

AGENDA ITEM: 2.

DATE: 03-15-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 07-17

DATE: March 15, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Gateway Triangle Development II, LLC

LOCATION: 10± gross acres located on the northeast corner of 20th Street East and Avenue J

REQUEST: Construction of a 69,270 square-foot shopping center with drive-thru restaurants in the CPD Zone

RECOMMENDATION: Adopt Resolution No. 10-06 denying Conditional Use Permit No. 07-17 without prejudice.

ENVIRONMENTAL REVIEW: No environmental review was prepared for the proposed project.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 500-foot radius of the project, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant has not responded to requests to progress the conditional use permit to completion since September 16, 2009.

- October 23, 2007 – Conditional Use Permit No. 07-17 filed.
- November 21, 2007 – Incomplete application letter sent to applicant.
- January 23, 2008 - Staff met with the applicant to discuss the required revisions for the conditional use permit.
- July 24, 2008 - Staff sent a letter to the applicant requesting the status of the conditional use permit.
- August 8, 2008 - The applicant submitted a letter requesting to continue with the processing of the conditional use permit.
- September 23, 2008 – The applicant submitted plans and application documents for staff review.

- October 23, 2008 – Staff sent written comments to applicant requesting revisions to plans and the submittal of missing or incomplete application documents/reports (i.e. Traffic Impact Study, Engineer of Record, and Financial Interest Disclosure form).
- July 20, 2009 - Due to lack of progress from the applicant, staff sent a final request by certified mail to submit the requested items or withdraw the project.
- August 6, 2009 – Staff received an email correspondence from applicant requesting additional time to continue with the project due to the current economical climate.
- August 14, 2009 – Staff replied to applicant with a request for a timeline identifying when the requested items would be submitted for review.
- September 16, 2009 – Applicant sent an email stating a timeline would be provided in one week.
- January 5, 2010 – Staff sent a follow up email to applicant requesting the timeline for continuing with the processing of the conditional use permit.

Therefore, based on the lack of progress or refusal to withdraw the project, staff is unable to complete the environmental review and make any findings; and staff is recommending that the Commission deny Conditional Use Permit No. 07-17 due to lack of progress without prejudice.

Respectfully submitted,

Brigitte Ligons, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, DENYING CONDITIONAL USE PERMIT NO. 07-17

WHEREAS, a Conditional Use Permit has been requested by Gateway Triangle Development II, LLC for the construction of a 69,270 square-foot shopping center with drive-thru restaurants on 10± gross acres of land located on the northeast corner of 20th Street East and Avenue J in the CPD Zone, as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 of the Lancaster Municipal Code; and

WHEREAS, notice of intention to deny the granting of a Conditional Use Permit has been given due to lack of progress by the applicant including failure to provide necessary corrections and revised plans; and

WHEREAS, staff has performed necessary investigations, and due to lack of progress on the project, is recommending denial of this application pursuant to Section 65956 of the Government Code of the State of California; and

WHEREAS, public notice was provided as required by law and a public hearing was held on March 15, 2010; and

WHEREAS, no initial study was performed for this project because the applicant did not supply the information necessary to complete an initial study; and

WHEREAS, since this Commission hereby desires to deny the project based on the lack of progress by the applicant, but not on the specific merits of the case;

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby denies without prejudice Conditional Use Permit No. 07-17.

ADOPTED this 15th day of March, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster