ORDINANCE 91-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, APPROVING ZONE CHANGE 91-01.

THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:

Section 1. Purpose

This ordinance amends the zoning map for the City as set forth below.

Section 2. Findings

The Council finds, determines and declares as follows:

(a) The Planning Commission conducted a duly-noticed public hearing on April 9, 1991 to consider Zone Change 91-01.

(b) The Council conducted a duly-noticed public hearing on October 23, 1991 to consider Zone Change 91-01.

(c) The proposed zone change is consistent with the general plan and will benefit the development of the city.

(d) The zone change will not result in significant adverse environmental impacts.

Section 3. Zone Change

The zoning for the property known as the northwest corner of Section 10, Township 27 South, Range 40 East, MDM is hereby designated as R-3 (Medium Density-Multi Family Residential/2000 sq. ft. per parcel) and UR (Urban Reserve) to CG (General Commercial), R-2 (Low Density-Multi Family Residential/3000 sq. ft. per parcel), PO (Professional Office), and R-1 (Single Family Residential/6000 sq. ft. per parcel)CG as better seen in Exhibit "A".

Section 4. Environmental Documents

A Negative Declaration is approved for the above zone change subject to the following conditions:

1. Site Plan, Tract Map, Conditional Use Permit or other development review process will be required prior to the development of these parcels.

The Planning Secretary shall file the Negative Declaration and Notice of Determination with the County Clerk.

Section 5. Notices

The Secretary of the Planning Commission shall cause notice of the above zone change to be provided to the Kern County Assessor.

APPROVED AND ADOPTED this 6th day of November 1991 by the following vote:

AYES: Mayor Condos, Council Members Auld, Corlett, Lilly, and Mower.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Florence S. Condos

Florence S. Condos

ATTEST:

Joyce M. Taft

Joyce M. Taft, City Clerk

PLANNING COMMISSION MINUTES
APRIL 9, 1991

Staff Present: Comm. Dev. Director Neumann, Associate Planner Landrum, Recording Secretary Bailey

I. The meeting was called to order at 7:00 p.m.

II. Pledge of Allegiance

III. Moment of Silence

IV. Roll Call: Present: Commissioners Allen, Bass, Darnell, Walden

V. Public Comment: None.

VI. Public Hearing

1. Conditional Use Permit 91-05: A request to develop a 4.83 acre park in an R-1 (Single Family Residential) Zone located at the southeast corner of Upjohn Avenue and Sunland Street; City of Ridgecrest, applicant.

This public hearing was opened at 7:02 p.m. Lois Landrum gave the Staff Report. The City is proposing to develop a park at this location and the improvements are to include limited turf area, picnic areas, playgrounds, basketball court, volleyball sand court, horseshoe pit, walking/jogging trail, and restroom facilities. The current zoning is R-1, therefore a CUP is needed for a park. This section of land will be subdivided from the current 80 acre parcel following a record of survey. This parcel was identified as a possible habitat area during a Biota Habitat Survey conducted in October 1990. The City will need to purchase mitigation lands to be included in the City's 2081 permit. The water source will be the IWVWD. Xeriscape principles were used in the design of the park.

Jack Chandler, who owns property 1/4 mile away from the proposed project, questioned Staff as to the plans for the nuisance water that runs down Upjohn Street from this site. The park site and developer of the remaining acreage are currently in negotiations for curb, gutters, etc. There is not an immediate solution, but City Staff is aware of the problem. Another concern was with the additional traffic this project will create. Chairperson Walden suggested taking this item to the Streets & Utilities Committee meeting. This public hearing was closed at 7:10 p.m.

Motion by Commissioner Bass, second by Comm. Allen adopting Resolution 91-21 approving CUP 91-05.

MOTION PASSED by the following voice vote:

AYES: 4 NOES: 0 ABSENT: 0 ABSTAIN: 0

Motion by Commissioner Bass, second by Comm. Allen adopting Resolution 91-22 approving CUP 91-05 subject to 7 conditions.

MOTION PASSED by the following vote:

AYES: Commissioners Allen, Bass, Darnell, Walden
NOES: None
ABSENT: None
ABSTAIN: None

2. Conditional Use Permit 91-03: A request to install a 30' recycling drop-off trailer in the parking lot in front of Stater Brothers at 800 N. China Lake Blvd.; Stater Brothers, applicant/Goodwill Industries, agent.

This public hearing was opened at 7:13 p.m. Sherry Neumann gave the Staff Report. This is a request to place a 30' trailer in front of the Towne Center Mall. The State of California is now requiring all retail outlets of liquid items in aluminum, plastic, and glass containers doing a minimum sales of $2 million per year to be responsible for providing recycling opportunities within a 1/2 mile radius of their facility. The proposed trailer will occupy 2 parking stalls. Understanding that the trailer will be manned 7 days a week from 9 a.m. to 6 p.m., Staff is concerned about items dropped off after hours. Aesthetics are another concern of Staff.

Commissioner Allen stated that, presuming the trailer is 30', this will actually take up to 6 parking stalls and access into the parking lot could become a problem. Another question of the Commissioners was what will be recycled.

Suzanne Snow, representing Stater Brothers, commented to the Commissioners that they have selected Goodwill Industries because the other companies available are too small and cannot afford to make the trips to disperse the recycled items. Stater Brothers is willing to assume the responsibilities of keeping the area cleaned up on a daily basis, and they will absorb any additional costs to insure the area does stay clean and free of debris. Goodwill will be accepting glass, plastic bottles, aluminum cans. They will also accept small items and clothing. This is to be a donation center. People turning in recyclable items will be given a receipt for cash value to be redeemed at Stater Brothers. Stater Brothers intention is to provide a community service, not make a profit.

Kevin Finley, Vice-President of Goodwill Industries, also spoke to the Planning Commission. He assured the Commission that the trailer will look attractive (positive aesthetics). He also presented a picture of a similar trailer currently being used in a different location. Another point Mr. Finley stated was that Goodwill Industries and Stater Brothers will work closely together to ensure the grounds are kept clean and free of debris. Another point that he felt needed to be addressed was the fact that Goodwill Industries would gainfully employ three (3) disabled community members. This public hearing was closed at 7:26 p.m.

The Commissioners discussed several points of concern. One concern is the proposed location of the trailer. This problem could be remedied by turning the trailer so it was situated east to west in the parking lot so as to cause less of a traffic problem. Another concern was the fact that the Planning Commission recently denied a metal building (over 200 sq. ft.) based on a previous resolution (89-60) passed by the Planning Commission, and this trailer is a metal building even though it is mobile. Metal buildings located in commercial facilities are not normally approved based on the prior resolution. The general consensus of the Commission was that based on the location of the trailer, and the fact that the trailer is a metal structure, they would not approve this request. On the other hand, the support for a recycling facility was strong. A suggestion was made that Stater Brothers move the trailer to a location behind the shopping center, but this again would be placing a metal structure in a commercial facility. Because this is a CUP, it can be terminated at anytime. This is a safeguard for the City. If the applicant fails to comply with Condition #3 (The applicant shall maintain the landscaping and prevent outdoor accumulation of materials to assure a neat and orderly facility), the City can cite the applicant for violation and/or pull the CUP, and Mervyn's/Mr. Chase can also terminate this agreement at anytime.

A suggestion was also made to add Condition #5: The location in orientation to the facility shall be such to minimize traffic obstruction or pedestrian hazard.

Motion by Commissioner Darnell, second by Comm. Bass to adopt Resolution 91-23 approving CUP 91-03 subject to 5 conditions as amended.

MOTION FAILED by the following vote:

AYES: Commissioners Bass and Darnell
NOES: Commissioners Allen and Walden
ABSENT: None
ABSTAIN: None

3. General Plan Amendment 91-01: A request to change the general plan designations on parcels (approximately 115 acres) located in the northwest corner of Section 10, Township 27 South, Range 40 East from Estate, Low, and Medium Density Residential to Commercial and Professional Offices, Medium Density Residential and Low Density Residential; and Zone Change 91-01, a request to change the zone designation on same parcels from R-3 (Medium Density-Multi Family Residential/2000 sq. ft. per unit) and UR (Urban Reserve) to CG (general Commercial), R-2 (Low-Density Multi-Family Residential/3000 sq. ft. per unit), PO (Professional Offices), and R-1 (Single Family Residential/6000 sq. ft. min.); Haven/Hoagland/Hadjes/ Pacific Presbyterian Church/Falgatter, applicants - Chandler, Tucker & Associates, agent.

The public hearing was opened at 7:42 p.m. Lois Landrum gave the Staff Report. The Staff Report gives a breakdown of the parcels involved, the acres, the existing general plan designations, proposed designations, existing zones, and proposed zoning designations. The parcel (APN 343-351-15) will be held back from the zoning portion (keeping it at Urban Reserve) because of the dispute in property ownership. The basic concept of the request is to allow commercial development along the Bowman Road frontage with the PO/high Medium Density Residential use to buffer the low density and low medium density residential use from those impacts. The approximate total acreage for each zone (previous to the withdrawal of the church site) was 38 acres General Commercial, 14 acres Professional Offices, 31 acres Low Density Multi-Family Residential, and 33 acres Single Family Residential. City staff and the Land Use Committee had recommended to the property owners that a concerted effort be made to combine their requests and view the 115 acres as a total project concept. Their proposal was substantially in conformance with the desires of the Land Use Committee. A Focused EIR was requested by the Community Development Staff. After reviewing this report, based on the studies and mitigation measures presented, Staff felt a Negative Declaration would be sufficient for the project. It was the consensus that all impacts could be mitigated through a development agreement.

A tortoise study was conducted and there was no sign of the tortoise on the site, but it was recommended that another walk through be conducted prior to start of construction. The property owners will be required to conduct a Mohave Ground Squirrel survey or tie into the City's 2081 permit for the MGS mitigation since it was identified as a potential habitat area. Ms. Landrum also briefly discussed the other environmental issues listed in the staff report.

Staff is proposing a development agreement be prepared for this project since we are dealing with a number of property owners who all have their own timing for development. The development agreement will include the improvements that are required as mitigation measures with site specific development plans.

Jack Chandler, agent, addressed the Commission stating that he is in support of this project. This unified project is the first step of many to create a regional shopping center. Mr. Chandler disagreed with the concept of recreational uses in this area because of the possibilities of heavy traffic. Adjoining property owners have been informed of the project status. Mr. Chandler and Associates have met repeatedly with Mr. Weissman (owns large triangular piece) updating him on the progress. Mr. Chandler further stated that Mr. Weissman is excited about the accomplishments and he feels that it helps to integrate all the property owners and enhances the value and future developability of all of the sites on the east side of College Heights Blvd. Commissioner Bass questioned Mr. Chandler if he thought that Mr. Weissman would be willing to enter into the development agreement with the rest of the property owners. There has been a good deal of discussion with him previously about the S. China Lake Blvd. situation. Mr. Chandler further stated that they would not anticipate more than one entrance to a major shopping center off of S. China Lake Blvd. nor off of the area between Bataan and S. China Lake Blvd. on College Heights.

Sherry Neumann stated that Mr. Weissman has an application into the City on the piece of property east of the subject GPA parcel. She also asked Mr. Chandler if he has spoken to Mr. Weissman about his interest in this piece of property and being included in the development agreement. Mr. Chandler stated that yes, he has no reason to believe at this time that Mr. Weissman would not be interested in the development agreement. In discussions about the other application, Mr. Weissman has indicated an interest in developing the triangular piece of property at its earliest possible time. Mr. Weissman feels that the area will become a viable area because of this particular application. His concerns are with what the City is going to be able to do in terms of Bowman Road and at that intersection. Mr. Chandler will forward any preliminary negotiations or agreements to Mr. Weissman for his review.

George Lehman, 112 S. China Lake Blvd., spoke in favor of this application. Currently the church property is in question as to ownership. He feels rezoning of this site is premature until the legal issue of ownership is resolved. He further stated that there is an underlying stipulation requiring this property to be used for non-profit use only. He suggested a recreational application.

Staff is recommending that we pull off APN 343-351-15 from the zone change portion of this application, but include this parcel in the general plan amendment (land use designation). This public hearing was closed at 8:16 p.m. Commissioner Bass agrees with this concerted effort. She does not agree with recreational uses being at this specific site because of the traffic that will be generated, and is very concerned about the traffic. Staff commented that a park is still proposed for a location on Dolphin Street. Commissioner Bass is concerned about the timing of this proposal. She feels that it would be more logical to have a signed development agreement prior to Commission action on the general plan amendment/zone change. After further discussion between the Commissioners, it was suggested that #2 under the Environmental Certification have the verbiage added as follows: The development agreement shall require the review and approval of the Planning Commission prior to the submittal of the project to the City Council.

Mr. Chandler further commented to the Commission that in order to effectively deal with the issues that Staff has, they need to know that the Planning Commission agrees with what has been accomplished, and that these are the zone changes and general land use designations that the Commission wants to see there. This allows Mr. Chandler and applicants to proceed to the next step, the development agreement, based on the zoning the Commission has approved.

Ms. Neumann explained the process of a previous development agreement, zone changes, and general plan amendments done on another parcel. The environmental document and general plan and zone changes had been done previous to the finalization of the development agreement. Staff has brought these proposed changes to the Planning Commission because the applicant/agent needed a sense of direction as to whether or not they should even proceed with this project, and also would give the Commission a chance to express any concerns or other issues that could then be addressed in the development agreement. Staff needs to publish and give legal notice that there will be a public hearing for a development agreement. Staff would also like to take this circulation plan to the Streets & Utilities Committee for preliminary review. If it is the consensus of this Planning Commission that they like this plan/design, that is enough to have staff move forward with work on the development agreement.

Chairperson Walden commented that a development agreement needs time to be evolved correctly because it is ultimately the only enforcing arrangements that the City has with this group of people to ensure that what the City wants is ultimately done.

Commissioner Darnell is in agreement with the proposal, but wants to see that there is adequate circulation in the development agreement. If #2 of the Environmental Certification is amended to include the requirement that the development agreement be accepted by the Planning Commission prior to City Council action, this ensures that an adequate circulation plan is provided. He also requested that an item be added in #2 to reflect the circulation (i.e. precise mitigation measures adapted from the impact report including a precise circulation plan).

Sherry Neumann stated that if a requirement is added that the development agreement must be entered into before it goes to City Council, then the time limit is endless until an agreement is made and signed. A City ordinance is set up so that when it goes to City Council, it goes as a package (general plan, zone change, development agreement). Mr. Chandler stated that the circulation plan provided actually accounts for a lot larger area than this project. It also encompasses the adjacent and across the street commercial. The development agreement will encompass all of the mitigation measures described in the environmental report. Mr. Chandler also requested that this item be placed on the next agenda for the Streets & Utilities Committee.

Additional verbiage added to #2 of Environmental Certification would read as: The development agreement shall require the review and approval of the Planning Commission prior to submittal to City Council. Circulation plan, which is a portion of the development agreement, shall specifically address and consider regional as well as internal traffic problems.

Motion by Commissioner Darnell, second by Comm. Allen to adopt Resolution 91-24 approving a Negative Declaration for GPA 91-01 and ZC 91-01 with 4 mitigation measures with item #2 as amended (add "A development agreement shall require the review and approval of the Planning Commission prior to submittal to the City Council. The circulation plan shall specifically address and consider regional as well as internal traffic problems).

MOTION PASSED by the following voice vote:

AYES: 4 NOES: 0 ABSENT: 0 ABSTAIN: 0

Motion by Commissioner Darnell, second by Comm. Allen to adopt Resolution 91-25 approving General Plan Amendment 91-01.

MOTION PASSED by the following vote:

AYES: Commissioners Allen, Bass, Darnell, and Walden
NOES: None
ABSENT: None
ABSTAIN: None

Motion by Commissioner Darnell, second by Comm. Allen to adopt Resolution 91-26 approving Zone Change 91-01 with the exclusion of APN 343-351-15.

MOTION PASSED by the following vote:

AYES: Commissioners Allen, Bass, Darnell, and Walden
NOES: None
ABSENT: None
ABSTAIN: None

The Planning Commission called for a 10 minute recess. The Planning Commission reconvened at 8:55 p.m.

VII. Non-Public Hearing

1. A request to approve the first amendment to the Ridgecrest Redevelopment Plan for the Redevelopment Project Area, making the RRA report and recommendation as to conformity with the General Plan and transmitting it's report to the Redevelopment Agency and City Council; City of Ridgecrest, applicant.

Sherry Neumann gave the Staff Report and noted that this is not a public hearing. The Plan Amendment is before the Commission and we are requesting the Commission recommend approval to both the RRA and the City Council and to agree that this plan conforms with the General Plan of the City of Ridgecrest.

Motion by Commissioner Allen, second by Comm. Bass to approve the Proposed First Amendment to the Ridgecrest Redevelopment Plan subject to one condition.

MOTION PASSED by the following vote:

AYES: Commissioners Allen, Bass, Darnell, and Walden
NOES: None
ABSENT: None
ABSTAIN: None

VIII. Approval of Minutes from of March 26, 1991: Approved as written.

IX. Commission Comments and Reports:

The Vision 2010 meeting will be held on Saturday, April 13, 1991, and Commissioner Darnell will be the facilitator. This is a public meeting to gather input from the community concerning the City of Ridgecrest in the Year 2010. The information gathered will be used for the City's long range planning document.

Commissioner Allen questioned Staff as to the hours of operation of the city parks; there are no signs posted with the hours, and requested that they be posted.

X. Staff Comments:

Lois Landrum gave a brief update as to the status of AB 939. She is currently working on data gathering for ECO Source (the consultants).

Sherry Neumann stated that she had a very interesting time at the conference in New Orleans. Regional Government and Regional Planning is no longer a thing of the future - it is now here!

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

Sherry L. Neumann

Sherry L. Neumann, Secretary