

**TWENTYNINE PALMS PLANNING COMMISSION
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, AUGUST 18, 2009
6:00 P.M.
MINUTES**

1.0 CALL TO ORDER- Vice Chair Caplinger 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. Chair Easter had an excused absence.

2.0 SPECIAL ANNOUNCEMENTS – Vice Chair Caplinger announced this meeting will be televised on Cable TV Channel 10 Monday, August 24, 2009 at 6:30 p.m. and Friday, August 28, 2009 at 6:30 p.m.

3.0 MINUTES

3.1 August 4, 2009 Planning Commission Meeting Minutes

On a motion made by Commissioner Mintz, seconded by Commissioner Alderson and carried with a 4-0-1 (Easter absent) voice 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

Fred Haas, Twentynine Palms, said he encouraged his acquaintances to show up to the meeting to speak and they did not show up.

6.0 PUBLIC HEARINGS

Community Development Director LaClaire (Director LaClaire) suggested presenting item 6.1 last due to the item being more time consuming than the other two items and the applicants being present for the other two items.

Vice Chair Caplinger agreed and item 6.1 was moved to the end of Public Hearings.

6.2 PC 09-26 – A request for approval of a Minor Use Permit to allow a 1,200 sq. ft. tattoo parlor to be co-located with a 940 sq. ft. barber shop on 0.20± acres (8,880 sq. ft.) in the existing building at 5758 Adobe Road; CG Zone; APN 0618-343-13; T1N, R9E, Section 29.

RECOMMENDATION

Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt Resolution 09-15 and approve the project, subject to the attached Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission.

Vice Chair Caplinger opened the Public Hearing.

CKL_____ Date_____

Elizabeth Espejen, Banning, applicant, spoke to the Planning Commission about the item and said each artist at her proposed shop would have at least seven years of experience. She said she put her life savings into the business and the past six months had been a learning experience. She said her shop would provide quality work and she thanked the Planning Commission for the opportunity to speak.

Vice Chair Caplinger closed the Public Hearing.

Commissioner Rinkes asked if the proposed business was located in the old Christian Brothers building which is two doors down from Club Vo and if the applicant was aware of tearing up the asphalt.

Director LaClaire responded yes.

Commissioner Mintz said he did not feel there was anything wrong with another tattoo shop in the City. He said he was in Colton recently and met someone who came to Twentynine Palms just to get their tattoo work done.

Commissioner Alderson said he had a concern with over concentration of businesses in the area. He suggested a study of the number of tattoo shops in any one area.

There was a brief discussion between the Planning Commission regarding over concentration and the potential for a moratorium.

The Planning Commission determined that there was not a present need for a moratorium.

ACTION: On a motion made by Commissioner Mintz, seconded by Commissioner Rinkes and carried with a 4-0-1 (Easter absent) roll call vote, the Planning Commission found the project Categorical Exempt pursuant to CEQA, adopted PC Resolution No. 09-15 approving the project, subject to Conditions of Approval.

- 6.3 PC 09-52 – Consideration of a Variance request to reduce the required front, street and interior side yard setbacks and rear yard setback for two (2) adjoining properties described as 6419 and 6421 East Court Way (APNs 0623-023-08 and 0623-023-07); zoned Multi-Family Residential Specific Plan #3.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-16 finding that the proposal is exempt from further environmental review and that it conforms to the Findings for approval of a Variance.

Director LaClaire presented a staff report to the Planning Commission.

Vice Chair Caplinger opened the Public Hearing.

Jaime Avels, Twentynine Palms, spoke in opposition of item 6.3. He said he would like the buildings to be removed due to the owner/builder not following City building codes or his own plans. He said the owner did not try to work with the City.

Theo Hinson III, Twentynine Palms, spoke in favor of item 6.3. He said he was interested in purchasing one of the properties.

Phyllis Ann LaLonde, Twentynine Palms, spoke in favor of item 6.3. She said the property is in good condition and if it needed to be changed, it would not be able to be bought as the cost would be too high.

Bill Tabor, Joshua Tree, spoke in favor of item 6.3. He said he was a contractor whom was hired by Navy Federal Credit Union and the last day someone lived in this location was March 7, 2009.

Vice Chair Caplinger closed the Public Hearing.

Commissioner Mintz said he would like to pass the item on to the City Council.

Director LaClaire said the Planning Commission can approve or deny the item and the applicant can appeal either decision. He said the Planning Commission can pass the item on to the City Council and that it was up to the Planning Commission to make that decision.

Commissioner Rinkes asked if it was possible the City Council would give the item right back to the Planning Commission.

Director LaClaire responded yes, noting that the City Council could consider the matter and return it to the Planning Commission for further consideration.

ACTION: On a motion made by Commissioner Rinkes, seconded by Commissioner Mintz and carried with a 4-0-1 (Easter absent) roll call vote, the Planning forwarded the item to the City Council.

- 6.1 PC 09-51 – Amendments to Chapters 19.06, 19.10, 19.12, 19.32, 19.48, 19.74 and 19.80 of the “Development Code” of the City of Twentynine Palms.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-14 forwarding a recommendation that the City Council determine that PC 09-51 is Exempt from further environmental review and adopt the proposed changes to Chapters 19.06, 19.10, 19.12, 19.32, 19.48, 19.74 and 19.80 of the “Development Code”.

Director LaClaire presented a staff report on Amendment 1 to the Planning Commission.

Vice Chair Caplinger opened the Public Hearing.

Larry Briggs, Twentynine Palms, said the Planning Commission should keep the proposed language the way it is.

The Planning Commission agreed the language for Amendment 1 was fine.

Director LaClaire presented a brief statement on Amendment 2.

Nicole Panter, Twentynine Palms, questioned whether the landscaping included zero scaping.

Director LaClaire presented a brief statement on Amendment 3.

There were no requests to speak from the public.

The Planning Commission said the Amendment was fine as re-written.

Director LaClaire presented a brief statement on Amendment 4. He said the item could be broken up and brought back.

Commissioner Rinkes asked staff if the library were to have a book sale if they will have to get a permit.

Director LaClaire responded no.

Carol Barrett, Twentynine Palms, questioned moonlight and parking sales in the City and asked if permits would be required.

Director LaClaire responded permits were required. He said they were safe and advantageous for the community.

D.J. Masker, Twentynine Palms, asked how often people were allowed to hold car washes at the same location in the City.

Director LaClaire responded that this particular issue was not addressed in this Code Amendment.

Director LaClaire presented a brief statement on Amendment 5.

There were no requests to speak from the public.

Director LaClaire presented a brief statement on Amendment 6.

Commissioner Rinkes said she would leave the hours of 7 a.m. to 7 p.m. for hours of construction.

Consensus of the Planning Commission was to leave the hours from 7 a.m. to 7 p.m. as offered within the Public Hearing report.

Steve Dautt, Twentynine Palms, said the earlier the better for hours of construction operation for the summer months. He said to consider stepping up the months.

Fred Haas, Twentynine Palms, said the earlier would be better due to the heat in the desert.

The consensus of the Planning Commission was that Amendment 6 was acceptable as presented.

Director LaClaire presented a brief statement on Amendment 7.

Carol Barrett, Twentynine Palms, asked if the requirements were for residential and business.

Director LaClaire responded the enclosures were for single family residential.

Vice Chair Caplinger closed the Public Hearing.

ACTION: On a motion made by Commissioner Rinkes, seconded by Commissioner Mintz and carried with a 4-0-1 (Easter absent) roll call vote, the Planning Commission adopted PC Resolution 09-14 forwarding a recommendation that the City Council determined that PC 09-51 is Exempt from further environmental review and adopted the proposed changes to Chapters 19-06, 19.10, 19.12, 19.32, 19.48, 19.74, and 19.80 of the "Development Code", excluding outdoor display and sidewalk sales in Amendment 4.

7.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

8.0 FUTURE AGENDA ITEMS

Vice Chair Caplinger said he would like a report on the Downtown Specific Plan in the next meeting or so.

Director LaClaire said the Downtown Specific Plan was getting the finishing touches put on it and the document would be ready around October once it had been reviewed.

Vice Chair Caplinger removed his request for this as a future agenda item.

9.0 COMMISSION COMMENTS/STAFF COMMENTS

Commissioner Rinkes asked for clarification on the date of the first Planning Commission meeting in September.

Director LaClaire responded the September 1, 2009 meeting was going to be cancelled and a special meeting would be held on September 2, 2009.

10.0 STUDY SESSION- None

11.0 ADJOURNMENT- Vice Chair Caplinger adjourned the meeting at 7:43 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk