

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

August 20, 2007

CALL TO ORDER

Chairman Mann called the meeting to order at 7:08 p.m.

INVOCATION

Commissioner MacPherson gave the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Faux 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), Senior Civil Engineer (Marissa Diaz), Recording Secretary (Joy Reyes), and an audience of approximately 101 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Vice Chairman Troth and seconded by Commissioner MacPherson to approve the Minutes of the Regular Meeting of July 16, 2007 and the Minutes of the Special Meeting of July 30, 2007. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

CONTINUED PUBLIC HEARINGS

2. a. CONDITIONAL USE PERMIT 80-24 (CONDITIONS)

Chairman Mann opened the public hearing at 7:10 p.m. for a six-month review of conditions for use of the social hall facilities on 43404 30th Street West in the R-10,000 Zone (Greek Orthodox Church of St. Constantine). Vice Chairman Troth recused himself from the hearing.

Chairman Mann stated for the record that he was not present at the February 18, 2003, planning commission meeting when this conditional use permit was approved. Commissioner MacPherson later also stated for the record that Brian Ludicke was the only one present at that meeting, and that Commissioners Troth, Faux, and himself were not appointed yet to the commission at that time. Bill Koukourikos, representing the applicant, came forward and stated he has informed the neighbors that he will address the parking lot lighting issue accordingly as directed by the City, and that more than 80 percent of the neighbors are in support of the facility.

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

Speaker Fr. John Alexandres – concerns received from the neighbors were the quality of people attracted by events held in the church hall, landscaping, and sand being blown from the open space.

Speaker Joseph Charles Wordsworth – stated that at the February 18, 2003, meeting, Andrew Eliopoulos' presentation of the uses of the facility was far different from the manner it is currently being used.

Speaker Bonnie Adams – concerned with the number of events and the hours they are held in the facility.

Speaker Gene Kiefer – concerned about having a money-making facility within the residential community.

Speaker Anne Durr – concerned with the lighting, and stated that liquor is served at some of the events and inquired about the required liquor license for this facility.

Bill Koukourikos presented his rebuttal by stating that the intention of the church was to open the facility to all Antelope Valley residents. The only event that resulted in a parking overflow was the one held for the Chamber of Commerce. He stated that he was offended about the comment on the church hall used as a money-making facility, and argued that the church facility is simply growing with the community.

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

Commissioner MacPherson inquired as to what actions are being taken to address the parking issue. Bill Koukourikos responded that event goers were notified to park in designated lot only, however, the Church feels it would be impossible to regulate where guests choose to park. He stated that the Church has also entered into an agreement with Prestige, owner of adjacent lot, for use of their empty lot for parking overflow. He also recommended to have City

change the street sign to “residential parking only” in order to encourage event goers to park in the designated lot. Commissioner MacPherson expressed his concerns about the hall seeming to be marketed for rental purposes – generally for public use and not so much for church events. He inquired whether the applicant was aware that the uses approved under the conditional use permit were to keep all activities low-key. Applicant responded that their intentions were to run the church hall as other local churches do in order to recover costs, a fraction of which is used to pay off personal loan(s) carried by member(s) of the church. Once the personal loan(s) is repaid, this would alleviate the pressure of renting out the facility at the current rate.

Commissioner Faux commented that when the Essex House closed, the church may have seen the opportunity to pick up additional business. She has attended functions that have been held there, and feels that there is value to the hall as some of the organizations that use the facility generally serve the community at large.

Commissioner MacPherson asked what the average number of attendees is for the annual Greek Festival. Applicant responded that during a 12-hour period, there are approximately 2,000 people attending this indoor event. Attendance dropped when the event was moved to the Fairgrounds.

Commissioner Salazar inquired how often alcohol is served. Applicant stated the Department of Alcohol Beverage Control agreed to grant them liquor license ‘per event’. Revenue generated from events cover approximately 80 percent of the church loan obligations.

Brian Ludicke stated that the core of the discussion is ultimately what purpose the hall will be used for, what the intentions of the applicants are, and at what point does the church hall no longer function as a community-serving facility, and becomes a commercial-use hall. He is also concerned with the contract the church has entered into with Prestige for parking overflow, as this would be working outside the use of the approved conditional use permit. He recalls the intention of the Planning Commission to be that the social hall not become a commercial rental facility

Commissioner MacPherson feels that it is important to regulate the events and keep cars within the parking lot, and indicated that Condition No. 16 references to the “Use of the facilities shall not create a demand that exceeds available on-site parking of 118 spaces.” He recommended lowering the cap on the maximum number of people based on the City Ordinance of three people per parking space, which brings the maximum number of people to 350 per event. Commissioner Salazar concurred that church should operate within the guidelines of the City. Commissioner MacPherson also indicated the existing lighting fixtures are eight to ten feet taller than the acceptable height, and that there are no shrubs in the parking area to shield headlights.

Brian Ludicke suggested that concerned neighbors and church representatives meet to discuss and come up with a resolution for the parking, lighting and landscape issues.

It was moved by Commissioner MacPherson and seconded by Commissioner Salazar to continue the hearing to the September 17, 2007, Planning Commission meeting to give residents and church representatives the opportunity to meet and discuss the issues. Motion carried with the following vote:

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

Chairman Mann recessed the regular meeting at 8:32 p.m., and reconvened at 8:41 p.m.

b. TENTATIVE TRACT MAP NO. 61875 - EXTENSION

Chairman Mann opened the public hearing at 8:41 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 Bowyer of Royal Investors, representing the applicant, proposes that the City credits the applicant 75 percent of construction cost for the raised median landscaping. Carlyle Workman stated that the City recently received the cost estimate from CCL Engineering, and is not opposed to allowing credit up to 75 percent of the cost. There were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 8:50 p.m. Vice Chairman Troth inquired if a cap can be placed to protect the City from paying the credit. Carlyle Workman responded that it was just an estimate they were going by, and actual costs would have to be determined in order to place a cap on the cost, or by stating that the applicant would not be reimbursed more than a 100 percent of the impact fees paid. Commissioner MacPherson commented that if the condition were to be changed to pay up to 75 percent of the fees, it is implicit that the City would not pay the applicant back more than the amount received. Carlyle Workman concurred stating this would definitely clarify the City's position.

It was moved by Commissioner MacPherson 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 Resolution No. 06-11 with amendment to modified Condition No. 6, second sentence to read, "The City will allow credit against the Traffic Impact Fees to pay up to 75 percent of the off-site median improvements not to exceed the total traffic impact fees paid by the tract." 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. ONE-YEAR EXTENSIONS**a. TENTATIVE TRACT MAP NO. 52719**

Chairman Mann opened the public hearing at 8:50 p.m. to hear a request by Pacific Communities Builders, Inc. for a subdivision of 80 single family lots in the R-7,000 Zone on 20± gross acres located on the northeast corner of Avenue K and 50th Street West.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 8:50 p.m.

It was moved by Commissioner Salazar and seconded by Commissioner Faux to grant a seven-month extension to March 21, 2008, based on the findings contained in the staff report and subject to Revised Attachment to PC Resolution No. 05-09. Motion carried with the following vote:

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

b. TENTATIVE TRACT MAP NO. 53642

Chairman Mann opened the public hearing at 8:51 p.m. to hear a request by Pacific Communities for a subdivision of 156 single family lots in the R-7,000 Zone on 40± gross acres located on the northeast corner of 60th Street West and Avenue K-8.

The staff report was presented by Silvia Donovan. John Jacob, Engineer representing the applicant, was present to answer any questions. There was a speaker in the audience who wished to comment, as follows:

Speaker Luke Ferrara commented that he lives in a tract directly across from this project, and apparently there was a dispute between Pacific Communities and KB Homes over the land. There is currently a single-lane road in front of his house where KB Homes initially wanted to build a two-lane road, but was denied by Pacific Communities as they claim it to be their land. Pacific Communities then built a fence far too close to the road that makes it impossible for anyone to back out of their driveway without hitting the fence. He would like to know who bears the responsibility for constructing a two-lane road. Carlyle Workman responded that Avenue K-4 was conditioned to be built 12 feet beyond centerline, however, KB Homes was not able to acquire the right-of-way. The City then initiated a condemnation action. Subsequent to

that and before the City received an order of possession, KB Homes built the roadway 12 feet beyond centerline on the property of Pacific Communities, and that created a problem with the condemnation action. Pacific Communities demanded that the roadway be removed, which it was, and they subsequently built a fence.

John Jacob came back to respond that they did not have a construction schedule in mind. Carlyle Workman pointed out that although he is not comfortable with the fence being there, it is on the applicant's property line. Commissioner MacPherson commented that the dispute between the two developers is affecting public safety and health. Vice Chairman Troth inquired how KB Homes gained occupancy on those homes if improvements were not properly made. Carlyle Workman answered that the Fire Department signed off on the 18-foot clearance. Commissioner Troth asked if this project could be conditioned to have the fence moved over. Doug Evertz stated that he wanted to look into what actually transpired and when. From a strict legal standpoint, he had issues with someone putting a fence up on their property line, he was just curious how it got to the point where the builder was allowed to build the fence in the first place. Brian Ludicke explained that normally, the City requires 12 feet beyond the centerline. The question now to Carlyle is whether the City will be pursuing acquisition action. Carlyle Workman responded that at the advice of the City Attorney, the condemnation action was withdrawn and was not pursued. Commissioner MacPherson reiterated that the main concern is public and road safety - people can potentially be put at risk in case of emergency.

Chairman Mann closed the public hearing at 9:08 p.m.

It was moved by Chairman Mann and seconded by Commissioner MacPherson to continue Tentative Tract Map 53642 to September 17, 2007, to allow staff to look into what actually transpired and when so as to be able to resolve the situation. 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. 60430

Chairman Mann opened the public hearing at 9:12 p.m. to hear a request by American Premiere Homes for a subdivision of 82 single family lots in the R-7,000 Zone on 23± gross acres located on the northwest corner of Avenue K and 36th Street West.

The staff report was presented by Silvia Donovan. A letter was received from the applicant stating their acceptance to the conditions of approval. There was a speaker in the audience who wished to comment, as follows:

Speaker Cynthia Rossi said that she was present during the May 21, 2007, meeting, which at that time she had complaints about the dust. Since then, the developer has worked

closely with her to resolve the matter. Her concern right now is the long-term use of sealant and that it would have to be constantly reapplied.

Speaker Keith Swords commented that 2½ years ago, the applicant started using the 23 acres as a dirt bank. They also have to deal with the normal grading that is an inconvenience to residents. On the week of July 4th, the developer came and cut the shoulder on the eastside of 37th Street all the way to J-14 past to J-12. The street is tight and there is no way to park vehicles on either side of the street and still have two cars driven down. He would like to suggest that the permit be reissued to build 8,000 square-foot minimum lots, require that 50 percent of those houses be placed on the lots so that there is access from the backyard for an RV.

Dean Paradise came back to comment that polymer is a good material that will last for about two years. In regards to the dirt pile, a permit was issued for it and the site actually required dirt because of its design. The shoulder cut left a bit of a grade difference. When they plot their houses, the applicant looks at providing space on the garage side for people with motor homes and boats.

Chairman Mann closed the public hearing at 9:22 p.m.

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to grant an extension to March 21, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-11. 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. 60574

Chairman Mann opened the public hearing at 9:23 p.m. to hear a request by Fahd Al-Soleiman for a subdivision of 29 single family lots in the R-10,000 Zone on 10.0± gross acres located on the southwest corner of 40th Street West and Avenue K-12.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:23 p.m.

It was moved by Vice Chairman Troth and seconded by Commissioner Salazar to grant a one-year extension to July 18, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-37. 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. 60885

Chairman Mann opened the public hearing at 9:24 p.m. to hear a request by Royal Investors Group for a subdivision of 49 single family lots in the R-7,000 Zone on 12.51± gross acres located on the west side of 60th Street West approximately 290 feet south of Avenue J-8.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:25 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to grant an extension to July 18, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-38. 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. 61490

Chairman Mann opened the public hearing at 9:25 p.m. to hear a request by Hearthside Homes, Inc. for a subdivision of 73 single family lots in the R-7,000 Zone on 20.0± gross acres located on the northeast corner of 55th Street West and Avenue J-8.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:26 p.m.

It was moved by Vice Chairman Troth and seconded by Commissioner MacPherson to grant a one-year extension to July 18, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-40. Motion carried with the following vote:

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

g. TENTATIVE TRACT MAP NO. 61733

Chairman Mann opened the public hearing at 9:27 p.m. to hear a request by Icon Properties for a subdivision of 18 single family lots in the SRR Zone on 10.0± gross acres located on the northeast corner of 27th Street West and Avenue L-4.

The staff report was presented by Silvia Donovan. Saied, representing the applicant, came forward to inquire about the landscaping requirement, under Condition No. 6. Silvia Donovan answered that the condition did not apply to the project. There was a speaker in the audience who wished to comment, as follows:

Speaker Juan Rios said that he had concerns with the grading that is being done on the property. The developer is having trouble passing grading, which is taking more time than it should, causing workers to work long hours. Other homeowners also have concerns about the height of the retaining wall on the west side of their property. Carlyle Workman clarified that working hours are dawn to dusk and no work on Sundays. The requirement is that the wall is at least 6 feet tall on either side. Without looking at their grading plan, he would not know whether the wall is retaining or if it is just being built 6 feet tall. The applicant responded that they would bring level of fenced/block wall to 6 feet as discussed with some residents.

Commissioner MacPherson inquired if there were retaining walls required around the perimeter of the tract, which the applicant replied in the negative.

Chairman Mann closed the public hearing at 9:35 p.m.

It was moved by Vice Chairman Troth and seconded by Commissioner MacPherson to grant an extension to July 18, 2008, and based on the findings contained in the staff report, subject to the Revised Attachment to Resolution No. 05-41, and deletion of Condition Nos. 6 and 7 that are not applicable to this project. Motion carried with the following vote:

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

h. TENTATIVE TRACT MAP NO. 61734

Chairman Mann opened the public hearing at 9:35 p.m. to hear a request by Royal Investors Group for a subdivision of 19 single family lots in the R-7,000 Zone on 5± gross acres located approximately 663 feet north of Avenue J-12, and approximately 658 feet west of 60th Street West.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:35 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to grant a one-year extension to July 18, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-42. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

i. TENTATIVE TRACT MAP NO. 61920

Chairman Mann opened the public hearing at 9:36 p.m. to hear a request by Richmond American Homes for a subdivision of 108 single family lots in the R-10,000 and R-15,000 Zones on 40± gross acres located on the northeast corner of future 55th Street West and Avenue K.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:37 p.m.

It was moved by Commissioner MacPherson and seconded by Vice Chairman Troth to grant a one-year extension to July 18, 2008, based on the findings contained in the staff report and subject to the Revised Attachment to Resolution No. 05-43. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

4. CONDITIONAL USE PERMIT 05-11/TENTATIVE PARCEL MAP NO. 64924

Chairman Mann opened the public hearing at 9:38 p.m. to hear a request by AVI MMK Management to construct a three-story 88-room hotel, an 8,400 square foot multi-tenant retail building, and a 5,241 square foot restaurant, and to subdivide the property into three parcels on 3.39± gross acres located on the south side of Avenue I and approximately 260 feet west of 20th Street West in the CPD Zone.

The staff report was presented by Dan Miller. A letter of agreement to the conditions of approval as stated in the staff report was submitted, and the applicant also came forward to concur. There was a speaker who wished to comment.

Bert Abel, representing the owner of the adjacent 26 acres to the south of the parcel and the escrow holder for a proposed 248,000 square-foot retail/office mixed use project, stated that they were supporting the application and the reduction of the parking requirement. Their concern was to see a provision to have cross-easements or access to Avenue I.

Chairman Mann closed the public hearing at 9:43 p.m. Chairman Mann inquired from Carlyle Workman if he had any comment regarding Bert Abel's request. Carlyle Workman responded that he would encourage the property owners to work together to determine if they could work something out.

It was moved by Commissioner MacPherson and seconded by Commissioner Salazar to adopt Resolution No. 07-35 approving Conditional Use Permit No. 05-11 and Tentative Parcel Map No. 64924. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

5. VESTING TENTATIVE TRACT MAP NO. 62520

Chairman Mann opened the public hearing at 9:48 p.m. to hear a request by Blue Bay LLC for a subdivision of 11 single family lots in the SRR Zone on 6.8± gross acres located at the northeast corner of future 37th Street West and Avenue M. Vice Chairman Troth recused himself from the hearing.

The staff report was presented by Silvia Donovan. Victor Salazar, Engineer representing the applicant, was present to answer any questions. There were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:52 p.m.

It was moved by Commissioner MacPherson and seconded by Commissioner Faux to adopt Resolution No. 07-36 approving Vesting Tentative Tract Map No. 62520. Motion carried with the following vote:

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

6. TENTATIVE TRACT MAP NO. 66396

Chairman Mann opened the public hearing at 9:52 p.m. to hear a request by Kenneth Berglund for a subdivision of 7 single family lots on 5± gross acres located at the northwest corner of Avenue N and 42nd Street West in the SRR Zone.

The reading of the staff report was waived since a letter of agreement to the conditions of approval as stated in the staff report was submitted, and there were none in the audience who wished to speak in opposition to the request.

Chairman Mann closed the public hearing at 9:53 p.m.

It was moved by Commissioner Faux and seconded by Commissioner Salazar to adopt Resolution No. 07-37 approving Tentative Tract Map No. 66396. 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

- September 10, 2007, at 6:30 p.m. in the Council Chambers: Planning Commission Workshop on the Draft Alcohol Ordinance scheduled following the study session.
- September 13, 2007: Tour of residential properties conducted jointly by the Council Members and Commissioners, and representative from the General Plan Citizens Advisory Committee, BIA, GAVAR, and City Staff.
- October 29, 2007 (tentative): Planning Commission Special Meeting to hear the General Plan Amendment and Zone Change for 30th Street West and Avenue K.
- Planning Commission meetings will ultimately be broadcasted.

COMMISSION AGENDA

Commission requested for staff to highlight changes on the amended copies of staff reports.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Mann declared the meeting adjourned at 10 p.m. to Monday, September 10, 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