

# MINUTES

---

## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

January 28, 2019

View this Meeting on the web:

[www.cityoflancafterca.org/PublicMeetings](http://www.cityoflancafterca.org/PublicMeetings)

---

### **CALL TO ORDER**

Chairman Vose called the regular meeting to order at 5:01 p.m.

### **INVOCATION**

Chairman Vose.

### **PLEDGE OF ALLEGIANCE**

Commissioner Cook.

### **ROLL CALL**

Present: Chairman Vose, Vice Chairperson Smith, Commissioners Cook, Donovan, Harvey, Moore, and Parris.

Absent: None.

Also present were Community Development Manager (Larissa De La Cruz), Assistant City Attorney (Jocelyn Corbett), Capital Program Manager (Marissa Diaz), Associate Planner (Brenda Magaña), Community Development Technician (Marlon Cervantes), Recording Secretary (Sandra Ramirez), and Recording Secretary (Danielle Winter). There were 24 people in the audience.

### **PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS**

None.

### **CONSENT CALENDAR**

---

#### **1. Approval of Minutes**

Vice Chair Smith made a motion, and Commissioner Harvey seconded the motion for the approval of November 26, 2018 Minutes. The motioned carried with the following vote (6-0-1-0-0):

AYES: Donovan, Harvey, Moore, Parris, Smith, and Vose.  
NOES: None.  
ABSTAIN: Cook.  
RECUSED: None.  
ABSENT: None.

## **NEW PUBLIC HEARINGS**

---

### **2. Conditional Use Permit No. 18-12**

Brenda Magaña, Associate Planner, presented the Staff Report. Chairman Vose indicated that an uncontested letter had not been received on this item. The applicant was present to speak on behalf of the project.

Chairman Vose mentioned that the Commission meets a week before the regular Commission Meetings (in a public meeting) to listen to staff on each of the proposed agenda items, and they ask questions if they have any. However, they do not deliberate or vote. He clarified that the Commissioners are not hearing the item for the first time at the regular meeting. They have asked questions and received answers at the meeting the week before.

Since the applicant had not provided an uncontested letter, Chairman Vose would like to speak to the applicant.

The applicant, Richard Moody, was available to speak to the Commission. Chairman Vose asked if the applicant agreed with all the conditions relative to the project. The applicant stated that although he agreed to most of the conditions, he needed clarification on a few of the conditions regarding engineering. Chairman recommended that a motion be made to continue the agenda item to next month's meeting in order for the applicant to have his questions answered.

Commissioner Parris asked what the issues were on the project. The applicant replied that there were four or five issues. They received the documents on Friday and had prepared some responses. One of the issues was Traffic Engineering required the applicant to install all the underground conduit and pull boxes for future street lighting. The project has curb and gutter but no sidewalk. The applicant agreed to install the underground conduits but one of the conditions added on was to install the street lights. Commissioner Parris asked for clarification on where the City was requiring the street lights to be installed. The applicant was unsure and replied that he needed further information from City Engineering. Another issue they had was that the street is beyond its wear and tear from Yucca to their project location, and they requested that the applicant repave from the centerline to the street. However, there was no clear demarcation on where they should start.

Chairman Vose stated that these items are typically dealt with by staff during the design phase. Commissioner Parris indicated that there were several items and that it was best for the applicant to work with staff on getting resolution to these items.

Vice Chair Smith made a motion and Commissioner Donovan seconded the motion to continue CUP 18-12 to the February 25, 2019 Planning Commission Meeting. The motion carried with the following vote of (7-0-0-0-0):

AYES: Cook, Donovan, Harvey, Moore, Parris, Smith, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

### **3. Conditional Use Permit No. 18-19**

Chairman Vose opened the public hearing, there was no receipt of an uncontested letter, and the applicant, Adel Mikhail, was present to speak to the Commission.

Community Development Technician, Marlon Cervantes presented the staff report.

Vice Chair Smith asked what the relationship between the former Lancaster International Market that ceased operation in September 2016 and the International Supermarket. Marlon Cervantes answered that the original applicant on the application is different from the current applicant.

Commissioner Donovan asked if a mini market request was included. Marlon Cervantes answered that the request was for a mini mart and alcohol license. She also asked if the address 903 W. Avenue J included the entire project site. Marlon Cervantes answered that it would be located in Suites A-D.

Chairman Vose asked the applicant, Adel Mikhail, if he had reviewed and agreed with the conditions. The applicant responded that he did. Vice Chair Smith wanted to know what the relationship was between the former Lancaster International Market that ceased operation in September 2016 and the proposed International Supermarket. The applicant stated his business just happens to be located in the same shopping center, and he is unaware of what the shopping center was before. The name of the business will be International Market since he will be selling Asian, Mexican, and Middle Eastern foods.

Commissioner Cook asked if he had spoken to any of the neighboring businesses to see what they think about the new business. The applicant responded that they are excited because it will bring new business to the shopping center. Commissioner Cook also asked if he had spoken to any of the businesses that fall in the distance requirements as to how they feel about the sale of alcohol, and the applicant responded that he had not talked to them specifically about the sale of alcohol.

Chairman Vose asked the applicant if he is aware of the reason why he needs a waiver on the application. Adel Mikhail responded that it is because a church and school is located near his proposed business. Chairman Vose asked if the applicant had read the conditions of approval regarding a Type 21 license. He wanted to know what size alcohol beverages the applicant can

sell. The applicant responded that only 5% of the total space would be alcohol. Chairman Vose asked what the minimum size of spirits that he would be allowed to sell. The applicant responded that he was unsure, but he believed it was 350-375 milliliters. Chairman Vose inquired if the applicant was aware that there are three other businesses within a half-mile radius that also have Type 21 licenses. Chairman Vose stated that he believes the applicant was applying for a liquor store masquerading as a market. He does not believe our community needs another liquor store. He asked if they will sell fresh food, as it is not in the application. The applicant responded they would be selling fresh meat.

Commissioner Cook asked how successful the International Market would be without selling alcohol. Mikhail stated he was unsure, as the market would account for 50% to 70% of the revenue. He stated that there was a need for it, and it would help the market succeed.

Commissioner Parris stated the Commission should take a vote on the item.

Commissioner Donovan wanted to know what the difference between a mini mart and a liquor store is, as she was wondering what each is required to sell. Marlon Cervantes stated that per the Lancaster Municipal Code, convenience stores are required to sell fresh produce while mini marts are not. Mini marts are required to sell groceries.

Chairman Vose called for a recess. The meeting reconvened at 5:40 p.m.

Chairman Vose asked the applicant to return to the podium and if he had anything to add before the Commission proceeded. The applicant responded that he had nothing more to add.

Commissioner Parris made a motion, and Commissioner Moore seconded the motion to adopt Resolution No. 19-02 approving Conditional Use Permit No. 18-19 to allow a Type 21 (off-sale general) Alcoholic Beverage Control (ABC) license and waiver from distance requirements in an existing tenant space (International Supermarket) in the Commercial (C) zone, located at 903 West Avenue J (APN 3133-016-067). The motion failed with the following vote of (3-4-0-0-0):

AYES: Donovan, Moore, and Parris.  
NOES: Cook, Harvey, Smith, and Vose.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

#### **4. Conditional Use Permit No. 18-29**

Chairman Vose opened the public hearing and there were no speakers. Community Development Technician, Marlon Cervantes, presented the staff report.

Chairman Vose mentioned an uncontested letter was received in which the applicant agreed with all conditions given by the Planning Department. The applicant, Ariana Mahler, was available for questions. She also brought her building engineer, Nicholas Hayes, to speak on behalf of the project.

Commissioner Harvey asked how the applicants will know if a customer is inebriated. The applicant stated that she and her partner both have worked with the public and seen when someone has had way too much alcohol by their appearance and whether or not they are capable of making good choices. Mahler has medical training. Commissioner Harvey asked how much liability insurance they have, and the applicant responded that they have a \$2 million liability insurance. The suggested amount was \$1 million, but the applicants went for \$2 million.

Commissioner Moore asked if the sound would affect the neighboring businesses. Hayes replied that they would be building a false wall off of the actual wall which will deaden the impact and not transfer the sound. Their hours are off of most of the working hours of the other businesses: Cedar Performing Arts and a computer care office. The neighbors are both excited about the business that Axe N Dagger will bring.

The applicant provided a video that demonstrates how their building will be set up in a similar way. It will be up to the World Axe Throwing League standards and code. The amount of wood in the wall between the two businesses will be about 8 inches. Commissioner Smith asked if this is a growing trend in the United States. Hayes replied that it is a worldwide activity that gained its popularity in Canada and made its way down the east coast and Midwest.

Commissioner Harvey asked if the applicants recommend axe throwing for team building, and Mahler agreed. All the lanes can be monitored easily and only sixty-eight people can be allowed in at one time, and cameras are set up in the building. Commissioner Cook asked how long each session would be. The applicant responded that they have hour long sessions. All equipment is provided. Patrons would be able to bring their own axes, but they would be inspected before use.

Commissioner Moore asked if patrons would be able to use stars. The applicant stated that they will not allow the stars until their chain link fence is set up to accommodate them. Chairman Vose asked if the applicant would need to return to the Planning Commission once the fence is changed to accommodate the stars. Community Development Manager, Larissa De La Cruz, stated that it would be an administrative decision since it is programmatic and not use related. The applicant stated that liability waivers must be signed, and children under eighteen must be accompanied by their legal guardians to participate.

Vice Chair Smith made a motion, and Commissioner Donovan seconded the motion to Adopt Resolution No. 19-03 approving Conditional Use Permit No. 18-29 to allow a recreational axe throwing center in an existing 2,974 square-foot tenant space within the Lancaster Marketplace in the Commercial Planned Development (CPD) zone, located at 2330 Mall Loop Road, Suite 109 (APN: 3153-015-037). The motion carried with the following vote (7-0-0-0-0):

AYES: Cook, Donovan, Harvey, Moore, Parris, Smith, and Vose.  
NOES: None.  
ABSTAIN: None.  
RECUSED: None.  
ABSENT: None.

---

**COMMUNITY DEVELOPMENT MANAGER'S ANNOUNCEMENT**

---

None.

---

**COMMISSION AGENDA**

---

Chairman Vose mentioned that the Commission Chairs met, reviewed, and created a code of conduct and ethics document. The document was shared with City Council last week, but the item was continued to the first Council meeting in February. Once approved, it will be shared with all Commissioners.

---

**PUBLIC BUSINESS FROM THE FLOOR –AGENDIZED ITEMS**

---

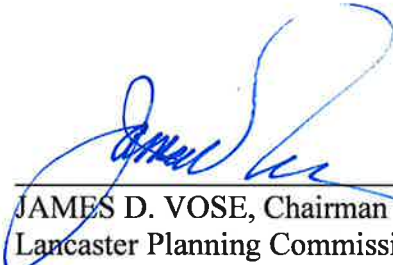
None.

---

**ADJOURNMENT**

---

Chairman Vose declared the meeting adjourned at 5:58 p.m. to the Special Meeting for Agenda Review on Monday, February 11, 2019, at 4:30 p.m., in the City Council Chambers, Lancaster City Hall.



---

JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:



---

DANIELLE WINTER, Recording Secretary  
City of Lancaster