective on adoption.

#### **Minute Order**

Actions of the Planning Commission recorded only in the Minutes taken in all cases where a formal Resolution is not needed or required.

### **SUGGESTIONS, INQUIRIES OR COMPLAINTS**

While any citizen may speak directly to the Planning Commission concerning suggestions, inquiries or complaints, the Planning Director or Department Head responsible for the service or work concerned, can usually provide pertinent information or handle the matter without delay if a request is made directly to him or her. If you are not sure which department to call, or whenever you feel the matter has not been properly handled, please contact the office of the Planning Director at 711 W. Cinnamon Drive, telephone 924-6740.

Minutes of the  
LEMOORE PLANNING COMMISSION  
August 25, 2014

**MEETING CALLED TO ORDER:**

At 7:02 p.m. the meeting was called to order.

**ATTENDANCE:**

Chairman Garcia, Vice-Chairman Clement, Commissioners Badasci, Dow; City Planner Brandt, Planning Director Wlaschin, Project Manager Holwell, Commission Secretary Baley

**ABSENT:**

Marvin, Monreal, Wynne

**PUBLIC COMMENT:**

There was no comment.

**MINUTES – REGULAR MEETING AUGUST 11, 2014:**

It was moved by Commissioner Clement and seconded by Commissioner Dow to approve the Minutes of the Planning Commission Regular Meeting of August 11, 2014.

Ayes: Clement, Dow, Badasci, Garcia

Absent: Marvin, Monreal, Wynne

**PUBLIC HEARING – REVIEW AND CONSIDER ADOPTION OF RESOLUTION 2014-05 – REQUESTING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2014-01 AND ZONE CHANGE NO. 2014-01 – A REQUEST TO (1) CHANGE THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO LIGHT INDUSTRIAL, AND (2) CHANGE THE ZONING FROM RMD (MEDIUM DENSITY RESIDENTIAL) TO ML (LIGHT INDUSTRIAL) – SITE IS LOCATED AT 847 AND 849 CHAMPION STREET, ON THE NORTHWEST CORNER OF IONA AVENUE AND CHAMPION STREET IN LEMOORE – APNS 023-150-017, 023-150-018, AND 023-150-019:**

City Planner Brandt presented the request and answered questions.

Property Owner Jeff Kemper provided an overview of the history and future use of the property.

Planning Director Wlaschin answered questions regarding the affects of the change to the surrounding properties.

Chairman Garcia requested comment from the public.

Property Owner Don Robbins stated that the majority of the properties in the area of Champion Street and Iona Avenue are better suited for light and / or heavy industrial zones and recommended a City initiated zone change to revert the surrounding area back to an industrial use zone.

Chairman Garcia recommended the City initiate a zone change for the area.

It was moved by Commissioner Clement and seconded by Commissioner Badasci to approve Resolution 2014-05 – Recommending Approval of General Plan Amendment 2014-01 and Zone Change 2014-01.

Ayes: Clement, Badasci, Dow, Garcia

Absent: Marvin, Monreal, Wynne

**PLANNING DIRECTOR'S REPORT:**

Planning Director Wlaschin reported on;

- 1) Demolition and future development at 442 and 448 C Street.
- 2) Wathen Castanos to develop Tracts 752 and 791
- 3) Water Conservation Ordinance

**COMMISSIONERS REPORT AND REQUESTS FOR INFORMATION:**

There were no reports or requests from Commissioners.

**ADJOURNMENT:**

At 7:37 p.m. the meeting adjourned.

Approved the 22<sup>nd</sup> day of September 2014.

Full digital audio recording is available.

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Jeff Garcia, Chairman

Attest:

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Kristie Baley, Commission Secretary

**Mayor**  
Lois Wynne  
**Mayor Pro Tem**  
Willard Rodarmel  
**Council Members**  
Ray Madrigal  
Eddie Neal  
William Siegel



**Public Works /  
Planning Services  
Department**

119 Fox Street  
Lemoore, CA 93245  
Phone (559) 924-6740  
Fax (559) 924-6708

## Staff Report

ITEM   4  

To: Lemoore Planning Commission

From: Michael Hernandez, Assistant Planner; Steve Brandt, City Planner

Date: September 19, 2014

Subject: Public Hearing to Review and Consider Resolution No. 2014-06 Recommending Approval of **ZONING TEXT AMENDMENT NO. 2014-02** – A request by City Council to amend the current zoning text that would allow the City Council to modify performance standards for home occupation permits when there are special circumstances applicable to the site of the home occupation.

### **Recommended Action**

Staff recommends that the Planning Commission conduct a public hearing to take testimony regarding **ZONING TEXT AMENDMENT NO. 2014-02**. Following the public hearing, staff recommends that the Planning Commission adopt Resolution No. 2014-06 recommending that the City Council approve the text amendment.

### **Proposal**

At the August 19, 2014 City Council Meeting, Council reviewed and denied an Appeal for a Home Occupation Permit that does not meet the performance standards listed in the Zoning Ordinance. Council requested that staff bring back ordinance changes that would allow Council the ability to approve modifications to the performance standards of a Home Occupation Permit when special circumstances exist. As proposed, Council could modify the performance standards if a denial was appealed to them by an applicant.

The proposal also includes two minor technical changes to clean up language in the Home Occupation section of the Zoning Ordinance.

### **History**

Claudia Peinado and Antonio Carilto submitted an application March 10, 2014, to obtain a Home Occupation Permit which included parking commercial vehicles on their property. The vehicles are currently used for their tree trimming business. Their site is zoned Low Density Residential.

After review of the application city staff denied the Home Occupation Permit, because the applicants are in violation of the current Zoning Ordinance by parking a vehicle larger than three-quarter ton on their property, thus in violation of City Zoning Ordinance. The applicants appealed the decision to City Council, arguing that their site is much larger than a traditional single-family lot, and that there is an existing garage large enough to park the vehicles inside. Council wanted to approve the Home Occupation Permit, but there were no provisions in the Zoning Ordinance to consider special circumstances such as the ones presented.

### **Proposed Text Changes**

The following are sections from the Zoning Ordinance being proposed for modification, followed by staff's reasoning for recommending the modification. All of the sections are from 9-4D-5 and 9-2B-9 of the Zoning Ordinance. Text to be removed is shown in ~~strikeout~~, while text to be added is shown as underlined.

### **Subsequent Actions**

The Planning Commission's recommendation will be sent to City Council where they will hold a public hearing, then make the decision to modify 9-4D-5 and 9-2B-9 of the Zoning Ordinance. If approved after the public hearing, the Zoning Text Amendment will be brought back to the City Council for a second reading of the ordinance modifications. The changes, if approved, will be effective 30 days after the final approval.

### **Attachments**

- City of Lemoore Zoning Ordinance, Section 9-4D-5: Home Occupations and Section 9-2B-9: Home Occupation Permit
- Draft Resolution No. 2014-06 for Recommendation of Approval

## Staff Report Attachment of Sections 9-4D-5 and 9-2B-9.

The follow text is taken from the current Zoning Ordinance. Underlined text is proposed to be added. ~~Strikeout~~-text is proposed to be deleted.

### 9-4D-5: HOME OCCUPATIONS:

- A. Purpose and Applicability: The regulations contained in this section shall apply to home occupations to ensure the compatibility of the home occupations with the principal residential uses in order to protect the integrity and character of neighborhoods.
- B. Approval Process: Prior to the establishment of a home occupation, the proprietor of a home occupation shall first obtain a home occupation permit and a business license from the city. The procedures for submittal, review, and approval of the home occupation permit shall be as described in chapter 2, article B, "Planning Permits and Entitlements", of this title. No business license shall be issued until a home occupation permit is first issued. Business licenses shall be reviewed and issued consistent with the provisions of title 3, "Business, License and Permit Regulations", of the municipal code.
- C. Categories of Home Occupations: As described in chapter 2, article B, "Planning Permits and Entitlements", of this title, there are two (2) types of home occupations permits - major and minor. Major permits are discretionary in nature and are reserved for those activities that may generate vehicular and pedestrian traffic and that may adversely impact residential neighborhoods. Minor permits are ministerial and are for those activities that have little or no impact on the neighborhood. Examples of each kind of activity are described below. The planning director shall have the authority to determine if a proposed activity is a major or minor activity, or is an activity prohibited as a home occupation.
1. Minor Home Occupation: Minor home occupations are home occupations that do not generate higher levels of traffic than that customarily found in a residential neighborhood, do not have customers visiting the home, and which do not have a noticeable appearance. Examples include, but are not limited to, the following types of occupations:
    - a. Art and craft work such as ceramics, flower arranging, jewelry making, painting, sculpting, and photography;
    - b. Electronic and other by mail commerce involving the storage and shipping of goods and products from the home; and
    - c. Office uses such as an office for a tax preparer, contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and/or word processing, and real estate agent where no customers come to the home.
    - d. Cottage food operations that are established per California Government Code Section 51035.
  2. Major Home Occupation: Major home occupations are more intensive operations that may have a noticeable impact on surrounding residential land uses as a result of increased traffic (vehicular and pedestrian), that may have up to five (5) customers come to the home per day, and that send or receive goods beyond those customary for a residential neighborhood. Examples include, but are not limited to, the following types of occupations:
    - a. Furniture stripping and refurbishing;

- b. Mobile clinics; and
  - c. Office uses such as an office for a contractor, architect, attorney, consultant, counselor, engineer, insurance agent, planner, tutor, data and/or word processing, and real estate agent where fewer than five (5) customers come to the home per day.
- D. Activities Prohibited As Home Occupations: The following activities are specifically prohibited as home occupations:
- 1. Ambulance service;
  - 2. Ammunition reloading, including custom reloading;
  - 3. Boarding house, bed and breakfast, hotel, timeshare condominium;
  - 4. Carpentry, cabinetmakers;
  - 5. Ceramics (kiln of 6 cubic feet or more);
  - 6. Firearms repair or sales;
  - 7. Health salons, gyms, dance studios, aerobic exercise studios;
  - 8. Massage therapy;
  - 9. Medical, dental, chiropractic, or veterinary clinics (including boarding);
  - 10. Mortician, hearse service;
  - 11. Palm reading and fortune telling;
  - 12. Private clubs;
  - 13. Repair or reconditioning of boats or recreation vehicles;
  - 14. Restaurants or taverns;
  - 15. Retail sales from site (except direct distribution of artist's originals, food prepared at a cottage food operation, and electronic and mail order commerce);
  - 16. Storage, repair, or reconditioning of major household appliances;
  - 17. Storage, repair, or reconditioning of motorized vehicles or large equipment on site other than personal use;
  - 18. Tattoo service;
  - 19. Tow truck service; and
  - 20. Welding service.
- E. Performance Standards: The following standards shall apply to all minor home occupation permit applications. The standards may be modified by the approving authority for major home occupations.

1. Number of Home Occupations: There is no limit on the number of home occupations at a residence provided that the performance standards identified in this section are met.
2. Employees: Offsite employees or partners are not permitted. Only occupants of the home may work on site.
3. Habitable Floor Area: The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not more than one hundred fifty (150) square feet or fifteen percent (15%) of the floor area of the dwelling, whichever is less, shall be used in the home occupation.
4. Offsite Effects: There shall be no mechanical equipment or operation used which creates or makes dust, odor, vibration, or other effects detectable at the property line. No process shall be used which is hazardous to public health, safety, morals, or welfare.
5. Sales:
  - a. Onsite Sales: There shall be no products sold on the premises except artist's originals or products individually made to order on the premises.
  - b. Offsite Sales: Offsite sales, including electronic and mail order commerce, shall be permitted.
6. Display: There shall be no display of products produced by occupants of the dwelling which are visible in any manner from the outside of the dwelling unit.
7. Traffic: The use shall not generate pedestrian or vehicular traffic beyond that which is normal in a residential district nor in any case require the parking of more than two (2) additional vehicles at any one time.
8. Vehicles: One truck or van, not more than three-quarters (3/4) ton capacity, may be kept on or adjacent to the premises associated with the home occupation. No campers or semitrailers incidental to the home occupation shall be kept on the premises.
9. Storage: There shall be no storage of material or supplies out of doors.
10. Exterior Appearance: There shall be no remodeling or construction of facilities especially for the home occupation which changes the external appearance of the neighborhood from a residential to a more commercial look when viewed from the front of the building.
11. Signs: Signs shall be allowed for the home occupation in accordance with chapter 5, article F, "Signage", of this title.
12. Visitors and Customers: For minor home occupation permits, no visitors or customers shall be allowed. For major home occupation permits, Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than ~~eight (8)~~ five (5) a day, during the hours of eight in the morning (8:00 A.M.) to seven in the evening (7:00 P.M.).
13. Deliveries: Deliveries shall not exceed those normally and reasonably occurring for a residence. Deliveries of materials for the home occupation shall not involve the use of commercial vehicles except for FedEx, UPS, or USPS type home pickups and deliveries.

14. Hazardous Materials: Storage of hazardous materials is limited to below those thresholds as established by the fire department to not require any special permits or licenses.
  15. Notwithstanding the foregoing standards, a cottage food operation may have one (1) employee who does not live at the site, and may sell goods at the site.
- F. Failure to comply with these standards may result in revocation of the home occupation permit and/or business license. (Ord. 2013-05, 02/06/2014)

#### **9-2B-9: HOME OCCUPATION PERMIT:**

- A. Purpose: The purpose of the home occupation permit is to provide a process for the review and permitting of home occupations prior to their establishment.
- B. Applicability: All home occupations as described in chapter 4, "Use Regulations", of this title shall obtain a home occupation permit prior to the issuance of a business license and the establishment of the home occupation. There are two (2) types of home occupation permits as follows:
1. Minor Home Occupation Permit: A minor home occupation permit is a ministerial approval that is conducted to ensure home occupations are conducted consistent with the development standards of section 9-4D-5, "Home Occupations", of this title.
  2. Major Home Occupation Permit: A major home occupation permit is intended for the review and discretionary approval of those home occupations that may generate more vehicular and pedestrian traffic than a typical residential use and thereby have the potential to adversely impact the surrounding residential neighborhood.
- C. Approval Authority: The designated approving authority for minor home occupation permits shall be the planning director. The designated approving authority for major home occupation permits shall be the Planning Commission.
- D. Public Notification: The public notification of an application for a home occupation permit shall be made as follows:
1. Minor Home Occupation Permit: Minor home occupation permits are ministerial in nature. No public notification shall be required.
  2. Major Home Occupation Permit: Public hearing and notice are required for a major home occupation permit pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter.
- E. Approval Findings: A home occupation permit shall be granted only when the designated approving authority determines that the proposed home occupation complies with all of the following findings:
1. The proposed home occupation is consistent with the general plan, any applicable specific plan, and all applicable provisions of this title (e.g., section 9-4D-5 of this title); and

2. The establishment, maintenance, or operation of the home occupation 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 to the general welfare of the city.

F. Post approval Implementation: Requirements for implementation of an approved home occupation permit shall be provided as follows:

1. Minor Home Occupation Permit: A minor home occupation permit is ministerial in nature. As such, the planning director may not impose conditions on the issuance of the permit. However, the applicant may be provided with a list of items necessary for compliance and conformance with this title and the general plan.
2. Major Home Occupation Permit: The designated approving authority may impose conditions and/or require guarantees in order to ensure compliance with this title and to prevent adverse or detrimental impact to the surrounding neighborhood. (Ord. 2013-05, 02/06/2014)

G. Appeals: The decision of the minor or major Home Occupation Permit may be appealed to the City Council. A Public hearing and notice is required for an appeal pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter. If the permit was denied for not meeting the performance standards in Section 9-4D-5E, the City Council may approve the permit with alternative performance standards if the following findings are made:

1. There are special circumstances applicable to the property (e.g., location, shape, size surroundings, topography, or other conditions), so that the strict application of the required performance standards for the Home Occupation Permit is not necessary to preserve the residential nature of the neighborhood;
2. Alternative performance standards that protect and preserve the residential nature of the neighborhood have been included as conditions of approval;
3. Granting the Home Occupation will not adversely affect the interest of the public or the interest of residents and property owners in the vicinity of the premise in question; and
4. The Home Occupation Permit is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title.

**RESOLUTION NO. 2014-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE  
RECOMMENDING APPROVAL OF ZONING ORDINANCE TEXT AMENDMENT NO. 2014-02  
TO MODIFY HOME OCCUPATION STANDARDS IN THE CITY OF LEMOORE**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on September 22, 2014, 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 City Council initiated changes to the City of Lemoore's Zoning Ordinance text pertaining to Home Occupations; and

**WHEREAS**, the Planning Commission reviewed the proposed changes at a public hearing on September 22, 2014; and

**WHEREAS**, the project is categorically exempt from CEQA requirements per the minor alterations to land use limitations exemption in Section 15305 of the CEQA Guidelines.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed zoning ordinance text amendment:

1. The zoning ordinance text amendment is consistent with the general plan goals, policies, and implementation programs. The modifications will continue to protect the integrity and character of neighborhoods.
2. The zoning ordinance text amendment will allow more flexibility to approve Home Occupations when there are special circumstances applicable to a project site.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore recommends approval of Zoning Ordinance Text Amendment No. 2014-02 as described in Attachment A.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on September 22, 2014, by the following votes:

**AYES:**  
**NOES:**  
**ABSTAINING:**  
**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**Dr. Jeffrey Garcia, Chairperson**

**ATTEST:**

\_\_\_\_\_  
**Kristie Baley, Commission Secretary**

## Attachment A

**Section 9-4D-5E-12** is hereby amended to read:

12. Visitors and Customers: For minor home occupation permits, no visitors or customers shall be allowed. For major home occupation permits, Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including not more than ~~eight (8)~~ five (5) a day, during the hours of eight in the morning (8:00 A.M.) to seven in the evening (7:00 P.M.).

**Section 9-2B-9C** is hereby amended to read:

- C. Approval Authority: The designated approving authority for minor home occupation permits shall be the planning director. The designated approving authority for major home occupation permits shall be the Planning Commission.

**Section 9-2B-9G** is hereby added:

G. Appeals: The decision of the minor or major Home Occupation Permit may be appealed to the City Council. A Public hearing and notice is required for an appeal pursuant to section 9-2A-6, "Public Notice, Hearings, and Decisions", of this chapter. If the permit was denied for not meeting the performance standards in Section 9-4D-5E, the City Council may approve the permit with alternative performance standards if the following findings are made:

1. There are special circumstances applicable to the property (e.g., location, shape, size surroundings, topography, or other conditions), so that the strict application of the required performance standards for this Home Occupation permit is not necessary to preserve the residential nature of the neighborhood;
2. Alternative performance standards that protect and preserve the residential nature of the neighborhood have been included as conditions of approval;
3. Granting the Home Occupation will not adversely affect the interest of the public or the interest of residents and property owners in the vicinity of the premise in question; and
4. The Home Occupation Permit is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title.