

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

**MINUTES**

- 1.0 CALL TO ORDER-** 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, Easter, Mintz, Rinkes, and Caplinger.  
**SELECTION OF VICE CHAIRMAN-** Chair Caplinger announced Commissioner Easter had been sworn into office prior to the meeting.

**ACTION:** On a motion made by Commissioner Rinkes, seconded by Commissioner Easter and carried with a 5-0 roll call vote, the Planning Commission selected Commissioner Alderson to serve as Vice Chair of the Planning Commission.

- 2.0 SPECIAL ANNOUNCEMENTS** – Chair Caplinger announced this meeting will be televised on Cable TV Channel 10 Monday, October 12, 2009 at 6:30 p.m. and Friday, October 16, 2009 at 6:30 p.m.

**3.0 MINUTES**

- 3.1 September 16, 2009 Planning Commission Meeting Minutes

On a motion made by Commissioner Mintz, seconded by Vice Chair Alderson and carried with a 5-0 roll call vote, the Planning Commission approved the minutes.

- 4.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION-** None

**5.0 PUBLIC COMMENTS**

Anonymous, Twentynine Palms, said there needs to be better street lighting and porch light lighting. He said he doubts the public water supply will improve.

Paul Smith, Twentynine Palms, said the proposed Indian Casino has attempted to violate two state laws including the environmental quality act. He said the Indian Tribe is not communicating with the Joshua Tree National Park and they are not cooperating with the City.

**6.0 PUBLIC HEARINGS**

- 6.1 PC 09-58 - An Appeal of the Community Development Director's determination of the "Non-Conforming" status of a land use activity on a roughly 2.4 acre property with a General Plan designation of "Residential - Rural Living" and a Zoning designation of Rural Living One Dwelling per Acre. The property in question is located approximately 1,675 feet west of the centerline of Adobe Road along the south side of Indian Trail, further described as 73441 Indian Trail (APN 0620-121-04).

**RECOMMENDATION:** Conduct the Hearing, consider public comment, determine that the request is Exempt from further Environmental review

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and adopt PC Resolution 09-18 supporting the Director's determination of the non-conforming status of the property located at 73441 Indian Trail (APN 0620-121-04).

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

Vice Chair Alderson proposed that the Planning Commission not move forward with the item as this issue has already been addressed and that it should not be before the Planning Commission at this time.

**ACTION:** On a motion made by Commissioner Alderson, seconded by Commissioner Rinkes and carried with a 4-1 roll call vote (Mintz no) the Planning Commission terminated its review of the appeal of the Director's determination of the non-conforming status of the property located at 73441 Indian Trail (APN 0620-121-04).

- 6.2 PC 09-03 – Applicant Philip M. Berger of Innovative Engineering Design, Inc. is proposing Tentative Tract Map 19746 for a sixty-five (65) lot subdivision of a seventeen and one half (17.50) acre property to include sixty-four (64) residential lots, one (1) lot dedicated to recreation area, a wastewater treatment area and storm water retention basin(s). The project is located east of Araby Avenue, north of Old Dale Drive, west of Maude Adams and South of Twentynine Palms Highway in the City of Twentynine. APNs 0624-131-01, 02, 03 and 05; Section 34, T1N, R9E; RS-4 Zone.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, adopt Resolution 09-19, adopt the Mitigated Negative Declaration and approve Tentative Tract Map No. 18746, subject to the attached Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission.

Phil Berger, Innovative Engineering Design Inc., spoke to the Planning Commission regarding the project. He said there is no problem is providing the bus stop area. He said he was more interested in in-direct lighting and developing a club house. He said there would be a volleyball court, tot lot, club house and that staff's requirements were no problem.

Chair Caplinger opened the Public Hearing.

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

**ACTION:** On a motion made by Commissioner Mintz, seconded by Commissioner Rinkes and carried with a 5-0 roll call vote the Planning Commission adopted Resolution 09-19, adopting the Mitigated Negative Declaration and approved Tentative Tract Map No. 18746, subject to the attached Conditions of Approval.

**7.0 REPORTS, REQUESTS AND COMMUNICATIONS - None**

**8.0 FUTURE AGENDA ITEMS – None**

## 9.0 COMMISSION COMMENTS/STAFF COMMENTS

Commissioner Mintz said he was disappointed that the Planning Commission decided not to hear from the applicant regarding item 6.1.

Chair Caplinger reminded the public it is breast cancer awareness month.

Vice Chair Alderson said he did research on item 6.1 and the City has dealt with this issue several times over.

## 10.0 STUDY SESSION –

- 10.1 PC 09-32, an amendment to the “Development Code” of the City of Twentynine Palms by the addition of Chapter 19.55 regarding Vacation Home Rentals.

### RECOMMENDATION

Open and conduct the community Study Session, consider public comment and provide guidance to staff to hold a further Study Session, advertise and bring forth a code amendment addressing Vacation Home Rentals or terminate these proceedings.

Director LaClaire presented a staff report to the Planning Commission regarding an amendment to the “Development Code” of the City of Twentynine Palms by the addition of Chapter 9.55 regarding Vacation Home Rentals.

The Planning Commission’s direction was to send the item to the City Council.

**ACTION:** On a motion made by Commissioner Mintz, seconded by Chair Caplinger and carried with a 3-1-1 roll call vote (Alderson no, Rinkes abstain) the Planning Commission directed that staff seek direction from the City Council regarding whether or not the Planning Commission should continue its efforts on this Code Amendment or terminate its proceedings.

## 11.0 ADJOURNMENT- Chair Caplinger adjourned the meeting at 7:30 p.m.

Respectfully Submitted,

Jacqueline Palmer, Deputy City Clerk