

**TWENTYNINE PALMS PLANNING COMMISSION
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, APRIL 21, 2009
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER-** Chair Easter called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE – Commissioner Mintz led the Pledge of Allegiance.
ROLL CALL- The following Commissioners were present: Alderson, Caplinger, Mintz, Rinkes, and Easter.
- 2.0 SPECIAL ANNOUNCEMENTS** – Chair Easter announced this meeting will be televised on Cable TV Channel 10 Saturday, April 25, 2009 at 7:00 p.m. and Friday, May 1, 2009 at 5:00 p.m.
- 3.0 MINUTES**
 - 3.1 April 7, 2009 Planning Commission Meeting Minutes

On a motion made by Commissioner Caplinger, seconded by Commissioner Alderson and carried with a 5-0 roll call vote, the Planning Commission approved the minutes as presented.
- 4.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION-** None
- 5.0 PUBLIC COMMENTS** – None
- 6.0 PUBLIC HEARINGS**
 - 6.1 PC 09-14 Applicant Eugene F. McMenemy is requesting approval of a Conditional Use Permit to convert an existing self-serve car wash to an auto sales lot with minor auto repair and vehicle detailing. The project site is located at 4034 Adobe Road, CG Zone, APN 0620-111-30, Section 8, T1N, and R9E (Previous Site Development Plan PC 88-39 - Car Wash).

RECOMMENDATION: Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt Planning Commission Resolution 09-05 and approve the Conditional Use Permit, subject to the proposed Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission.

Chair Easter opened the Public Hearing.

Jay Corbin, Twentynine Palms, representing the applicant said he agreed with staff's recommendation. He asked for modification of P8 and P21. He said on condition P8 he would like to remove the requirement for a 12x70 tractor trailer space. He said there are car dealerships in the City that do not have the space and that this dealership is smaller and will not receive inventory via tractor trailer transportation. He said they do not want a condition that says tractor trailers are not allowed on the property but if that is

the only solution they are agreeable and think this is better than constructing a 12x70 space that will rarely be used. He said on condition P21 the request is to have a one foot wide easement on the adjacent property to allow the 26 foot wide two-way driveway, not a thirty (30) wide driveway.

Director LaClaire responded P8 and P21 were requirements of the code and the Planning Commission cannot wave these requirements at this time; he said the applicant can file a variance to wave a standard if they choose to pursue this.

Chair Easter closed the Public Hearing after there were no additional requests to speak from the public.

Commissioner Rinkes asked if the applicant did want to change the wash bays at this time.

Chair Easter re-opened the Public Hearing.

Mr. Corbin responded that was correct. He said the applicant would like to be able to offer additional vehicle services in the future.

Chair Easter asked where the repairs of the vehicles would be performed.

Mr. Corbin responded they would be done at local shops in town. He said that minor repair work, such as windshield wipers, could be done on site.

Chair Easter closed the Public Hearing.

Commissioner Rinkes said she would like to add a condition to this project that if the business changes hands it cannot revert back to being a residence in the commercial zone.

Director LaClaire responded a condition could be added to say that with the acceptance of this conditional use permit and signing of conditions of approval that the owner knowingly abandons the residential aspects of that structure from that point forward.

ACTION: On a motion made by Vice Chair Caplinger, seconded by Commissioner Rinkes and carried with a 5-0 roll call vote, the Planning Commission found the project Categorical Exempt pursuant to CEQA, adopted Planning Commission Resolution 09-05 and approved the Conditional Use Permit, subject to the proposed Conditions of Approval and with a condition that states that if the applicant accepts the Conditional Use Permit (CUP) that the owner knowingly abandons the residential aspects of the residential structure on site from that point forward.

The motion also included a condition that if the Planning Commission initiated a code amendment addressing required loading spaces it does not result in the removal of the loading space requirement, the applicant shall locate a 12'x70' loading space on site. The Planning Commission directed staff to initiate the processing of a Development Code amendment to examine the loading space requirements identified in table 19.82-E.

- 6.2 PC 09-27 (An amendment to Section 19.150.10 "Specific Plan #1" of the Development Code of the City of Twentynine Palms)

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-06 forwarding a recommendation that the City Council determine that PC 09-27 will not have an impact upon the environment and adopt a Negative Declaration and adopt the proposed changes to Section 19.150.10 "Specific Plan #1" of the Development Code.

Director LaClaire presented a staff report to the Planning Commission.

Tony Naraval, applicant, gave a power point presentation to the Planning Commission regarding Sunnyvale Garden Suites.

Paul Smith, Twentynine Palms, spoke in support of Mr. Naraval and said he was an active participant in the Inn Keepers Association and contributed to the Transient Occupancy Tax every year.

Chair Easter closed the Public Hearing.

Commissioner Rinkes said this was a good resolution to the problem and she felt ready to proceed with the item. She said Mr. Naraval's presentation was very nice.

All the Commissioners agreed the presentation was very nice as well.

ACTION: On a motion made by Commissioner Mintz, seconded by Commissioner Alderson and carried with a 5-0 roll call vote, the Planning Commission adopted PC Resolution 09-06 forwarding a recommendation that the City Council determine that PC 09-27 will not have an impact upon the environment and adopted a Negative Declaration and adopt the proposed changes to Section 19.150.10 "Specific Plan #1" of the Development Code.

Commissioner Mintz excused himself from the Council Chambers at 6:52 p.m. regarding item 6.3 due to a possible conflict of interest.

- 6.3 PC 09-33 (A request to amend a Condition of Approval applied with the City's approval of Conditional Use Permit PC 07-82. The Conditional Use Permit approved the establishment of "Club Vo", a night club with full bar in an existing building, on an 0.6± acre site located at 5712 Adobe Road; CG Zone; APN 0618-343-24; T1N, R9E, Section 29.)

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-07 making a determination that PC 09-33 will not have an impact upon the environment and is Exempt from further environmental review and deny the proposed changes to the Conditions of Approval for PC 07-82 regarding the exterior appearance of the building on site.

Director LaClaire presented a staff report to the Planning Commission.

Chair Easter opened the Public Hearing.

Jay Corbin, Twentynine Palms, representing the applicant, spoke to the Planning Commission regarding upgrading the appearance of the building. He spoke about the screening requirements for the mechanical equipment; he said several local businesses have been approved under the current codes that have exposed mechanical equipment. Mr. Corbin presented to the Planning Commission with pictures of several local businesses that also lacked the required mechanical screening.

Danny Boyer, applicant, said the design of Club Vo which was proposed last year was based on the expectation the applicant would qualify for Redevelopment Agency (RDA) funding; however since the funding was denied by the RDA the design was slightly modified. He said he wanted to modify the front of the wall of the building on Adobe and Two Mile Road, change out the three outdated swamp colors replacing them with smaller master coolers, modify the paint scheme painting the building all one color and removing the pillars on the entrance of the East side. He also said he would plant drought tolerate plants and water them regularly in the planter adjacent to Adobe Road. He requested to complete all these improvements within one hundred eighty (180) days of opening and amend condition 16 to state, within 180 days of commencing business at Club Vo; the exterior elevation of the building shall be rehabilitated as shown on the approved building rehabilitations dated April 21, 2009. He said if approved tonight, Club Vo would hire forty (40) employees generating sales tax revenue beginning next month.

Commissioner Rinkes asked if Mr. Boyer intended on removing all rock and gravel.

Mr. Boyer responded the gravel would remain to keep the dust down. He said there would be more plants than gravel.

Vice Chair Caplinger said he would like to see more planting at the location. He said he was disappointed to see plants dying and encouraged Mr. Boyer to get a brochure from the City that listed drought tolerant plants for the community.

Manuel Gonzalez Sasso, Twentynine Palms, spoke in favor of the item. He said he has lived in Twentynine Palms for a year and that it was hard to find a job to support his family. He said Club Vo will promote jobs in the community.

Liz Meyer, Twentynine Palms, said she had seen the changes that were being made to the building and they were an improvement. She said this is one of the key buildings for the entrance to the Historic Plaza area and that attention should be paid to the look of the building, she said she was happy to see the South West look on the building.

Miguel Vigo Jr., Twentynine Palms, spoke in support of the item. He said the club promotes diversity and it will create jobs in the community. He asked the Planning Commission to allow the club to open as soon as possible.

Chair Easter closed the Public Hearing.

Director LaClaire said his recommendation would be for Club Vo not to open until requirements were fulfilled citing his concern that if a business were in operation it is difficult for the City to come and say that they have to stop business because their CUP has been revoked. Court cases tend to lean toward the applicant in this type of situation. He said, however, that this issue can be dealt with if the applicant signs an agreement with the City that on a specific date they will voluntarily stop their business for not having met the requirements. He said if they agree to that voluntarily ceasing of business then the Planning Commission can consider the 180 days. If the Commission did not agree to that, he did not recommend letting the applicant start the business.

Vice Chair Caplinger said he liked the modifications that Mr. Boyer was proposing. He said he was leaning towards 90-120 days to complete the rehabilitations.

Commissioner Rinke said she was disappointed to see gravel at the location. She said she felt 90-120 days was enough time as well. She said she would like to see the business open but would like to see them complete the requirements first.

Chair Easter said not to eliminate condition 16 but to modify it. He said the master cooler and removing the pillars were good ideas. He said he felt 120 days was enough time to complete the requirements and the club could open now if the applicant agreed to sign a statement saying if he did not fix those items within the required time frame they would close business.

Chair Easter re-opened the Public Hearing.

Mr. Boyer responded yes he would be willing to sign something from the City stating that if he did not fix the items within the required time limit the club would close.

Chair Easter closed the Public Hearing.

Commissioner Alderson agreed 120 days was enough time to complete the requirements.

All the Planning Commissioners agreed upon the building being painted one color.

Director LaClaire clarified acceptance of the concept staff raised by staff to allow replacing the existing roof mounted equipment with new equipment as an improvement or upgrade to an existing non conforming situation.

The Planning Commission agreed that was the direction they agreed upon.

Director LaClaire asked if the Planning Commission there will be a requirement that the applicant enter into an agreement that they will voluntarily cease operation 120 days after the signing of the agreement if they don't modify the building as per the approvals per identified tonight.

The Planning Commission agreed to allow the 120 day voluntary agreement to close and that there will be a requirement for the landscaping to stay alive.

Chair Easter re-opened the Public Hearing.

Mr. Corbin said he wanted to make sure the Planning Commission understood on the color of the roof, again stating the color will be left white.

The Planning Commission agreed the roof would be left white.

Chair Easter closed the Public Hearing.

ACTION: On a motion made by Vice Chair Caplinger, seconded by Commissioner Rinkes and carried with a 4-0 roll call vote (Mintz abstained due to possible conflict of interest) the Planning Commission adopted PC Resolution No. 09-07 making a determination that PC 09-33 will not have an impact upon the environment and is Exempt from further environmental review and approved a modification to Condition P16 of PC 07-82 which would now require exterior improvements as illustrated within the elevation presented to the Planning Commission dated April 21, 2009. The modified condition further requires that live plants shall be installed and maintained within the planter along Adobe Road (allowing either manual or mechanical watering) and stipulating that the applicant may enter into an agreement with the City to complete the required elevation changes within 120 days of signing the agreement or that the owners of Club Vo will voluntarily cease all business operations on site.

Commissioner Mintz returned to the Council Chambers at 7:30 p.m.

- 6.4 PC 09-05 – Land acquisition (within the Circulation Element identified future roadway) and physical improvement of Adobe Road between Amboy Road and the “Main Gate” to the Marine Corp Air Ground Combat Center (MCAGCC). The project involves widening and improving Adobe Road, including the instillation (on the west side of the roadway) of a public sidewalk, curb and gutter, and the construction of a public bike path within the adopted Circulation Element’s identified roadway for Adobe Road. The Commission shall review a proposed Negative Declaration of the possible impacts of the widening and improvement project.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt the Negative Declaration.

Director LaClaire presented a brief staff report to the Planning Commission.

Chair Easter opened the Public Hearing.

After there were no requests to speak from the public, Chair Easter closed the Public Hearing.

Vice Chair Caplinger said staff had done a great job on the item and on the other Public Hearings as well.

ACTION: On a motion made by Vice Chair Caplinger, seconded by Commissioner Mintz and carried with a 5-0 roll call vote, the Planning Commission adopted the Negative Declaration for PC 09-05.

7.0 REPORTS, REQUESTS AND COMMUNICATIONS

7.1 Development Code Status Report

Director LaClaire informed the Planning Commission this was informational to show the City was moving forward on these items.

7.2 Revisions to Land Use Entitlement Application

Director LaClaire said the wrong notation was on the agenda. He said clarification on flammable vegetation was requested at the last Planning Commission meeting and a letter had been submitted to the Fire Department to get clarification. He said he will bring the information back to the Planning Commission as soon as a response was received.

8.0 FUTURE AGENDA ITEMS

Director LaClaire said the code amendment loading spaces the Planning Commission authorized tonight would be a future agenda item.

9.0 COMMISSION COMMENTS/STAFF COMMENTS

Commissioner Alderson said he was upset with how the Planning Commission was bombarded with pictures from the applicant of item 6.3. He said he was disappointed with the applicant's last minute submittal.

Vice Chair Caplinger informed the public the unveiling and ribbon cutting ceremony of the 29! Sculpture was going to be Friday, May 1, 2009 at 6:30 p.m.

Chair Easter thanked Director LaClaire, Deputy City Clerk Palmer, and the Planning Department staff for their hard work. He commended Director LaClaire on the great job he was doing.

Commissioner Mintz echoed Chair Easter's comments and said Director LaClaire was doing a great job.

Commissioner Rinkes thanked Director LaClaire for the viable solutions he had offered at tonight's meeting.

10.0 STUDY SESSION – None

11.0 ADJOURNMENT- Chair Easter adjourned the meeting at 7:45 p.m. to the Planning Commission workshop on April 30, 2009.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk