

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

July 16, 2007

CALL TO ORDER

Chairman Mann called the meeting to order at 7:01 p.m.

INVOCATION

Commissioner Faux gave the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

Absent: None.

Also present were the Deputy City Attorney (Doug Evertz), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Assistant Planner (Brigitte Ligons), Assistant Public Works Director (Steve Dassler), Senior Civil Engineer (Marissa Diaz), Recording Secretary (Joy Reyes), and an audience of approximately 87 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to approve the Minutes of the Regular Meeting of June 18, 2007. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

NEW PUBLIC HEARINGS

3. CONDITIONAL USE PERMIT 80-24 AMENDED

Chairman Mann declared that the project is being continued to the August 20, 2007 Planning Commission.

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to continue Tentative Tract Map No. 61875 to the August 20, 2007 Planning Commission. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

4. AMENDMENT TO TITLE 17 – LANCASTER MUNICIPAL CODE ALCOHOL SALES ESTABLISHMENTS

Chairman Mann opened the public hearing at 7:10 p.m. to hear a request by the Planning Department for an amendment of Title 17 of the City of Lancaster Municipal Code (Zoning Ordinance) revising the requirements for alcohol sales establishments through the addition of Chapter 17.42 and associated amendments within Chapters 17.12, 17.16, and 17.32.

Brian Ludicke presented the staff report. The proposed amendment would establish a new set of regulations for alcohol sales establishments within the City of Lancaster. The City, for approximately 15 years, has been operating under a set of regulations that were adopted in 1992. Those particular requirements need conditional use permits (CUPs) for certain types of alcohol sales establishments. They are required of uses that the City has had issues with in terms of potential operation problems. These include bars, nightclubs, mini markets, liquor stores and the like. Staff, with direction from the City Council, has looked at ways as to how current regulations have operated, tried to determine where there have been problems and tried to determine where there might be effectively some additional regulations that could be a benefit from the public standpoint. What is presented before the body is a set of regulations that would essentially require all alcohol sales establishments within the City, whether they are incidental type sale or they are a primary sales establishment, to obtain a CUP. It is the most effective land use control in terms of being able to regulate the potential side effects of alcohol-related establishments such as noise and litter. Uses such as bonafide restaurants, drug stores and grocery markets do not require CUP for alcohol sales. This ordinance, if adopted, would require that and would establish a set of distance separation guidelines for certain type of uses.

Commissioner MacPherson asked Mr. Ludicke to mention the organizations that received a copy of the draft ordinance. They were Mr. Ray Chavira, in his capacity as spokesperson of

AV Tobacco and Drug Policy Coalition, the Antelope Valley Chamber of Commerce, the Antelope Valley Building Industry Association, and the Greater Antelope Valley Association of Realtors. Commissioner Salazar inquired how much time did the other organizations get regarding the change in proposed distance standards from parks (500 feet instead of 1,000 feet).

There were several members of the public who wished to comment as follows:

Ray Chavira, representing the AV Tobacco and Drug Policy Coalition, respectfully requested the Commission to consider continuing this item to the August 20, 2007 Planning Commission Meeting. He cited that their consultant and members of their group did not have ample time to review the draft.

Jon Collard, resident of Leona Valley, CA and representing the Antelope Valley Chamber of Commerce, thanked the Planning Director for a well-prepared presentation. He is a new chair with the Legislative Action Committee and he has not seen the document. He requested the Commission to postpone the matter, if possible, it being a potentially contentious one. It is important for them to receive feedback from the business community.

Dave Spellmeyer, representing the Greater Antelope Valley Board of Realtors, spoke in support of the proposed alcohol ordinance and expressed his appreciation to Mr. Ludicke and the Planning staff for inviting their organization to review the draft ordinance. The association formed a task force and the members met and concluded that the ordinance appropriately serve its intended purpose for the City of Lancaster. It is their belief that the ordinance would establish appropriate zoning regulations with respect to review by not being overly restrictive to the property owners within the City.

Ann Durr, resident of Lancaster, CA, wanted to know the effect of this ordinance to facilities such as the JP Eliopoulos Hellenic Center that will be located within a residential neighborhood. She feels that it is not in the best interest of the neighborhood. She also requested clarification on the effect of liquor sales in close proximity to residential areas and how this flexibility to add conditions on a case by case basis would influence approval of further zoning changes to occur within the next six months to a year. Mr. Ludicke responded that until and unless that there was some type of revocation of the conditional use permit in regards to the use Ms. Durr was referring to, it would continue to operate under the same requirements it is under. In terms of the review, the ordinance does not have an effect on it at this time.

Tim May, representing May Center, stated that he was in support of the ordinance, with exception of the filing process of the CUP, specifically for bonafide restaurants. He inquired if there was a fast track approach of approving a CUP for a shopping center. He commented that the issue of lighting had to be readdressed and that restaurants already in construction and/or which plans were deemed to be approved were exempt. Mr. Ludicke answered that he could not recall any problem with bonafide restaurants and that it would be better not to do a blanket permit because of enforcement and timing issues.

Commissioner MacPherson inquired if there were to be some type of alternative review process for a CUP for a restaurant in an existing building, would that type of process need to be laid out in the ordinance. He asked if the City has a local ordinance that laid out the requirements for the filing of a CUP such as fees, required documents, etc. Mr. Ludicke responded that it was required to undergo the CUP process and that there were provisions within

the administrative sections of the Zoning Code that lay out the process and requirements for a CUP. In regards to the lighting issue, he stated that he would be more than happy to revisit the issue and speak to Engineering staff about it. Also, the 2 grocery stores that Mr. May mentioned are currently under construction are not affected by this proposed ordinance.

Jason Smith, representing Protective Science Dynamics, commented that there seemed to be a willingness by several organizations that would be affected by or affecting this ordinance to sit down and talk and come up with a more comprehensive version of the ordinance. He respectfully requested a concurrence in relation to Mr. Chavira's appeal for a continuance. He suggested that a workshop be deemed in order.

Ken Jones, resident of Lancaster, CA, stated that a continuance would be in order considering that there are a lot of questions and to give all sides an opportunity to review the subject.

Chairman Mann closed the public hearing at 7:41 p.m., whereby Commissioners discussion ensued. Commissioner MacPherson said that he would suggest having a workshop and invite the various interested parties. Commissioners Salazar and Faux and Vice Chairman Troth voiced their concurrence. Chairman Mann was concerned that the cost to apply for a conditional use permit might be burdensome for small businesses.

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to continue to the September 10, 2007 Planning Commission Special Study Session to discuss Draft Ordinance and receive public input. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

2. ONE-YEAR EXTENSIONS

a. CONDITIONAL USE PERMIT 02-04 / TENTATIVE TRACT MAP 47771

Chairman Mann opened the public hearing at 7:50 p.m. to hear a request by Forecast Homes for a residential planned development of 288 single family lots and 3 open space lots in the R-7,000 Zone on 80± gross acres located at the northeast corner of 90th Street West and Avenue I.

The staff report was presented by Brigitte Ligons. Susan Gardner, representing K. Hovnanian Homes, stated their concurrence to the conditions of approval. There was a speaker in the audience who wished to comment as follows:

Ginger Stout, resident of Antelope Acres, stated that the developer agreed to meet with Antelope Acres residents to make the project fit in more with the area. She suggested that

developers ask to speak to residents prior to drawing up their plans to make residents happier and to get their inputs as well.

Chairman Mann closed the public hearing at 7:57.m.

It was moved by Vice Chairman Troth and seconded by Commissioner MacPherson to grant a one-year extension to May 19, 2008, based on the findings contained in the staff report and subject to all other previously approved conditions. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

b. VESTING TENTATIVE TRACT MAP NO. 60057

Chairman Mann opened the public hearing at 7:58 p.m. to hear a request by Pacific Communities for a subdivision of 302 single family lots in the R-10,000 Zone on 120± gross acres located on the southeast corner of Avenue L-8 and 80th Street West.

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 7:59 p.m.

It was moved by Commissioner MacPherson and seconded by Commissioner Salazar to grant an extension to June 21, 2008, based on the findings contained in the staff report and subject to the attachment to Resolution No. 04-33. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

c. TENTATIVE TRACT MAP NO. 61040

Chairman Mann opened the public hearing at 7:59 p.m. to hear a request by Lafferty Homes for a subdivision of 58 single family lots in the R-7,000 Zone on 15.1± gross acres located on the northwest corner of future 55th Street West and future Avenue K-14.

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 8:00 p.m.

It was moved by Commissioner Faux and seconded by Vice Chairman Troth to grant a one-year extension to June 20, 2008, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 05-28. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

d. TENTATIVE TRACT MAP NO. 61041

Chairman Mann opened the public hearing at 8:01 p.m. to hear a request by Lafferty Homes for a subdivision of 40 single family lots in the R-7,000 Zone on 15.1± gross acres located on the northwest corner of future 55th Street West and future Avenue L.

The staff report was presented by Brigitte Ligons. A letter of acceptance to the conditions of approval was received. Dan Stitt, representing Penfield & Smith, stated that they were in concurrence with all the conditions and that they have an approved grading plan, street plan, sewer plan except the final map because of power poles having to be moved and extension of sewer from 60th Street West and Avenue L.

There was a speaker in the audience who wished to comment as follows:

Shula Kronzon, resident of Lancaster, CA, complained that dust control was insufficient and suggested installing a permanent fence on Avenue L. Steve Dassler responded that they would conduct more frequent inspections and that there are fines associated to dust issues.

Chairman Mann closed the public hearing at 8:10 p.m.

It was moved by Commissioner Salazar and seconded by Vice Chairman Troth to grant a one-year extension to June 20, 2008, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 05-29. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

e. TENTATIVE TRACT MAP NO. 61600

Chairman Mann opened the public hearing at 8:12 p.m. to hear a request by Taft Corporation for a subdivision of 33 single family lots in the R-7,000 Zone on 7.5± gross acres located approximately 640 feet east of 60th Street West on the south side of future Avenue K-12.

The staff report was presented by Brian Ludicke. There were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 8:13 p.m.

It was moved by Commissioner MacPherson and seconded by Commissioner Faux to grant a one-year extension to June 20, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-34. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

f. TENTATIVE TRACT MAP NO. 61875

Chairman Mann opened the public hearing at 8:13 p.m. to hear a request by Alfa Development, LLC for a subdivision of 39 single family lots in the R-7,000 Zone on 10± gross acres located on the north side of Avenue K and approximately 330 feet east of 36th Street West.

The staff report was presented by Silvia Donovan. Athena Bower, representing Royal Investors Group, stated they had a concern on added condition no. 9, which requires the extension of median on Avenue K (that bounds Tentative Tract Map No. 60430) because it would be a high cost to incur for a project that is only 39 lots. Mr. Dassler clarified that Tract 60430 was also conditioned to place that same median and the median across its frontage.

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

Melissa Majesky waived her right to speak.

Lester White, resident of Lancaster, CA, commented that grading the land without the intent to build promptly brings up the problem of dust that affects residents. Steve Dassler explained that grading plan comes in first because it is the first order of work that needs to be done for the development to begin. Developers are required to adopt dust mitigation measures. Engineering just has to make a greater effort to make sure that enforcement staff is taking care of this issue. The Department is also working on a dust control policy that will come before the

City Council for approval in the next 60 days. It involved discussions with Air Quality Management District. A draft of the policy may be made available.

Chairman Mann closed the public hearing at 8:28 p.m., whereby Commissioners discussion ensued.

Chairman Mann reopened the public hearing at 8:38 p.m. and reclosed it at 8:40 p.m.

It was moved by Commissioner MacPherson and seconded by Commissioner Salazar to move Conditional Use Permit 80-24 to the August 20, 2007 Planning Commission meeting and renotify in the normal manner. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson, Salazar and Chairman Mann

NOES: None.

ABSTAIN: Vice Chairman Troth

ABSENT: None.

5. TENTATIVE TRACT MAP 66620

Chairman Mann opened the public hearing at 8:42 p.m. to hear a request submitted by Shin II Lee for a subdivision of 9 single family lots in the RR-1 Zone on 8.45± gross acres located on the northwest corner of Columbia Way/Avenue M and 23rd Street West.

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.

There was a letter received from a homeowner on the south side of Avenue M and the concern was that the property has a natural drainage course that runs through his property that would cause a blockage. Condition No. 6 addresses this concern.

Chairman Mann closed the public hearing at 8:44 p.m.

It was moved by Commissioner Salazar and seconded by Vice Chairman Troth to adopt Resolution No. 07-32 approving Tentative Tract Map No. 66620 subject to amended Condition No. 6 and added condition regarding street lighting. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

NEW BUSINESS

6. CONDITIONAL USE PERMIT 04-12

Chairman Mann opened the public hearing at 8:46 p.m. to hear a request submitted by Developers Diversified Realty for a review of Condition No. 29 (70-foot high freeway identification sign at Valley Central Shopping Center Sign) in the CPD Zone.

The staff report was presented by Silvia Donovan. She explained that elevation “C” does not appear massive and that staff liked the stone that matches the building. It also matches the monument sign that will be placed on Lancaster Boulevard.

Chairman Mann closed the public hearing at 8:50 p.m., whereby Commissioners discussion ensued.

It was moved by Commissioner MacPherson and seconded by Commissioner Faux to approve a 70-foot high freeway identification as proposed in elevation “C” with direction to staff to work with the developer on a final design. Motion carried with the following vote:

AYES: Commissioners Faux, MacPherson, Salazar, Vice Chairman Troth and Chairman Mann
NOES: None.
ABSTAIN: None.
ABSENT: None.

DIRECTOR'S ANNOUNCEMENTS

- Planning Commission Special Meeting set for July 30, 2007, for consideration of the Amargosa Creek Specific Plan.
- The Valley Central Shopping Center is receiving extremely heavy tenant interest with the completion of Super Wal-Mart.

COMMISSION AGENDA

- Status of a potential ordinance to regulate the conversion of mobile home parks from senior to family. A council member expressed interest in drafting a letter to the mobile home park management to convey the desires of the City that the proposed conversion not take place. The City Attorney’s office is researching the City’s legal boundaries on this issue.
- Public notice on requirements for housing stock and number of units over the next ten years. The appropriation was 12,000. As to drafting an ordinance regarding preserving senior parks, it would not add to the housing stock because the units already exist. There are general provisions in the housing element that low/moderate income housing needs to be preserved/maintained, which can effectively be part of an overall housing strategy.

- Tentative Tract Map No. 60430 was approved for an extension at the May 21, 2007 Planning Commission Meeting, with added condition for a signage to be posted on site with the developer contact information for dust control issues. Staff to follow up on the status of the signage.
- Commission requested for a General Plan Update presentation by staff at the next study session.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

- Ray Chavira, on behalf of the Sherwood Homeowners Association, stated that he had a letter for the Commission asking them to recommend to City Council passage of an ordinance prohibiting the conversion of senior mobile home parks in the City to all-age parks. Ed Leard, Tom Walken, Mary Jane Wall and Pat Apostol waived their right to speak. Jeanette Langlois, resident of California Mobile Home Park in Lancaster, cited the lack of facilities appropriate for children at the Sherwood Mobile Home Park. Ken Jones, representing Adult Senior Ministry at Lancaster Baptist Church, commented that he would like to see the adoption of an ordinance that would protect senior mobile home parks from being converted to family parks. Jason Smith, representing Protective Science Dynamics, commented that further study of the ordinance is imperative.
- Six speakers came forward to speak in opposition to the development of a Super Wal-Mart on 60th Street West and Avenue L. Mike Thacker requested the Planning Commission to extend the area of notification for further meetings from 500 feet to 1,000 feet. Richard Hecker expressed that the neighbors he had spoken to were plainly opposed to the project. Cleo Goss distributed a list of environmental issues that she had. Maggie Herbert commented that she could not understand the logic of putting 2 super centers next to a high school. Mike Scott, Director of Quartz Hill Water Board, commented that hazards this project would bring such as parking lot water drainage, garden center drainage, traffic conditions and noise issues far outweigh the convenience and benefits. Jeff Stover voiced his concerns over flooding, truancy by high school students and wind blowing trash to nearby tracts.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 9:35 p.m. to Monday, August 13, 2007, at 5:30 p.m., in the Council Chambers, Lancaster City Hall.

KENNETH G. MANN, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster