

AGENDA ITEM: 4.

DATE: 04-19-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 07-07

DATE: April 19, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Set of the Sail, LLC

LOCATION: 2.27± gross acres located on the south side of Avenue I approximately 150 feet east of Challenger Way (10th Street East)

REQUEST: Construction of three commercial buildings totaling 26,925 square feet in the CPD Zone

RECOMMENDATION: Adopt Resolution No. 10-11 denying Conditional Use Permit No. 07-07 without prejudice.

BACKGROUND: There have been no prior hearings before the City Council or Planning Commission concerning this property.

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 process the conditional use permit to completion since June 16, 2009.

- May 3, 2007 – Conditional Use Permit No. 07-07 was filed.
- May 23, 2007 – Complete application letter was sent to applicant.
- August 8, 2007 – Staff met with the applicant's engineer of record at the Development Review Committee meeting to discuss the required revisions for the conditional use permit.

- October 17, 2007 – Staff received corrections to the site plan.
- January 30, 2008 – Staff met with the applicant's engineer at the Development Review Committee meeting to discuss remaining outstanding corrections to the site plan.
- November 10, 2008 – Per the applicant's request, staff re-mailed a copy of the Draft Conditions of Approval.
- May 18, 2009 – Staff sent a certified letter to the applicant requesting that the applicant continue processing the project by sending the corrected site plan or if they wish they could withdraw the project for a partial refund.
- June 16, 2009 – The applicant submitted a letter requesting six months, or until December 16, 2009, to submit revised plans reflecting changes per the Development Review Committee comments.
- December 16, 2009 – No plans have been submitted.
- February 23, 2010 – Staff sent a follow up certified letter to the applicant requesting a timeline for continuing with the processing of the conditional use permit no later than March 8, 2010, or staff would recommend denial of the project at the April 19, 2010, Planning Commission meeting.
- March 8, 2010 – No response from the applicant.

The application has been in process for approximately 2½ years, which is a reasonable amount of time to complete the review and approval of a conditional use permit. The proposed project was not subject to other requirements, such as an Environmental Impact Report (EIR) or any other special requirements, which would extend the processing schedule. The potential issues that arise from project in which the applicant has failed to move forward for an extended period of time may include, but are not limited to, expired environmental reports, increase in fees, changes in standards or regulations which could result in a total redesign of the project, and etc. For these and other reasons, state law generally requires that development applications should be processed within six (6) months or shortly thereafter the completion of the environmental process.

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. 07-07 due to lack of progress without prejudice.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-11

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

WHEREAS, a Conditional Use Permit has been requested by Set of the Sail, LLC. for the construction of three commercial buildings totaling 26,925 square-feet on 2.27± gross acres located on the south side of Avenue I, approximately 150 feet east of Challenger Way (10th Street East); 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 April 19, 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; since they cannot be properly evaluated.

NOW, THEREFORE, BE IT RESOLVED:

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

PASSED, APPROVED and ADOPTED this 19th day of April 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