

# MINUTES

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## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

March 20, 2017

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### **CALL TO ORDER**

Chairman Vose called the regular meeting to order at 5:04 p.m.

### **INVOCATION**

Vice Chair Hall.

### **PLEDGE OF ALLEGIANCE**

Commissioner Cook.

### **ROLL CALL**

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

Absent: Coronado.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), City Engineer (Trolis Niebla), Principal Planner (Jocelyn Swain), and Recording Secretaries (Joy Reyes and Sydney Yeseta). There were 13 people in the audience.

### **CONSENT CALENDAR**

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#### **1. APPROVAL OF MINUTES**

It was moved by Vice Chair Hall and seconded by Commissioner Smith to approve the Minutes from the Regular Meeting of February 21, 2017. Motion carried with the following vote (5-0-1-0-1):

AYES: Hall, Harvey, Mercy, Smith, and Vose.

NOES: None.

ABSTAIN: Cook.

RECUSED: None.

ABSENT: Coronado.

**CONTINUED PUBLIC HEARINGS**

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**2. Modification of Building Placement and Setback Requirements in the City's Commercial Zones**

Chairman Vose opened the item at 5:11 p.m., to receive public testimony, on an amendment to the Lancaster Municipal Code (Title 17) to modify building setback requirements along street frontages in the City's C (Commercial) and OP (Office Professional) zones.

Brian Ludicke requested comments and direction from the Commission on the proposed amendment based on the presentation from the February 21, 2017, meeting. Brian stated the City is asking for additional suggestions from the Medical Main Street consultants since they are working with other cities on similar projects. There were none in the audience who wished to speak on this item.

This item was continued to the next regular meeting of April 17, 2017.

**3. Safe Routes To School**

Chairman Vose opened the item at 5:13 p.m., to receive public testimony and adopt a resolution, recommending to the City Council adoption of the City of Lancaster Safe Routes To School Master Plan.

Chairman Vose stated that he was unable to access the website to view the item. Staff is recommending that the Commission review the item before taking it to City Council.

There was one speaker card.

Speaker No. 1: Jody Clark asked about revisions from the last presentation, and parking improvements on 15<sup>th</sup> Street West near Desert View Elementary School.

Chairman Vose noted that this item will be continued to the next regular meeting of April 17, 2017.

**NEW PUBLIC HEARINGS**

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**4. Conditional Use Permit No. 16-08**

Chairman Vose opened the public hearing at 5:17 p.m., to hear a request by HRES Lancaster, LLC, to construct a 4,968 square-foot Circle K mini-mart, 6,515 square-foot fuel service canopy, 1,127 square-foot car wash, and to allow the sale of alcohol with an Alcoholic Beverage Control Type 20 license (off-sale beer and wine) with waiver from distance requirements in the SP 80-02 zone. The project site is located on 1.85± acres at the southeast corner of Avenue K and Division Street.

The staff report was presented by Jocelyn Swain. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval as stated in the staff report.

The applicant's representative, Jeff Little, was present to answer questions.

The Commission and Staff discussed the following items:

- Specific need served
- Monitoring alcohol consumption in on-site locations (proposed outdoor patio)
- Adverse effects on adjacent properties
- Alcohol establishments within 1 mile / local convenience
- Sensitive uses nearby
- Access in/out
- Site layout: alcohol coolers, point-of-sale area, outdoor patio, and security
- Alcohol limitations/security
- Store model operations

Jeff Little addressed and responded to the questions relating to the above items.

Chairman Vose cited a number of alcoholic beverage sellers within a one-mile radius, and questioned the public convenience of this location.

The applicant's representative, Lori Gafner, answered questions regarding the layout of alcohol coolers, point-of-sale area, patio design, and security measures.

Commissioner Cook inquired about other locations where this specific model of Circle K are currently operating, the projected percentage of alcohol sales, and the County Probation Department being in close proximity. Lori Gafner and Jeff Little addressed Commissioner Cook's questions.

The Commission and Staff continued the discussion regarding the following items:

- Existing stores in area (Bootleggers II) that were formerly chain outlets
- Selling of spirits / alcohol program
- Convenience / comparison to other stores / Circle K Concept
- Conditions of Approval
- Signs on building

There were two speaker cards.

Speaker No. 1: Sam Alshaer, representing the Alcohol Sale Business Improvement Committee, shared with the Commission an aerial picture showing nearby offices the project may impact, and voiced his concerns with the sale of beer and wine.

Speaker No. 2: Jack Hanna, on behalf of the Alcohol Sale Business Improvement Committee, spoke about the Committee and its role within the City. Mr. Hanna expressed his concerns regarding the alcohol problem within the city, and asked for clarity on distance requirements.

The Commission and Staff discussed the nearby Penny Lane Center, and the evaluation process for distance requirements.

Jeff Little and Lori Gafner commented on the Circle K concept and programs.

The public hearing was closed at 6:33 p.m.

The Commission expressed their opinions on the project.

It was moved by Vice Chair Hall and seconded by Commissioner Cook to adopt Resolution No. 17-07 approving Conditional Use Permit No. 16-08. The motion failed with the following vote (0-6-0-0-1):

AYES: None.  
 NOES: Cook, Hall, Harvey, Mercy, Smith, and Vose.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Coronado.

The failure of a motion to pass constitutes a denial of the project.

## **5. Conditional Use Permit No. 17-01**

Chairman Vose opened the public hearing at 6:43 p.m., to hear a request by Simone Delgado (The Elm Cuisine), for a Type 41 (on-sale beer and wine for a bona fide eating place) Alcoholic Beverage Control license in an existing 3,330 square-foot restaurant (The Elm Cuisine), in the Boulevard District of the Downtown Specific Plan (SP 08-01) Zone.

The staff report was presented by Jocelyn Swain. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval as stated in the staff report. There were none in the audience who wished to speak on the request.

Myrle McLernon, representing the applicant, Simone Delgado, stated he was available for questions.

It was moved by Commissioner Smith and seconded by Commissioner Cook to adopt Resolution No. 17-08 approving Conditional Use Permit No. 17-01. Motion carried with the following vote (6-0-0-0-1):

AYES: Cook, Hall, Harvey, Mercy, Smith, and Vose.  
 NOES: None.  
 ABSTAIN: None.  
 RECUSED: None.  
 ABSENT: Coronado.

## **DIRECTOR'S ANNOUNCEMENT**

Brian Ludicke informed the Commission of the City Council's decision, upholding the Planning Commission's decision regarding the two solar projects, and the Council's expectation for Staff to coordinate with members of the Antelope Acres Community regarding dust control and other issues. Brian also updated the Commission on the adoption of the Medical Cannabis Ordinance with the addition of cannabis manufacturing facilities, and details regarding the application process.

Assistant City Attorney, Jocelyn Corbett, spoke about the ordinance introduced prohibiting the cultivation of non-medical marijuana.

### **PUBLIC BUSINESS FROM THE FLOOR – NON-AGENDA ITEMS**

Fran Sereseres inquired about controlling the vegetation growing under solar panels, whether there is a City Master Plan, and development on 10<sup>th</sup> Street West and Avenue I.

Chairman Vose responded to the questions about the vegetation and the City's Master Plan.

Brian Ludicke spoke about the City's improvement plan for Avenue I between 10<sup>th</sup> Street West and 15<sup>th</sup> Street West.

### **ADJOURNMENT**

Chairman Vose declared the meeting adjourned at 6:58 p.m. to the Special Meeting for Agenda Review on Monday, April 10, 2017, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster