

MINUTES - DRAFT

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

August 18, 2008

CALL TO ORDER

Chairman Vose called the meeting to order at 7:00 p.m.

INVOCATION

Bill Bennett of Grace Resource Center gave the invocation.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Commissioners Burkey, Haycock and Malhi, Vice Chair Smith, and
Chairman Vose.

Absent: Commissioner Ervin and Jacobs.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), City Engineer (Carlyle Workman), Recording Secretary (Joy Reyes), and an audience of approximately 13 people.

CONSENT CALENDAR

1. APPROVAL OF MINUTES

Minutes from the Regular Meeting of July 21, 2008.

It was moved by Commissioner Burkey and seconded by Vice Chair Smith to approve the Minutes of the Regular Meeting of July 21, 2008. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, and Malhi, Vice Chair Smith, Chairman
Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Ervin and Jacobs.

CONTINUED PUBLIC HEARINGS

2. CONDITIONAL USE PERMIT NO. 06-02 & TENTATIVE PARCEL MAP NO. 69776

Chairman Vose opened the public hearing at 7:03 p.m. to hear a request by Marinita Development Company (the “applicant”) to construct a 35,700 square-foot commercial center, including a 2,070 square-foot restaurant with on-site sale of alcoholic beverages, and the division of property into four parcels on 4.7± gross acres located at the southwest corner of Avenue K and 30th Street West, in the CPD Zone.

The staff report was presented by Silvia Donovan. David Garrison, representing Marinita Development, stated that they had worked closely with staff over the past 18 months, and that they did everything they had to do to satisfy concerns of staff and neighboring development. Commissioner Burkey inquired as to who will be the tenant of the 2,000 square-foot site. Mr. Garrison responded that tenant has not yet been determined, pending the securing of a conditional use permit. Chairman Vose asked the applicant if he reviewed Condition No. 11, which was amended. The applicant answered in the affirmative, and stated that there is already a signed agreement with the church. The driveway in question has been relocated. In working with staff, an additional right-of-way has been dedicated, and an agreement was reached to make additional improvements. They were also amenable to Condition No. 42. Chairman Vose noted that there is a checklist of compliance that was originally approved when the General Plan was revised that addressed dust control when wind speed exceeded 25 mph. The applicant responded that they would comply with the requirements.

There were none in the audience who wished to make a comment.

Chairman Vose closed the public hearing at 7:13 p.m.

It was moved by Commissioner Malhi and seconded by Vice Chair Smith to adopt Resolution No. 08-01 approving Conditional Use Permit No. 06-02 and Tentative Parcel Map No. 69776. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock and Malhi, Vice Chair Smith, Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Ervin and Jacobs.

3. TENTATIVE TRACT MAP NO. 66680, TENTATIVE PARCEL MAP NOS. 69747 AND 70303

Chairman Vose opened the public hearing at 7:14 p.m. to hear a request submitted by Stratham Homes for the following: Tentative Tract Map No. 66680 is a subdivision for 238 single family lots (128 lots are within the R-7,000 Zone, 89 lots are within the R-10,000 Zone, and 21 lots are within the R-15,000 Zone); Tentative Parcel Map No. 69747 would subdivide property west of 55th Street West into two parcels; and Tentative Parcel Map No. 70303 would subdivide the property east of 55th Street West into two parcels; both parcel maps would be for financial purposes to allow the individual parcels to be sold.

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.

Bob Ockerman, representing PHB & Associates, stated that he would be willing to answer questions.

Chairman Vose closed the public hearing at 7:16 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Malhi to adopt Resolution No. 07-54 approving Tentative Tract Map No. 66680 and Tentative Parcel Map Nos. 69747 and 70303. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock and Malhi, Vice Chair Smith, Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Ervin and Jacobs.

NEW PUBLIC HEARINGS

4. DOWNTOWN LANCASTER SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT

Chairman Vose opened the public hearing at 7:17 p.m. to hear a request submitted by City of Lancaster for the following: Approval of a General Plan Amendment to redesignate the site from a combination of C (Commercial), MR2 (High Density Residential), LI (Light Industrial) and P (Public) to SP (Specific Plan). Approval of the Downtown Lancaster Specific Plan (DLSP) rezoning the site from a combination of CBD (Central Business District), CPD (Commercial Planned Development), C (Commercial), HDR (High Density Residential), LI (Light Industrial) and P (Public) to Downtown Lancaster Specific Plan (SP 08-01), located at 140 acres generally bounded by Kettering Street, the Union Pacific Railroad ROW, Newgrove

Street east of Date Avenue and Milling Street west of Date Avenue, and 10th Street West, with extension west of 10th Street West at the intersection with Lancaster Boulevard.

The staff report was presented by Brian Ludicke. The item is a request for a general plan amendment and adoption of a specific plan for Downtown Lancaster. These are cases the Planning Commission will be making recommendations on to City Council. He stated that it represents the culmination of 2 years of community based effort to create a long term regulating plan for downtown area. For this endeavor, RBF Consulting and Urban Design Studio were utilized, and the community was also engaged. The elements of Downtown Specific Plan, which is a form based code, was presented by RBF Consulting in spring 2007 when they provided initial draft of the code. The plan consists of 6 chapters, namely: 1 – Summary and Introduction, 2 – Additional Introduction 3 – Community based outreach effort, 4 – Basic development plans and requirements to meet state law, 5 – Form based regulating code, and 6 – Different ways in which the downtown plan can be implemented in the coming years. Mr. Ludicke made a presentation explaining the use of the form-based code.

Commissioner Burkey asked if the presentation is available online. Brian Ludicke said no, but both the specific plan and the environmental documents are available. Commissioner Burkey inquired as to whether there are negatives and downsides that come with it, and if there are cities that have already done this. Brian Ludicke stated that he was not aware of any, and that this does not require any existing owners to change anything, but it sets the parameter to be followed should property owners decide to rebuild an existing building. Vice Chair Smith expressed her excitement over residents' commitment, and complimented the great work. She hoped to see the culmination of this endeavor. Chairman Vose commended the staff and the community for their efforts and participation. He noted that it was interesting that form based methodology can fit into other design approaches. The new design committee should look into these design elements.

Chairman Vose acknowledged the presence of City Manager, Mark Bozigan.

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

Myrle McLernon, an architect who has an office on Lancaster Boulevard for the last 11 years, commented that this is exciting. He participated in the design charette. He stated that the specific plan in a form based code is a predetermined guideline; property and business owners know what they could do before beginning. Others may see it as limiting but he sees it as an opportunity, and looks forward to being a part of it.

Josh Mann commented that the specific plan is all about the future of downtown. Older business owners have commented that they dream of rebuilding downtown returning to its prominence in the city. He commended staff and RBF Consulting because they took the will of the people and implemented it in the plan. He also complimented members of Lancaster Old Town site for their work and for looking at ways to partner to make this plan happen. He hopes that the Planning Commission will approve this and recommend it to City Council. Vice Chair Smith queried if Mr. Mann felt a sense from longtime business owners if they were willing to change the design of their buildings, or at least consider it in the future. Mr. Mann commented that the business owners are looking for inspiration. The willingness is there and they just need

guidance. Vice Chair Smith said that the possibilities are endless, but would face difficulties if opposition is encountered. She is happy to hear that owners are willing.

Chairman Vose closed the public hearing at 7:54 p.m.

It was moved by Vice Chair Smith and seconded by Commission Haycock to adopt Resolution No. 08-19 recommending to the City Council certification of Environmental Impact Report No. 07-02, approval of General Plan Amendment No. 08-01, and the adoption of the Downtown Lancaster Specific Plan (SP 08-01). Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock and Malhi, Vice Chair Smith, Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Ervin and Jacobs.

Brian Ludicke added that staff will look into trying to get this item calendared for the first City Council meeting in September. A round of applause was given for a job well done.

NEW BUSINESS

5. TIME CHANGE FOR LANCASTER PLANNING COMMISSION MEETINGS

Chairman Vose opened the public hearing at 7:55 p.m. to hear a request for consideration of time change for Lancaster Planning Commission.

There were no speakers who wished to comment.

It was moved by Commissioner Haycock and seconded by Commissioner Burkey to adopt Resolution No. 08-23, setting the Lancaster Planning Commission Regular Meeting time at 6:00 p.m. effective August 19, 2008. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock and Malhi, Vice Chair Smith, Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Ervin and Jacobs.

6. VACATION OF STREET RIGHT-OF-WAY

Chairman Vose opened the public hearing at 7:56 p.m. to hear a request by the Planning Department to review proposed vacation of excess street right-of-way and determine if it is in conformity with the General Plan.

There were no members of the audience who wished to comment. Brian Ludicke stated that this is one of the steps necessary under state law to vacate right-of-way. The role of the Planning Commission is to determine if it is in conformance with the General Plan.

It was moved by Commissioner Burkey and seconded by Commissioner Malhi to find that the vacation of excess street right-of-way at the location described is in conformance with the adopted General Plan. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, and Malhi, Vice Chair Smith, Chairman Vose.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioners Ervin and Jacobs.

DIRECTOR'S ANNOUNCEMENTS

Brian Ludicke announced that he would like to have the first special meeting of the Planning Commission in regards to General Plan revision and update on Tuesday, September 2nd. The intent is to use this meeting as an informational meeting and explain where the process has been, how it has come through General Plan Citizens Advisory Committee (GPCAC), the preferred plan and proposed modifications. The other special meetings will be scheduled on the first and fourth Mondays of the month.

Chairman Vose wanted some direction regarding potential conflicts of interest when making decisions on General Plan revisions, since it is not site-specific. Deputy City Attorney Adams responded that he would be more than happy to address it on an individual basis as the Commission goes forward. In general, so long as what the Commissioners are considering would affect the general public in the same way that it would affect the Commissioners, these are usually not conflict issues. Commissioner Burkey inquired if it includes investment properties. Deputy City Attorney Adams clarified that regardless of the economic interest, if the effect to the real estate is the same as other real estate, it would not. It is a rather sophisticated analysis for determining whether or not the general public is affected in the same manner as the Commissioners. Chairman Vose commented that they were well advised to address this conflict of interest early on and coordinate with City Attorney and staff.

COMMISSION AGENDA

Chairman Vose noted that he noticed in recent publications commenting on the actions of Planning Commission regarding approval of tentative tract maps, it was reported that housing has been approved for construction. He wanted it clarified that what the Planning Commission has done is to approve the ability of property owners to subdivide land, within the rules and regulations of the Subdivision Map Act. The Commission is not in the business of approving home building and construction.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 8:10 p.m. to Monday, September 2, 2008, at 6:00 p.m., in the Council Chambers, Lancaster City Hall.

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster