

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

May 21, 2012

CALL TO ORDER

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

INVOCATION

Commissioner Hall did the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), Recording Secretary (Joy Reyes), and an audience of 18 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Hall and seconded by Commissioner Harvey to approve the Minutes from the Regular Meeting of April 16, 2012. Motion carried with the following vote (7-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

NEW PUBLIC HEARINGS

2. Conditional Use Permit No. 11-10

Chairman Vose opened the public hearing at 6:04 p.m., to hear the six-month review of a conditional use permit to continue to operate a concert venue/nightclub with on-sale consumption of alcoholic beverages (Alcoholic Beverage Control Type 42, on-sale beer and wine - public premises), and a request for waiver under Section 17.42.040.C of the Lancaster Municipal Code to allow the sale of beer and wine within 300 feet of a religious assembly area, in the LI (Light Industrial) Zone, located at 43145 Business Center Parkway, #103.

The staff report was presented by Chuen Ng. There were none in the audience who wished to speak in opposition to the report. Public hearing closed at 6:06 p.m.

It was moved by Commissioner Terracciano and seconded by Vice Chairman Jacobs to receive and file report for Conditional Use Permit No. 11-10. Motion carried with the following vote (7-0-0-0):

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

3. Review of Conditional Use Permit No. 10-28

Chairman Vose opened the public hearing at 6:07 p.m., to hear the one-year review of a conditional use permit to continue to operate a banquet facility for private catered events, and to allow alcohol (beer, wine, and spirits) to be provided on the premises, in the Downtown Lancaster SP 08-01 Zone, located at 731 West Lancaster Boulevard.

The staff report was presented by Chuen Ng. There were none in the audience who wished to speak in opposition to the report. Public hearing closed at 6:09 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to receive and file report for Conditional Use Permit No. 10-28. Motion carried with the following vote (7-0-0-0):

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

4. Conditional Use Permit No. 12-10

Chairman Vose opened the public hearing at 6:10 p.m. to hear a request by Papa's Place, to add live entertainment on Thursday, Friday, and Saturday evenings from 10:00 p.m. until 2:00 a.m., and to add an Alcoholic Beverage Control Type 47 license (on-sale general for a bona fide restaurant) in the CPD (Commercial Planned Development) Zone, located at 1525 West Avenue K.

The staff report was presented by Chuen Ng. The applicant, Michael Hill, was present and came forward to address the Commission.

Chairman Vose asked the applicant if he understood and agreed to the numerous conditions of the project. Applicant affirmed and stated there were numerous conditions due to the responsibility of controlling various individuals that might consume alcohol, along with the training of the employees, and the high standard of operations. Chairman Vose pointed out the condition of not allowing rental or lease of the venue for any event not under the applicant's supervision, and Applicant stated he was aware of the condition, and was informed by staff that there was no procedure to request permission from the City.

Commissioner Terracciano inquired if applicant was former proprietor at a different location and welcomed the applicant back in the business; he also asked if there were plans for exterior improvements to the current location. Applicant confirmed, agreed and stated that the property owner has made upgrades to the landscape, will be painting the exterior of the facility, and install signage for southside, westside, eastside, and freeway visibility. Chairman Vose advised the applicant to obtain a sign permit in accordance with requirements of the Lancaster Municipal Code, and applicant affirmed the process was being done.

Commissioner Hall commented that the applicant stated that the City did not have procedures for special events, however, the conditions state there are procedures; he inquired if staff would provide the procedures to the applicant. Brian Ludicke informed the Commission that there were procedures for special events and Chuen Ng would contact and inform applicant of the process.

There were none in the audience who wished to speak in opposition to the request. Public hearing closed at 6:19 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Malhi to adopt Resolution No. 12-11 approving Conditional Use Permit No. 12-10. Motion carried with the following vote (7-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

5. Amendment to Development Agreement No. 89-01

Chairman Vose opened the public hearing at 6:20 p.m. to hear a request by Del Sur Greenworks, LLC, to amend various sections of Development Agreement No. 89-01 AM (DA 89-01) to allow for the development of commercial scale photovoltaic solar facilities with a Conditional Use Permit, located on 664± gross acres generally bounded by Avenue H, Avenue G, 93rd Street West and 105th Street West.

A PowerPoint presentation of the case was presented by Brian Ludicke.

Commissioner Cook inquired if project is approved, and solar development proceeds, would the project be mixed with residential, or considered an either/or project. Brian Ludicke stated the intent of the City would be to amend the existing land use and zoning designations to remove the residential approvals, should solar development commence.

Commissioner Hall commented that the city was guaranteed certain amenities and inquired if the solar project is approved the amenities would not be done. Brian Ludicke affirmed the amenities would not be done; the amenities were to benefit the residents of the proposed residential development. Commissioner Hall questioned if the solar panels were pulled after 20 years, would the agreement remain for the amenities. Brian Ludicke responded that if a solar facility was constructed and operated for a period of time and decided to close, any development proposal would require a new review and approval process.

Chairman Vose inquired if the surrounding entities had been contacted of a potential solar facility. Brian Ludicke stated the entities would not be contacted unless the applicants filed an actual application to build a solar facility. Chairman Vose requested clarification on the terms "unilateral" in paragraph 5, and "existing approval" in paragraph 6 of the Agreement. Brian Ludicke stated in reference to the term "unilateral", amending DA 89-01 would allow the City to change the zoning and general plan without the consent of the owner/applicant. Chairman Vose inquired if solar photovoltaic projects are required to be sited in a non-urban residential or industrial land use by current regulations. Brian Ludicke affirmed. In paragraph 6 "existing approvals" refer to the project that is already there; if approved, in the process of the development, the existing entitlements will not be affected.

Chairman Vose inquired if a representative from Del Sur Ranch was present to verify agreement of the Amendment to DA 89-01.

Alex Baharlo, Del Sur Ranch LLC, owner of the property, stated the Agreement has been reviewed and the applicant agrees with all conditions of Amendment to DA 89-01.

Garrett Bean, Silverado representative, stated the Agreement has been reviewed and the applicant also agrees with all conditions of Amendment to DA 89-01.

Robert McCorkle, owner of property adjacent to the project, inquired if the solar project will affect adjacent properties in the current zoning, and what other buildings will be allowed on the adjacent properties that may reduce value due to potential impacts (such as shading) on the solar panels. He also inquired if there was some type of failure at the facility who would be responsible for chemicals introduced into the ground waters and possibly passing on to other facilities.

Brian Ludicke responded the project would not affect any existing land use or zoning designations that are on the adjacent properties, which would remain as they are now. Chairman Vose commented the existing setbacks are sufficient from the property lines to avoid shading concerns since the City's rural residential zone height limit is 40 feet.

Chairman Vose inquired of the comments referring to potential chemical impacts. Garrett Bean stated that Silverado would be responsible for any potential cleanup in the development; however, the photovoltaic project proposed does not use significant hazardous materials and everything done will be constructed under the proper permits. Chairman Vose asked Garrett Bean if he perceived the potential proposed use as a holding land use, i.e. 20-year commitment. Garrett Bean stated the photovoltaic farm shelf life is 20-25 years; Silverado's intention is as long-term photovoltaic farm.

Public hearing closed at 6:52 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Hall to adopt Resolution No. 12-12, recommending to the City Council approval of an ordinance amending Development Agreement No. 89-01 AM to allow for the development of commercial scale photovoltaic solar facilities with a Conditional Use Permit. Motion carried with the following vote (7-0-0-0):

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

Brian Ludicke informed the Commission that DA 89-01 would be on the City Council scheduled meeting of either June 12th or June 26, 2012.

NEW BUSINESS

6. Introduce Residential Zones Update

Chairman Vose opened the public hearing at 6:54 p.m. to hear the introduction of residential zones update, located city-wide.

The presentation was conducted by Chuen Ng.

Commissioner Terracciano inquired if any changes would need to be made to the General Plan to accommodate residential planned developments (RPD). Chuen Ng stated the RPD requirements are presently in the existing codes but are rarely utilized. The RPD gives the builders something different than the conventional standards would require. Commissioner Terracciano inquired if the builders of the developments would be forming a home owner's association (HOA) with the RPD communities. Chuen Ng stated if some of the communities have shared space, top lots, or daycare facilities, it may require an HOA to manage these types of amenities; with other type lots amenities may differ and not require an HOA.

Commissioner Harvey shared her work experience with the Architectural and Design Commission in reference to the residential zones and setback issues and commended the staff for the presentation showing progression to move forward.

Chairman Vose inquired of the public hearing date; Brian Ludicke informed the initial public hearing date would be June 18, 2012.

There were none in the audience who wished to speak in opposition to the residential zones update presentation. Public hearing closed at 7:22 p.m.

DIRECTOR'S ANNOUNCEMENTS

None.

COMMISSION AGENDA

Chairman Vose acknowledged and commended Vice Chairman Jacobs for his years of service with the Planning Commission, and stated he would be missed. Vice Chairman Jacobs expressed words of appreciation to the Commission and Staff.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:27 p.m., to the Special Meeting for Agenda Review on Monday, June 11, 2012, at 5:30 p.m., in the Planning Conference Room, City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster