

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

October 15, 2012

CALL TO ORDER

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

INVOCATION

Bishop Don Sather of the Church of Jesus Christ of Latter-day Saints did the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Commissioners Cook, Harvey, Malhi, Smith, Vice Chair Hall, and Chairman Vose.

Absent: Commissioner Terracciano.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Associate Planner (Chuen Ng), City Engineer (Michelle Cantrell), Recording Secretary (Joy Reyes), and an audience of three (3) people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Smith and seconded by Commissioner Malhi to approve the Minutes from the Regular Meeting of September 17, 2012. Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Terracciano.

CONTINUED PUBLIC HEARING

2. Residential Zones Update

Chairman Vose opened the continued public hearing at 6:04 p.m., to hear the comprehensive update of the Residential Zoning Ordinance in Title 17, Chapter 8 of the Lancaster Municipal Code.

The staff report was read by Chuen Ng. There was one speaker card received in favor of the Residential Zones Update.

Speaker Ron Guyadeen stated he supports the changes in the Residential Zones Update. He is the caretaker for his aging parents, and would like to build a second dwelling on his recently purchased property in the Dessert Rose area. His major concern is the expense of another water meter, and he understands that with the proposed residential zone update, an additional water meter would not be required for second dwelling units. He concluded that he had spoken with staff concerning the residential zone update, and was asked to attend the meeting for more information.

There were no other speaker cards received. Chairman Vose stated the public hearing would remain open to allow others to fill out speaker cards, if desired to do so. He commended Staff for the presentation, time, and effort in preparation of the residential zone update.

Vice Chairman Hall thanked Chuen Ng for preparation of and corrections to the matrix for the residential zone update. He inquired if another matrix with the modifications would be prepared before sending to the City Council.

Chairman Vose stated that in the past modifications would be reviewed point by point, and if there is a consensus by the Commission, the changes would be implemented. If there were a difference of opinion, the Commission would have to vote.

Vice Chairman Hall stated his concern was the solar requirements in Exhibit A, page 9, solar provision reference Section 17.08.305. He is not in favor of mandating solar requirements in the homes, and inquired if the zone update would affect the projects that are due September 1, 2014, and would there be a need for re-approval.

Brian Ludicke replied that if a building permit is pulled after January 1, 2014; all applicants would be subject to the requirement. Chairman Vose inquired if that process was any different from regulations that the Commission would adopt or recommend to the City Council as changes to an ordinance. Brian Ludicke stated the difference is any other standards go into effect the same time an ordinance goes into effect. The solar provision was deliberately pushed a year out due to the concerns of the building industry.

Vice Chairman Hall inquired if the City would be preempting the State concerning the requirements for solar projects. Brian Ludicke acknowledged Vice Chairman Hall's concern, and responded that any type of mandate the State creates related to the subject provisions would be difficult to speculate at this time. He continued that sometimes the State will put standards in place with various mandates, but it's all dependent on the wording of the mandate.

Vice Chairman Hall stated that most of the systems were placed on the roof, and inquired if the systems would be placed on a lease, or would be up to the homeowner. Brian Ludicke stated most would be ownership for a specific unit; and for the existing house where there is no solar, lease can be used. Chairman Hall inquired as to how a lease would work should homes foreclose on existing housing. Brian Ludicke responded that he did not know, it would probably depend on the terms of the lease.

Chairman Vose referred to new home developments in Section 17.08.305.D. (off-site fulfillment of solar energy generation), and commented if a developer built 40 units, and chose not to install 0.50 kW or 0.75 kW per dwelling unit, or provide 40 kW solar generating facilities on the homes built, and entered into an agreement with an applicant prior to the recent conditions; inquired if this was the vision of the staff.

Brian Ludicke stated that during the drafting of the Residential Zones Update, there was legislation at the State level that would permit stated off-site agreements, and it was designed to handle situations where the orientation of the house may not be the optimum for solar or shading in individual situations wherein a residence could not accommodate solar; the State did not adopt that legislation. He stated that staff wants the option to allow an off-site approach; if allowed by law.

Chairman Vose inquired if the staff's main concern was the relative cost of units as defined in the market place. Therefore, proposing to condition development that nearly all of the dwelling garages would be behind the front plane of the structure, which is totally different than the majority of residential structures that have been built in the communities for many years. He opined that there is definitely a cost associated for design requirements, including the installation of solar. Vice Chairman Hall stated that behind the plane was in line with the design guidelines. Chairman Vose agreed and stated it would be an appropriate condition because of the design guidelines, and aesthetically would make the residential tracts more attractive.

Vice Chairman Hall inquired about the rear yard landscaping, if included with the conditions for solar. Chairman Vose stated the landscaping of the front and rear yards are included in the conditions with the solar. Brian Ludicke affirmed.

Chairman Vose opined that the decision is either to impose a requirement to have solar or alternate energy generating on all new development or not. Vice Chairman Hall stated he disagreed and would await the decision of the State on the matter. He further opined that there are a lot of credits for solar that are politically driven that may or may not happen. Chairman Vose asked Vice Chairman Hall if he wanted the solar requirement removed all together; Vice Chairman Hall affirmed.

It was moved by Vice Chairman Hall that Section 17.08.305 of the solar requirements, including any and all other references to said requirements be removed. There was no response from the commissioners; motion was not seconded.

Chairman Vose referenced page 63, Section 17.08.290.C paragraph 6, design requirements, and stated that some solar farm matters had been heard by the Commission and in the proposed ordinance the language should be corrected. He stated there may be situations where an environmental review pointed out conditions that could not be mitigated, a statement of overriding considerations may need to be adopted. He inquired if the language could preclude that opportunity. Brian Ludicke responded that there is an inconsistency in the language; design

requirements under 17.08.290.C paragraph 6, and findings under 17.08.290.D paragraph 6. Chairman Vose stated the government entity has the right to choose if there is a finding; the word "shall" as used in paragraph 17.08.290.C paragraph 6 does not give the government that opportunity. Brian Ludicke stated that 17.08.290.C paragraph 6 should be removed, since the intent is covered under "findings" (17.08.290.D.6); section 17.08.290.C paragraphs 1 through 5, cover the design, and section 17.08.290.D paragraph 6 includes the environmental review process, already adequately covered by the findings. Chairman Vose inquired if the language was called out anywhere else in the solar section. Neither Brian Ludicke nor Chuen Ng could recall if the language was used. Chairman Vose then affirmed that the language was changed when Section 17.08.290.D paragraph 6 was modified.

Chairman Vose referenced page 18, Section 17.08.070.C paragraph 4, and stated his preference would be to have a larger or longer gable or eaves, opposed to having no gable or eaves; there are aesthetic benefits as proposed. He commented the design is considered a "hole", as a door or window, but does not reflect, and inquired if an architectural structure term. Chuen Ng affirmed.

Public hearing closed at 6:34 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to delete Section 17.08.290.C.6 of Title 17, Chapter 8 of the Lancaster Municipal Code (Exhibit "A"). Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Terracciano.

It was moved by Commissioner Harvey and seconded by Commissioner Smith to receive public testimony on the residential zoning ordinance and adopt Resolution No. 12-13, recommending to the City Council approval of a comprehensive update to the City's Residential zoning ordinance in Title 17, Chapter 8 of the Lancaster Municipal Code (Exhibit "A"). Motion carried with the following vote (6-0-0-1):

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Terracciano.

DIRECTOR'S ANNOUNCEMENTS

Brian Ludicke informed the Commission that there were no items pending for the Regular Meeting of November 19, 2012, and it could be cancelled if the Commission did not have other matters to discuss. He added that a Special Joint Meeting of the Planning Commission and the Architectural and Design Commission for the Southeast Transit Village Planning Area Vision Plan is being planned for October 30, 2012, per project schedule; staff is waiting for feedback and confirmation of a quorum from each Commission.

The cancellation of the November 19th meeting would also cancel the November 12th special agenda review meeting.

COMMISSION AGENDA

Chairman Vose recommended the Regular Meeting of the Planning Commission on November 19, 2012, be cancelled, and the meeting will adjourn to the special joint meeting on October 30, 2012; if there is no quorum for the joint meeting on October 30th, the Planning Commission will then adjourn to the Special Meeting for Agenda Review on Monday, December 10, 2012; the Commissioners agreed.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Vice Chairman Hall commented on the 15-20 mph speed bumps on 27th Street West between Avenue J and Avenue K. He stated that he drove over to the area, and observed that the humps were designed very well. He stated the residents are in favor of the speed bumps, but one resident cited she does not like to drive that slowly. Chairman Vose stated that he observed there was no signage for the speed bumps being installed along Avenue L-14 between 60th Street West and 65th Street West, and Michelle Cantrell added signs will be added as installation is being completed. Michelle Cantrell stated that this effort was initiated by area residents who approached the City with concerns from speeding vehicles. Public Works would perform studies in the area to verify speeding issues, using a criteria at 85 percentile of speed observed 30 mph or more in an area; once confirmed qualifies for traffic calming, petitions are signed in the residential area that consist of the majority of homes fronting the streets. Vice Chairman Hall stated that he noticed speeding before but the traffic is now calm in the area. Michelle Cantrell stated the project was funded by a grant from the Highway Safety Improvement Program. Chairman Vose inquired if the grant made the policy for the speed bumps. Michelle Cantrell stated the terms are in accordance with the Public Works Traffic Calming Policy.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 6:50 p.m., to the Southeast Transit Village Planning Area (STVPA) Vision Plan Special Joint Meeting of the Planning Commission and the Architectural and Design Commission, on Tuesday, October 30, 2012, at 5:00 p.m., in the Emergency Operations Center (EOC), Lancaster City Hall.

THOMAS (RANDY) HALL, Vice Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster