

AGENDA ITEM: 4.

DATE: 07-19-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-14

DATE: July 19, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: New Life Community Church

LOCATION: 43145 Business Center Parkway

REQUEST: A Conditional Use Permit for the operation of a church in an existing industrial building in the LI (Light Industrial) Zone

RECOMMENDATION: Adopt Resolution No. 10-32 approving Conditional Use Permit No. 10-14.

BACKGROUND: There have been no prior hearings before the City Council or Planning Commission concerning this property. Previously, the church had a lease with the Lancaster School District to operate church services at Endeavor Middle School, located at 831 East Avenue K-2. On May 31, 2010, the Lancaster School District terminated New Life Community Church's lease with Endeavor Middle School leaving the church without a facility in which to hold weekly services and religious instruction. New Life Community Church currently has a church office located at 43233 7th Street East in which an application for a conditional use permit was submitted for construction of a worship building in the R-7,000 zone. On April 19, 2010, Conditional Use Permit No. 09-02 went before the Planning Commission for denial due to lack of progress. The Planning Commission granted an extension to allow the applicant time to submit revised site plans to the Planning Department for review. On June 8, 2010, the applicant submitted revised plans and it is anticipated that the conditional use permit for the 7th Street East site will be heard before the Planning Commission on August 16, 2010. However, due to financial difficulties for the construction of a new worship building, and lack of space in the church office, the applicant needed to find an alternative location. The church leased a 6,532 square-foot space located at 43145 Business Center Parkway, and has been in operation since June 6, 2010.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated LI (Light Industrial) by the General Plan and is zoned LI (Light Industrial). The industrial building is approximately 44,684 square feet, of which 6,532 square feet is currently utilized by New Life Community Church. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	LI	LI	Industrial Use
EAST	SP	SP 90-01	Industrial Building
SOUTH	LI	LI	Industrial Building
WEST	LI	LI	Union Pacific Railroad

PUBLIC IMPROVEMENTS: The site is bounded to the east by Division Street, which is improved with three lanes of travel in each direction. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: The proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for a church at an existing facility, no impacts on environmental resources would be expected to occur.

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

ANALYSIS: The applicant is requesting approval to allow New Life Community Church to legally operate within a 6,532 square-foot unit located in an existing 44,684 square-foot industrial building. A conditional use permit is required for a church to be located in an industrial zone to ensure compatibility with industrial users.

The parking for a church is calculated at one automobile parking space for every 45 square feet (1/45) of usable floor area of an auditorium where seats are not fixed. Based on an assembly area of 2,300 square feet, 51 parking spaces would be required for the proposed use. The required parking for the current on-site users would be 293 parking spaces. Currently, there are 350 on-site parking spaces available for use should all businesses choose to operate at the same time (see chart below for details).

CURRENT ON-SITE BUSINESSES

Suite and Use	Square Footage	Required Parking	Sun	Mon	Tue	Wed	Thurs	Fri	Sat
101 – New Life Community Church	2,300 Assembly Area only	1/45 2,300/45 = 51	9 am 9 pm	5 pm 9 pm	5 pm 9 pm	5 pm 9 pm	Closed	Closed	Closed
104 & 105 – Bingo	10,580	1/250 10,580/250 = 43	5 pm 10 pm		5 pm 10 pm	Closed	Closed	Closed	5 pm 10 pm
102, 106, 200, & 201 – Prospect Education	21,654	1/250 21,654/250 = 87	Closed	10 am 10 pm	10 am 10 pm	10 am 10 pm	Closed	Closed	10 am 10 pm
All other Industrial Uses	65,506	1/400 65,506/400 = 163	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	Closed
Total parking required for above uses:			344						
Total parking provided for above uses:			344						
Total parking provided on-site:			<u>350</u>						
Remaining Available Parking:			6						

As indicated in the chart above, the only uses with similar hours to the church are Bingo and Prospect Education. All other businesses are open Monday through Friday, from 8:00 a.m. until 5:00 p.m. Based on the number of parking spaces required and the number of parking spaces provided, sufficient parking exists on the site to accommodate the proposed hours and days of operation for the church as well as all other business operating within this industrial center.

Staff is recommending approval of the church based on the site having sufficient parking, adequate access, with hours of operation from 9:00 a.m. until 9:00 p.m. on Sunday, and from 5:00 p.m. until 9:00 p.m. Monday through Wednesday, and being compatible with the existing uses.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant
 Engineer

RESOLUTION NO. 10-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-14

WHEREAS, a conditional use permit has been requested by New Life Community Church to operate within an existing industrial building, located at 43145 Business Center Parkway, 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, a notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code, and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommend approval of this conditional use application, subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on July 19, 2010; and

WHEREAS, the proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for a church at an existing facility, no impacts on environmental resources would be expected to occur; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. The proposed church located in a 6,532 square-foot unit in an existing industrial building will be in conformance with the General Plan land use designation of Light Industrial (LI).
2. The proposed church would be located in the light industrial zone, which permits similar uses such as Colleges/Universities to gather and share knowledge. Therefore, the same principles apply to churches, religious and social organizations.
3. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the use is held within an enclosed

existing building. The main hours of operation would be from 9:00 a.m. until 9:00 p.m. on Sunday, and from 5:00 p.m. until 9:00 p.m., Monday through Wednesday outside the normal business hours for the adjoining uses.

- b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met and adequate parking is provided. The building is of a height compatible with the height limits of the light industrial zone, and is designed with adequate setbacks from the adjacent street.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements are available to serve the site.
4. The 6,532 square-foot unit, of which 2,300 square feet would be utilized for the assembly area located in an existing industrial building, is adequate in size and shape to accommodate the building, setbacks, required parking spaces that are required for the proposed use, landscaping, and other development features prescribed in the Zoning Ordinance. Parking for the proposed use is calculated at one automobile parking space for every 45 square feet (1/45) of usable floor area of an auditorium where seats are not fixed. Based on an assembly area of 2,300 square feet, 51 parking spaces would be required. There are 350 on-site parking spaces, and based on the analysis outlined in the attached staff report, sufficient parking exist on the site to accommodate the hours of operation for the church and current users.
5. The proposed site is adequately served:
 - a. By Business Center Parkway, which is of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
 - b. By other public or private service facilities, including sewer, water, fire, and police services are required.
6. The proposed use is not subject to the California Environmental Quality Act (CEQA), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, as noted in the environmental review section of the staff report for this project.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No 10-14, subject to the conditions attached hereto and incorporated herein

PASSED, APPROVED and ADOPTED this 19th day of July 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

CONDITIONAL USE PERMIT NO. 10-14
CONDITIONS OF APPROVAL
July 19, 2010

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Number 10-23 for Conditional Use Permits shall apply except for Condition No. 4, 5, 7, 8, 10, 11, 13, 14, 16-30, 35-37, and 42-49.
2. The church is approved for a 2,300 square-foot assembly area, with primary hours of operation from 9:00 a.m. until 9:00 p.m. on Sunday, and from 5:00 p.m. until 9:00 p.m. on Monday, Tuesday, and Wednesday. Any significant change in the hours of operation, or increase in assembly area, shall be submitted to the Planning Director for review to determine whether a modification to the conditional use permit is necessary.