

AGENDA ITEM: 4.

DATE: 01-19-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 96-01 AM 2

DATE: January 19, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: David Shamsian

LOCATION: 1752 West Avenue K

REQUEST: Amendment to Conditional Use Permit No. 96-01 (Amended Conditions List approved by the City Council) to delete Condition No. 19; thereby allowing the applicant to remove the required raised center median in 18th Street West

RECOMMENDATION: Adopt Resolution No. 10-01 approving Conditional Use Permit No. 96-01 AM2.

BACKGROUND: On May 13, 1996, the Planning Commission denied Conditional Use Permit No. 96-01 for a service station and a 2,000 square-foot mini-market. On May 14, 1996, the applicant appealed the decision of the Planning Commission to the City Council. On June 17, 1996, the City Council upheld the appeal, and approved Conditional Use Permit No. 96-01. Among the conditions of approval added by the City Council was the prohibition against any driveway being constructed that would allow access to and from 18th Street West. It is the condition posing this prohibition that prompted the applicant to file for an amendment to the conditional use permit proposing that driveway access be allowed from the subject property to 18th Street West.

On July 14, 1997, the Planning Commission denied the proposed amendment. It was the general consensus of the majority of the Commission that since the City Council had originally approved the use permit imposing the restriction against any driveway on 18th Street West, that any amendment overturning that restriction should be considered by the City Council itself. On September 9, 1997, the City Council approved CUP 96-01 amending Condition No. 15 to allow a driveway access on 18th Street West. Among the added conditions was Condition No. 19, which required the applicant to install a median in 18th Street West.

On July 16, 2001, the Planning Commission approved Conditional Use Permit No. 01-05 to expand an existing service station to include a car wash and related automotive services.

ANALYSIS: The applicant, David Shamsian, is requesting to delete Condition No. 19 from the amended condition list approved by the City Council for Conditional Use Permit No. 96-01. Currently, this condition requires a raised median in 18th Street West. The condition was required to prevent truck traffic from using 18th Street West to access the applicant's establishment and, therefore, prevent truck traffic from negatively impacting the residential neighborhood. The applicant inquired to the Engineering Department whether or not the median in 18th Street West could be removed. After further analysis, the Traffic Engineer found that the design of the median was not functioning as envisioned. The analysis found that a high percentage of motorist (turning south onto 18th Street West from Avenue K) are only partially prevented from entering the applicant's establishment, and continue beyond the median; and either conduct a three-point turn via a private residential driveway, or perform an illegal u-turn, to access the project site. The effect of the median has negatively impacted the residents; therefore, staff is recommending the applicant be allowed to remove the median.

In considering this request, the Planning Commission should consider the following factors:

1. The median is not functioning as intended.
2. The median is creating additional traffic conflicts resulting in negative impacts for neighboring residences.
3. The Public Works Department is not opposed to the request.

Respectfully submitted,

Christopher Aune, Assistant Planner

Attachments:

Planning Commission Staff Report dated May 13, 1996
City Council Staff Report dated June 17, 1996
Planning Commission Staff Report dated July 14, 1997
City Council Staff Report dated September 9, 1997
Planning Commission Staff Report dated July 16, 2001

cc: Applicant
Engineer