

AGENDA ITEM: 6.

DATE: 08-16-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-18

DATE: August 16, 2010
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: Promises of God Ministry
LOCATION: 42545 Wall Street Suite 105
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. 10-38 approving Conditional Use Permit No. 10-18.

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

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 12,064 square feet, of which 1,259± square feet would be utilized by Promises of God Ministry. 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	Vacant Land
EAST	LI	LI	Vacant Land
SOUTH	LI	LI	Vacant Land
WEST	LI	LI	Vacant Land

PUBLIC IMPROVEMENTS: The site is bounded to the east by Wall Street, which is improved with one lane 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 Promises of God Ministry to operate within a 1,259± square-foot unit located in an existing 12,064 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 applicant is aware of future conflicts such as noise, odors, and other typical industrial uses that could impact the church use. If a new industrial use locates in the area, the new business may be required to address potential impacts to the church, specifically the sensitive population.

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 908 square feet, 21 parking spaces would be required for the proposed use. The existing building was constructed as an industrial building and parked at one space for every 400 square feet of floor area, for a total of 31 parking spaces ($12,064/400 = 31$). Currently, there are 41 on-site parking spaces available for the site, which is 10 spaces over the requirement.

CURRENT ON-SITE BUSINESSES									
Suite and Use	Square-Footage	Required Parking	Sun	Mon	Tue	Wed	Thu	Fri	Sat
101 Platinum Care Office	1,214 w/ 30% office 364	1/400 1,214/400 = 4	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	*8 am 5 pm
103 Save My Face	1,297	1/250 1,297/250 = 6	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	Closed
105 Promises of God Ministry	908 Assembly Area only	1/45 908/45 = 21	*8 am 11 am	*7 pm 9 pm	*7 pm 9 pm	*7 pm 9 pm	*7 pm 9 pm	*7 pm 9 pm	*10 am 9 pm
107 Carpet Tech Call center	1,258.5 w/ 30% office 377	1/400 1,258.5/400 = 4	*12 am 12 pm	*12 am 12 pm	*12 am 12 pm	*12 am 12 pm	*12 am 12 pm	*12 am 12 pm	*12 am 12 pm
109 Genesis Customs (Auto Detailing)	2,819.2 (1-Bay)	4 parking spaces per bay = 4	Closed	8:30 am 5:30 pm	8:30 am 5:30 pm	8:30 am 5:30 pm	8:30 am 5:30 pm	8:30 am 5:30 pm	Closed
111(**) Vacant	950.4	1/400 =3	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm
113(**) Vacant	950.4	1/400 =3	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm
115 Gall Bros Engineering	1,158	1/250 1,158/250 = 5	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	Closed
117 Front Line Private Security	1,158 w/ 30% office 347	1/400 1,158/400 = 3	Closed	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	8 am 5 pm	Closed
Parking required for Daytime Uses: 32					Parking required for Evening Uses: 35				
Total parking provided: 41					Total parking provided: 41				
Remaining Spaces:..... (+)9					Remaining Spaces:..... (+)6				
*Highlighted areas indicate businesses that have similar hours to the church.									
**Assumptions on future use.									

As indicated in the chart above, the only uses with similar hours to the church are Carpet Tech, which is a call center, and Platinum Care Office. Also, for the purpose of analysis, staff is assuming that the two vacant tenant spaces (111 and 113) would be occupied by typical uses that would also be open on Saturday concurrent with the church. All other businesses are open Monday through Friday between the hours of 8:00 a.m. and 5:30 p.m. Staff has determined that the hours of operation for the existing business do not conflict with the hours of operation for the church. The businesses that are

open between the hours of 8:00 am and 5:30 pm would require 32 parking spaces. The church, Platinum Care, and Carpet Techs, as well as the assumed use for the vacant spaces, hours of operation would overlap in the evening and on weekends and would require 35 parking spaces. Based on the hours of operation, the number of parking spaces, required and the number of parking space 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 8:00 a.m. until 11:00 a.m. on Sunday, 7:00 p.m. until 9:00 p.m. Monday through Friday, and 10:00 a.m. until 9:00 p.m. on Saturday, which would be compatible with the existing uses.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-18

WHEREAS, a conditional use permit has been requested by Promises of God Ministry to operate within an existing industrial building, located at 42545 Wall Street Suite No. 105, 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 August 16, 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 1,259± square-foot unit within 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 8:00 a.m. until 11:00 a.m. on Sunday, 7:00 p.m. until 9:00 p.m. Monday through Friday, and 10:00 a.m. until 9:00 p.m. on Saturday, which is outside the normal business hours for certain other adjoining uses; and therefore compatible.
 - 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 1,259± square-foot unit, of which 908 square feet would be utilized for the assembly area, is located in an existing industrial building and 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. There are 41 on-site parking spaces, and based on the analysis outlined in the attached staff report, sufficient parking exists on the site to accommodate the hours of operation for the church and current users.
5. The proposed site is adequately served:
 - a. By Wall Street, 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 10-18, subject to the conditions attached hereto and incorporated herein

PASSED, APPROVED and ADOPTED this 16th day of August 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

ATTACHMENT TO PC RESOLUTION NO. 10-38
CONDITIONAL USE PERMIT NO. 10-18
CONDITIONS LIST
August 16, 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, 11-30, 35-37, and 42-49.
2. The church is approved for a 908 square-foot assembly area, with primary hours of operation from 8:00 a.m. until 11:00 a.m. on Sunday, 7:00 p.m. until 9:00 p.m. Monday through Friday, and 10:00 a.m. until 9:00 p.m. on Saturday. 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.