

STAFF REPORT
City of Lancaster, California

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08/25/09
MVB

Date: August 25, 2009

To: Mayor Parris and Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission Denial - Conditional Use Permit No. 07-05**

Recommendation:

1. Adopt **Resolution No. 09-82** upholding the Planning Commission decision by denying the appeal for Conditional Use Permit 07-05, a request to construct a carwash and detail shop on the northwest corner of 17th Street West and Avenue J, or
2. Adopt **Resolution No. 09-83** overturning the Planning Commission decision by approving the appeal for Conditional Use Permit 07-05, a request to construct a carwash and detail shop on the northwest corner of 17th Street West and Avenue J (thereby approving the project with added conditions).

Background:

The Planning Commission originally heard this conditional use permit request on June 16, 2008. The request consisted of a carwash, detail area, and coffee house. At the time, staff recommended to the Planning Commission approval of the project. The Commission continued the matter, citing concerns about noise, traffic circulation, and on-site parking. The project was continued numerous times to allow the applicant time to submit the studies requested by the Planning Commission at the June 16, 2008 meeting.

The applicant undertook noise and traffic studies to analyze and address issues raised by the Commission. The studies indicated that noise levels would meet the requirements of the City's General Plan for the area, which is largely developed with medical office buildings. Traffic in the area currently warrants installation of a traffic signal at the intersection of Avenue J and 17th Street West; as an interim measure, pavement markings and channelizers would be installed to prevent left-turns onto Avenue J from 17th Street West.

On April 20, 2009, the project was heard again before the Planning Commission. The applicant removed the proposed coffee house to provide additional on-site parking and drying area for the carwash. With these changes, staff recommended approval of the request at the April 20, 2009, Planning Commission meeting.

On April 20, 2009, the Planning Commission, upon reviewing the revised project, felt that the design of the project was not compatible, from a design and aesthetic standpoint, with the surrounding land use. The Commission also found that the size and shape of the property was not adequate to accommodate the expected demand for stacking area, and that significant

conflicts exist with regard to on-site circulation and safety. Further, the Commission felt that the applicant had not demonstrated a compelling need for the project in this area. The Commission denied (by a 6-0-1 vote) the request.

On May 1, 2009, Mr. Aboul-Hosn filed an appeal based on the Planning Commission's decision to deny Conditional Use Permit 07-05. The applicant stated in his appeal that the Planning Commission failed to properly consider all the facts and laws regarding the project.

The applicant requested a continuance from the May 26, 2009, City Council meeting to the August 11, 2009, to prepare for the appeal.

At the April 20, 2009, Planning Commission meeting, the applicant submitted contemporary elevations showing a striped split-faced brown and tan colored block building facing Avenue J. With direction from City Council for substantial changes in architectural design, staff is recommending that, should the project be approved, three conditions are added: to ensure that the parking lot is properly screened from the street with enhanced landscaping and berms; and that applicant revise the elevations to be architecturally compatible with the surrounding uses; and that the developer modify the streetscape to add a parkway planter. In the event of a dispute, the Architectural and Design Commission would render the final decision

SRD/RD:BSL/jr

Attachments:

Resolution No. 09-82

Resolution No. 09-83

Recommended Revised Conditions of Approval

PC Staff Report dated April 20, 2009

PC Staff Report dated June 16, 2008