

**CITY OF LOMPOC
PLANNING COMMISSION STAFF REPORT**



MEETING DATE: SEPTEMBER 13, 2004
TO: MEMBERS OF THE PLANNING COMMISSION
FROM: LUCILLE T. BREESE, AICP, CITY PLANNER
RE: CUP 95-03 – CONDITIONAL USE PERMIT RENEWAL

CONSENT CALENDAR:

(All items listed under Consent Calendar are considered to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Commission votes on the motion to adopt).

CONSENT AGENDA ITEM NO 1.

A request, by Mark Galvin, representing Calvary Chapel of Lompoc, for Planning Commission consideration of a renewal of Conditional Use Permit – CUP 95-03. The renewal will allow continued church operation at 1551 East Laurel Avenue, Unit B to July 24, 2007 (Assessor's Parcel Number: 99-500-03). The church is located in a Commercial Industrial (CM) Zoning District. The action is exempt pursuant to the California Environmental Quality Act (CEQA).

BACKGROUND:

July 25, 1995 - Planning Commission adopted Resolution 95-30 allowing the Calvary Chapel to occupy the facility at 1551 East Laurel Avenue, Unit B.

October 12, 1998 - Planning Commission adopted Resolution No. 70 (98) allowing continued church operation for three (3) years to July 24, 2001.

July 9, 2001 - Planning Commission adopted Resolution No. 191 (01) allowing continued church operation for three (3) years to July 24, 2004.

ANALYSIS:

The property is located within a C-M Zone and as noted in Section 8303 of the City Zoning Ordinance Commission, renewal of the CUP is required every three years. In addition to conditions imposed by the Planning Commission, the following standard conditions apply:

- *Proposed Church uses or activities shall not restrict the operation of any adjacent commercial use;*
- *The Planning Commission shall review for renewal all Conditional Use Permits for churches in the CM zone after a period of three (3) years. Approval for continuing a church in the CM zone after the initial three-year period shall be contingent upon the applicant demonstrating that the availability of said property has been actively advertised for CM uses for a period not-less-than three months, without resulting in a commercial-industrial tenancy;*
- *The Planning Commission will not allow childcare programs, including Vacation Bible School, or other church activities that would occur between the hours of 8:00 am and 5:00 pm Monday through Friday, in consideration of any conditional use permit application; and,*
- *The proposed church use shall be limited to existing buildings within the CM zone.*

The applicant has been working with staff to provide the necessary information for renewal of their permit. The property owner has utilized an internet listing for the months of May, June, July and August 2004 in an attempt to market the subject property as required by the City Code. Copies of the listing are available in the Planning Division. It should be noted that the applicant is not proposing any changes to the existing CUP.

Staff Review:

A Development Review Board meeting was not held for this request as it is an existing use and no internal or external changes are proposed.

CUP Renewal:

Ordinance No. 1408 (95) was adopted by the City Council in November of 1995 to allow churches in the CM zones subject to obtaining a CUP. The CUP is valid for a three (3) year period and then must be reviewed by the Planning Commission. A condition of approval is included which requires Planning Commission review on or before July 24, 2007 (COA P2).

NOTICING:

Notice of the Public Hearing was published in the Lompoc Record on September 3, 2004 and all property owners of record within 300 feet of the subject site were notified by U.S. Mail on September 3, 2004

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt from review pursuant to Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed for the project following the Commission action.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached Resolution No. 368 (04) approving the renewal of CUP 95-03 for the Calvary Chapel of Lompoc based on the Findings of Fact noted in the Resolution and subject to the attached Conditions of Approval.

ATTACHMENTS:

1. Draft Resolution No. 368 (04) and Draft Conditions of Approval
2. Planning Commission Resolution No. 95-30, 70 (98), 191 (01)

RESOLUTION NO. 368 (04)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING AN RENEWAL OF A CONDITIONAL USE PERMIT TO ALLOW CALVARY CHAPEL TO CONTINUE OPERATION AT 1551 EAST LAUREL AVENUE

WHEREAS, a request was submitted by Calvary Chapel for Planning Commission consideration of a renewal of Conditional Use Permit (CUP) 95-03 to allow a church to continue operation at 1551 East Laurel Avenue, Unit B (APN: 99-500-03); and

WHEREAS, the matter was considered by the Planning Commission at a duly-noticed public meeting on September 13, 2004; and

WHEREAS, at the meeting of September 13, 2004, _____ were present on behalf of the applicant and _____ spoke in favor of or opposition to the proposal.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

SECTION 1: After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that:

- A. Inasmuch as the proposed use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc City Code Section 8303, it can be found that the use meets the requirements of the Lompoc City Code.
- B. Inasmuch as the site for the proposed use complies with the provisions of the City Zoning Ordinance, it can be found that the site is adequate in size and topography to accommodate said use.
- C. Inasmuch as the proposed use, as conditioned, is compatible with neighboring residential and industrial uses, it can be found that the proposed use will have no adverse effect upon the butting and surrounding property.
- D. Inasmuch as renewal of the existing Conditional Use Permit is determined to be exempt pursuant to Section 15061 (b) of the California Environmental Quality Act (CEQA) no additional environmental document has been prepared.

SECTION 2. Based upon the foregoing, CUP 95-03 is renewed as proposed on September 13, 2004, subject to the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing Resolution, on motion by Commissioner _____, seconded by Commissioner _____, was adopted at the regular Planning Commission meeting of September 13, 2004 by the following vote:

AYES:

NOES:

Arleen T. Pelster, AICP, Secretary

Jack Rodenhi, Chair

Attachment: Conditions of Approval

**CONDITIONS OF APPROVAL
CUP 95-03 CALVARY CHAPEL
1551 EAST LAUREL AVENUE, UNIT B**

These conditions of approval apply to the Conditional Use Permit request for renewal reviewed by the Planning Commission on September 13, 2004.

I. PLANNING

Planning – General Conditions

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval, as if fully contained herein.
- P2. The Conditional Use Permit (CUP 95-03) shall be reviewed by the Planning Commission for renewal on or before July 24, 2007.
- P3. Applicant shall defend, indemnify, and hold harmless the City of Lompoc and its agents, officers, and employees from any claim, action, or proceeding brought within statutory time periods against the City and/or its agents, officers, and employees to attach, set aside, void, or annul any approval by the City concerning the project. The City shall promptly notify the applicant of any claim, action, or proceeding, and the City shall cooperate fully in the defense.
- P4. All of the conditions shall be consented to in writing by the applicant.
- P5. This Conditional Use Permit may be reviewed and reconsidered by the Planning Commission at any time for the purpose of imposing new conditions to mitigate a nuisance or to revoke the permit to abate a nuisance.
- P6. The resolution granting the modifications, together with all consent forms and a description of the property shall be recorded by the Recorder of the County of Santa Barbara prior to final occupancy.
- P7. The conditions hereby imposed are in addition to the conditions imposed by Planning Commission Resolution 95-30 adopted July 24, 1991; Resolution No. 70-98 adopted October 12, 1998; and Resolution No. 191 (01) adopted July 9, 2001. In the case of any conflicts, the conditions listed herein shall prevail.
- P8. The use shall not be conducted in a manner which will result in adverse impacts upon neighboring properties.

I, Mark Galvin, as project applicant do hereby declare under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval of the proposed Conditional Use Permit (CUP 95-03). As project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.

Mark Galvin

Date