

MINUTES

CITY OF TWENTYNINE PALMS
PLANNING COMMISSION
Regular Planning Commission Meeting
Tuesday, March 1, 2005, 6:00 P.M.
Twentynine Palms City Hall
6136 Adobe Road
Twentynine Palms, California

- 1.0 CALL TO ORDER** - Chairman Stone called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE - Commissioner Mintz lead the Pledge of Allegiance.
ROLL CALL - The following Commissioners were present: Caplinger, Masterson, Mintz, Rinkes and Chairman Stone.

2.0 SPECIAL ANNOUNCEMENTS

- 2.1 Chairman Stone announced that meeting will be televised on Cable TV channel 6 on March 2nd at 7:00 p.m. and again on Sunday March 6th at 1:00 p.m.

3.0 APPROVAL OF MINUTES

- 3.1 On a motion of Vice Chairman Caplinger, seconded by Commissioner Masterson and carried with a 5-0 voice vote, the minutes of the February 15, 2005 regular meeting were approved as submitted.

4.0 PUBLIC COMMENTS

Granton Mark, Twentynine Palms, said that he disagrees with the eminent domain process.

5.0 PUBLIC HEARINGS

- 5.1 **PC 04-47**
Conditional Use Permit (CUP) for intensification of use, adding a towing business to existing facilities, 72878 Twentynine Palms Highway (APN 618-151-67 and 68).

RECOMMENDATION: Conduct the Public Hearing and approve the CUP subject to the Conditions of Approval.

Commissioner Masterson left the Chambers at 6:04 p.m. due to a possible conflict of interest.

Commissioner Stone opened the Public Hearing.

Community Development Director Corbin (Director Corbin) presented a staff report to the Planning Commission.

Carol Smith, applicant, Yucca Valley Chrysler Center, said that she had an issue with the dedication of property. She said that she would like to have two tow trucks on her property and be issued a business license. She asked the Planning Commission if she could be granted the CUP without the dedication of 12 feet of her property.

Holly Griffin, Twentynine Palms, spoke in favor of the project.

Chairman Stone closed the Public Hearing.

Commissioner Mintz asked what the 12 foot road dedication would be used for.

Director Corbin said that it was only for future development of Mesquite Springs Road.

Commissioner Rinkes asked if the applicant had any concerns about the road dedication on 29 Palms Hwy. or just on Mesquite Springs Road.

Carol Smith replied yes, she did have concerns about 29 Palms Hwy. also.

Vice Chairman Caplinger asked staff about the possibility of potential development on Mesquite Springs Road. He said that the purpose of the dedication is future development. He said that at one time or another the City will have to ask for that road dedication.

Director Corbin said that a pre-application fee had been paid for the development of a 140 unit subdivision between Twentynine Palms High School and Twentynine Palms Hwy.

Chairman Stone re-opened the Public Hearing.

Carol Smith, applicant, said that there is no intensification of the property. She said that she would like to park two tow trucks on her property and dispatch from there also. Carol Smith said that she would like a decision from the Planning Commission.

Bill Easter, Twentynine Palms, asked for a clarification of the term intensification.

Director Corbin read the definition of intensification from the Development Code.

Chairman Stone closed the Public Hearing.

Commissioner Mintz said that towing is already taking place at the business and he asked how much the intensification is.

Chairman Stone said that there is no intensification and he does not see a requirement for it.

Commissioner Rinkes said that Ms. Smith's business is cars, and that it has intensified, to include a new business.

Vice Chairman Caplinger said that he agreed with Commissioner Rinkes.

Director Corbin said that there is a proposed 140 unit subdivision between Nicholson and El Paseo, which is in the vicinity of the subject site. He also said that there has been an inquiry regarding the approximately 40 acre parcel between Mesquite Springs Road and the proposed sub-division.

Chairman Stone said that he would not require the road dedications, although he knows that there will be a need someday. His recommendation would be to remove E-7 from the conditions of approval.

Commissioner Rinkes said that they need to think ahead. She said that a road dedication will not prevent the land owner from using the land.

Commissioner Mintz said that if only two tow trucks will be there, and they are not storing vehicles on the property, he does not think it is an intensification.

Smith said that she would like to be able to leave tonight knowing that she can apply for a business license and get on with the business of being a business as quickly as possible.

Following discussion, Vice Chairman Caplinger said that he thought they had made a good offer of compromise.

Vice Chairman Caplinger said that he would make a recommendation to the City Council to require road dedications as outlined in the draft conditions of approval. He said he does not propose a requirement for street improvements.

On a motion of Chairman Stone, and seconded by Commissioner Mintz a motion was made to remove E-7 from the Conditions of Approval. The roll call vote was 2 yes (Caplinger, Rinkes), and 2 no (Mintz, Stone), with Commissioner Masterson abstaining.

Commissioner Rinkes asked if the wording was left in, could she not immediately go and appeal it before the 10 days, and no matter what happened at 90 days, she would have her appeal in and be able to argue her specific case.

Director Corbin said certainly that could happen.

Vice Chairman Caplinger moved the approval of the Negative Declaration, with the finding for approval in the staff report including a diminimus environmental impact finding and approval of the conditional use permit, subject to the draft conditions of approval, including the recommendation of the San Bernardino County Flood Control. Commissioner Rinkes seconded the motion. The vote was 2 yes (Caplinger, Rinkes), and 2 no (Mintz, Stone), with Commissioner Masterson abstaining.

Staff requested a five minute recess to confer with the City Attorney on the matter of possibly instituting the Rule of Necessity, which would have rehabilitated Commissioner Masterson so a vote could have been reached. The City Attorney was not comfortable with rehabilitating Commissioner Masterson.

Chairman Stone re-opened the Public Hearing.

Chairman Stone asked the applicant the question Commissioner Rinkes asked.

Carol Smith, said that she disagreed that the City Council would take into consideration her particular issue. She said that she would like to be assured that whatever happens tonight, she has recourse to the City Council and that her request can be looked at.

Holly Griffin asked if the intensification is what is stimulating the dedication.

Director Corbin said that intensification is the change of traffic and it is the basis the City Engineer cited in his recommendation to the Planning Commission.

Granton Mark, said that he thinks the Planning Commission should give the applicant a chance.

On motion of Commissioner Rinkes, seconded by Vice Chairman Caplinger and carried with a 4-0-1 roll call vote (Masterson abstained), the Planning Commission approved the Negative Declaration, with the findings for approval in the staff report, including a de minimus environmental impact finding, and approval of the Conditional Use Permit subject to the draft Conditions of Approval, including the addition of the requirements of the San Bernardino County Flood Control.

Commissioner Masterson returned to the Chambers at 7:40 p.m.

5.2 **PC 04-50**

Conditional Use Permit (CUP) application from Nextel Communications for construction of communications facility, south of Twentynine Palms Highway, west of Mojave Road (APN 624-241-14).

RECOMMENDATION: Conduct the public hearing and approve the CUP subject to the draft Conditions of Approval.

Commissioner Masterson left the Chambers at 7:42 p.m. due to possible Conflict of Interest.

Chairman Stone opened the Public Hearing

Director Corbin presented a staff report.

Michael Blackwell, applicant, spoke to the Planning Commission about the project.

Michael Collins, Twentynine Palms, spoke in favor of the project.

On a motion of Vice Chair Caplinger, seconded by Commissioner Mintz and carried with a 4-0-1 roll call vote (Masterson-abstained), the Planning Commission approved the CUP subject to the draft Conditions of Approval.

Commissioner Masterson returned to the Chambers at 7:44 p.m.

6.0 OTHER HEARINGS

6.1 PC 05-11

Review of truck routes within the City.

RECOMMENDATION: Conduct the hearing and provide staff direction.

Director Corbin presented a staff report.

Following a discussion of truck routes, the consensus of the Planning Commissioners was to bring back a draft, similar to the text that Yucca Valley uses. The Commission directed staff to add Mojave Road from SR 62 south to the gravel pit, to the truck route network. The Commission considered adding Mesquite Springs Road, north of SR 62 and Hatch/Sullivan between SR 62 and Adobe Rd; following discussion the consensus was to not add them.

7.0 STUDY SESSIONS - None

8.0 FUTURE AGENDA ITEMS - None

9.0 ADJOURNMENT – The Planning Commission meeting adjourned at 8:02 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk