

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

February 20, 2007

CALL TO ORDER

Chairman Mann called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Salazar gave the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson, and Chairman Mann.

Absent: None.

Also present were the Deputy City Attorney (Doug Evertz), Planning Director (Brian Ludicke), Principal Civil Engineer (Carlyle Workman), Assistant Planner (Dan Miller), Recording Secretary (Joy Reyes), and an audience of approximately 23 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

Minutes from the Regular Meeting of January 17, 2007.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Troth to approve the Minutes of the Regular Meeting of January 17, 2007. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson, Chairman Mann.

NOES: None.

ABSTAIN: None.

NEW PUBLIC HEARINGS

2a. ONE YEAR EXTENSION – CONDITIONAL USE PERMIT NO. 04-07

Chairman Mann opened the public hearing at 7:04 p.m. to hear a request by Calvary Chapel to construct a church facility in 3 phases over 10 years: Phase I consisting of a 23,951 square-foot building with a 6,766 square-foot auditorium/multi-purpose room and related classrooms/offices; Phase II consisting of a 20,876 square-foot two-story building for private school classrooms; and Phase III consisting of a 19,268 square-foot sanctuary.

Brian Ludicke indicated that staff has recommended that this item be continued for 30 days since there are some issues relative to the requirements for Mojave ground squirrel survey that need to be resolved.

It was moved by Commissioner Troth and seconded by Commissioner Salazar to continue this agenda item to March 19, 2007 Planning Commission meeting. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar and Troth, Vice Chairman MacPherson, Chairman Mann.

NOES: None.

ABSTAIN: None.

2b. TENTATIVE TRACT MAP 60654

Chairman Mann opened the public hearing at 7:05 p.m. to hear a request by Saeid Shojaeinejad for a subdivision of 8 single family lots located on 2.5± acres on the south side of Avenue J, approximately 165 feet east of 33rd Street West, in the R-7,000 zone.

The staff report was not presented since a letter of agreement to the conditions of approval as stated in the staff report was submitted. There were none in the audience who wished to speak in opposition to the request and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 7:05 p.m.

It was moved by Commissioner Salazar to grant a one-year extension to February 18, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 04-02. Motion was seconded by Commissioner Faux. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar and Troth, Vice Chairman MacPherson, Chairman Mann.

NOES: None.

ABSTAIN: None.

3. CONDITIONAL USE PERMIT NO. 85-09 AMENDMENT NO. 4

Chairman Mann opened the public hearing at 7:06 p.m. to hear a request by Desert Christian School to amend Condition No. 21 of Conditional Use Permit No. 85-09 (Amended-3) to allow the existing modular units used for Desert Christian School to remain on the site for an additional 25 years (to be removed by June 2030). Commissioner Troth recused himself from the hearing.

The staff report was presented by Brian Ludicke. Vice Chairman MacPherson inquired about the timeframes that the City has historically granted for similar extensions, and it was determined that the City approved a 10-year extension with a 5-year additional extension; and it was mentioned that AV Christian School was granted a straight 15-year extension. He also asked if Chairman Mann recalled how long the modular buildings were in place prior to that extension, and inquired as to the age of the modulars. Brian Ludicke responded that the 5-year timeframe was reached and the request was at the end of that period.

Cecil Swetland, representing the applicant, commented that the oldest one is around 18 years old and the newest ones are less than 5 years old. As the use of modular buildings has been considered cost effective, new ones have been added to expand the number of classrooms as the school continues to grow. He assured Vice Chairman MacPherson that the buildings are maintained regularly and that the school conducts on-going evaluations. In the last 3 years, one modular building was replaced. Replacement is done on a case-to-case basis annually.

There were speakers in the audience who wished to comment as follows:

Richard Cox, resident of Lancaster, California, voiced his concern over traffic during morning and evening drive times due to additional modular buildings. If the school use is to be allowed for a longer term, the traffic congestion issue has to be addressed, and recommended that a mandatory no-left-turn signs be placed at the exit of the parking lot. Applicant should consider widening the driveways to accommodate wider turns, entry and exit. The monument signs should be reconfigured to increase visibility for people entering the parking lot. Applicant should be asked to implement an aggressive user education program. Left-turns at certain hours should be restricted.

Vicki Nelson, resident of Lancaster, California, urged the Planning Commission to reconsider everything that the applicant has asked for as some of the buildings could be 47 years old at the end of the requested extension period. Her daughter was a student at Desert Christian School 20 years ago, and feels that in the past, modulars were not maintained properly. She is recommending that inspection time be lessened from 15 years to perhaps 5 years.

Vice Chairman MacPherson asked Ms. Nelson if she could provide specific issues of concerns at the time her daughter attended the school. The following issues were brought up: the skirting would be chipping away from the wood, floors were not even, and the carpet did not seem as clean as it could be. She felt that the buildings were not maintained well.

Mr. Swetland came back to address the issues raised. He stated that the school paid a professional traffic engineer to conduct a traffic count and provide that data to the City. There was a decision to widen the middle center line driveway to a full 3-lane road. They get feedback and evaluation from students' families regarding internal traffic flow. The school is more focused on safety rather than ingress/egress issues. Vice Chairman MacPherson inquired if the driveway widening would be relocated to line up with Newgrove. It will be moved south so that it is in perfect alignment on the curb and center line with Newgrove, and will be done prior to opening of the new gymnasium. Mr. Salazar asked the applicant to address the issue of conditions of the modulars. He responded that the school has adequate staff to address maintenance needs in an on-going basis.

Chairman Mann closed the public hearing at 7:31 p.m., whereby Commissioners discussion followed. Vice Chairman MacPherson recommended doing a review in increments of 10, 10 and 5 year periods, relative to some of the older buildings. Chairman Mann inquired if this was the first step that the City would be making at 25 years and said that he was in agreement with Vice Chairman MacPherson's suggestion.

Chairman Mann reopened the public hearing at 7:36 p.m. to allow Mr. Swetland to come forward and voice his opinion regarding the Commission's recommendation. The applicant indicated that he was amenable to and supportive of the 10-10-5-year increments.

Chairman Mann re-closed the public hearing at 7:37 p.m.

It was moved by Vice Chairman MacPherson and seconded by Chairman Mann to adopt Resolution No. 07-12 approving Conditional Use Permit No. 85-09 Amended-4, including the amendment of Condition No. 21 to allow the existing modular units to remain onsite for an additional 25 years, with direction to the Planning Director to review the site after 10 years, and at that time may grant an additional 10 years, and upon a second review, may grant an additional 5 years. Motion carried with the following vote:

AYES: Commissioners Faux and Salazar, Vice Chairman MacPherson, Chairman Mann.

NOES: None.

ABSTAIN: Commissioner Troth.

4. CONDITIONAL USE PERMIT NO. 06-10

Chairman Mann opened the public hearing at 7:40 p.m. to hear a request by Chris Mubarkah to expand the square footage of the existing 1,772 square-foot liquor store by 928 square feet for a new total of 2,700 square feet. The applicant is requesting to demolish the existing liquor store and construct two commercial buildings totaling 18,249 square feet with the new liquor store located within one of the two new buildings in the C Zone.

Brian Ludicke stated that there were 2 speaker cards, one from the applicant. Staff was contacted prior to the meeting that the applicant would like a 30-day continuance so as to have their legal counsel review the proposed conditions. An additional speaker indicated favoring the project if amended with 2 additional restrictions.

Chairman closed the public hearing at 7:42 p.m.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Salazar to continue Conditional Use Permit No. 06-10 to the March 19, 2007 Planning Commission meeting. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,
Chairman Mann.

NOES: None.

ABSTAIN: None.

5. TENTATIVE TRACT MAP NO. 62643

Chairman Mann opened the public hearing at 7:43 p.m. to hear a request submitted by Pacific Sierra, LLC to subdivide 93 single family lots on 24.92± gross acres located on the northwest corner of 45th Street West and Avenue J-8, in the R-7,000 Zone.

The staff report was presented by Dan Miller. Dan Stitt, representing Penfield & Smith (engineer of record) stated their concurrence with all the conditions. However, he commented that they had a concern with Condition No. 5, whereby they were required to put a traffic signal on Avenue K and 45th Street West. He stated that though they did not disapprove installing the traffic signal, there are also other developers that came before them, therefore, would like to request an offset of their traffic fees to a reasonable amount.

Chairman Mann closed the public hearing at 7:52 p.m., whereby Commissioners discussion ensued.

It was moved by Vice Chairman MacPherson and seconded by Commissioner Faux to adopt Resolution No. 07-02 approving Tentative Tract Map No. 62643, with Condition No. 5 amended to grant applicant credit against traffic signal impact fees in accordance with the Public Works Department policy. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,
Chairman Mann.

NOES: None.

ABSTAIN: None.

6. TENTATIVE TRACT MAP NO. 66666

Chairman Mann opened the public hearing at 7:53 p.m. to hear a request submitted by Global Investment for a subdivision of 8 single family lots on 2.53± gross acres located north of future Jackman Street approximately 640 feet west of 40th Street West, in the R-7,000 Zone.

The staff report was not presented since a letter of agreement to the conditions of approval as stated in the staff report was submitted. There were none in the audience who wished to speak in opposition to the request and the Commission wished to waive the staff report. Brian Ludicke clarified that there was a speaker card from the applicant's representative, and that he would like to ensure that the applicant was aware of and in concurrence with amended Condition No. 4 to add or from northern boundary to connect to Street "A" of Tentative Tract Map 60858. Applicant indicated his agreement.

Chairman Mann closed the public hearing at 7:55 p.m.

It was moved by Chairman Mann and seconded by Commissioner Salazar to adopt Resolution No. 07-14 approving Tentative Tract Map No. 66666. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,
Chairman Mann.

NOES: None.

ABSTAIN: None.

7. TENTATIVE TRACT MAP NO. 66667

Chairman Mann opened the public hearing at 7:55 p.m. to hear a request submitted by Global Investment to subdivide 12 single family lots on 3.96± gross acres located on the southwest corner of 40th Street West and Avenue I, in the R-7,000 Zone.

The staff report was not presented since a letter of agreement to the conditions of approval as stated in the staff report was submitted by the applicant, there were none in the audience who wished to speak in opposition and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 7:55 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to adopt Resolution No. 07-15 approving Tentative Tract Map No. 66667. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,
Chairman Mann.

NOES: None.

ABSTAIN: None.

8. TENTATIVE PARCEL MAP NO. 68266

Chairman Mann opened the public hearing at 7:57 p.m. to hear a request submitted by The Gilley Group, LLC for a subdivision of 2 lots in the LI Zone: Lot No. 1 at 40.45± net acres and Lot No. 2 at 79.82± net acres, on 123.23± gross acres located on the northwest corner of Avenue L and future 5th Street West, in the R-7,000 Zone.

The staff report was not presented since a letter of agreement to the conditions of approval as stated in the staff report was submitted by the applicant, there were none in the audience who wished to speak in opposition and the Commission wished to waive the staff report.

Chairman Mann closed the public hearing at 7:58 p.m.

It was moved by Commissioner Salazar and seconded by Chairman Mann to adopt Resolution No. 07-16 approving Tentative Parcel Map No. 68266. Motion carried with the following vote:

AYES: Commissioners Faux, Salazar, Troth, Vice Chairman MacPherson,
Chairman Mann.

NOES: None.

ABSTAIN: None.

DIRECTOR'S ANNOUNCEMENTS

Dave Ledbetter, Principal Planner, gave an update on the status of the General Plan program.

The new Assistant City Manager, Michael P. Busch, was introduced.

At the next study session, the Planning Commission is scheduled to review materials relative to the Amargosa Creek Specific Plan.

COMMISSION AGENDA

Vice Chairman MacPherson inquired about the status of Mobilehome Park Conversion Ordinance. The Deputy City Attorney will present the amended ordinance and legal research memorandum addressing Mobile Home Park Ordinance issues at the April 16, 2007, Planning Commission meeting.

Chairman Mann inquired from Joy if she had heard back from all the Commissioners regarding their attendance to the Planners Institute.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

Ray Chavira stated that they had no problems with the April 2007 meeting so as to mobilize mobilehome park residents. He cited that there would be nothing to prevent mobilehome park owners to convert from a senior park to a family park. He thanked Commissioner Faux for meeting with the State Inspector.

Mike Roberts, resident of Lancaster, California, inquired if the Planning Commission was an autonomous decision-making body. He urged the Planning Commission to consider the direction the City is heading to, with respect to the existing Wal-Marts in the area and another one being considered on L and 60th Street West.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 8:36 p.m. to Monday, March 12, 2007, at 5:30 p.m., in the Planning Conference Room, Lancaster City Hall.

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster