

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

August 16, 2010

CALL TO ORDER

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

INVOCATION

Pastor John Meadors of Christian Life Assembly Church did the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Terracciano led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

Present: Commissioners Hall, Harvey, Malhi, Terracciano, and Chairman Vose.

Absent: Commissioner Wheeler and Vice Chairman Jacobs.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), Recording Secretary (Marion Coleman), and an audience of approximately 25 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Malhi and seconded by Commissioner Harvey to approve the Minutes from the Regular Meeting of July 19, 2010. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

CONTINUED PUBLIC HEARINGS

2. Conditional Use Permit No. 08-17

Chairman Vose opened the public hearing at 6:04 p.m. to hear a request by James Wood, Patrick Wood and Sandy Yavitz, for Alcoholic Beverage Control Type 21, Off-Sale General License (beer, wine and spirits) for a new drug store in the C (Commercial) Zone, located at the southeast corner of 15th Street West and Avenue J.

Brian Ludicke reported that Staff received a letter from the applicant requesting a continuance to the September 20, 2010, Planning Commission regular meeting, and Staff had no objection to this request. Also, Staff advised applicant of the requirement to update the public hearing notice posted on the site with the new public hearing date.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:06 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to continue Conditional Use Permit No. 08-17 to the September 20, 2010, Planning Commission meeting. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

NEW PUBLIC HEARINGS

3. Zone Change No. 10-01 (Addition of Senior Mobilehome Park Overlay Zone)

Chairman Vose opened the public hearing at 6:06 p.m. to hear request by the City of Lancaster for an application of a Senior Mobilehome Park Overlay Zone (MHP-S) to various existing senior mobilehome park properties located at 1304 East Avenue I (Clear Skies), 2550 East Avenue I (The Californian), and 3753 East Avenue I (Sherwood).

The staff report was read by Brian Ludicke. He added that because the project involves an amendment to the zoning map, the Planning Commission, by State law, must review the proposal and make an advisory recommendation to the City Council. He concluded that Staff is satisfied, based on legal counsel guidance and copies of the operating rules received from the three named mobilehome parks, that these three parks meet the definition of senior mobilehome park. Staff recommended that the zone change to place an overlay zone on each of the three sites be approved by the Commission and forwarded to the City Council as a recommendation.

Commissioner Terracciano asked if the request was just an overlay, bringing the mobilehome parks into conformance with code. Brian Ludicke affirmed.

Commissioner Hall asked for clarification whether the overlay applies only to the mobilehome parks rules and regulations, or to the City's definition for mobilehome parks. Brian Ludicke responded that Staff has a copy of the rules and operating requirements for each of the mobilehome parks, and believes that the regulations reinforce the City's findings that each of the listed parks is being operated as a senior mobilehome park, and in accordance with the ordinance of the City. He concluded that the rule of placing the overlay zone is the City's ordinance.

Chairman Vose asked Brian Ludicke if the ordinance referenced to was Ordinance No. 900, Section 17.08.305, of the zone regulations, to which Brian Ludicke responded to the affirmative.

Ray Chavira, President of the Sherwood Park Association of Residents, stated he was in support of the Staff's recommendation. He stated that three years prior, the City Council unanimously passed a moratorium, which was extended to one year to "freeze things" until Staff prepared an ordinance, which is now Ordinance No. 900. He stated that the expert on the issue of the mobilehome parks was Elizabeth Brubaker, Director of Housing and Neighborhood Revitalization. He stated that with all the struggles the mobilehome residents have had to go through to get protective housing in the City, which has approximately 28 mobilehome parks, Elizabeth Brubaker has been very helpful. He stated the Sherwood Park residents are seeking police protection and currently are not under management supervision. He requested the Commission for unanimous support of the recommendation.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:15 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Hall to adopt Resolution No. 10-35 recommending to the City Council approval of Zone Change No. 10-01, applying the Senior Mobilehome Park Overlay Zone to three existing mobilehome park properties in the City (Exhibit "A"). Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

Brian Ludicke stated the Zone Change No. 10-01, applying the Senior Mobilehome Park Overlay Zone, is scheduled for the City Council meeting on September 14, 2010.

4. Conditional Use Permit No. 95-12 Amended 2

Chairman Vose opened the public hearing at 6:17 p.m. to hear a request by Ahmad Ghaderi to include the addition of a 756 square-foot automatic drive-thru self-service car wash to an existing gas station/mini-mart in the CPD Zone, located at 44015 20th Street West.

Commissioner Malhi recused himself from the hearing, stating he owns a business approximately within one-half mile of the project.

The staff report was read by Brian Ludicke. He cited Staff's concern with the undeveloped balance of the property. He stated the maintenance was insufficient, and proposed that the applicant perform the necessary maintenance to bring the landscaping of the undeveloped portion of the property up to the requirements as contained in the landscaping plan for the site that was approved on October 16, 2002.

Applicant, Ahmad Ghaderi, confirmed his agreement to the conditions of approval as stated in the staff report, and the maintenance required for landscaping as presented by Brian Ludicke.

Commissioner Hall inquired concerning the four-foot space between the car wash and the main building, which he stated could possibly attract homeless persons. Applicant agreed and responded that the space would be closed-off and lighting installed to prevent loitering in the area.

Chairman Vose asked Brian Ludicke if the closing off of the area could be also noted in the recommendation. Brian Ludicke responded there were no objections.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:23 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Terracciano to adopt Resolution No. 10-36 approving Conditional Use Permit No. 95-12 AM2, with applicant's concurrence to close off the small area between the carwash and the main building. Motion carried with the following vote (4-0-0-1-2):

AYES: Commissioners Hall, Harvey, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

RECUSED: Commissioner Malhi.

ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

5. Conditional Use Permit No. 10-16

Chairman Vose opened the public hearing at 6:25 p.m. to hear a request by Bachan Kaur (Charo Chicken), for on-site sale of alcohol (Type 41, sale of beer and wine for a bona fide restaurant) for Charo Chicken in the Commercial Zone, located at 2053 West Avenue J.

Commissioner Malhi recused himself from the hearing, stating he was a business owner in the same commercial center.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

Applicant/owner, Bachan Kaur, pointed out that many customers have requested alcoholic beverages when they came to purchase food.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:26 p.m.

It was moved by Commissioner Hall and seconded by Commissioner Harvey to adopt Resolution No. 10-37 approving Conditional Use Permit No. 10-16. Motion carried with the following vote (4-0-0-1-2):

AYES: Commissioners Hall, Harvey, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

RECUSED: Commissioner Malhi.

ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

6. Conditional Use Permit No. 10-18

Chairman Vose opened the public hearing at 6:27 p.m. to hear a request by the Promises of God Ministry, for the operation of a church in an existing industrial building in the LI (Light Industrial) Zone, located at 42545 Wall Street, Suite 105.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report. There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:28 p.m.

It was moved by Commissioner Terracciano and seconded by Commissioner Malhi to adopt Resolution No. 10-38 approving Conditional Use Permit No. 10-18. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, and Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

7. Tentative Parcel Map No. 71248

Chairman Vose opened the public hearing at 6:29 p.m. to hear a request by Yvonne Lane, for a subdivision for four (4) lots in the R-7,000 and CPD Zone, of 35.67± gross acres located on the northeast corner of 60th West and Avenue L-8.

The reading of the staff report was waived since an uncontested hearing letter was received from the applicant stating agreement to the conditions of approval as stated in the staff report.

George Lane, representative and son of applicant, stated they are just performing a basic parcel split, and there was no project planned at this time. He concluded that the subdivision was being prepared so that at a future date they will be ready and able to accommodate a building project.

Eric Muravez, Lancaster resident, stated he was not sure if he was supporting or opposing the project. In viewing the map, three of the parcels would be in the southwestern portion of the tract, which is commercial. His first concern was Parcel No. 4 access on Avenue L-8. He stated that at the southeast corner of Avenue L-8 and 57th Street West is Joe Walker Middle School, and the thoroughfare also for students walking to Quartz Hill High School. He questioned the purpose of the parcels in the subdivision, and if the subdivisions are consistent with the layout of the project in the ranch commercial area. He asked if Parcel No. 1 was going to be multi-family housing, because he did not understand the “flow” of the project. He concluded that his major concern was to keep the commercial on 60th Street West and not bringing it down on Avenue L-8, which would expose the middle school students to the same commercial traffic as the high school students.

Chairman Vose stated that the applicant is within their rights, as a property owner, to subdivide their parcel in four lots under the Map Act. The property is being divided along the zoning lines and in conformance to the General Plan. He stated there were no development proposals with the parcel map, nor were the applicants required to present any development proposals. He advised that at a future time, if the applicants decided to develop the property, they would be required to submit an application for a conditional use permit, which would require a public hearing before the Planning Commission, and possibly the City Council. He concluded that presently before the Commission was a simple land division, and not a proposal for development.

Brian Ludicke stated that the zoning pattern on the area south of Avenue L-4 did not change with the General Plan revision, and the parcel lines are in accordance with the existing plan and zone designations. He stated in response to Mr. Muravez’s comment concerning the purpose of Parcel No. 1, that depending upon what the use of the property would be, the existing driveway that serves the AM/PM was designed to also provide access to the parcels adjacent to the east and the north, with the intent at that time to ensure there was shared access, to limit driveways on secondary streets (Avenue L-8).

Chairman Vose recalled a hearing before the Commission one year prior, in which he questioned the identification of the street improvement set-back on the parcel map relative to Avenue L-4, which did not match the parcel map to the north. He reiterated, in agreement with Brian Ludicke, that depending on how residential Parcel No. 1 is developed, the Commission may require access off of the residential street to the east, as opposed to taking access off of Avenue L-4.

Brian Ludicke stated that there were valid reasons both for extending and not extending Avenue L-4. He stated the ultimate development of Parcel No. 1 would dictate the determination, and because of the uncertainty of what the proposal would be, provisions were written into the previous project to allow access to Avenue L-4, if needed. In viewing existing easements that are granted, there is also an easement on the property for Avenue L-4.

Chairman Vose injected that any future developments of the properties would possibly come back before the Commission. Brian Ludicke agreed and added that the properties, including Parcel No. 1, would likely have to go through the public hearing process for a subdivision or other housing development. Chairman Vose concluded that the way the zoning is configured in the area and the parcel sizes defined in the project, it is uncommon to have parcels developed totally without further division or adjustments. Therefore, the project would have to come before the Commission for further development.

Commissioner Hall inquired whether Mr. Muravez's concerns for Avenue L-8, were on future access or traffic. Chairman Vose stated the concern was access of commercial property. Brian Ludicke stated that to Mr. Muravez's concern is that, if the property is accessed off of Avenue L-8, would it lead to an increase in traffic along Avenue L-8, which serves the junior high school as well as provides the path of travel for high school students to Quartz Hill. Commissioner Hall asked if future development would include widening the street, and giving the easements, would alleviate the problem of concern. Brian Ludicke responded it would be speculative at this point, because it depends on the type of commercial use of the property, and he would not want to bind either the applicant or the City to a particular approach with the land division at this time.

There were no other speakers in the audience in opposition to the request. Public hearing closed at 6:38 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Hall to adopt Resolution No. 10-39 approving Tentative Parcel Map No. 71248. Motion carried with the following vote (5-0-0-2):

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, and Chairman Vose.
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Wheeler and Vice Chairman Jacobs.

DIRECTOR'S ANNOUNCEMENTS

None.

COMMISSION AGENDA

Chairman Vose expressed, as a reminder, his concerns to the Commission and Staff of discussion from meeting of July 19, 2010, concerning the off-premises advertising signs, and stated there had been no changes. He had observed additional signs setup the weekend before, occurring at approximately 7:30 p.m., in various locations. He commented that some signs had been strapped to street signs, traffic signal poles and speed limits signs to prevent from being blown away by the wind.

Brian Ludicke reported that he had spoken with Deputy City Manager and Director of Housing and Neighborhood Revitalization who oversees Code Enforcement, concerning the issue discussed. He stated that Staff is considering assistance from the local Building Industry Association (BIA) by way of Staff inquiring what can be done to restart the BIA's off-premise

directional sign program, in return for the BIA's assistance in toning down the posting of the advertising signs. He stated that the BIA was very helpful during the rapid housing market, but due to economic circumstances, the BIA had not been available.

Commissioner Hall inquired if political signs, posted during election season and to be removed ten (10) days after the election, were an issue also that falls in the same category as off-premises advertising signs.

Brian Ludicke referred the political inquiry to the Deputy City Attorney.

Chairman Vose interjected that when trash is dumped in the desert, the City has a 10-wheeler truck that has a 20-yard dumpster attached with a crane device that is driven on the desert roads picking up trash dumped on the City's public right-of-way. He stated that he did not see any difference of putting up advertising signs in the public right-of-way. He could see no reason why if trash is being picked up out of the desert, the advertisement signs could be picked up also which would put a stop to the posting of the signs not retrieved in a timely manner. He expressed that it was not the Commission nor Planning staff's decision, but something needed to be done. He stated that when the wind blows signs into the public right-of-way that becomes a hazard, besides being unfair to others who advertise appropriately in the community and follow rules and regulations as they should. He stated when developers take advantage of the system – "fair is fair and right is right".

Commissioner Terracciano stated that he drives a motorcycle, and one night while exiting the freeway, there were signs that had been blown into the public right-of-way due to the high winds in the Antelope Valley area, which created a traffic hazard.

Chairman Vose asked Deputy City Attorney to address the matter of discussion.

Deputy City Attorney stated that his understanding was that Code Enforcement had some discussions with the firm that handles the City's Code Enforcement prosecutions, which is not handled by his office, and therefore, he is not privy to that information. He concluded that he would look into the matter if the Commission desired him to do so, and would follow-up with the Code Enforcement counsel concerning the matter.

Chairman Vose further stated that there were also four-by-eight off-premise advertisement signs on private properties that are adjacent to, or in the public right-of-way, in the area, which he knew were not permitted. He added the signs are going up weekly and expressed his opinion that the reason was because no one is doing anything about it.

Brian Ludicke stated that on the issues with the right-of-way signs, he was not aware as to why the signs had not been picked up, and that it was illegal to place off-premise advertisement signs in the City's right-of-way. He understood that the off-premise signs that were in the City limits had been catalogued by Code Enforcement, and notice of violation sent to developers to remove signs by a specified date. He would follow-up with Code Enforcement concerning the status of issues discussed.

Chairman Vose stated he felt the Commission has leverage, and asked if there were fines for violating the code of posting inappropriate signs.

Brian Ludicke stated the City has a bail schedule, which was used in the past for small signs tacked on power poles. Chairman Vose asked if the bail schedule was still on the books. Brian Ludicke responded that to his knowledge, the bail schedule was still on the books. Chairman Vose expressed that the bail schedule system could be a revenue source. Brian Ludicke concurred and added that often violators would just pay the fine, and the City would have the signs picked up.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 6:52 p.m., to Monday, September 13, 2010, at 5:30 p.m., in the Planning Large Conference Room, City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster