

CITY OF RIDGECREST
100 West California Avenue
Ridgecrest, CA 93555
MEETING OF THE PLANNING COMMISSION

City Council Chambers
Tuesday, October 26, 2004 at 7:00 p.m.

Commissioners: Chair Howard Laire, Mike Biddlingmeier, Jim Smith, Chuck Roulund
and Shelia Torkelson

First Resolution 04-20

1. CALL TO ORDER
The meeting was called to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
Present: Chair Laire, Commissioners Biddlingmeier, Smith and Roulund
Absent: Commissioner Torkelson
4. APPROVAL OF MINUTES, September 28, 2004
The minutes were approved.
5. PUBLIC COMMENTS OF ITEMS NOT ON THE AGENDA
None
6. PUBLIC HEARINGS
a) Tentative Parcel Map 11187, a request for a two lot division creating a 8.14 acres gross parcel and a 21.35 acres gross parcel located approximately 540 feet north of the NE corner of Bowman Rd. and Downs St.. APN 479-010-11, applicant Zwicker;

Planner Landrum, applicant received approval of site plan for apartments, now they would like to divide property so they can sale the remaining 19 acres. Staff has no issues with design and recommends approval.

Public Hearing was opened and closed at 7:03 p.m. There were no comments.

A motion was made by Commissioner Smith and seconded by Commissioner Biddlingmeier to approve Resolution 04-20, a resolution approving Tentative Parcel Map 11187.

Ayes: Chair Laire, Commissioners Biddlingmeier, Smith and Roulund
Noes: None
Abstain: None
Absent: Commissioner Torkelson

Resolution 04-20 was approved.

b) AMENDED SPR 04-08 a request for a site plan review for a 3800 sq. ft. restaurant(s) and 5000 sq. ft. office space located at 101 East Ward Avenue and 1240 North China Lake Boulevard, Assessor's Parcel Numbers 033-070-26, applicant Inmack Foods.

Planner Landrum presented the staff report. Applicant is requesting a Site Plan Review for two structures, an office and drive thru fast food restaurant. Plans were submitted in early March. They departed from the original plan of the business park and are proposing direct access on China Lake. Staff was concerned there was not enough environmental and worked with the applicant to provide a traffic study. A focused traffic study was done and identified traffic safety issues. Staff received notice from Caltrans on Friday that the traffic study was incomplete. Staff hasn't had time to absorb the information and is requesting a denial or continuation of the request so we can review the information further. The applicant came in earlier, we reviewed the information with them and they requested that staff move forward with their Site Plan Review. The actual layout of the project does not concern staff internally. There are some easement impacts on China Lake that may change things.

Commissioner Smith asked if the real issue was access on China Lake Blvd. Staff responded yes.

Public Hearing was opened at 7:10 p.m.

Applicant representative Tim Fisher indicated the biggest issue is access. Would like to give history of how we got to this proposal because it seems to be running counter to staff's recommendations. In December spoke with Mr. McRea about parcel purchase and access onto it. Owner was directed to speak with Joe Pollock in the City's engineering department and Ralph Cones from Cal Trans. Both indicated access was possible. Escrow closed in January. Spoke with Lois Landrum who requested a preliminary site plan and reminded us that we would need to speak with Cal Trans. Spoke with Ralph Cones of Cal Trans and was informed that whatever City wants to do they will go along with. The project was then discussed with Mr. Pollock and the biggest issue was safety; people coming out and making left hand turns on China Lake Blvd. Discussed the potential of a right in – right out and we developed a simple accelerate/decelerate lane for safety. Mr. Pollock said it looked good and to run it by Cal Trans. Gale Zimmerman from Cal Trans had two comments one was on ADA travel and the other was on a concrete curb median. Later Ms. Landrum advised us that we needed to do a focused traffic study on the impact to that area; that created a delay. It was done on 9-25-04 and it was revised on 10-15-04 at the request of the City. Cal Trans has requested a full traffic study. This is both expensive and time consuming. Current site plan addresses safety concerns. There is concern this might set precedence for access on China Lake, it won't. Planning Commission can review and respond as fit for each project. Time is of the essence. City has outside agreement that they can buy back property and the continued delays are worrisome. We can work with staff to resolve safety issues. Full traffic study could be accomplished by modifying the Business Park study. Couple of other issues, one is the back driveway entrance is encumbered. It was suggested the easement be shifted. The alternative access, using Ward, is not compatible. Owner does not think we would be able to get this approved by the corporation. If deny application tonight, deny without prejudice. Believe plan presented tonight is safe.

Dorolyn Groshen, Wayne St. – This intersection is a concern especially when making left hand turn. People take their life in hands, no protection there. Concerned with business going in there without traffic light.

Public Hearing was closed at 7:20 p.m.

Commissioner Biddlingmeier asked if Police and Fire commented on site plan. Staff responded that no comment was received from either agency.

Commissioner Roulund – concur with resident (Dorolyn) already have traffic issues there, another access would cause a lot of havoc, stay with original plan of Business Park.

Applicant said this wouldn't set precedence, in my mind it would. Can't support due to the fact that there is no Police, Fire, or Cal Trans concurrence. Do we want to continue this or deny access?

Planner Landrum explained that applicant is trying to avoid outright denial because it would restrict the applicant ability to reapply for this project and would require they redo the environmental. Extending the time will cause delays and is concerned with the agreement with previous owner and city. Staff has informed applicant that as long as he is moving forward with project that the city would not exercise its right to purchase property. City will extend the agreement deadline if the delay is caused by a City action.

Commissioner Roulund made a motion to deny SPR 04-08 without prejudice and that he can come back with a different site plan that doesn't show access on China Lake Blvd. Commissioner Smith seconded the motion and requested that a thorough traffic study done for the whole issue because we're talking about pieces of a traffic study.

Applicant indicated there next step will be two fold; development of an alternate site plan and review the Business Park traffic study for other alternatives.

A motion was made by commissioner Biddlingmeier and seconded by Commissioner Roulund to approve Resolution 04-21, acceptance of a negative Declaration for SPR 04-08 for purposes of denial only and to approve Resolution 04-22, denying without prejudice site plan review 04-08, a request for a 3800 sq. ft. restaurant and 5000 sq. ft. office space.

Ayes: Chair Laire, Commissioners Biddlingmeier, Smith and Roulund
Noes: None
Abstain: None
Absent: Commissioner Torkelson

Resolutions 04-21 and 04-22 were approved.

c) Request for revocation of Conditional Use Permit 99-04, a request for a conditional use permit/site plan to allow a 1200 member church and a 400 student private school at 1201 North China Lake Blvd. (APN's 421-01-24 and 25), applicant Clark/Kovar/Schafer/Schroeder/DuBois

d) Conditional Use Permit 99-04, a request for an amendment (location of playground area) to the conditional use permit/site plan to allow a 1200 member church and a 400 student private school at 1201 North China Lake Blvd. (APN's 421-01-24 and 25), applicant Immanuel Baptist Church

Items c and d were combined. Planner Landrum presented the staff report and gave an overview of the original approval in 1999. Planner Landrum also reviewed the building permits activity with the Commission. Staff received a complaint in early spring of 2003 that the view was being blocked. It was determined that the wall was in compliance with the zoning ordinance. Earlier this year staff started receiving complaints about the noise coming from the playground. Neighbor and church were trying to work out a solution but they were unable to. The main concern is the location of the playground and the noise. During the original review of CUP 99-04 the major concern was the safety of the students, there was no discussion of playground.

Public Hearing was opened at 7:40 p.m.

Roberta Ward, Mesquite – read letter from Kovar's

- Opposed to child care
- Professional office is a buffer between residential and commercial, a CUP should not have been granted
- Church is in violation of agreement
- This is noise pollution

David DuBois, Palo Verde—

- Does not want to have daycare closed, just abide with site plans submitted
- Daycare placed close to residential area
- Building acts as a sound board

Margaret DuBois, Palo Verde

- Worked hard to resolve, church agreed to move daycare but would not give completion date.
- Shouldn't have to wait indefinitely
- This is a commercial daycare with 120 students. They charge and should have enough money to build new playground
- Church agreed to reduce time in play area – it didn't happen
- Not opposed to CUP for private school

Betty Schroeder, Palo Verde

- During the summer, 4 to 5 hours, 5 days a week have to hear this (played tape of kids playing)
- Support childcare center, wants noise moved from home

Bernice Schafer, Palo Verde

- This is not the kids fault
- Can hear kids with TV on and windows closed
- Spoke with Valley Fence, it would cost between \$4K-5K for a chain link fence

Ralph Schrader, Palo Verde

- Hopes for an agreement equal for both parties
- Noise level intense, magnified by building, forced to go in home
- Becoming a health issue, verge of nervous breakdown, wife has shingles

Tom Clark, Palo Verde

- Playground is on site plan and to scale, it was suppose to be 145 ft away from residents.
- Site plan does not show playground behind building
- Cited zoning ordinance section 20-21, impact should have been minimized not maximized
- Solution is simple, relocate playground
- Presented packet
- Planning Commissioners job is to figure it out
- Wants playground moved before summer – 6 months

Howard Schafer, Palo Verde

- Drawing never seen by staff or given to you
- Not clear what they want, need site plan
- Church has maximized impact to residents

Phyllis, Silver Ridge

- Daughter attends daycare
- Residents have valid complaint, they could be more tactful though
- Kids are supervised, should come to an agreement without fighting and arguing

Wayne Silva, Palo Verde

- Daycare important for community
- Talking about a small part of the program – playground
- 125 feet vs. 20 ft makes a difference, plenty of space to set up
- Cost \$8K-\$15K to set up different daycare playground
- Daycare devalues property, modifying it is not as much a hardship on the church as it is on residents
- Ask they do what they said they were going to do
- Talks failed because no timeframe was given

Church representatives requested more time to show a presentation. Commissioners allotted 15 minutes for the presentation

- Church provides service to community; allows 30 non profit organizations to utilize their facility.
- Daycare is not making money
- Presented church's objective and background
- Propose solution fair to neighbors, children and Immanuel Baptist Church
- Relied on conditions of CUP 99-04, condition #4 – staff level review and condition #9 – playground shall be fenced.
- Construction plans approved by City staff. Acknowledge drawing did not say playground.
- Playground was in use for one year without complaints
- Church has reduced the number of children outside playing from 30 to 15 and reduced the hours to 2hrs. in the morning and 2hrs. in the afternoon
- Compared daycare to other schools near residential areas: Gateway, Las Flores, and Montessori
- Long term goal is to get grant or generate funds to move playground

Nanette Huerta, Valarie

- Sad day when children playing is considered a nuisance

Tina Haugen, Sims

- Have grandchildren, kids play

Kathy Sylva, Palo Verde

- Las Flores was there before residents, zoned for school use. Kids kept away from wall
- Gateway has no homes, playground is on the side

Mary Powell – Fountain

- Have dogs that bark, is that considered noise pollution

Abbey Farmer – Bogue

- Sorry residents feel children playing is an awful sound
- It's not noise pollution

Adelle Crow – Shenadoah, daycare employee

- Have looked at ways to work out with residents
- Daycare has grown because of need in community
- We are addressing the issue, true solution is to move to front area
- Have huge debt, trying to make ends meet
- Applying for grants to move playground, can't give date

Public Hearing was closed at 8:48 p.m.

Commissioner Biddlingmeier commended both the neighbors and church for trying to work out. Commissioner Biddlingmeier mentioned that the original CUP approved a school and that neighbors should expect to have more children and noise will increase

Commissioner Smith respects both parties, bottom line is money is needed to solve problem. What's the cost to move playground. Approximate cost according to church officials is \$15K. Does not want school to be shut down or use limited.

Commissioner Roulund commented that the original CUP did not include playground where it is now. All Commissioners concurred.

The Commission made a minute motion to not revoke CUP 99-04 and directed staff to present a Resolution with a complete site drawing to the next meeting with the following conditions:

- Playground to be moved north of building, no playground area to the west of the building
- 12 month time limit, from adoption of an amended resolution, to move playground from the
- Existing infant center to remain
- CUP clarified

Ayes: Chair Laire, Commissioners Biddlingmeier, Smith and Roulund
Noes: None
Abstain: None
Absent: Commissioner Torkelson

7. DISCUSSION ITEM
None

8. FUTURE AGENDA ITEMS & COMMENTS
None

9. ADJOURN
The meeting was adjourned at 9:10 p.m.