

**TWENTYNINE PALMS PLANNING COMMISSION
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, NOVEMBER 17, 2009
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER-** Chair Caplinger called the meeting to order at 6:05 p.m.
PLEDGE OF ALLEGIANCE – Commissioner Easter led the Pledge of Allegiance.
ROLL CALL- The following Commissioners were present: Alderson, Easter, Mintz, Rinkes and Caplinger.
- 2.0 SPECIAL ANNOUNCEMENTS** – Chair Caplinger announced this meeting will be televised on Cable TV Channel 10 Monday, November 23, 2009 at 6:30 p.m. and Friday, November 27, 2009 at 6:30 p.m.
- 3.0 MINUTES**
- 3.1 October 6, 2009 Planning Commission Meeting Minutes
- ACTION: On a motion made by Commissioner Easter, seconded by Vice Chair Alderson and carried with a 5-0 voice vote, the Planning Commission approved the October 6, 2009 Planning Commission Meeting Minutes as submitted.
- 3.2 October 20, 2009 Planning Commission Meeting Minutes
- ACTION: On a motion made by Commissioner Mintz, seconded by Commissioner Rinkes and carried with a 5-0 voice vote, the Planning Commission approved the October 20, 2009 Planning Commission Meeting Minutes as submitted.
- 4.0 CONSENT CALENDAR - None**
- 5.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION - None**
- 6.0 PUBLIC COMMENTS- None**
- 7.0 PUBLIC HEARINGS**
- 7.1 PC 09-68 - An Appeal of the Community Development Director's determination that a Medical Marijuana "facility" is not a use listed within Table 19.10-A "Permitted and Conditional Uses". The property in question is located at 74017 Twentynine Palms Highway (APN 0617-221-18) within the City of Twentynine Palms.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and uphold the determination of the Community Development Director that a Medical Marijuana facility is not a use listed within Table 19.10-A "Permitted and Conditional Uses" and, therefore, is not a permitted use within the General Commercial zoning district.

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

Chair Caplinger opened the Public Hearing.
Jerri Hagman, Twentynine Palms, spoke in opposition of Medical Marijuana facilities.

Chair Caplinger closed the Public Hearing.

Following a discussion of the information presented, the consensus of the Planning Commissioners was that staff had made the correct call on the issue.

ACTION: On a motion made by Commissioner Rinkes, seconded by Commissioner Easter and carried with a 5-0 roll call vote, the Planning Commission upheld the determination of the Community Development Director that a Medical Marijuana facility is not a use listed within Table 19.10-A "Permitted and Conditional Uses" and, therefore, is not a permitted use within the General Commercial zoning district.

- 7.2 PC 09-74 - An amendment to Chapter 19.10 "Commercial Districts", Table 19.10-A "Permitted and Conditional Uses" and Chapter 19.12 "Service Commercial and (CS) Community Industrial (IC) Districts", Table 19.12-A "Permitted and Conditional Uses" of the "Development Code" of the City of Twentynine Palms establishing Medical Marijuana facilities as either a permitted use, a use subject to Temporary/Conditional Use Permit approval or a use that is expressly prohibited within the City of Twentynine Palms.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and adopt PC Resolution 09-23 forwarding a recommendation that the City Council determine that PC 09-68 is Exempt from further environmental review and adopt the proposed changes to Chapter 19.10 "Commercial Districts", Table 19.10-A "Permitted and Conditional Uses" and Chapter 19.12 "Service Commercial and (CS) Community Industrial (IC) Districts", Table 19.12-A "Permitted and Conditional Uses" of the "Development Code".

Director LaClaire presented a staff report to the Planning Commission.

Chair Calinger opened the Public Hearing.

Mr. Marks, Twentynine Palms, said he is not in opposition or proposition of the issue. He said the public should watch channel 10 at 9:00 p.m. tonight to get the other side of the story.

Chair Caplinger closed the Public Hearing.

Discussing the issue, the consensus of the Planning Commission was that such facilities were not appropriate for the community at this time.

ACTION: On a motion made by Commissioner Easter, seconded by Commissioner Mintz and carried with a 5-0 roll call vote, the Planning Commission adopted PC Resolution No 09-23, forwarding a recommendation that the City Council determine that PC Resolution No 09-68 is Exempt from further environmental review and adopt the proposed changes to Chapter 19.10 "Commercial Districts", Table 19.10-A "Permitted and Conditional Uses" and Chapter 19.12 "Service Commercial and (CS) Community Industrial (IC) Districts", Table 19.12-A "Permitted and Conditional Uses" of the "Development Code" to identify Medical Marijuana facilities as expressly prohibited and uses.

- 7.3 PC 09-47 - Mr. Maurice Pegorelli of MP Investments is requesting a Conditional Use Permit, Parcel Merger and Vacation of Right-of-Way. The Conditional Use Permit is for the phased conversion of an existing used furniture store to a lounge (to include live music and espresso bar), a billiard hall, retail shop, banquet dining facilities, food service, restroom, storage and office areas. The project is located at 5864 Adobe Road.

RECOMMENDATION

Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt Planning Commission Resolution 09-21 recommending that the City Council approve the project subject to the draft Conditions of Approval.

Chair Caplinger recused himself from the Chambers at 6:40 p.m. due to possible conflict of interest.

Director LaClaire presented a staff report to the Planning Commission.

Vice Chair Alderson opened the Public Hearing.

Maurice Pegorelli, applicant, said he felt he found a location which would be a good fit for his businesses.

Commissioner Mintz asked if there would be wheel chair access to the building.

Mr. Pegorelli responded yes, there are ramps and elevators.

Vice Chair Alderson asked Mr. Pegorelli to address the alcohol sale concerns that had been raised by residents. He also wanted to know what the closing hours were going to be.

Mr. Pegorelli responded the premises would serve beer and wine only. He said the business would close at 12:00 a.m. Sunday through Thursday and at 2:00 a.m. Friday and Saturday. He also said there would be a designated smoking area on the outdoor balcony.

Steve Douth, Twentynine Palms, spoke in favor of the project.

Vice Chair Alderson closed the Public Hearing.

The Planning Commission agreed this was a great project and thanked the applicant.

ACTION: On a motion made by Commissioner Mintz, seconded by Commissioner Rinkes and carried with a 4-0-1 roll call vote (Caplinger abstained) the Planning Commission found the project Categorical Exempt pursuant to CEQA and adopted Planning Commission Resolution 09-21 recommending that the City Council approve the project subject to the draft Conditions of Approval.

Chair Caplinger returned to the Chambers at 7:00 p.m.

- 7.4 PC 08-53 - Jose Martinez of Yucca Valley is proposing a Conditional Use Permit to allow a used car sales lot at 4004 Adobe Road.

RECOMMENDATION

Conduct the Public Hearing, consider public comment, find the project Categorically Exempt pursuant to CEQA, adopt Planning Commission Resolution 09-20 and approve the project subject to the Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission.

Chair Caplinger opened the Public Hearing.

Paul Geisinger said he is working with the applicant and would answer any questions the Planning Commission had.

As the Planning Commission had no questions of Mr. Geisinger, Chair Caplinger closed the Public Hearing.

Consensus of the Planning Commission was the applicant did what he was asked to do to the exterior of the building and it is a great project.

ACTION: On a motion made by Commissioner Rinke, seconded by Commissioner Easter and carried with a 5-0 roll call vote, the Planning Commission found the project Categorically Exempt pursuant to CEQA, adopted Planning Commission Resolution 09-20 and approved the project subject to the Conditions of Approval

- 7.5 PC 09-64 - A City initiated amendment to Title 19 "Development Code" of the City of Twentynine Palms Municipal Code by the addition of a new Chapter 19.57 "Farmers' Market" regarding the standards and criteria applicable to such markets.

RECOMMENDATION

Conduct the Public Hearing, consider public comment and continue PC 09-64 to a date certain, returning with a draft PC Resolution 09-18 to forward a recommendation that the City Council determine that PC 09-64 is Exempt from further environmental review and adopt the proposed addition of Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair" to the "Development Code".

Director LaClaire presented a staff report to the Planning Commission.

Chair Caplinger opened the Public Hearing.

Jay Corbin, Twentynine Palms, spoke in favor of the item. He suggested removing the 1 acre minimum and made other suggestions regarding the paved versus unpaved parking.

Jerri Hagman, Twentynine Palms, spoke in favor of the item. She suggested having the Farmers Market in the parking lot of Luckie Park because it has restrooms and dust would not be an issue.

Chair Caplinger closed the Public Hearing.

Commissioner Easter said he was in favor of the item. He said he agreed with Mr. Corbin on removing the 1 acre minimum.

Commissioner Rinkes said she would like to change the number of parking spaces and asked if there could be a limit on how many temporary permits were issued per year.

Director LaClaire responded the Planning Commission could continue the item to a future date at which time he could offer the amended language and alternatives to the Planning Commission.

Chair Caplinger suggested doing away with the 1 acre minimum and conceiving something on a smaller scale.

ACTION: On a motion made by Vice Chair Alderson, seconded by Commissioner Rinkes and carried with a 5-0 roll call vote, the Planning Commission continued PC 09-64 to December 1, 2009 returning with a draft PC Resolution 09-18 to forward a recommendation that the City Council determine that PC 09-64 is Exempt from further environmental review and adopt the proposed addition of Chapter 19.57 "Certified Farmers' Market, Open Air Market, Craft or Job Fair" to the "Development Code".

8.0 REPORTS, REQUESTS AND COMMUNICATIONS – None

9.0 FUTURE AGENDA ITEMS

Vice Chair Alderson requested a study session item on over concentration of some types of businesses in town.

10.0 COMMISSION COMMENTS/STAFF

10.1 Discussion on recently reviewed General Plan Update Guiding Principals

Director LaClaire said he would like to bring this item back in December.

Consensus of the Planning Commission was to bring the item back to the December 1, 2009 meeting.

11.0 STUDY SESSION – None

12.0 ADJOURNMENT- Chair Caplinger adjourned the meeting at 7:45 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk