

# MINUTES

---

## REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

September 15, 2008

---

### CALL TO ORDER

Chairman Vose called the meeting to order at 6:00 p.m.

### INVOCATION

Reverend Nancy Brown, Rector of St. Paul's Episcopal Church, gave the invocation.

### PLEDGE OF ALLEGIANCE

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

### ROLL CALL

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

Absent: Commissioner Ervin.

Also present were the Deputy City Attorney (Joe Adams), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Assistant Planner (Dan Miller), Principal Civil Engineer (Carlyle Workman), Recording Secretaries (Joy Reyes and Tess Epling), and an audience of approximately 17 people.

### CONSENT CALENDAR

---

#### 1. APPROVAL OF MINUTES

It was moved by Commissioner Haycock and seconded by Vice Chair Smith to approve the Minutes of the Regular Meeting of August 18, 2008, and Minutes of the Special Meeting of September 2, 2008. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Ervin.

## **CONTINUED PUBLIC HEARINGS**

---

### **2. Conditional Use Permit No. 07-05**

Chairman Vose opened the public hearing at 6:04 p.m. to hear a request by Kaley Abou-Hosn to construct a 988 square-foot coffee shop and a 3,327 square-foot carwash with a cashier and waiting area located on .71± gross acres on the northwest corner of Avenue J and 17<sup>th</sup> Street West.

It was moved by Commissioner Burkey and seconded by Commissioner Mahli to grant the applicant an additional 60-day extension to the November 17, 2008, Planning Commission Meeting. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Ervin.

### **3. General Plan Amendment No. 04-05, Zone Change No. 04-06, Tentative Tract Map No. 62757**

Chairman Vose opened the public hearing at 6:05 p.m. to hear a request by Pacific Land Company for the following: 1) Certification of the Environmental Impact Report; 2) Amend General Plan land use designation for the subject property from NU (Non-Urban Residential; 0.4 to 2.0 dwelling units per acre) to UR (Urban Residential; 2.1 to 6.5 dwelling units per acre); 3) Rezone the property from RR 2.5 (Rural Residential, minimum lot size 2.5 acres) to R-7,000 (Single Family Residential, minimum lot size 7,000 square feet); 4) A subdivision to create 650 single family lots in the proposed R-7,000 Zone on 160± gross acres located at the southeast corner of 70th Street West and Avenue J.

Chairman Vose closed the public hearing at 6 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to continue General Plan Amendment No. 04-05, Zone Change No. 04-06, Tentative Tract Map No. 62757 and Environmental Impact Report No. 06-06 indefinitely and withdraw applicant's request to be heard at the September 18, 2008 Meeting. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Ervin.

Brian Ludicke commented that the item cannot be placed back in the agenda without renoticing.

## **CONTINUED PUBLIC HEARINGS**

### **4. a. Conditional Use Permit No. 05-27**

Chairman Vose opened the public hearing at 6:06 p.m. to hear a request by Agape Church to construct a church facility, a 16,982 square-foot sanctuary, and a 9,000 square-foot activity center in the R-7,000 Zone on 10± gross acres located on the southwest corner of Lancaster Boulevard and 18<sup>th</sup> Street East.

A letter was received from the applicant agreeing to the conditions of approval, and there was no member of the public that wished to comment on the item. Based on this, reading of the staff report was waived.

It was moved by Commissioner Haycock and seconded by Commissioner Mahli to grant a one-year extension to September 18, 2009, based on the findings contained in the staff report and subject to added Condition Nos. 24-27 and all other previously approved conditions. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Ervin.

### **5. Conditional Use Permit No. 04-10 Amended**

Chairman Vose opened the public hearing at 6:09 p.m. to hear a request by Rob Martin – Martin Properties to modify Condition No. 25 to: 1) Allow a maximum 30-foot-high pylon sign to be located on either 20<sup>th</sup> Street West or Avenue J-8; 2) Allow the number and height of center freestanding signs to be determined through approval of an overall sign program, on 15.0± acres located on the southwest corner of Avenue J-8 and 20<sup>th</sup> Street West in the CPD 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 Vose closed the public hearing at 6:09 p.m.

It was moved by Commissioner Haycock and seconded by Commissioner Mahli to adopt Resolution No. 08-24 approving Conditional Use Permit No. 04-10 Amended to delete Condition No. 25 and allow the 30-foot-high pylon sign. Motion carried with the following vote:

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

NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Ervin.

**6. Conditional Use Permit No. 08-08**

Chairman Vose opened the public hearing at 6:10 p.m. to hear a request by Eugenio Gonzalez for a Conditional Use Permit to establish a restaurant within an existing commercial building that is classified as a “primary on-sale alcoholic beverage establishment” (Type 41) and includes live entertainment in the Commercial Zone, located at 1009-1011 West Avenue I.

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.

Rene Guzman, applicant’s representative, stated that they are in concurrence to the conditions as stated in the staff report, and that the applicant spent \$40,000 on the interior and exterior remodeling.

Chairman Vose closed the public hearing at 6:12 p.m.

It was moved by Commissioner Mahli and seconded by Vice Chair Smith to adopt Resolution No. 08-25 approving Conditional Use Permit No. 08-08 Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Ervin.

**7. Conditional Use Permit No. 08-13**

Chairman Vose opened the public hearing at 6:13 p.m. to hear a request by Danny Fiarella (Giovanni’s Italian Deli and Delights) for a Conditional Use Permit to allow for the on-site sale and consumption of alcohol, (Type 41, sale of beer and wine for a bona fide restaurant) in the LI Zone, located at 42035 10<sup>th</sup> Street West, Unit #105, Lancaster (northwest corner of 10<sup>th</sup> Street West and Avenue M).

A letter of agreement to the conditions of approval as stated in the staff report was submitted. Chairman Vose stated that he had questions; therefore, Brian Ludicke asked for the staff report to be presented by Silvia Donovan.

Chairman Vose noted that from the site plan, on the north side of building, there appears to be five sets of double doors facing east, and a series of tables appearing to be blocking access, which to him seemed odd. When staff analyzed the project, the parking requirement calculation was based not on seating but on the square-footage of the building. Silvia Donovan responded

that it is one parking space for every 100 square-foot of floor area. Chairman Vose wanted to clarify that when tentative map improvements are made and ultimate seating design/configuration is established, proper circulation and exiting will be taken into consideration before a Certificate of Occupation will be issued. Silvia Donovan responded yes.

Commissioner Haycock inquired about the hours of liquor service, to which Silvia Donovan responded that it was from 11:00 a.m. to 9:00 p.m., Monday through Friday.

Chairman Vose closed the public hearing at 6:21 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Mahli to adopt Resolution No. 08-26 approving Conditional Use Permit No. 08-13. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Ervin.

#### **8. Conditional Use Permit No. 08-15**

Chairman Vose opened the public hearing at 6:21 p.m. to hear a request by Chantel Kilmer for a Conditional Use Permit for a 1,500 square-foot wine room that would offer wine tasting and wine sales in the Central Business District. The required alcohol licenses would be a Type 20 (off sale beer and wine – to purchase) and a Type 42 (on sale beer and wine – wine tasting) located at 730 West Lancaster Boulevard.

Dan Miller presented the staff report. A letter of agreement to the conditions of approval as stated in the staff report was submitted.

Chantel Kilmer, the applicant, commented that she is the president of the AV Winegrowers' Association, and that she wanted the Commission to know that what they want to achieve is to bring tourism in the area by bringing in elegant wine tasting in the downtown area. She had met with Scott Ehrlich who also has a great vision about downtown.

Josh Mann, representing Lancaster Town Site and Lancaster Performing Arts Center Foundation, said that he was excited to see an entrepreneur who is willing to create a sense of community for downtown Lancaster. He would like to see the project come to fruition and hopes that the Commission will approve the project.

Commissioner Haycock asked the reason behind the intended opening hour of 9:00 a.m. Chantel Kilmer answered that this is in order to provide for event purchases. Commissioner Haycock thought that it would be a wonderful project.

Chairman Vose closed the public hearing at 6:29 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Haycock to adopt Resolution No. 08-27 approving Conditional Use Permit No. 08-15. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Ervin.

**9. Tentative Tract Map No. 66558**

Chairman Vose opened the public hearing at 6:29 p.m. to hear a request by Avenue L Partners, LLC for a subdivision of 5 industrial lots in the Light Industrial Zone on 6.89± gross acres located on the south side of Avenue L and approximately 453 feet west of 10<sup>th</sup> 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 Vose closed the public hearing at 6:30 p.m.

It was moved by Commissioner Mahli and seconded by Vice Chair Smith to adopt Resolution No. 08-28 approving Tentative Tract Map No. 66558. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Commissioner Ervin.

**10. TENTATIVE PARCEL MAP NO. 69294**

Chairman Vose opened the public hearing at 6:31 p.m. to hear a request by Michael and Susan Ossola for a one-lot subdivision for 21 industrial airspace condominium units in the LI Zone on 2.3± gross acres located between Avenue L-12 and Avenue L-14, and approximately 336 feet west of 10<sup>th</sup> 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 Vose closed the public hearing at 6:32 p.m.

It was moved by Commissioner Jacobs and seconded by Commissioner Mahli to adopt Resolution No. 08-29 approving Tentative Parcel Map No. 69294. Motion carried with the following vote:

AYES: Commissioners Burkey, Haycock, Jacobs and Malhi, Vice Chair Smith and Chairman Vose.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

### **DIRECTOR'S ANNOUNCEMENTS**

---

Brian Ludicke announced that copies of the Draft General Plan Policy document have been distributed to the City Council, and a public copy will also be made available.

Chairman Vose inquired if the Special Meetings will also be televised, to which Brian Ludicke responded in the affirmative.

### **COMMISSION AGENDA**

---

None.

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

---

None.

### **ADJOURNMENT**

---

Chairman Vose declared the meeting adjourned at 6:35 p.m. to Monday, September 29, 2008, at 6 p.m., in the Council Chambers, Lancaster City Hall for a Special Meeting of the Planning Commission to review and discuss proposed revisions to the City of Lancaster General Plan as part of the City-wide General Plan Update Process.

---

JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

---

BRIAN S. LUDICKE, Planning Director  
City of Lancaster