

**MINUTES OF THE REGULAR MEETING
OF THE LOMPOC PLANNING COMMISSION
May 13, 2009**

ROLL CALL: Commissioner Helen Free
Commissioner Nicholas Gonzales
Commissioner Frank Hain
Commissioner Robert Hamilton
Commissioner Jack Rodenhi

STAFF: Community Development Director Arleen Pelster
Planning Manager Lucille Breese
Assistant City Attorney Sharon Stuart
Principal Planner Keith Neubert
Staff Assistant Angela Wynne

APPROVAL OF MINUTES:

The approval of the April 8, 2009 Minutes will take place at the July 8, 2009 Planning Commission meeting.

ORAL COMMUNICATIONS:

None.

CONSENT CALENDAR:

1. LOM 560 – TIME EXTENSION

A request for an extension of time submitted by Bobbi McGinnis of R & R Investments, for Tentative Subdivision Map LOM 560 to subdivide an existing 10,500 square-foot parcel of land to create five (5) residential parcels. The property is located in the *High Density Residential, Planned Development (R-3, PD)* Zoning District at 410 North K Street (Assessor Parcel Number: 89-232-10). The time extension request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

2. **CUP 08-07 – REVISION TO CONDITIONS OF APPROVAL**

A request by Jay Higgins, representing Metro PCS, for Planning Commission review and consideration of a revision to the conditions of approval for Conditional Use Permit CUP 08-07. The revision would modify condition of approval P13 to allow the previously approved wireless telecommunication facility on the site for a period of five (5) years prior to expiration, with the ability to obtain five (5) year extensions. The project is located at 1621 North H Street in the *Planned Commercial Development (PCD)* Zoning District (Assessor Parcel Number: 93-450-23). The request is Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA).

It was moved by Commissioner Free and seconded by Commissioner Gonzales that the Consent Calendar be approved. The motion passed on a unanimous voice vote.

PUBLIC HEARING ITEM:

1. **DR 09-04 – REQUEST FOR INTERPRETATION**

A request by J.R. Barto of J.R. Barto Heating/Air Conditioning/Sheet Metal, Inc., the property owner, for a Planning Commission determination that a dance studio is an allowable use with a Conditional Use Permit in the *Industrial* Zoning District in accordance with *Section 17.064.040.A* of the Zoning Ordinance. The applicant proposes to lease a portion of the building at 311 North F Street (Assessor Parcel Number: 85-022-02) to a dance studio; however, the proposed use is not a permitted use in this District. This action is exempt from the provisions of the California Environmental Quality Act (CEQA).

Principal Planner Keith Neubert summarized the written staff report. He noted that there was no project to be considered at this time, just the question whether the Planning Commission would consider a "dance school" as an appropriate use in any *Industrial* zone in the City with a Conditional Use Permit.

PUBLIC HEARING OPEN

Public Hearing opened at 6:35 p.m.

Public Hearing closed at 6:43 p.m.

J. R. Barto, property owner – indicated he had purchased property 5-6 years ago and eliminated blight; noted adjacent property owner is agreeable to proposed tenant; addressed potential safety concerns with stock delivery; and asked the Commission find favorably on his request.

Cristi Brooks, Lompoc School of Dance representative – indicated that Ms. Donlon, the owner of the Lompoc School of Dance was unable to attend the meeting; noted that this is a 35+ year Lompoc business; advised that similar uses have been approved in the past in *Industrial*

Zones; discussed hours of operation; and asked that the Commission find favorably on the request.

PUBLIC HEARING CLOSED

Commissioner Hamilton asked about details of the business, available parking on the site, and if the business had considered other locations. Commissioner Hain asked about potential operating hours conflicting with existing businesses and about a time limit on the CUP. He also expressed concern with loss of Industrial land. Commissioner Rodenhi discussed the aspects of setting precedents; and complimented the appearance of the building and noted the types of business that would be permitted "by right" in the Industrial Zone. Commissioner Free commented on the approval of the Moose Lodge in same building. Commissioner Gonzalez discussed development standards for the Industrial Zone from the Zoning Ordinance and stated that current use will not affect proposed dance studio use. Commissioner Free added that the stated hours of the dance school are different from the hours of an academic school.

Commissioner Gonzales stated his observations of dance schools and art studios working effectively in Industrial zones in Los Angeles. Commissioner Hain asked about setting precedents and Ms. Breese indicated that CUPs are reviewed and approved on a case-by-case basis. Ms. Stuart noted that if the dance studio experiences adverse impacts in its new location, the City would not be able to restrict the lawful operations of industrial businesses in the zone. Commissioner Rodenhi and Commissioner Hain asked if a future Conditional Use Permit for a dance studio could be revoked if industrial uses infringe on the dance studio operations; staff replied that, once granted, a CUP is an entitlement that generally may be revoked only for the permittee's noncompliance with the conditions of approval and not for the lawful or unlawful behavior of third parties. Commissioner Free asked why the Interpretation was being considered and Ms. Pelster indicated this was a cost-friendly alternative for the applicant.

Commissioner Rodenhi asked if the City would be liable for injury to students for allowing the use and Ms. Stuart stated the difficulty in foreseeing an incident but most likely not. Commissioner Free noted that the applicant had reviewed other sites and she expressed concern about the potential loss of another Lompoc business. Ms. Pelster suggested that the Planning Commission make a Minute action.

It was moved by Commissioner Gonzales and seconded by Commissioner Free to direct the Planning Staff to accept a Conditional Use Permit application for the Planning Commission to review. The motion passed on a unanimous roll call vote.

NEW BUSINESS:

None.

ORAL COMMUNICATIONS:

None.

WRITTEN COMMUNICATIONS:

None.

DIRECTOR/STAFF COMMUNICATIONS:

Ms. Pelster indicated the June 2009 Commission meeting will be cancelled, due to a lack of business. The Planning Commission will be adjourned to the Planning Commission meeting of May 27, 2009 addressing the proposed Santa Rita Hills Winery project.

COMMISSION REQUESTS:

Commissioner Free requested an update on the Masonic Lodge. Mr. Neubert indicated that the project has had no progress since the last inquiry.

NUMBER OF PEOPLE IN ATTENDANCE: 3

ADJOURNMENT:

It was moved by Commissioner Free and seconded by Commissioner Rodenhi that the Planning Commission adjourn to the May 27, 2009 Adjourned Meeting. The motion passed on a unanimous voice vote.

Arleen T. Pelster, AICP
Secretary

Jack Rodenhi
Chair