

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

February 16, 2010

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### CALL TO ORDER

Chairman Vose called the meeting to order at 6:00 p.m.

### INVOCATION

Elder Kasey Marsh or Elder Richard Davis of the New Life Church of the Apostolic Faith was scheduled to lead the invocation, however, the representatives failed to show up.

Commissioner Burkey did the invocation.

### PLEDGE OF ALLEGIANCE

Vice Chair Smith led the Pledge of Allegiance to the flag of the United States of America.

### ROLL CALL

Present: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith, and Chairman Vose.

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), Recording Secretary (Marion Coleman), and an audience of approximately 10 people.

### CONSENT CALENDAR

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#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Burkey and seconded by Vice Chair Smith to approve the Minutes from the Regular Meeting of January 19, 2010. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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## **NEW PUBLIC HEARINGS**

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### **2. Conditional Use Permit No. 10-01**

Chairman Vose opened the public hearing at 6:04 p.m. to hear a request by Robert A. Enos (Greater Works Christian Church), to legalize a church operating in an existing industrial building in SP 80-02, located at 456 East Avenue K-4, Unit 7.

An uncontested hearing letter was received from the applicant agreeing to all conditions. The applicant, Robert A. Enos, addressed the Commission and stated he is available to answer any questions.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:07 p.m.

It was moved by Commissioner Malhi and seconded by Commissioner Harvey to Adopt Resolution No. 10-04 approving Conditional Use Permit No. 10-01. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: None.

### **3. Conditional Use Permit No. 10-02**

Chairman Vose opened the public hearing at 6:08 p.m. to hear a request by Wilfredo Ramos to add full nightclub activities seven days a week to the existing Bahama Mama Restaurant in the RC (Regional Commercial) Zone, located at 44960 Valley Central Way.

An uncontested hearing letter was received from the applicant agreeing to all conditions. Staff report was presented by Silvia Donovan.

Commissioner Malhi questioned the age of the servers and time of serving of the alcohol not being included in the conditions. Silvia Donovan responded that the age requirements would be under the California State Department of Alcoholic Beverage Control (ABC) regulations. Chairman Vose questioned Staff if the age of the servers would need to be included in the conditional use permit. Brian Ludicke responded that the ABC does state age requirements for the serving of alcoholic beverages. He stated the Staff's primary concern was the patrons and preventing the mingling of certain age groups at the nightclub; for example, there would not be a mixed group of the "over 21" and "under 21" in the facility after the hours of 9:30 p.m. when the nightclub operations are to be in place. He stated the conditions were focused toward the issue of the operations of the nightclub.

Chairman Vose commented on the mentioning of an “open bar” which he understood to mean the opposite of a “hosted bar”. He questioned Staff if that was suggesting the bar would be a “free bar” or would it be a “hosted bar”. Brian Ludicke replied that Staff’s assumption of the business is that whoever is getting drinks would be paying for the drinks.

Chairman Vose questioned if there would be a problem of the operations of the nightclub due to the fact that there is a similar facility within 1,236 feet in the vicinity. Brian Ludicke responded that the distance requirement for similar uses of these types of facilities is 1,000 feet. He stated that according to the Municipal Code, the measurement for the distance requirement is from property line to property line, and in this case, it is not an issue because it has an overall unified center. He stated that the project exceeds the normal separation distance requirement, and it meets the Code’s intent to prevent multiple location of similar type of uses to be side by side.

Chairman Vose confirmed with Staff that this is a new application and new operation, and the existing location had other types of operations that are no longer in existence. Brian Ludicke agreed and added that because it is a shift to a different type of operation that is a primary alcohol seller, it is considered a new application.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:16 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Harvey to Adopt Resolution No. 10-05 approving Conditional Use Permit No. 10-02. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

## **NEW BUSINESS**

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### **4. Review of the Draft Zoning Map**

Chairman Vose opened the public hearing at 6:17 p.m. to review and discuss the draft City-wide zoning map issued for public review, receive any written or oral public testimony regarding the draft City-wide zoning map, and discuss the process and schedule. He stated the hearing would also continue at the regular scheduled meeting on March 15, 2010, and action would be taken by the Commission at the April 19, 2010, meeting.

Brian Ludicke stated that an important component in the draft mixed-use zone part of the zoning code had not been completed. He stated the draft is scheduled to be available in March, and will provide sufficient time for public review and the Commission to review prior to any action taken on the matter at the regular meeting in April.

Chairman Vose commended Staff on drafts that had been provided to the Commission, and stated the drafts were also available on website to review the proposed zoning changes, and also recommended to compare the changes with the adopted General Plan map also available on the website.

Brian Ludicke informed the Commission that Staff had received a letter on a matter concerning the draft, and also met with one of the property owners who expressed that they will also be submitting a letter. He stated that organizations in the community have been made aware, as well as individuals who requested for this information. He added the dissemination of the review has been made as widely as possible.

Chairman Vose questioned whether organizations and agencies in the jurisdiction were being informed concerning the review.

Brian Ludicke affirmed and stated that Staff would follow-up to make sure if there were any concerns or issues, they would be available to answer questions. He stated that it is notable that although there are some areas in the City that are being adjusted because of the changes that were made in the General Plan, the vast majority of the properties in the City will remain in their current zoning classifications. He added it is an important element to bringing the development requirements in conformance with the General Plan, and the effect would be limited to certain areas of the City, such as areas designated as mixed-use, or some areas where there were changes in the land use pattern. He added, for example, around the prison (between 50<sup>th</sup> and 60<sup>th</sup> Streets West and Avenues I and J), there were changes from residential to industrial, as well as additional commercial sites that were added in the General Plan.

Chairman Vose asked Mr. Ludicke to point out the areas that are being discussed on the map. Brian Ludicke conducted the PowerPoint presentation.

There were none in the audience who wished to speak concerning this item. Public hearing closed at 6:25 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Haycock to continue review and discussion of the draft City-wide zoning map issued for public review, and to receive any written or oral public testimony regarding the draft City-wide zoning map, at the regular meeting of March 15, 2010. Motion carried with the following vote (7-0-0-0):

AYES: Commissioners Burkey, Harvey, Haycock, Jacobs, Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

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## **DIRECTOR'S ANNOUNCEMENTS**

Brian Ludicke announced to the Commission that the City Council awarded the contract for the street work in the Downtown area at the Council's February 9, 2010, meeting. He stated

that this was one of the first items reviewed by the Commission in August 2008, for the Downtown Lancaster Specific Plan, making a recommendation to the City Council. He informed the Commission that the project continues to progress.

### **COMMISSION AGENDA**

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None.

### **PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS**

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None.

### **ADJOURNMENT**

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Chairman Vose declared the meeting adjourned at 6:27 p.m., to Monday, March 8, 2010, at 5:30 p.m., in the Planning Large Conference Room, City Hall.

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster