

**TWENTYNINE PALMS PLANNING COMMISSION  
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, MAY 4, 2010  
6:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER-** Chair Mintz called the meeting to order at 6:00 p.m.  
**PLEDGE OF ALLEGIANCE-** Commissioner Caplinger led the Pledge of Allegiance.  
**ROLL CALL-** The following Commissioners were present: Alderson, Caplinger, Easter, Rinkes and Mintz.
- 2.0 SPECIAL ANNOUNCEMENTS** – Chair Mintz announced this meeting will be televised on Cable TV Channel 10 Monday, May 10, 2010 at 6:30 p.m. and Friday, May 14, 2010 at 6:30 p.m.
- 3.0 MINUTES**
- 3.1 March 17, 2010 Planning Commission Special Meeting Minutes  
3.2 April 6, 2010 Planning Commission Minutes
- ACTION: 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 March 17, 2010 Planning Commission Special Meeting Minutes and the April 6, 2010 Planning Commission Minutes.
- 4.0 CONSENT CALENDAR - None**
- 5.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION - None**
- 6.0 PUBLIC COMMENTS**

Larry Briggs, Twentynine Palms, asked if there was a website that the public could visit to view where the new power poles for Project Leatherneck were going to be placed. He also noted that Hollywood Video had gone bankrupt and that the local store would be closing within the next month or so.

Community Development Director LaClaire (Director LaClaire) responded the Project Leatherneck information was not on the City website but the Community Development Department had handout's regarding the Project that were available to the public.

Patrick Crow, Twentynine Palms, expressed his concern about a code violation notice he had recently received regarding his fence. He said his six (6) foot high fence deters criminal activity and to change his fence now would place an unfair hardship on his family due to the labor and expense.

Director LaClaire said he had provided the Planning Commission with a letter from Mr. Crow regarding the issue.

## 7.0 PUBLIC HEARINGS

- 7.1 PC 10-03 - Mr. Shiv Talwar of Design Concepts is requesting a Conditional Use Permit for the construction of a fast food restaurant with drive-thru lane on a currently vacant building pad in the Himalaya Plaza, an existing commercially developed site, at the northwest corner of Adobe Road and Indian Trail; 3668 Adobe Road; APN 0620-133-02.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment and adopt Planning Commission Resolution 10-06 recommending that the City Council determine that the project is exempt from further environmental review approve the project subject to the attached Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission.

Chair Mintz opened the Public Hearing.

Manjeet Sran, applicant, said he agrees with staff's recommendations. He said the building of the project would start in June and they would open in August. He provided a letter requesting deletion of the loading zone requirement P-14, because the deliveries are made by smaller trucks in the parking lot typically between the hours of 5 and 6 a.m. He said regarding Condition E-3, all electrical work would be underground, not above ground.

Shiv Talwar, Design Concepts, said there are two existing fire hydrants on site and there would be flood lights on the wall.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to remove Condition of Approval P-14 which required one loading zone space of 12 x 45 feet to be provided so as not to obstruct any parking space or drive-thru lane.

**ACTION:** On a motion made by Commissioner Caplinger, seconded by Commissioner Easter and carried with a 5-0 roll call vote, the Planning Commission adopted Planning Commission Resolution 10-06 making a determination that PC 10-03 is exempt from further environmental review and approving the project subject to the attached Conditions of Approval with the changes as noted.

- 7.2 PC 10-06 - Mr. Edward E. Brooke, Pastor of the Potter's House is requesting a Conditional Use Permit to allow a church within the Stater Bros Center at 71757 Twentynine Palms Highway, Suite "J" (formerly Superstar Video); APN 0615-051-22.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment and adopt Planning Commission Resolution 10-07 determining that the project is categorically exempt from further environmental review and approve the project subject to the attached Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission.

Chair Mintz opened the Public Hearing.

Commissioner Caplinger expressed his concern with the parking in the shopping center parking lot and said Sundays are a busy day for shopping and there may not be vacancies for parking and it could cause a problem.

Pastor Brooke, applicant, said the services would be held on Sundays at 11 a.m. and 7 p.m. and Wednesdays at 7 p.m. He said he planned on encouraging people who come to the Church to park in the back of the building to alleviate any parking issues in the shopping center parking lot.

Commissioner Easter said he could see where the parking could become an issue but the Church had staggered time slots of service.

Chair Mintz closed the Public Hearing.

**ACTION:** On a motion made by Commissioner Easter, seconded by Vice Chair Rinkes and carried with a 5-0 roll call vote, the Planning Commission adopted Planning Commission Resolution 10-07 determining that the project is categorically exempt from further environmental review and approving PC 10-06 subject to the attached Conditions of Approval.

- 7.3 PC 10-29 – An amendment to the Official Zoning Map of Title 19 “Development Code” of the City of Twentynine Palms Municipal Code and an Amendment to the Land Use Element of the General Plan regarding the land use designations for nineteen (19) properties within the City of Twentynine Palms. The Planning Commission, acting as the Review Authority, shall forward a recommendation regarding each property to be considered by the City Council in its consideration of adopting a comprehensive Update to the General Plan now being processed. A final action on the changes to the Official Zoning Map and General Plan Land Use Element will be taken by the Council in its consideration of the General Plan Update, anticipated in late 2010.

**RECOMMENDATION** - Conduct the Public Hearing, consider public comment and adopt PC Resolution 10-10 forwarding a recommendation that the City Council amend the land use designations illustrated upon the Official Zoning Map of the “Development Code” and the Land Use Element of the adopted General Plan for the nineteen (19) properties identified within PC 09-53 and include these properties within the Environmental Impact Report being prepared for the comprehensive Update to the City’s adopted General Plan.

Director LaClaire presented a staff report to the Planning Commission regarding Mr. David Smith’s properties.

Chair Mintz opened the Public Hearing.

David Smith, Twentynine Palms, applicant, said he would like to change the properties to a General Commercial designation giving opportunity for anticipated development in the City.

Chair Mintz closed the Public Hearing.

Commissioner Easter said as far as he knows no one has a project for this site in front of them at the moment. He said this property is in a commercial corner and rezoning this property makes sense.

Consensus of the Planning Commission was to rezone the property to a General Commercial designation and to include the two (2) additional properties.

Director LaClaire presented a staff report on Mr. Eugene McMEnamin's properties.

Chair Mintz re-opened the Public Hearing.

Gene McMEnamin, applicant, Long Beach, spoke to the Planning Commission regarding his properties. He said they want to square off the Northern portion of Highway 62, he presented a colored rendering to the Planning Commission.

Jay Corbin, Twentynine Palms, said this is an opportunity to further the potential for a shopping center that would generate revenue.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to rezone the properties to General Commercial use.

Director LaClaire presented a staff report regarding Ms. Jane Smith's properties.

Chair Mintz re-opened the Public Hearing.

Jane Smith, applicant, Twentynine Palms, said these properties would be better served as tourist commercial.

Jay Corbin, Twentynine Palms, said re-designating these properties to Tourist Commercial would allow growth of The 29 Palms Inn.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to re-designate the properties to Tourist Commercial.

Director LaClaire presented a staff report regarding Ms. Phyllis LaLonde's application.

Chair Mintz re-opened the Public Hearing.

Phyllis LaLonde, applicant, representing the property owners, Twentynine Palms, said the property would probably be better suited as commercial due to not wanting to have a house so close to the highway where children might run out and play on. She said the property was changed without the property owner's being notified and she said the property is currently being used as a car lot and covered with yard sale signs.

Chair Mintz closed the Public Hearing.

Commissioner Easter said he did not see the City allowing a house to be built at this location.

Commissioner Caplinger said the property was too small for commercial development.

Chair Mintz re-opened the Public Hearing.

Ms. LaLonde said this is not a residential property. She said it could be used for cell phone towers if zoned commercial.

Calvin Sisco, Twentynine Palms, said it should be left up to the owner of the property.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to leave the property as it is as single family residential.

Director LaClaire presented a staff report regarding City Initiated properties.

Chair Mintz re-opened the Public Hearing.

Gene McMcmEnamin, property owner for several of the properties, said he was in agreement with staff's recommendation of changing his properties to General Commercial.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was to go with staff's recommendation.

**ACTION:** On a motion made by Commissioner Alderson, seconded by Vice Chair Rinkes and carried with a 5-0 roll call vote, the Planning Commission adopted Planning Commission Resolution 10-10 forwarding a recommendation that the City Council amend the land use designations illustrated upon the Official Zoning Map of the "Development Code" and the Land Use Element of the adopted General Plan for the nineteen (19) properties identified within PC 09-53 and include these properties within the Environmental Impact Report being prepared for the comprehensive Update to the City's adopted General Plan as noted within their discussion of each property.

- 7.4 PC 09-75 - An amendment to Tables 19.07-A, 19.08-A and 19.09-A "Permitted and Conditional Uses" of Title 19 "Development Code" of the City of Twentynine Palms Municipal Code, pertaining to the placement of telecommunications facilities (cell towers and similar facilities) within residentially zoned areas and an amendment to the City's Development Code, Chapter 19.48 "Accessory Structures", regarding the current standards and criteria for the placement of "sea-going cargo containers and similar storage devices" within various zoning districts, citywide.

**RECOMMENDATION** - Conduct the Hearing, consider public comment and adopt PC Resolution 10-09 forwarding a recommendation that the City Council determine that PC 09-75 is Exempt from further environmental review and adopt the proposed change to Title 19 "Development Code" pertaining to Chapter 19.58 "Telecommunications Facilities", regarding antenna placement and Chapter 19.48 "Accessory Structures", regarding sea-going cargo containers.

Director LaClaire presented a staff report to the Planning Commission.

Commissioner Caplinger said he felt a cap was needed.

Chair Mintz opened the Public Hearing.

Frank Thomas, Twentynine Palms, spoke in opposition of item 7.4 and he said the amendment is very limiting.

Chair Mintz closed the Public Hearing.

Commissioner Easter said he is not ready to go with the amendments at this point and that they are too restrictive. He said he does not want to change the setbacks.

Vice Chair Rinkes said in the commercial and industrial zones there do not need to be eight (8) foot fences and screenings from other commercial and industrial. She suggested on page 7 of 24 D-4 to remove the word fence and show that there can be screening but that it does not have to be the word fence.

Chair Mintz re-opened the Public Hearing.

Commissioner Easter said he has never seen in the Code having to bury a cargo container.

Mr. Thomas said most cargo containers are eight (8) feet.

Director LaClaire said the Planning Commission should not limit their discussion based on one individual and a lot of the language that is provided in the staff report was based on the twenty-five (25) questions that were submitted to the Planning Commission so that the Commission could give guidance regarding this issue.

**ACTION:** On a motion made by Commissioner Alderson, seconded by Vice Chair Rinkes and carried with a 5-0 roll call vote, the Planning Commission continued the Public Hearing to the June 1, 2010 Planning Commission meeting and directed that a study session regarding the item be placed upon the May 18, 2010 Planning Commission meeting agenda.

## **8.0 REPORTS, REQUESTS AND COMMUNICATIONS**

Memo regarding combining the R-3 and R-4 land use designations within the Update to the City's General Plan.

Consensus of the Planning Commission was to leave them as is.

## **9.0 FUTURE AGENDA ITEMS- None**

**10.0 COMMISSION COMMENTS/STAFF**

Commissioner Easter said he appreciated the lively debated with the Planning Commission.

Commissioner Caplinger said there is new art exhibition in City Hall and encouraged the public to come in to have a look at the art work. He also said on Friday from 4 p.m. to 7 p.m. there was going to be a ribbon cutting ceremony at the new Visitor Center.

**11.0 STUDY SESSION – None**

**12.0 ADJOURNMENT-** Chair Mintz adjourned the meeting at 8:22 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk