

MINUTES - DRAFT

REGULAR MEETING OF THE LANCASTER PLANNING COMMISSION

April 20, 2009

CALL TO ORDER

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

INVOCATION

Commissioner Burkey did the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Jacobs led the Pledge of Allegiance to the flag of the United States of America.

ROLL CALL

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

Absent: None.

Also present were the Deputy City Attorney (Joe Adams), Deputy City Manager (Jason Caudle), Planning Director (Brian Ludicke), Principal Planner (Silvia Donovan), Assistant Planners (Chris Aune, Randie Davis, Dan Miller), City Engineer (Carlyle Workman), and Recording Secretary (Joy Reyes).

CONSENT CALENDAR

1. APPROVAL OF MINUTES

It was moved by Commissioner Malhi and seconded by Vice Chair Smith to approve the Minutes from the Regular Meeting of March 16, 2009. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

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 Aboul-Hosn for the construction of a 4,372 square-foot carwash with a detail shop on .71± gross acres located on the northwest corner of Avenue J and 17th Street West in the CPD Zone. Commissioner Jacobs recused himself and left the chambers.

Randie Davis presented the staff report.

Chairman Vose called upon the applicant.

Armin Hagobian, representing the applicant, stated that they have redesigned the site plan and that the noise study has been done and met all City requirements. Chairman Vose responded that the commissioners received late today revised elevations and correspondences in opposition to the project. Commissioner Ervin requested the applicant to illustrate how cars are going in and where they would go. The applicant explained that as cars come on Avenue J to make a right-turn on 17th Street West, they would enter a driveway that, as recommended by staff, is aligned with another driveway. It will be easier for traffic circulation to be aligned. Coming in, stacking would begin into their property. Cars come through, dropped off in the vacuum area, exit out and there would be designated areas for drying and parking, and an area for a detail shop. He explained the options if detailing needs to be done. There is a 6-foot high wall that separates their property from adjacent properties. Commissioner Ervin asked staff if there is a minimum stacking of cars. Randie Davis responded that it is seven cars. Commissioner Ervin confirmed to applicant that there is already a stacking of four. The applicant replied that they already have nine, passing the minimum of seven, stacked inside the facility. Chairman Vose interjected that it is under the assumption that both lanes of the vacuuming area are operating at the same time. The applicant explained that there are four sets of vacuum. He noted that there is plenty of room to stack.

Chairman Vose noted that the site plan is correct, and reflects the minimum of seven within the ordinance.

Commissioner Burkey inquired regarding the detail shop and the two methods of entering the shop that the applicant mentioned. Mr. Hagobian responded that it depends on the severity of the work that needs to be done, and that sequencing and queuing will still be done by staff on site. Commissioner Ervin queried if there will there be an attendant to guide traffic when customers pull in, to which applicant replied in the affirmative.

Chairman Vose commented that the elevations demonstrate a wall mass on the western edge of the property of some 18½ feet from the main building, and that the building to the north would be the detail shop. Mr. Hagobian explained that 8-10 employees would be on site.

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

Chuck Persekian, representing NS Corporation, the company providing equipment for the carwash, commented that he is available to answer any questions regarding the equipment and noise study.

Nancy Schmidt, representing the tenants of 1669 and 1672 West Avenue J, stated that they were concerned with traffic, noise and inappropriateness of the project for the neighborhood. For traffic, a signal should already be installed. The installation of a signal will take away 13 parking spaces from her business; changes her entrance to 17th Street West instead of the main road; difficult to redirect patients. She provided drawings by the architect.

Chairman Vose closed the public hearing at 6:26 p.m.

Vice Chair Smith stated that the two issues she has on this project are the following: traffic pattern could become a big mess, and she agrees that this may be inappropriate for this business area that mainly consists of medical offices. Commissioner Ervin concurred with the Vice Chair, and commented that traffic pattern may be a safety issue, and has reservations with stacking. Commissioner Haycock agreed with both commissioners. It is a poor use of space; sometimes the Commission has to make a decision for the good of the City. Commissioner Malhi stated that he concurred with the 3 commissioners' opinions and he is also opposed to the project because of spacing issues. Commissioner Burkey asked what exactly would trigger the installation of a traffic signal. Carlyle explained that it would not be the carwash but the traffic generated by the development of medical centers/hospital over the past 10 years. For several years, the City has tried to work with the hospital to have a signal installed there. Commissioner Burkey then asked why a signal has not been placed there, if it has been warranted long before the carwash intended to be located in that area. Carlyle Workman explained that it has to do with the proportional share of the traffic signal impact fee; staff does not believe that there are sufficient grounds to require the car wash project to install the signal on their own.

Commissioner Burkey stated that he has no problem with traffic flow, but has issues with the traffic signal on that intersection.

Chairman Vose stated that it is his opinion that from the views of the Commissioners, the project would adversely affect the health, peace, comfort and welfare of the persons working in the surrounding areas, because of the proposed use is in an area described as Office Professional. The project is not compatible with the property and surrounding land uses, and the applicant did not demonstrate the need for the project within this general marketplace. The project did not demonstrate adequate size and shape to accommodate proposed use, including building placement and site circulation. He asked if it was appropriate for the Commission to consider a motion for denial at the next meeting. Brian Ludicke conferred with the Deputy City Attorney, who opined that the Commission can take action tonight on denial, and staff can prepare a resolution to formalize that action.

It was moved by Chairman Vose and seconded by Commissioner Malhi to deny Conditional Use Permit No. 07-05. Motion carried with the following vote:

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

NOES: None.
ABSTAIN: None.
RECUSE: Commissioner Jacobs.
ABSENT: None.

NEW PUBLIC HEARINGS

3. & 4. GENERAL PLAN AMENDMENT NO. 05-01 / ZONE CHANGE NO. 05-01, and CONDITIONAL USE PERMIT NO. 07-12

Chairman Vose opened the public hearing at 6:40 p.m. to hear requests by AV California, LLC, as follows:

(3) To amend the General Plan land use designation for the subject property from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial), and rezone property from R-7,000 (single family residential one dwelling unit per 7,000 square feet) to CPD (Commercial Planned Development) Zone, on 21.32± gross acres located on the northwest corner of 60th Street West and Avenue K; and

(4) For the construction of a 219,904 square-foot commercial center, anchored by a 139,410 square-foot home improvement store with an attached 31,659 square-foot outdoor garden center; a total of eight buildings and a separate car wash facility are proposed on the project site; one of the buildings would consist of a combined gas station/convenience store; the other buildings would be used for retail, fast food, and a drug store; on 21.32± gross acres located at the northwest corner of 60th Street West and Avenue K.

Chairman Vose noted that Items 3 and 4 will be heard together.

Brian Ludicke presented the staff report on Item 3 (General Plan Amendment and Zone Change). He presented the background to this project. Silvia Donovan presented the staff report on Item 4 (Conditional Use Permit).

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

Maren Van Orman, representing the applicant, stated that they have been working with staff for many years and that they are in concurrence with staff recommendation to approve the project. The technical/engineering team is present to answer any questions.

George Passantino, here as a City lobbyist, speaking on behalf of AV Land, stated that his firm was retained by the applicant to conduct outreach to residents immediately to the west of the project. He gave a brief background on his firm: his staff mostly consists of local residents and graduates of Quartz Hill High School. He himself is a resident of the west side area and is firmly grounded in the community. He commented that it has been a pleasure to be involved with this project. They were committed to making sure that concerns were addressed very early, and at the same time, addressing the City's concerns. One approach they undertook was

deeding a 25-foot section of the property to four neighbors whose properties were adjacent to the dead-end cul-de-sacs, which unfortunately did not work, so they reverted back to the original design. He provided copies of a summary of the outreach.

Commissioner Burkey noted that the materials were received very late today, and would have liked to receive it much earlier to enable the commissioners to review them. George Passantino apologized for the lateness of the submission of the report, but explained that they wanted the report to be as complete as possible. Commissioner Ervin inquired as to what efforts have been made particularly on the wall issue. George Passantino answered that based upon the issues related to fire, City concerns, etc., the gate approach is the desired approach. Chairman Vose (referring to the site plan), noted the two dead end streets. George Passantino responded that they will include a buffer to try to be a good neighbor. Commissioner Ervin inquired if all the factors had not been known when the residents were approached. George Passantino explained that in trying to find solutions, the approach they brought forward to the residents was what they thought was the best approach, which had some receptive feedback initially. Chairman Vose asked who made the final determination on the design submitted to the Commission tonight, considering the many revisions on the street design. Mr. Passantino stated that he was not in the meeting, but he thinks it was led by the City in conjunction with the departments and the project team.

Chairman Vose stated that in a typical commercial development of this magnitude, the region that is normally looked at is not isolated to one zone but extended to a mile, whereas in this case, only the neighbors to the west were engaged. George Passantino responded that it depends on the project, and that there was a map created to define the area that needed to be engaged.

Mark Mallaby, architect for the applicant, stated that they were available to answer any questions related to the architecture of the project. Chairman Vose asked him if he received the conditions and reviewed them, to which he replied in the affirmative. Chairman Vose, pointing a specific area on the map, stated that the plan did not show a loading zone for CVS Pharmacy. Mark Mallaby explained that the area close to the compactor will be reconfigured, which is north of the barrier wall adjacent to the trash compactor. Chairman Vose inquired why it was not reflected that CVS would have a loading zone, to which the architect did not respond. Chairman Vose inquired what the unidentified land south of the barrier wall was, located at southwest end of Lowe's where the loading dock would be located. The architect explained that it was a trash compactor. Chairman Vose noted that it is sitting out there with no barrier around it, which the architect stated can be changed, and that it is part of the conditions. The architect also stated that outside storage container will be eliminated. Regarding the question as to how McDonald's make their deliveries, the architect stated that semi-trucks are used. Chairman Vose was concerned about the delivery area, and whether parking spaces will be blocked. At this point, the architect called on the civil engineer to answer the question pertaining to circulation. Imad Aboujawdah, representing Civil Design Engineering, has worked with staff providing medians and proper circulations. Chairman Vose noted that Pad E has the same situation as the fuel tank circulation because it looks like a dead end. Mr. Aboujawdah responded that they would be willing to remove a parking stall just to accommodate circulation. Commissioner Ervin commented that staff would definitely assist, but it still is the project of the applicant.

Ken McKently, representing Malak Architects, stated that he was available to answer any questions, and will do what they can to meet conditions on the semi-trucks so it does not block traffic. Chairman Vose noted Mr. McKently's comment that they have never designed a fast food use with adequate loading for a semi-truck, and pointed out that the project is conditioned for limited delivery hours, typically limited to the hours of operation of the vendor for the project. Ken McKently acknowledged that it was a good point about the hours, and that it has to be addressed.

Anthony Mark, resident of Lancaster, CA, voiced his support for the project. He is in the construction business, and there is a need for commercial business on this side of town.

Sharon Lemmon, resident of Quartz Hill, CA, spoke in favor of the project. She works for Mayflower Garden that needs supplies and lumber. Lowe's would be fantastic to provide materials that they need. Having CVS Pharmacy closer to seniors would be a huge convenience.

Lee Barron, resident of Lancaster, CA, stated that he signed a petition awhile back in opposition to this project. He stated that he would like to remove his name from that petition, as he is now in favor of this project. Vice Chair Smith mentioned that the Commission received a copy of the signed petition, and asked the speaker if he was informed that he was signing for the 60th West & Avenue K project, to which Lee Barron responded in the negative.

Rachelle Phillips, resident of Lancaster, CA, expressed her support of the project.

Sheldon Bush, resident of Lancaster, CA, expressed his support of the project, and that it would be better for the community to have these resources instead of another tract consisting of 100 or 200 homes.

Cozuna Bryant, resident of Lancaster, CA, expressed her support because this project will provide jobs to the community. She thanked AV Land for their efforts to reach out to the neighbors.

Doug Burgis, representing Quartz Hill Town Council, was concerned about the petition signed because it was very misleading. On behalf of the Council members of Quartz Hill, he would like to remove their names from this petition. The town council is not taking any position on this project.

Craig Sinclair, resident of Palmdale, CA, expressed his support because it will be convenient for them to get the supplies and materials they need for their home improvement projects at Lowe's.

Jennifer Sinclair, resident of Palmdale, CA, stated that she is in favor and echoed her husband's comment to have a nearby store where they can purchase supplies for their home projects.

Deann Sinclair, resident of Lancaster, CA, expressed her support of the project because of more jobs coming to the area and looks forward to improved road conditions that the project will bring.

Larry McKenney Sr., resident of Lancaster, CA, expressed his support of the project, and stated that he is against crime, which he was told that this project would cause crime. However, if there are no jobs for people who live in the neighborhood, all the more that crime will occur.

Janice Niblack, resident of Palmdale, CA, expressed her support of the project, and stated that she works in the construction industry, which currently has a lot of unemployed people. This project will definitely provide jobs.

Rick Norris, resident of Lancaster, CA, stated that he is favor of the project and supports Ben Sayani and his development project. He would like to have a Lowe's on the west side, rather than driving eight miles across town, thus, reducing emissions. Ben Sayani patiently waited for four years for this project. He has a vision for this community.

George Atkinson, a 25-year contractor in town who is a contractor for Ben Sayani and a resident of the west side area, personally believes it is the right thing for the area. It will alleviate traffic congestion across town and create construction jobs, which would be ideal for people in that community. The architect designed a wonderful project that everyone can be proud of.

David Sinclair, resident of Lancaster, CA, stated that he was speaking as a citizen on the west side. As a member of the General Plan Citizens Advisory Committee (GPCAC), there was a consensus about the City going forward with the General Plan for balanced growth concept, which requires having commercial with residential projects, so that residents will not have to travel far. Employment, school and shopping opportunities in an area make for a balanced community. He sympathizes with those speaking in opposition, as residents are moving out in that area to be away from commercial growth. At the same time, when dealing with land use issues, one has to ask the question how much control does an individual have over a neighbor's property.

Khalifah Abdullah, resident of Lancaster, CA, expressed support of the project, and stated that he was glad the developer is bringing this project to this area because of the jobs it will create.

Frank Hsu, resident of Lancaster, CA, voiced his opposition and stated that his concerns were related to air pollution during construction phase and traffic it will generate.

Dr. Donald Guerrant, resident of Lancaster and is a co-chair of "Save Our Neighborhood" committee, stated his opposition to the project. The mitigation plans presented by the applicant's public relations representative were notably vague. Concerned residents canvassed neighbors to the north, east, and south, and were very specific about the petition they were getting signatures for. About 93 percent were in clear opposition to the development. He is worried about the drainage issue that may cause flooding at the Sundown Elementary School and nearby areas.

Norma Guerrant, resident of Lancaster, CA, spoke in opposition to this project, and inquired if the safety of the children within half mile away was taken into consideration.

Chairman Vose explained to the speaker that it is not a question-and-answer session, and that this is a venue to receive comments from the public.

Joshua Hlopko, resident of Lancaster, CA, spoke in opposition to this project, and commented that he knew all too well what carwashes could do to a community. On the eastside where there is an existing carwash on Challenger Way and Avenue J, water is supposedly reclaimed but it is just being dumped to the neighborhood streets, thus causing flooding. There are so many vacancies around the neighborhood to fill, and there is no further need for more stores. It is a case of urban decay at this point.

Loretta Berry, resident of Quartz Hill, CA, spoke in opposition of the project and stated that she was born and raised in Lancaster, and that she is not against growth and economic development – it just has to be done in a sensible manner. The issues of urban decay and economic blight have not been addressed. Businesses are closing all around the valley and no one is hiring. She lamented that her comments on the EIR had 16 points, which were not answered adequately, such as the Valley Fever and economic/urban blight. There are enough existing stores in the neighborhood to meet residents' needs.

The audience clapped and Chairman Vose gave a reminder that the venue is not a theatre for entertainment. Should this continue, the hearing will be discontinued. Chairman Vose requested that the audience address the chair through the speaker.

Matthew Pereida, resident of Lancaster, CA, spoke in opposition to the project and spoke about the possible consequences of the development, such as crime and loitering, venue for day laborers, illegal aliens and sexual predators. It will become a convenient stop-off for kids buying cigarettes and fast foods. Crimes and vandalism will escalate. There are existing commercial businesses within a five-mile radius, and local law enforcement is not large enough to handle additional crime. He would like to keep 60th Street West & Avenue K as a low volume crime area.

Sofia Pereida, resident of Lancaster, CA, spoke in opposition to the project and expressed her concern about trash and littering to be generated by this proposed project. Plastic bags will be strewn everywhere, and cardboard boxes as well as trash will be dumped into the parking lots. Shopping carts will be left in the neighborhood. It will become a magnet for day laborers and undesirables.

John Dixon, resident of Lancaster, CA, spoke in opposition to this project. He thanked the Commission and staff for the comments regarding the layout of the project. He questioned why the project location is in a residential area when there are a lot of vacant lots for this type of project. When he moved in 2005, he asked if it would stay residential and he was told yes. Little did he know that this project was already in the pipeline.

Paul Jennings, resident of Lancaster, CA, spoke in opposition to the project, and stated that he would like to take exception to the comments made by Mr. Passantino. He asked how many home improvement stores and pharmacies are needed in the area, and how many times a month does one have to go to a home improvement store. There same types of stores within three to five miles.

Amelia Jennings, resident of Lancaster, CA, spoke in opposition to this project, and stated that she loves the quiet, peaceful, country atmosphere where there is very little crime. There are commercial centers three to five miles away. She is worried about the repercussions this project will bring, such as lower home value, traffic noise, trash, poor air quality, attracting undesirable people, such as day laborers and illegal immigrants. Think of what is best for the community in that area. She condemned the alleged practice of paybacks to developers that the City engages in, and added that Ben Sayani is one such donator for favors.

Cleo Gloss, resident of Lancaster, CA, spoke in opposition to this project and stated that the length of 60th Street West has only one commercial store, and it is that way because the area is either residential or rural. Commercial development does not fit in the land use. Changing the zoning is like breaking the trust of homeowners. A better venue for this project would be Avenue K and 70th Street West where homes have yet to be built. Future residents will be aware then of what they will be getting, such as traffic, pollution and crime that goes with this type of developments. An economic report analyzed the effect of several proposed developments, such as Amargosa Creek, and cited overstock of retail, restaurant, fast-food restaurants and pharmacy demand that would shutter already existing establishments.

Paul Hayman, resident of Lancaster, CA, spoke in opposition to the project. His concerns were in regards to property value and low paying jobs. Only 99 people/residents were consulted. As for the EIR, the developer removed 118 trees, so there is a question whether AV Land is a trustworthy developer. The traffic survey was erroneous because it was missing peak school traffic hours.

Richard Hecker, resident of Lancaster and is the website administrator for Quartz Hill CARES, spoke in opposition to this project. He asked for fairness and due process, and for the Commission to listen to the sentiments of the residents. The City has a General Plan that gives a roadmap and blueprint to guide potential residents.

Jennifer Cain, resident of Lancaster, CA, spoke in opposition to this project, and commented that in the area around 50th Street West of Lancaster, she and her husband found what they've come to love and what drew them to come back to this area – city living with a country feel. There should be diversity in what the City has to offer to its residents, such historical downtown area with the performing arts theater. There will be no diversity by bringing in big shopping centers. Residents will keep moving to the outskirts, and there shouldn't be a need to keep pushing ourselves out.

John Weathers, resident of Lancaster, CA, spoke in opposition to this project and stated that he lives across from where the gas station will be located, and asked why this project cannot be located in a different area.

Barbara Weathers, resident of Lancaster, CA, spoke in opposition to this project, and stated that she was opposed to the location – not the creation of jobs.

Brian Ludicke stated that there was somebody in favor of the project who submitted a speaker card but could not stay, and instead submitted a letter. After determining that there were no further speakers, the hearing was recessed at 8:28 p.m. and reconvened at 8:42 p.m.

The applicant was called back for an opportunity to rebut. He stated that drainage, traffic and noise issues have been addressed by the City's EIR consultant, as well as in their site plan review. They will continue to work on minor elements such as truck circulation.

Chairman Vose closed the public hearing at 8:44 p.m.

Chairman Vose noted that procedurally, each item has to be voted on separately. Commissioner Ervin made a comment that he had reservations as far as loading is concerned. He would like more deliberation, and would like to continue both items until the next regular meeting. Vice Chair Smith was concerned that with children walking to/from Sundown Elementary School, as the mitigation measures did not properly address this issue, and inquired whether it can be added to include transporting of children to/from Sundown during construction phase. This would be without engaging the developer and only at staff level. Brian Ludicke suggested requiring the applicant to prepare a plan with Westside School District and City's traffic engineer requiring pedestrian access during construction phase. As far as paying for transport, it cannot be made as a requirement, but the Commission can have the developer contribute towards mitigation measures, if it is not possible to create a walking path that goes through.

Commissioner Ervin made a motion that was seconded by Commissioner Haycock, to continue Items 3 and 4 to the May 2009 Planning Commission meeting. Commissioner Burkey asked what options are there with the site map other than continuance. Brian Ludicke responded that the Commission could continue both items with direction to address specific issues. They could also choose to recommend approval or denial of the GPA/ZC and hold the CUP. If the Commission feels that the site is appropriate for commercial but there are design layout issues, an alternative would be to continue the CUP and approve the GPA/ZC. Commissioner Burkey inquired if the three issues have a bearing on the zone change, because he would not want to hold the zone change back. Commissioner Ervin stated that this would definitely affect his vote.

The Commission voted on the motion made by Commissioner Ervin and seconded by Commissioner Haycock, which failed by a vote of 2-5-0-0.

AYES: Commissioners Ervin and Haycock.

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

ABSTAIN: None.

ABSENT: None.

It was moved by Commissioner Burkey and seconded by Commissioner Malhi to adopt Resolution No. 09-11, a resolution of the Planning Commission of the City of Lancaster, recommending to the City Council certification of the final environmental impact report,

necessary environmental filings, and approval of the General Plan Amendment No. 05-01 and Zone Change No. 05-01. Motion carried with the following vote:

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

Commissioner Burkey made a motion that was seconded by Vice Chair Smith to continue Conditional Use Permit No. 07-12 for 30 days to the May 18, 2009, Planning Commission Meeting. To recap, the issues that needed to be addressed were the following: adequate loading area, reconsideration of 25-foot deed on western property line, and review options to provide safe passage for children at such time during the construction of the project. Commissioner Haycock noted that the 30-day continuance can be used for public relations between applicant and residents. Chairman Vose inquired if the period is sufficient, to which Brian Ludicke explained that 60 days would not be harmful to the CUP request, because it will not be valid until the City Council validates the GPA & ZC; given all the issues brought up, time will be beneficial to staff. Commissioner Ervin concurred with the 60-day continuance.

It was moved by Commissioner Burkey and seconded by Vice Chair Smith to continue Conditional Use Permit No. 07-12 for 60 days to the June 18, 2009, regular Planning Commission meeting, to allow applicant to address the following issues: adequate loading area; reconsideration of the 25-foot deed/buffer and fire department access on the western property line; review options in regards to providing safe passage for children as pedestrians at such time when construction would occur on the site; and public relations outreach with the neighboring residents. Motion carried with the following vote:

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

5. CONDITIONAL USE PERMIT NO. 01-02 AMENDED 1

Chairman Vose opened the public hearing at 9:04 p.m. to hear a request by Costco Wholesale for the amendment of Conditional Use Permit No. 01-02 to include the construction of a 3,500 square-foot automatic drive-through self-service car wash located on the northwest corner of 10th Street West and Avenue L (Costco Center).

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 9:05 p.m.

It was moved by Vice Chair Smith and seconded by Commissioner Malhi to adopt Resolution No. 09-08 to approving Conditional Use Permit No. 01-02 Amended 1. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

6. CONDITIONAL USE PERMIT NO. 08-21

Chairman Vose opened the public hearing at 9:06 p.m. to hear a request by Michael Ossola for the location of a church within an existing industrial building located at 1028 West Avenue L-12, in the LI zone.

Dan Miller presented the staff report.

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

Chairman Vose asked if the hours of operations for both churches would be similar and all the parking would be oriented in the rear. Dan Miller explained that the parking count took into consideration both churches. Chairman Vose stated that there appears to be a considerable number of signs in the front building that are not in conformance with City regulations. Dan Miller stated that the signs can be addressed through the applicant and/or Code Enforcement. Chairman Vose also mentioned that the shopping center that was approved on Avenue M & 10th Street West has streamers strung all over the parking lot and are quite unsightly.

Michael Ossola, applicant, stated that there were no banners on the property, and that he would take care of the signs. Initially, he was concerned with leasing to churches, but they turned out to be the best tenants. For the second church coming in, he feels the same could be expected. Parking issues have been addressed. Only one-third of the parking lot in the back is occupied. New churches no longer require cathedral-like facilities.

Chairman Vose closed the public hearing at 9:20 p.m.

It was moved by Commissioner Burkey and seconded by Commissioner Ervin to adopt Resolution No. 09-10 approving Conditional Use Permit No. 08-21. Motion carried with the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

DIRECTOR'S ANNOUNCEMENTS

A special meeting on the General Plan Update is scheduled on May 11, 2009.

COMMISSION AGENDA

Chairman Vose thanked staff for delivering the additional items for commission's review last Friday prior to tonight's meeting.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDA ITEMS

None.

ADJOURNMENT

Chairman Vose declared the meeting adjourned at 9:25 p.m. to Monday, May 11, 2009, at 5:30 p.m., in Planning Large Conference Room and at 7:00 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