

# MINUTES

## CITY OF TWENTYNINE PALMS PLANNING COMMISSION

### Regular Planning Commission Meeting

Tuesday, April 19, 2005, 6:00 P.M.

Twentynine Palms City Hall

6136 Adobe Road

Twentynine Palms, California

**1.0 CALL TO ORDER** – Commissioner Stone called the meeting to order at 6:00 p.m.

1.1 Deputy City Clerk, Adda Harris administered the Oath of Office to the newly appointed Planning Commissioner, Bill Easter, Jr. Commissioner Easter thanked the City Council. Chairman Stone welcomed Commissioner Easter.

**PLEDGE OF ALLEGIANCE** – Chairman Stone led the Pledge of Allegiance.

**ROLL CALL** – The following Planning Commissioners were present:  
Vice Chairman Caplinger, Easter, Mintz, Rinke, and Chairman Stone

**2.0 SPECIAL ANNOUNCEMENTS** – Chairman Stone announced these proceedings will be televised on Cable TV channel 6 Wednesday, April 20, 2005 at 7:00 p.m. and on Sunday April 24, 2005 at 1:00 p.m.

Vice Chairman Caplinger said thank you to the City for allowing him to attend the annual Planners Conference held in Pasadena. He spoke of the knowledge that he acquired from the conference and said he would like to share it with the rest of the Commissioners and the City Council in an up and coming workshop regarding the Downtown growth/development plan. One of the items on the Agenda should be the Downtown Development, he then urged the Commissioners to be thinking about the Downtown Development for the future of our Community.

**3.0 APPROVAL OF MINUTES**

On a motion made by Vice Chairman Caplinger, seconded by Commissioner Mintz and carried with a 5-0 voice vote, the minutes of the March 15, 2005 regular meeting were approved.

**4.0 PUBLIC COMMENTS** – None

**5.0 PUBLIC HEARINGS**

5.1 **PC 05-11**

Adoption of Chapter 19.67 establishing truck routes within the City

**RECOMMENDATION:** Conduct the Public Hearing and formulate a recommendation to the City Council.

Chairman Stone opened the Public Hearing.

City Manager Swigart presented a Staff Report to the Commission.

Hearing no requests to speak Chairman Stone closed the Public Hearing.

City Manager Swigart informed the Commissioners that the City Attorney would be reviewing truck route Chapter 19.67 for a recommendation of placement in the City's Municipal Code. He informed the Commissioners that the numbering may change according to the placement of the ordinance.

On a motion made by Vice Chairman Caplinger, seconded by Commissioner Mintz and carried with a 5-0 roll call vote, the Planning Commission recommended placement of Chapter 19.67 into the City's Municipal Code, establishing truck routes within the City.

## 5.2 **PC 05-13**

Correction of General Plan Map, changing Land Use Designation from Multi-family Residential (RM) to General Commercial (CG) for property identified as APN 623-033-08

**RECOMMENDATION:** Conduct the Public Hearing and formulate a recommendation to the City Council.

Chairman Stone opened the Public Hearing.

City Manager Swigart presented a Staff Report to the Commissioners.

Hearing no requests to speak Chairman Stone closed the Public Hearing.

On a motion made by Vice Chairman Caplinger, seconded by Commissioner Rinkes and carried with a 5-0 roll call vote, the Planning Commission recommended approval to the City Council of the correction to the General Plan Map changing Land Use Designation from Multi-Family Residential (RM) to General Commercial (CG) for property identified as APN 623-033-08.

## 5.3 **PC 05-16**

Minor Use Permit application (MUP) for 6005 Adobe Road (APN 623-081-10 & 11), proposed tattoo studio.

**RECOMMENDATION:** Conduct the Public Hearing and approve the MUP with an environmental exemption.

Chairman Stone opened the Public Hearing.

City Manager Swigart presented a Staff Report to the Commission.

Applicant Kyle Stratton owner of American Made Tattoos told the Commissioners that he would be conducting a clean and professional business and would be following all City business codes and all County Health Department Codes.

Hearing no requests to speak Chairman Stone closed the Public Hearing.

Commissioner Rinkes asked if the pre-existing building meets the City's lighting standards.

City Manager Swigart said that they would follow up on that matter.

On a motion made by Vice Chairman Caplinger, seconded by Commissioner Easter and carried with 5-0 roll call vote, the Planning Commission approved the California Environmental Quality Act (CEQA) Exemptions and the Minor Use Permit (MUP), subject to the conditions of approval.

## **6.0 OTHER HEARINGS**

### **6.1 PC 05-18**

Appeal of City Manager's determination regarding Street Improvements for Minor Subdivision at Utah Trail and Rocky Road for applicant Brooks Bauer  
APN 0590-111-08

**RECOMMENDATION:** Deny the appeal per General Plan Circulation Element Street Improvements.

Chairman Stone opened the Public Hearing.

City Manager Swigart presented a Staff Report to the Commission.

Commissioner Easter said he was concerned about water run off and the water running under the road and undermining the road, and how often would it have to be repaired.

City Manager Swigart stated that we have several roads that are like that. He said the City Engineer would have to look at it.

Applicant Brooks Bauer, owner of Brooks Bauer Construction spoke to the Commission regarding his proposal to subdivide the existing 4.8+ acre parcel, creating two lots. His concern was having to pave Rocky Road (local street) on the southern border of the property. He presented the Council with some photos of the topography which showed that if he paved the road the topography of that road would remain the same. He asked if it served a purpose to have the road paved. He spoke about the road dedications and how he had no concerns with this either.

Commissioner Rinkes asked the applicant, Mr. Bauer if he built two houses on this property on the road as it exists now, would the home owners be able to get City services on that road such as water, trash, and mail. She then asked if people are currently able to get these services that live in this area.

Applicant Bauer responded, yes, they do already.

Chairman Stone stated that most of the mail is delivered on Utah Trail.

City Manager Swigart explained that due to the bad conditions of the road it would tear up the larger trucks with hydraulics. Therefore, the City allows Waste Management to use a smaller truck to do a hand toss route.

Further discussion occurred between the Commissioners addressing each of these issues.

Chairman Stone closed the Public Hearing.

A lengthy discussion occurred between Staff and the Commissioners regarding deferment of this project until they are able to conduct a joint meeting with the City Council to discuss which streets to pave in the City.

Chairman Stone reopened the Public Hearing.

Mr. Bauer asked the Commissioners to make a decision tonight due to the fact that he has a loan on this property and he would not start development with out knowing the outcome of tonight's decision.

Chairman Stone closed the Public Hearing.

A discussion occurred between Staff and the Commissioners regarding what triggers street improvements. It was decided that a joint meeting with the City Council before making this decision would be best.

Chairman Stone reopened the Public Hearing.

Mr. Bauer asked the Commissioner if he built just one house on five acre parcel would he have to pave the street.

City Manager Swigart responded, no. The street improvements would still be required according to the Development Code.

Mr. Bauer stated that only if he subdivided the property would it trigger the street improvements. He then asked what about all the other homes being built on dirt roads all over Twentynine Palms.

City Manager Swigart said there are inconsistencies and that they are now making things consistent.

Chairman Stone closed the Public Hearing.

A discussion occurred regarding the Development Code and being consistent and following Staff recommendation. The Planning Commission reached consensus that in following the current Development Code tonight, the street improvements are required. Mr. Bauer may appeal their decision before the City Council.

Chairman Stone reopened the Public Hearing.

Mr. Bauer stated that he would wait and not start building houses. He stated that he believes that the Commission is reading the Development Code wrong. He felt they needed to reread the Development Code and said he would definitely like to appeal this item to the City Council.

Chairman Stone stated that the Commissioners would be following Staff recommendation and then informed Mr. Bauer that he has 10 days in which to appeal this item to the City Council.

Mr. Bauer then asked if from now on all houses built on a dirt road would require paving.

Chairman Stone replied that is what the Code says.

City Manager Swigart responded that every house that we issue a permit for will provide paved streets according to what the Development Code requires and if the City Council takes action and amends the Development Code then those building permits that are in process will be amended by the City Councils action.

Commissioner Rinkes asked if we were talking about every single street, dedicated streets, or any dirt road.

City Manager Swigart stated the Development Code said it depends on which type of single family residence. Subdivision requirements are slightly different for each. He then said the Code is very clear.

Mr. Bauer asked if the City currently maintains Rocky Road.

City Manager Swigart answered, no.

A brief discussion occurred between the Commissioners and Staff regarding requirements of street improvements and how the Development Code currently reads.

Chairman Stone closed the Public Hearing.

On a motion made by Commissioner Mintz, seconded by Commissioner Rinkes and carried with a 5-0 roll call vote, the Planning Commission denied the appeal per General Plan Circulation Element Street Improvements.

## **7.0 STUDY SESSIONS**

### **7.1 PC 05-03**

Design Concept for Sky's the Limit Observatory

**RECOMMENDATION:** The Planning Commission review and give input on the basic design concept of the Sky's The Limit Observatory project.

Ann Congdon, AIA revealed the basic design concept of the Sky's the Limit Observatory project to the Planning Commission, the Public and answered the Commissioners questions.

The Commission reviewed the basic design concept and gave their comments and concerns to staff to bring back for the final adoption of this project at a later date.

**7.2 Miscellaneous Reports from City Manager** – Informational items for discussion not requiring action.

City Manager Swigart spoke to the Commissioners in regards to the items of the April 12, 2005 City Council meeting. These items included Development, Underground Utilities, and the Land Use and Circulation Plan.

**8.0 FUTURE AGENDA ITEMS** – Commissioner Easter asked that there be a joint meeting between the City Council and the Commission for discussion of the downtown roads issue.

**9.0 ADJOURNMENT** – Chairman Stone adjourned the meeting at 7:43 p.m.

Respectfully submitted,

Adda L. Harris, Deputy City Clerk