MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
May 11, 2011

ROLL CALL: Commissioner Ron Fink
Commissioner Nicholas Gonzales
Commissioner Kate Griffith
Commissioner Frank Hain
Commissioner Mary Leach

STAFF: Community Development Director Arleen Pelster
Planning Manager Lucille Breese
Principal Planner Keith Neubert
Assistant City Attorney June Ailin

ORAL COMMUNICATIONS:

None

APPROVAL OF MINUTES:

None

CONSENT CALENDAR:

None

PUBLIC HEARING ITEMS:

1. CONDITIONAL USE PERMIT (CUP 11-02)

A request by Roy Baca of Roy Baca's Boxing Academy, for Planning Commission consideration of a proposal for a Conditional Use Permit (CUP 11-02) to operate a boxing academy in an existing building. The project is located at 909 East Chestnut Avenue in the *Industrial (I)* Zoning District (Assessor Parcel Number: 85-052-25). This action is exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

Ms. Ailen noted there was an unusual circumstance and that three (3) Commissioners had a potential conflict of interest regarding this project. Commissioner Fink and Commissioner Gonzales were potentially conflicted due to affiliation with the Lompoc Valley Park and Recreation Foundation. Commissioner Leach was potentially conflicted due to the location of her husband's business. In order to have a quorum for consideration, Ms. Ailen suggested the three (3) Commissioners draw straws to determine who would participate in the consideration of the item. Commissioner Leach remained.

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Commissioner Fink and Commissioner Gonzales left the dais.

Commissioner Hain chaired the item.

Principal Planner Keith Neubert summarized the written staff and clarified Condition of Approval P-27 should read: "*No storage of combustible materials of any kind is allowed under the boxing ring."*

Commissioner Leach asked about the number of bathrooms provided in facility and staff requested the applicant answer the inquiry. Ms. Ailen stated that if the Planning Commission allowed the Conditional Use Permit, a finding should be added to the Resolution noting: "*boxing facility use"* is similar and no more objectionable than permitted "*clubs and lodging use"* which is permitted in an *Industrial zone* with a Conditional Use Permit

PUBLIC HEARING OPEN AT 6:40 p.m.

Roy Baca, applicant – notes that Gymnastics North operates in an *Industrial* area and that he would like to operate his facility in a safe manner for the children.

Butch Browder, resident – stated that if an activity is permitted, even conditionally, without parking standards, a precedent may be set and disagrees that this project's use is similar to those allowed in Industrial zone. Mr. Browder read from a prepared statement and later submitted same to staff for the record.

PUBLIC HEARING CLOSED AT 6:50 P.M.

Commissioner Griffith asked about bathrooms provided for the project and requested clarification of the zoning and approval for the Gymnastics North facility. Commissioner Hain asked if there had been complaints about the parking and noted he does not view this operation as a problem day-to-day.

Commissioner Leach asked how long the gym has been at the current location; noted that there had been complaints; and, expressed concern with setting precedent for use if special event parking is not specified. The Commission discussed the availability of parking for special events and concurred that the project's day-to-day operation is not a problem; agreed to add the requirement of a written agreement with the neighboring property owners to allow use of parking in the vicinity during a special event to the Conditions of Approval.

Mr. Baca indicated the facility has two (2) bathrooms and provides two (2) porta-potties for special events. He clarified that the Boxing Federation authorizes a maximum of only one (1) special event every three (3) months.

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Staff indicated that the location for Gymnastics North is zoned *Industrial* and that a Conditional Use Permit allows the operation; no complaints have been received in the two (2) years the boxing facility has been in operation at the current location; that the Conditional Use Permit is structured to allow for special events without obtaining a Temporary Use Permit for individual events; and, that a temporary parking lot on the property to the south would require a permit and involve improvements to the property.

MOTION: It was moved by Commissioner Griffith and seconded by Commissioner Hain that the Planning Commission approve the additional language to the Resolution; *"The boxing academy use falls within the intent and purpose of the Industrial (I) Zoning District, will not be more obnoxious or detrimental to the public welfare, and is of a comparable nature and of the same class as lodges/clubs identified in Section 17.064.060 subject to obtaining a Conditional Use Permit."*

VOTE : The motion passed on a vote of 3-0-2 with Commissioner Fink and Commissioner Gonzales not participating.

MOTION: It was moved by Commissioner Hain and seconded by Commissioner Griffith that the Planning Commission adopt Resolution No. 696 (11) based on the Findings of Fact in the Resolution and the Conditions of Approval.

VOTE: The motion passed on a 3-0-2 vote with Commissioner Fink and Commissioner Gonzales not participating.

Commissioner Fink and Commissioner Gonzales returned to the dais.

2. TEXT AMENDMENT (TA 11-03) APPEAL PROCEDURE
Continued from April 27, 2011 meeting

Planning Commission consideration of a Text Amendment to amend *Section 1.32.010* of the Municipal Code and to establish *Chapter 17.006 Appeal Procedures* in the Zoning Ordinance. The establishment of a new appeal procedures section will require amendment to multiple Zoning Ordinance sections. The proposed text amendments would consolidate multiple appeal references throughout the Zoning Ordinance for the purpose of simplifying the appeal process. If adopted, the Ordinance will be effective Citywide. A Negative Declaration has been prepared for this project in accordance with the California Environmental Quality Act (CEQA).

Planning Manager Lucille Breese summarized the written staff report and noted deletion of references to the Zoning Administrator on pages 4, 7, 9, and 13 of the staff report.

PUBLIC HEARING OPEN AT 7:03 P.M.

PUBLIC HEARING CLOSED AT 7:03 P.M.

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Commissioner Fink requested to change from *"calendar days"* to *"business days"* to Item B on page 3. Commissioner Leach stated that the last *sentence "The City Clerk shall cause a written notice of the hearing to be given to the appellant not less than ten days prior to such hearing, unless such notice is waived in writing by the appellant"* be retained in Section C on page 3; that an appeal form should be accessible on the City's website and staff indicated there was one in place; that the discussion of a variance appeal remain on page 9, #16; and, move "x" from the amend column to the delete column to #45 on page 14.

Commissioner Griffith indicated she is not comfortable with the Zoning Administrator language; suggested changing the Community Development Director reference to Planning Manager; and it was noted the staff recommended the deletion of any reference to the Zoning Administrator. Ms. Pelster indicated that a global change to the Municipal Code will be initiated by the City Attorney when the Community Development Director position is eliminated at the end of the year. Ms. Ailen stated that throughout the Zoning Ordinance the Community Development Director has authority and the Planning Commission can recommend changes at a later date.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Hain that the Planning Commission adopt Resolution No. 693 (11) recommending that the City Council adopt the Negative Declaration and adopt Text Amendment TA 11-03 amending Municipal Code *Section 1.32.010 General Appeal Provision* and *Title 17 Zoning* with the following amendments:

- "calendar days" to "business days" in Item B on page 3;
- delete references to the Zoning Administrator on pages 4, 7, 9, and 13;
- sentence in Item C to remain*, "The City Clerk shall cause a written notice of the hearing to be given to the appellant not less than ten days prior to such hearing, unless such notice is waived in writing by the applicant"*; and,
- the change location of the "x" to the delete column on table item 45 in the staff report.

VOTE: The motion passed on a vote of 5-0.

3. TEXT AMENDMENT (TA 11-04) AMEND PCD LANGUAGE
Continued from April 27, 2011 meeting

Planning Commission consideration of a Text Amendment to the City's Zoning Ordinance to amend *Section 17.048 – P-C-D Planned Commercial Development Districts, Section 17.048.050 Change in Preliminary Development Plan*. The proposed Text Amendment would clarify the type of review necessary for a change to an approved Development Plan. If adopted, the Ordinance would be effective Citywide in the *P-C-D Planned Commercial Development* Zoning Districts. A Negative Declaration has been prepared for this project in accordance with the California Environmental Quality Act (CEQA).

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Planning Manager Lucille Breese summarized the written staff report.

PUBLIC HEARING OPEN AT 7:20 P.M.

PUBLIC HEARING CLOSED AT 7:20 P.M.

Commissioner Leach asked about language and staff advised that the change is proposed in order to provide clarification for the public.

MOTION: It was moved by Commissioner Fink and seconded by Commissioner Leach that the Planning Commission adopt Resolution No. 694 (11) recommending that the City Council certify the Negative Declaration and adopt Text Amendment TA 11-01 amending *Section 17.084.050 Change in Preliminary Development Plan*.

VOTE: The motion passed on a vote of 5-0.

NEW BUSINESS

None

ORAL COMMUNICATIONS:

Archie Mitchell – had questions regarding Boxing Academy Conditional Use Permit. He was advised the Conditional Use Permit had been approved and was directed to contact staff for more information.

WRITTEN COMMUNICATIONS:

None

DIRECTOR/STAFF COMMUNICATIONS:

Ms. Pelster advised the Planning Commission that the City Council had approved the elimination of the Community Development Director position effective 12-31-11; that Planning, Redevelopment, and CDBG are to be reorganized under the Economic Development Director / Assistant City Administrator. She noted she will remain in the position to assist with the transition. Ms. Pelster indicated that there was a significant reduction to the professional Planning staff; from 3.75 positions to 2 positions and noted that there would be delays in customer service.

Ms. Breese provided a list of the current Planning Commission requests and asks for the Commission to prioritize these requests. Commissioner Gonzales suggested this item to be discussed at the next Commission meeting.

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COMMISSION REQUESTS:

Commissioner Griffith and Commissioner Leach noted the importance of the Planning Commission minutes being prepared in a timely manner. Commissioner Leach asked if the February 9, 2011 Minutes regarding the WalMart Hearing were provided to the City Council in final form. Ms. Pelster indicated affirmatively and Commissioner Leach requested a final copy be provided to her.

ADJOURNMENT:

It was moved by Commissioner Leach and seconded by Commissioner Fink that the Planning Commission adjourn to the Regular meeting of June 8, 2011. The meeting ended at 7:27 p.m.

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Arleen T. Pelster, AICP
Secretary

Nicholas Gonzales
Chair

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