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

July 12, 2021 7:00 p.m.

Public in attendance are encouraged maintain appropriate physical distancing.

- 1. PLEDGE OF ALLEGIANCE
- 2. CALL TO ORDER AND ROLL CALL
- 3. PUBLIC COMMENT This time is reserved for members of the audience to comment on subject matters that are not on the Agenda, but are within the jurisdiction of the Lemoore Planning Commission. Speakers are asked to limit their comments to three (3) minutes per person. The Commission is prohibited by law from taking any action on matters that are not on the Agenda. Any handouts for the Commission shall be provided to the Planning Commission Secretary for distribution to the Commission and appropriate staff.
- 4. APPROVAL OF MINUTES Special Meeting, May 17, 2021
- 5. PUBLIC HEARING Conditional Use Permit No. 2021-02 and Administrative Use Permit No. 2021-02: a request by Dwight Young to allow the on-sale of alcoholic beverages (beer and wine) and operation of an outdoor meat smoker at 358 W. D Street in the City of Lemoore
- 6. PROGRESS REPORT Proposed Lacey Ranch 156-acre Housing Project Outside the City Urban Growth Boundary
- 7. DIRECTOR'S REPORT Judy Holwell
- 8. COMMISSION REPORTS / REQUESTS
- 9. ADJOURNMENT

<u>Upcoming Meetings</u> Regular Meeting of the Planning Commission, August 9, 2021

Agendas for all regular Planning Commission meetings are posted at least 72 hours prior to the meeting at the Council Chamber, 429 C Street and the Cinnamon Municipal Complex, 711 W. Cinnamon Drive. The City of Lemoore complies with the Americans with Disabilities Act (ADA of 1990). The Council Chamber is accessible to the physically disabled. Should you need special assistance, please call (559) 924-6744 at least four (4) business days prior to the meeting.

CERTIFICATION OF POSTING

I, Kristie Baley, Planning Commission Secretary for the City of Lemoore, do hereby declare that I posted the above Planning Commission Agenda for the Regular Meeting of Monday, July 12, 2021 at Council Chamber, 429 C Street and Cinnamon Municipal Complex, 711 W. Cinnamon Drive, Lemoore CA on July 8, 2021.

Minutes of the LEMOORE PLANNING COMMISSION Special Meeting May 17, 2021

ITEM NO. 1 Pledge of Allegiance

ITEM NO. 2 Call to Order and Roll Call

The meeting was called to order at 7:00 PM.Chair:Ron MeadeVice-Chair:Michael DeyCommissioners:Joey Brewer, Bob Clement, Ray Etchegoin,Absent:Greg Franklin, Thomas Nix

City Staff and Contract Employees Present: Community Development Director Judy Holwell, City Planner Steve Brandt (QK), City Attorney Wesley Carlson (Lozano Smith), Commission Secretary Kristie Baley

ITEM NO. 3 Public Comment

There was no comment.

ITEM NO. 4 Approval – Minutes – Regular Meeting, May 10, 2021

Motion by Commissioner Etchegoin, seconded by Commissioner Dey, to approve the Minutes of the Planning Commission Regular Meeting of May 10, 2021.

Ayes: Etchegoin, Dey, Clement, Brewer, Meade Absent: Franklin, Nix

ITEM NO. 5 Public Hearing – Finding of Consistency and Pre-Zoning – Annexation No. 2021-01 (Batth): a request by Peoples Properties, LLC (Austin Ewell, agent) for proposed annexation of approximately 137 acres located on the northeast corner of 19th Avenue and Idaho Avenue (APN's 024-052-059, 024-052-067, 024-052-068).

City Planner Brandt presented the staff report and answered questions.

Community Development Director provided clarification and answered questions.

The public hearing opened at 7:25 p.m.

There was no comment received from the public.

The public hearing closed at 7:27 p.m.

Motion by Commissioner Etchegoin, seconded by Commissioner Dey, to adopt Resolution No. 2021-09, finding Annexation No. 2021-01 to be consistent with the General Plan and recommending that the site be pre-zoned Heavy Industrial and Light Industrial, in accordance with the existing General Plan land use designations for the site.

Ayes: Etchegoin, Dey, Brewer, Clement, Meade Absent: Franklin, Nix

ITEM NO. 6 Director's Report

Director Holwell provided the following information:

Master Storage submitted a revised site plan for the project at 906 Commerce Way.

Daley Homes submitted a tentative subdivision map for the remainder (Phase III) of Silva 11.

An update was provided regarding the timeline for completion and operation of the water treatment plant.

ITEM NO. 7 Commissioner's Reports and Requests for Information

Commissioner Clement asked when Lennar (Tract 848) will be breaking ground.

Holwell stated that grading plans are currently under review.

There were no other reports or requests for information.

ITEM NO. 8 Adjournment

The meeting adjourned at 7:33 P.M.

Full Audio is accessible from the City website at: <u>https://lemoore.com/communitydevelopment/planning-commission/</u>

Approved the $\underline{12^{\text{th}}}$ day of $\underline{\text{July}}$ 2021.

APPROVED:

Ron Meade, Chairperson

ATTEST:

Kristie Baley, Commission Secretary



711 W Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744

Staff Report

To: Lemoore Planning Commission

Item No. 5

From: Steve Brandt, City Planner

July 7, 2021

Date:

Meeting Date: July 12, 2021

Subject: Conditional Use Permit No. 2021-02; Administrative Use Permit No. 2021-02; Finding of Public Convenience or Necessity: A request by Dwight Young to allow the on-sale of alcoholic beverages (beer and wine) and operation of an outdoor meat smoker at 358 W. D Street in the City of Lemoore (APN 020-054-019).

Proposed Motion:

Move to approve Resolution No. 2021-10, approving Conditional Use Permit No. 2021-02 and Administrative Use Permit No. 2021-02 in accordance with the findings and conditions in the resolution.

Project Proposal:

The applicant is seeking a Conditional Use Permit to operate a beer and wine bar in an existing commercial building, previously occupied by Farmers Fury and the Coop, located at 358 W. D Street. The applicant is proposing to sell beer and wine for on-site and off-site consumption (Type 42 ABC license). The proposed sale of alcohol in the Downtown Mixed Use (DMX-1) zone does require a Conditional Use Permit (CUP) per Table 9-4B-2 and a finding of public necessity or convenience per Section 9-2B-17 Public Convenience or Necessity of the City of Lemoore Zoning Ordinance.

The applicant is also requesting an Administrative Use Permit (AUP) to allow the placement and operation of an outdoor meat smoker to supplement the food menu with smoked meat products. The Type 42 ABC license does not require food to be sold at the establishment. Seating is confined to a small number of indoor areas and a few tables located just outside the front of the establishment. An existing decorative fence separates the outdoor seating area from nearby public spaces and walkways. General occupancy is estimated at 31 patrons per a note on Floor Plan (attached). Actual maximum occupancy will be determined by the Fire Marshall just prior to the business opening.

Applicant	Dwight Young
Location	358 W. D Street
Existing Land Use	Vacant, formerly a wine bar
APN(s)	020-054-019
Total Building Size	1,200 square feet
Zoning	Downtown Mixed Use (DMX-1)
General Plan	Mixed Use

Adjacent Land Use, Zone and General Plan Designation

Direction	Current Use	<u>Zone</u>	<u>General Plan</u>
North	Fuel Station/ Convenience Store	DMX-1	Mixed Use
South	Office/Retail	DMX-1	Mixed Use
East	Restaurant/Professional Services/Apartments Upstairs	DMX-1	Mixed Use
West	Vacant Building/Dog Grooming	DMX-1	Mixed Use

Previous Relevant Actions:

The same location was previously granted approval for the sale of wine.

Zoning/General Plan:

The site is planned as Mixed Use and zoned DMX-1. Per the Lemoore Municipal Code, the proposed on-site sale of alcohol is a use that can be approved through a CUP in this zone. This project is being brought to the Planning Commission because the proposed on-site sale of alcohol requires a CUP.

Access and Right of Way:

The building's main entrance fronts onto the corner of Fox Street and West D Street with adequate sidewalk access. There is also access via an entrance at the rear of the building. This entrance can also be used for loading/unloading supplies from the alley.

Parking / On-site Circulation:

The main access to the site would be from the entrance on the corner of Fox Street and D Street. There is on-street parking available along both Fox Street and D Street. There are currently six off-street parking spaces located in the lot behind the building. There are currently no designated ADA parking spaces near the front (main) entrance to the building or in the adjacent parking area to the north. Staff is recommending a condition to require one ADA parking space and a path of travel to one of the building entrances. This will result in the parking area having four regular parking spaces and one ADA compliant space.

Architectural and Site Design Standards:

The interior of the building will be remodeled in accordance with the attached floor plan. No changes to the outer façade of the building are proposed.

Since the establishment will be offering food, Staff is recommending that an appropriately sized grease interceptor designated for grease and fats will be installed in the facility.

Operations:

The beer and wine bar is anticipated to have daily hours of operation from 3 PM to 11 PM. It is intended that patrons will remain in the main indoor lounge area and front outdoor seating area. All activities and operations will be in accordance with Alcoholic Beverage Control (ABC) conditions and ABC requirements for use. Compliance with the requirements ABC places on the site is recommended as a condition of the approval of this CUP.

Nearby Schools, Churches, and Parks:

Zoning Ordinance Section 9-4D-2 states that establishments selling alcoholic beverages shall not be located within 500 feet of a church, school, or park unless the Planning Commission makes special findings. Those findings are:

- 1. 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.
- 2. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and / or vehicular traffic.
- 3. The development conforms to all applicable provisions of the Zoning Code.

There are two parks and two worship centers located within 500 feet of the site. Plaza Park to the east on D street, the Skate Park on E Street to the north, Hope Fellowship Center located on the west side of Fox street between D Street and C Street and Living Word Church on the south side of E Street between Fox Street and Heinlen Street.

Staff would support making the following findings:

1. The site was previously used as a wine bar with no incidents during that time.

- 2. Two lane City streets with on-street parking, parking in lot at the rear of the property, and a complete network of City sidewalks are effective in accommodating both vehicular and pedestrian traffic around the site.
- 3. The development does conform to all provisions of the zoning ordinance.

Public Necessity or Convenience

Section 9-2B-17 requires the Planning Commission to make a finding that the public convenience or necessity would be served by the granting of an alcohol license. The Planning Commission shall consider, among other things, the recommendations of the chief of police, the planning director, and other departments of the city. The purpose of this finding is to give the Planning Commission the opportunity to say whether or not the site is appropriate for sale of alcohol and whether or not there is already an overconcentration of alcohol sales in the neighborhood.

The City Manager and all Directors have reviewed the request, and none voiced opposition to the request at this location. The City Manager, Chief of Police, and Community Development Director recommend making the finding of public necessity or convenience.

Administrative Use Permit:

An AUP is required for land uses having unique or unusual site development features or operating characteristics to ensure consistency with the Zoning Ordinance and the general plan. The proposed outdoor meat smoker is the subject of the AUP as an outdoor commercial barbeque per Table 9-4B-2. The smoker will be located outdoors in the front fenced-in area. Staff is recommending a condition that the location and operational setup of the smoker be approved, in writing, by both the Fire Department and Public Works Department, and that adequate barriers and safety measures be installed to protect patrons and pedestrians from the possibility of burns or exposure. The proposed smoker is shown in the image on the right.

Typically, AUPs are approved by the planning director. However, pursuant to Section 9-2A-3 Consolidated Review, the AUP is reviewed and approved by the Planning Commission. The findings required by Section 9-2B-10 for approval of an AUP are identical to two (2) of the findings



FEC100: FAST EDDY'S™ BY COOKSHACK WOOD PELLET SMOKER OVEN MODEL FEC100

required by Section 9-2B-14 for approval of a CUP. These findings are 1) consistency with the general plan, any applicable specific plans, and all applicable provisions of the Zoning Ordinance, and 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 to the general

welfare of the city. Therefore, if the Planning Commission can make these findings for the Project with respect to the CUP, these findings can also be made with respect to the AUP.

Outdoor Seating:

The exterior layout is consistent with the Outdoor Dining operational standards found in Section 9-6-6A, which require seating to be located near the dining establishment and maximum 3.5-foot-high wall or fence surrounding the seating areas.

Signage:

The Site contains an existing legal nonconforming pole sign that can be utilized, or the City would allow installation of new signage per the current Zoning Ordinance standards. Any new signage would require a separate sign permit.

Environmental Assessment:

The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Class 1 (Existing Facilities) Section 15301.

Recommended Approval Findings:

A conditional use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings. City staff recommends that these findings be made based upon review of the project as described in this staff report, and with the recommended conditions of approval. These findings include those required per Section 9-4D-2 related to proximity to churches, schools, and parks.

- 1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the proposed land uses are consistent with the Zoning Ordinance.
- 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 to the general welfare of the City. The site is located near other compatible commercial uses.
- 3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. The site is physically able to support the use. The applicant may be required by ABC to make physical changes to conform to their standards, if needed.
- 4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity.

- 5. 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. The site was previously operated as a wine bar with no incidents during that period.
- 6. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic. Two lane City streets with on-street parking, parking in lot at the rear of the property, and a complete network of City sidewalks are effective in accommodating both vehicular and pedestrian traffic around the site.
- 7. The development conforms to all applicable provisions of this Zoning Code.
- 8. The public convenience or necessity would be served by the granting of the CUP and ABC license.

Recommended Conditions:

Staff recommends the following conditions be applied to the approval of the Conditional Use Permit and Administrative Use Permit:

- 1. The site shall be developed consistent with the submitted site plan and applicable development standards found in the City of Lemoore Zoning Ordinance.
- 2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall first require approval of an amendment to this conditional use permit.
- 3. The establishment shall obtain and maintain a valid Type 42 license from Alcoholic Beverage Control (ABC). A change to a license type that is deemed more intensive than a Type 42 license shall require an amendment to this conditional use permit.
- 4. The establishment shall comply with all federal and state laws regarding the sale of alcohol.
- 5. Business hours and the sale of alcohol shall comply with ABC regulations.
- 6. One (1) ADA compliant parking stall shall be required in the rear parking area with an ADA path of travel from the space to the building entrance.
- 7. The final location and operational setup of the smoker shall be approved by both the Fire Department and Public Works Department, including adequate physical barriers and safety measures to protect patrons and the public from the possibility of burns or exposure.
- 8. The type, size and intensity of the smoker shall remain the same, as well as the days and times of use.

- 9. All signs shall require a sign permit separate from the building permit.
- 10. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 and 9-5B-4 of the City of Lemoore Zoning Ordinance related to noise, odor, and vibration, lighting and maintenance.
- 11. The time limits and potential extensions and expiration of this conditional use permit are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

Attachments:

Location Map Resolution Site Plan Floor Plan

Location Map CUP No. 2021-02



RESOLUTION NO. 2021-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING CONDITIONAL USE PERMIT NO. 2021-02 TO ALLOW THE ON-SITE SALE OF ALCOHOLIC BEVERAGES AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY, AND ADMINISTRATIVE USE PERMIT NO. 2021-02 FOR THE OPERATION OF AN OUTDOOR MEAT SMOKER AT 358 W. D STREET IN THE CITY OF LEMOORE

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 12, 2021, 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, Dwight Young has requested a conditional use permit to allow the sale of alcoholic beverages and administrative use permit for an outdoor meat smoker at 358 W. D Street in the City of Lemoore (APN 020-054-019) and

WHEREAS, the proposed site contains an existing commercial structure; and

WHEREAS, the zoning on the parcel is DMX-1 (Mixed-Use); and

WHEREAS, it has been determined that the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Class I (Existing Facilities) Section 15301; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its July 12, 2021, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed Conditional Use Permit No. 2021-02 and Administrative Use Permit 2021-02, based on facts detailed in the July 12, 2021, staff report, which is hereby incorporated by reference, as well as the evidence and comments presented during the Public Hearing:

- 1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the proposed land uses are consistent with the Zoning Ordinance.
- 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 to the general welfare of the City. The site is located near other compatible commercial uses.
- 3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. The site is physically able to support the use. The applicant may be required by ABC to make physical changes to conform to their standards, if needed.
- 4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and

related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity.

- 5. 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. The site was previously operated as a wine bar with no incidents during that period.
- 6. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic. Two lane City streets with on-street parking, parking in lot at the rear of the property, and a complete network of City sidewalks are effective in accommodating both vehicular and pedestrian traffic around the site.
- 7. The development conforms to all applicable provisions of this Zoning Code.
- 8. The public convenience or necessity would be served by the granting of the CUP and ABC license.
- 9. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) per Class I (Existing Facilities) Section 15301.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore hereby approves Conditional Use Permit No. 2021-02 and Administrative Use Permit 2021-02 subject to the following conditions:

- 1. The site shall be developed consistent with the submitted site plan and applicable development standards found in the City of Lemoore Zoning Ordinance.
- 2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall first require approval of an amendment to this conditional use permit.
- 3. The establishment shall obtain and maintain a valid Type 42 license from Alcoholic Beverage Control (ABC). A change to a license type that is deemed more intensive than a Type 42 license shall require an amendment to this conditional use permit.
- 4. The establishment shall comply with all federal and state laws regarding the sale of alcohol.
- 5. Business hours and the sale of alcohol shall comply with ABC regulations.
- 6. One (1) ADA compliant parking stall shall be required in the rear parking area with an ADA path of travel from the space to the building entrance.
- 7. The final location and operational setup of the smoker shall be approved by both the Fire Department and Public Works Department, including adequate physical barriers and safety measures to protect patrons and the public from the possibility of burns or exposure.
- 8. The type, size and intensity of the smoker shall remain the same, as well as the days and times of use.

- 9. All signs shall require a sign permit separate from the building permit.
- 10. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 and 9-5B-4 of the City of Lemoore Zoning Ordinance related to noise, odor, and vibration, lighting and maintenance.
- 11. The time limits and potential extensions and expiration of this conditional use permit are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 12, 2021, by the following votes:

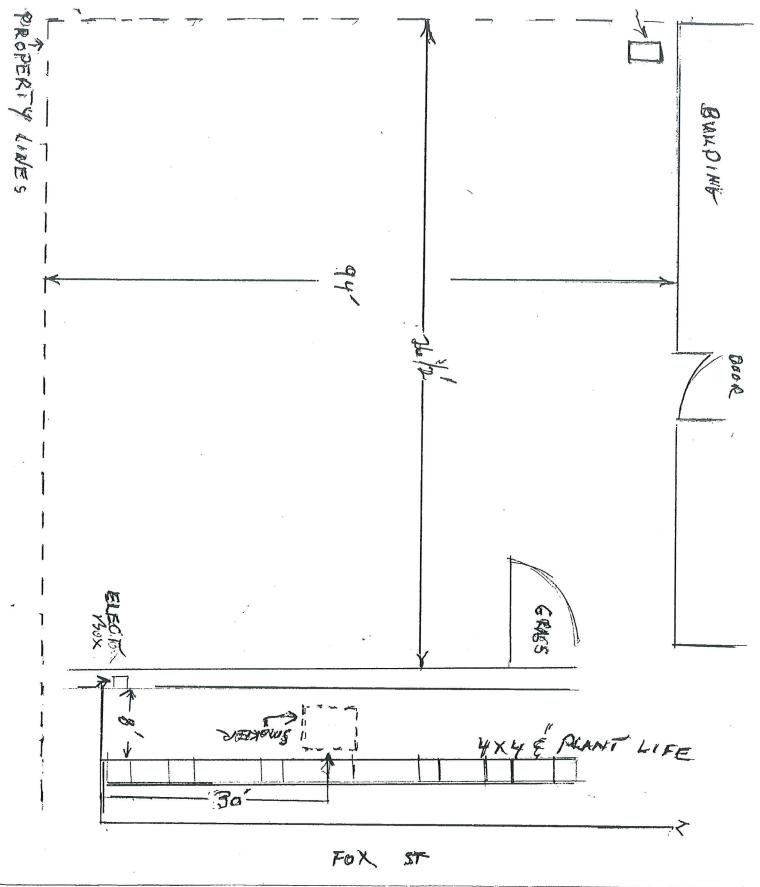
YES: NOES: ABSTAINING: ABSENT:

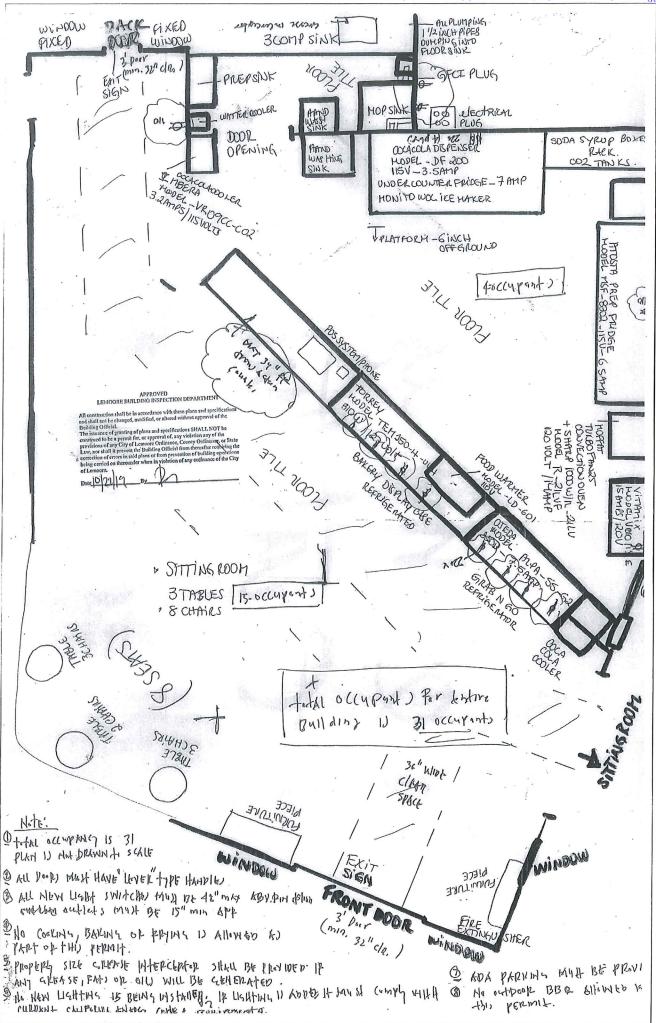
APPROVED:

Ron Meade, Chairperson

ATTEST:

Planning Commission Secretary







711 W Cinnamon Drive • Lemoore, California 93245 • (559) 924-6744

Staff Report

То:	Lemoore Planning Commission		Item No. 6
From:	Steve Brandt, City Planner		
Date:	July 8, 2021	Meeting Date:	July 12, 2021
Subject:	Progress report on the proposed Lacey Ranch 156-acre development project outside the City Urban Growth Boundary.		

Proposed Motion:

Information Only.

Project Proposal:

The City Planning and Public Works staff have continued to work with the Assemi Group representative, Jeff Roberts, on a proposal to amend the Lemoore General Plan and allow a 156-acre residential neighborhood north of the existing City Limits. The Assemi Group has purchased the property and would like to develop the site over a multi-year period as a residential neighborhood with a mix of housing types.

The roughly square-shaped area is bounded by 18th Avenue (Lemoore Avenue) on the west, Glendale Avenue on the south, Lacey Boulevard on the north, and an irrigation ditch on a portion of the east side. There are no structures on the site and in the last few years has been farmed with row crops. The City's Well 11, water tank, and solar panels are located near the southwest corner of the site.

The developer has hired a CEQA consultant who is preparing an environmental impact report (EIR) for the project. Once a draft is complete, City Planning staff will review it before it is released to the public for a 45-day public review period. City staff have also been working with the developer on the layout of lots, the size and density of the multi-family residential portions of the project, and the preliminary designs to provide water, sewer collection, and storm drainage services.

The proposed project is outside of Lemoore's City Limits and partially outside of Lemoore's Primary Sphere of Influence, as shown on the attached maps, and will require annexation.

The Tentative Subdivision Map with two detail maps are also attached. Jeff Roberts will be present to provide a progress update and answer any questions the Council may have.

Attachments:

Lemoore Sphere of Influence Map with site identified Lemoore General Plan Land Use Map with site identified Proposed Tentative Map

