

MINUTES

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

September 18, 2017

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CALL TO ORDER

Chairman Vose called the regular meeting to order at 5:07 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: None.

Also present were the Assistant City Attorney (Jocelyn Corbett), Planning Director (Brian Ludicke), City Engineer (Trolis Niebla), Principal Planner (Jocelyn Swain), Associate Planner (Chris Aune), Associate Planner (Cynthia Campaña), and Recording Secretary (Sydney Yeseta). There were 12 people in the audience.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Cook and seconded by Commissioner Smith to approve the Minutes from the Regular Meeting of August 14, 2017. Motion carried with the following vote (6-0-0-0-0):

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

CONTINUED PUBLIC HEARINGS

2. Conditional Use Permit No. 15-08, Tentative Tract Map No. 72534

Chairman Vose opened the item at 5:14 p.m., to hear a request by GID Lancaster 80, LLC, to construct a Residential Planned Development (RPD) for 109 single-family lots, a 1.17-acre private park, a .25-acre paseo, and one drainage basin lot in the R-7,000 Zone. The streets within the subdivision would be private.

Chris Aune presented the staff report. Clarification was provided stating that the proposed project is not an infill RPD, as previously reported. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Steve Weiss, the applicant's representative, spoke about the project. He stated that the applicant has revised the project to address concerns raised in the first hearing, to meet City standards and create a well contained subdivision. The proposed project looks like an R-7,000 project, but functions in a manner that does not cost the City any money to maintain. The proposed project contains a park and other design elements to make it an attractive subdivision. The infrastructure within the project would be maintained through a homeowner's association.

Chairman Vose asked the applicant about adjacent developments, the grid pattern, and voiced concern regarding the price point and marketability of the proposed project. Commissioner Harvey commented on the 360-degree architectural design. Vice Chair Hall expressed appreciation to the applicant for taking the project seriously.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:39 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Cook to adopt Resolution No. 17-02 approving Conditional Use Permit No. 15-08 and Tentative Tract Map No. 72534. Motion carried with the following vote (6-0-0-0-0):

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

3. Tentative Tract Map No. 61574

Chairman Vose opened the public hearing at 5:40 p.m., to hear a request for an extension by United Engineering Group, to subdivide 45 single-family lots in the R-10,000 Zone and one remainder parcel in the CPD Zone, located on 26.6± gross acres at the southwest corner of Avenue K and 30th Street East.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Beau Cooper, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:43 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to grant a one-year extension to June 17, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-56. Motion carried with the following vote (6-0-0-0-0):

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

4. Tentative Tract Map No. 62485

Chairman Vose opened the public hearing at 5:44 p.m., to hear a request for an extension by Royal Investors Group, LLC, to subdivide 39 single-family lots in the R-7,000 Zone, located on 10.09± gross acres at the southwest corner of 30th Street East and Nugent Street.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Kris Pinero, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:46 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Cook to grant a one-year extension to July 17, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-58. Motion carried with the following vote (6-0-0-0-0):

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

5. Tentative Tract Map No. 63031

Chairman Vose opened the public hearing at 5:47 p.m., to hear a request for extension by Westpalm Development Corporation, to subdivide 25 single-family lots in the R-7,000 Zone, located on 10.0± gross acres at the southwest corner of Lancaster Boulevard and future 32nd Street East.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Karl Mallick, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:48 p.m.

It was moved by Commissioner Cook and seconded by Vice Chair Hall to grant a one-year extension to June 19, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-50. Motion carried with the following vote (6-0-0-0-0):

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

NOES: None.

ABSTAIN: None.

RECUSED: None.

ABSENT: None.

6. Tentative Tract Map No. 63112

Chairman Vose opened the public hearing at 5:49 p.m., to hear a request for extension by Bayshore, LLC, to subdivide 126 single-family lots in the R-7,000 Zone, located on 32.0± gross acres at the southeast corner of 15th Street East and Avenue H-8.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Karl Mallick, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:50 p.m.

It was moved by Commissioner Smith and seconded by Commissioner Cook to grant a one-year extension to June 19, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-51. Motion carried with the following vote (6-0-0-0-0):

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

7. Tentative Tract Map No. 64877

Chairman Vose opened the public hearing at 5:51 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 41 single-family lots in the R-7,000 Zone, located on 9.42± gross acres at the northeast corner of 20th Street East and Nugent Street.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Kris Pinero, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:52 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to grant a one-year extension to August 21, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-63. Motion carried with the following vote (6-0-0-0-0):

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

8. Tentative Tract Map No. 66680, Tentative Parcel Map Nos. 69747 and 70303

Chairman Vose opened the public hearing at 5:53 p.m., to hear a request for extension by STG Stoneridge Ranch, LLC. Tentative Tract Map No. 66680 is a subdivision for 238 single-family lots, (128 within the R-7,000 Zone, 89 within the R-10,000 Zone, and 21 within the R-15,000 Zone). Tentative Parcel Map No. 69747 is the subdivision for property west of 55th Street West into two parcels, and Tentative Parcel Map No. 70303 is the subdivision for the property east of 55th Street West into two parcels; both parcel maps are for financial purposes to allow the individual parcels to be sold. The proposed project is located on 72.9± gross acres at the southwest corner of 52nd Street West and Avenue K-8.

The reading of the staff report was waived because the applicant requested a continuance to the October 16, 2017, regular meeting.

There were none in the audience who wished to speak on the request.

It was moved by Vice Chair Hall and seconded by Commissioner Harvey to continue the public hearing to the October 16, 2017, regular meeting. Motion carried with the following vote (6-0-0-0):

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

NEW PUBLIC HEARINGS

9. ONE-YEAR EXTENSIONS

a. Tentative Tract Map No. 60367

Chairman Vose opened the public hearing at 5:54 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 129 single-family lots in the R-7,000 and R-10,000 Zones, located on 30.0± gross acres at the northeast corner of Lancaster Boulevard and 37th Street East.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Kris Pinero, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:55 p.m.

It was moved by Commissioner Cook and seconded by Vice Chair Hall to grant a one-year extension to September 18, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-66. Motion carried with the following vote (6-0-0-0-0):

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

b. Tentative Tract Map No. 61678

Chairman Vose opened the public hearing at 5:56 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 58 single-family lots in the R-7,000 Zone, located on 15.14± acres at the southeast corner of Avenue K and future 57th Street West.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Kris Pinero, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:57 p.m.

It was moved by Vice Chair Hall and seconded by Commissioner Smith to grant a one-year extension to September 18, 2018, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 06-67. Motion carried with the following vote (6-0-0-0-0):

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

c. Tentative Tract Map No. 63365

Chairman Vose opened the public hearing at 5:58 p.m., to hear a request for extension by Royal Investors Group, LLC, to subdivide 114 single-family lots in the R-7,000 Zone, located on 28.5± gross acres at the northwest corner of future 35th Street East and Avenue J.

The reading of the staff report was waived because an uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Kris Pinero, the applicant's representative, stated that the applicant is in agreement with the conditions of approval. The applicant is aware of and agrees to the condition requiring the final map to be submitted 180 days prior to the expiration of the tentative map.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 5:59 p.m.

It was moved by Commissioner Harvey and seconded by Vice Chair Hall to grant a two-year extension to September 17, 2019, based on the findings contained in the staff report and subject to the Revised Conditions List, Attachment to Resolution No. 07-40. Motion carried with the following vote (6-0-0-0-0):

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

10. Conditional Use Permit No. 17-23

Chairman Vose opened the item at 6:00 p.m., to hear a request by Mildred House and Doreen Lopez, for a conditional use permit for an Alcoholic Beverage Control Type 21 license (Off Sale General-Package Store) for a florist shop (Isla's Flower Boutique) in the Light Industrial Zone, located at 42630 10th Street West, Unit 1.

Chris Aune presented the staff report. The proposed project is for the sale of alcoholic beverages in gift boxes. An uncontested hearing letter was received from the applicant stating agreement with the conditions of approval, as stated in the staff report.

Chairman Vose inquired about how the City would prevent and regulate the sale of alcoholic beverages without an accompanying gift box. The Commission expressed concern with approving the Alcoholic Beverage Control Type 21 license because they did not want to see the license be used for a liquor store in the future. Furthermore, there was concern about ensuring the age of recipients of gift boxes with alcohol.

City Staff clarified that if the business is sold, the new business owner must comply with the conditions of approval for this project because the Alcoholic Beverage Control license is tied to the conditional use permit.

Doreen Lopez, the applicant, addressed the Commission regarding their concerns. She explained that this location would only be a boutique and the event planning is only tied to her other location. The Department of Alcoholic Beverage Control also has regulations regarding the sale of alcohol in gift boxes, similar to the conditions set by the City. The applicant is working to get the same technology used by FedEx and UPS for scanning identification to ensure delivery recipients are over the age of 21.

Commissioner Mercy suggested that the conditions be modified to eliminate a gift box of only alcohol being purchased.

The Type 21 license allows for the sale of all alcohol, but requires the applicant to only purchase the stock from licensed distributors. Only a small variety of items would be used in the gift boxes and available at the location.

Mark House, son of applicant, Mildred House, spoke on behalf of his mother. He stated that there are safeguards in place that would prevent a liquor store from opening, should the business be sold, including the Department of Alcoholic Beverage Control and Planning Commission approvals.

Staff clarified that if the business is sold and the new owner wanted to modify the conditions, it would need to go through Planning Commission for approval. The conditional use permit and business license could be revoked if the City determines a violation of the conditions of approval.

Mark House responded, stating the business model is that all gift boxes come with a floral arrangement. The applicant is working towards developing a primarily internet-based business.

It was moved by Commissioner Harvey and seconded by Vice Chair Hall to continue the public hearing to the October 16, 2017, regular meeting. Motion carried with the following vote (6-0-0-0-0):

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

Direction was provided to Staff to review the following items for the October 16, 2017, hearing:

- Additional background information on internet sales of alcoholic beverages and/or a similar business model;
- Potentially limiting the purveyor of beverages to a more narrow perspective;
- Case law regarding Alcoholic Beverage Control Type 21 licenses; and
- Modifying the conditions to ensure that a gift box of only alcohol could not be sold.

11. Covenant of Easement Ordinance

Chairman Vose opened the item at 6:54 p.m., to receive public testimony and adopt a resolution amending Title 16 of the Lancaster Municipal Code, relating to the creation of easements by covenant.

Allen Thompson, the Utility Services Manager, presented the staff report. In development, easements are created to allow access to parcels to avoid them from becoming landlocked. The covenant of easement would allow property owners to grant an easement to themselves, in the event they own two adjacent parcels. If the parcel is sold, the covenant of easement becomes an easement. The City Council would be the approving body for easements, as it would typically be conditioned into a project.

There were none in the audience who wished to speak on the request.

The public hearing was closed at 6:58 p.m.

It was moved by Commissioner Harvey and seconded by Commissioner Mercy to adopt Resolution No. 17-31, recommending to the City Council approval of an ordinance amending Title 16 of the Lancaster Municipal Code by adding Chapter 16.24 Article XI, relating to the creation of easements by covenant. Motion carried with the following vote (6-0-0-0-0):

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

NEW BUSINESS

12. Subdivision Completion Incentive

Chairman Vose opened the item at 6:59 p.m., to receive public testimony and to hear a proposal for a subdivision completion incentive program.

Allen Thompson presented the staff report. He stated that the proposal is to help incentivize unfinished tracts so that developers will complete them. Chairman Vose voiced concern with the incentive, stating that the small amount of money for few lots would not be enough to stimulate any movement because the cost to produce one lot today is very expensive. There are 24 tracts in Lancaster that are unfinished. 16 of those tracts have homes built, but are unfinished. Half of those tracts have had activity, while the other half have had no activity in the last ten years; those are the tracts that the City is trying to address. Vice Chair Hall suggested looking at other agencies, like the school districts, to see if they would be willing to add to the City's incentive. Chairman Vose voiced concern about a blanket incentive program for all tracts.

13. Community Benefit Agreement/ Program Ordinance

Chairman Vose explained that the City Council tasked the Planning Commission with direction to impose conditions on all pending applications and create an ordinance to impose similar obligations city-wide. It was further clarified that the proposed community benefit agreement would not include a requirement that developers pay prevailing wage. Chairman Vose and Vice Chair Hall volunteered to participate, with City Staff and local industry representatives, to form a committee to discuss and outline an ordinance.

14. Realtor Street Signs

Brian Ludicke spoke on behalf of Jocelyn Corbett about real estate signs in the public right-of-way. The City has the ability to remove signage in the public right-of-way, but it becomes more difficult with signage on private property. Jocelyn Corbett would be hesitant to modify any City codes based on recent Supreme Court rulings.

DIRECTOR'S ANNOUNCEMENT

Brian Ludicke stated that the Master Plan of Complete Streets is scheduled to be considered by the City Council at the October 10, 2017, meeting. There was an appeal filed on Conditional Use Permit No. 17-16, which was scheduled for the September 12, 2017, City Council meeting; however, the appeal was withdrawn prior to the hearing.

COMMISSION AGENDA

None.

PUBLIC BUSINESS FROM THE FLOOR – NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 7:34 p.m. to the Special Meeting for Agenda Review on Monday, October 9, 2017, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster