

**TWENTYNINE PALMS PLANNING COMMISSION
CITY COUNCIL CHAMBER, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, MAY 18, 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 Easter 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 24, 2010 at 6:30 p.m. and Friday, May 28, 2010 at 6:30 p.m.
- 3.0 MINUTES**
- 3.1 April 20, 2010 Planning Commission Minutes
3.2 May 4, 2010 Planning Commission Minutes
- ACTION: On a motion made by Commissioner Caplinger, seconded by Commissioner Easter and carried with a 5-0 roll call vote, the Planning Commission approved the April 20, 2010 and May 4, 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**
- Calvin Sisco, Twentynine Palms, spoke to the Planning Commission regarding shuffle board being available at Luckie Park and the Visitor Center.
- 7.0 PUBLIC HEARINGS**
- 7.1 PC 09-87 – Conditional Use Permit -- Applicants Pat and Susan Welch are proposing to construct a Mini Storage Facility (44,986 sq. ft.) consisting of six (6) buildings that contain a live-in manager/office suite, 284 storage rooms, eighty-two (82) vehicle storage parking spaces (covered and uncovered) and eight (8) recreational vehicle spaces. The project is located south of Callie Todd Lane, east of Adobe Road, north of Desert Dunes Drive and west of Desert Knoll Avenue in the City of Twentynine Palms; APN 0621-221-35.
- RECOMMENDATION:** Conduct the Public Hearing, consider public comment, adopt the Mitigated Negative Declaration and adopt Planning Commission

Resolution No. 10-13 approving the project subject to the Conditions of Approval and the Mitigation Monitoring Plan.

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

Commissioner Easter said he did not agree with staff's recommendation of a Mitigated Negative Declaration and it should be a regular Negative Declaration. He also said there has never been a monitoring program and he felt it did not need to be part of the recommendation.

Chair Mintz opened the Public Hearing.

Cas Rogers, representative for Ray Welch the owner of the property, said he was happy with Condition E-10. He requested changing the width on Condition E11 from 28 feet to 18 feet. He said regarding Condition E-25 that at this current point there are no underground utilities on that street. He proposed an "in lieu" approach to this condition if it could be postponed and an agreement could be entered into with the City at such a time when the City decides to install underground power to the side of the street that the current applicant would pay for his fair share of doing this and would not object to the City doing it.

Pat Welch, applicant, said the issue of having to pay for underground electrical right now could ruin the project.

Dave Smith, Twentynine Palms, said he did not understand the noise issue. He said that if you make an exception for one applicant you will have to make an exception for all applicants from this point forward.

Ray Welch, Twentynine Palms, said noise will not be an issue at the proposed project. He said the electrical will be paid for and in referring to the plants that needed to be moved; the Cholla is a common plant and can easily be moved.

Dawn Benton, Twentynine Palms, said the project does not seem to have a significant impact on schools.

Chair Mintz closed the Public Hearing.

Director LaClaire said regarding Condition E-11 that the street width will be installed per the requirements of the City Engineer so that the applicant's Engineer and the City Engineer can work out that requirement.

The motion made by Commissioner Easter, seconded by Chair Mintz and failed by a vote of 2-3 (Alderson, Calinger, Rinkes no) to adopt a Negative Declaration and that Condition E-25 be changed to what the applicant has recommended they will pay their fair share when and if the City runs the electrical lines underground, adopt Resolution No. 10-13 approving the project subject to the Conditions of Approval.

ACTION: On a motion made by Vice Chair Rinkes, seconded by Commissioner Caplinger and carried with a 4-1 roll call vote (Alderson no) the Planning Commission adopted the Mitigated Negative Declaration and adopted Planning

Commission Resolution No. 10-13 approving the project subject to the Conditions of Approval and the Mitigation Monitoring Plan with the changes to Condition E-25 and removing school monitoring from the Mitigation Monitoring Program.

- 7.2 PC 10-23 - Xia Hong Zhuang of “Top 100 Chinese Restaurant” is proposing a Conditional Use Permit and requesting a Letter of Public Convenience and Necessity to establish a restaurant with alcoholic beverage sales (Type 41 On-Sale Beer and Wine Eating Place) at 72115 Twentynine Palms Highway, Twentynine Palms, CA 92277; CG Zone; APN 0616-291-02.

RECOMMENDATION: Conduct the Public Hearing, consider public comment and adopt Planning Commission Resolution No. 10-12 recommending that the City Council determine that the project is exempt from further environmental review, issue the Letter of Public Convenience and Necessity and approve the Conditional Use Permit to establish the sale of alcohol within an existing restaurant, subject to the attached Conditions of Approval.

Director LaClaire presented a staff report to the Planning Commission. He said a letter had been received from an adjoining property of the business in question and that they had experienced a number of difficulties from patrons of bars within the area.

Chair Mintz opened the Public Hearing.

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

Commissioner Alderson and Vice Chair Rinkes expressed their concerns regarding oversaturation of liquor sales facilities in the proposed area.

Chair Mintz said the business would only be replacing the license of the restaurant that used to be at the exact location and sold liquor in the past.

ACTION: On a motion made by Commissioner Caplinger, seconded by Commissioner Easter and carried with a 3-2 roll call vote (Alderson and Rinkes no) the Planning Commission adopted Planning Commission Resolution No. 10-12 recommending that the City Council determine that the project is exempt from further environmental review, issued the Letter of Public Convenience and Necessity and approve the Conditional Use Permit to establish the sale of alcohol within an existing restaurant, subject to the attached Conditions of Approval.

- 7.3 PC 10-07 – An amendment to the City of Twentynine Palms Municipal Code, creating a new Chapter 19.39 “Art in Public Places” to be added to Chapter 19 “Development Code” establishing the standards, criteria and procedures for the placement of community art within the City of Twentynine Palms.

RECOMMENDATION: Conduct the Public Hearing, consider public comment and adopt PC Resolution No. 10-08 forwarding a recommendation that the City Council determine that PC 10-07 is Exempt from further environmental review

and adopt the proposed change to Title 19 “Development Code” by the addition of a new Chapter 19.39 “Art in Public Places”.

Commissioner Caplinger recused himself from the item and stepped down from the dais.

Director LaClaire presented a staff report to the Planning Commission.

Chair Mintz opened the Public Hearing.

Chuck Caplinger, Chair of the Public Arts Advisory Committee, said the Transient Occupancy Tax (T.O.T) is not an appropriate means to fund the Arts in Public Places effort. He spoke in support of item 7.3. He said the Code is a good idea for the City and a negative vote could mean the end of the City’s Arts in Public Places program.

David Smith, Twentynine Palms, spoke in opposition of item 7.3.

Larry Briggs, Twentynine Palms, spoke in opposition of item 7.3.

Alan Barter, Twentynine Palms, spoke in support of item 7.3.

Paul Smith, Twentynine Palms, spoke in favor of item 7.3.

Owen Gillick, Twentynine Palms, spoke in favor of item 7.3.

Chair Mintz closed the Public Hearing.

Commissioner Alderson asked if this Code was adopted would it bring development.

Mr. Caplinger responded yes, a mural program improved the community pride and he felt this being a requirement for new development would be a great idea.

Commissioner Easter said it is a good program and he supports art but does not want a developer to have to pay for it.

Chair Mintz said the Code should go to the City Council.

Chair Mintz called a recess at 8:10 p.m.

Commissioner Easter excused himself from the Chambers at 8:10 p.m.

Chair Mintz brought the meeting back to order at 8:13 p.m.

Commissioner Alderson said he is not in favor of the T.O.T. paying for the Arts in Public Places efforts.

Consensus of the Planning Commission was to go with the alternative language for number 3 on page 6 of 24 except for one single-family residence and recommend to the City Council that the program will not be funded through the developer but instead through funds from the T.O.T.

ACTION: On a motion made by Vice Chair Rinke, seconded by Commissioner Alderson and carried with a 3-0-1-1 roll call vote (Easter absent, Caplinger abstained) the Planning Commission adopted PC Resolution No. 10-08 as presented in the staff report electing to use the second alternative for the language being forwarded to the City Council which includes a recommendation from the Planning Commission that an alternative to establishing a new fee be found by the City Council and that the possibility be funding this program through T.O.T. or an alternative program.

Commissioner Caplinger returned to the Chambers at 8:22 p.m.

- 7.4 PC 09-32 – A proposed Development Code Amendment to create a new Chapter 19.55 “Vacation Home Rental” establishing the standards and criteria applicable thereto within residential zoning districts.

RECOMMENDATION

Open and conduct the Public Hearing, consider public comment and adopt Planning Commission Resolution No. 10-11, forwarding a recommendation that the City Council amend Title 19 “Development Code” by the addition of a new Chapter 19.55 “Vacation Home Rental” establishing the standards and criteria applicable thereto Citywide.

Director LaClaire presented a staff report to the Planning Commission.

Chair Mintz opened the Public Hearing.

Jay Corbin, Twentynine Palms, said Vacation Home Rentals are a good idea and why would the Planning Commission limit the number to 10 and not want more than that.

Paul Smith, Twentynine Palms, spoke in favor of item 7.4.

Bill Talley, Twentynine Palms, spoke in opposition of item 7.4.

Lisa Pitts, Twentynine Palms, spoke in favor of item 7.4.

Tony Naraval, Twentynine Palms, spoke in opposition of item 7.4.

Chair Mintz closed the Public Hearing.

Consensus of the Planning Commission was the two year review period for Vacation Home Rentals will work just fine.

ACTION: On a motion made by Vice Chair Rinke, seconded by Commissioner Caplinger and carried with a 4-0-1 roll call vote (Easter absent) the Planning Commission adopted Planning Commission Resolution No. 10-11, forwarding a recommendation that the City Council amend Title 19 “Development Code” by the addition of a new Chapter 19.55 “Vacation Home Rental” establishing the standards and criteria applicable thereto Citywide with the changes as noted by the Planning Commission.

Chair Mintz called a recess at 9:06 p.m.

Chair Mintz called the meeting back to order at 9:08 p.m.

8.0 REPORTS, REQUESTS AND COMMUNICATIONS

Discussion of the request from Mr./Mrs. Crow regarding allowed fence height within the front yard setback area for a single-family residence. Staff requests guidance from the Commission on the fencing provisions of the Code relative to allowed height within setback areas.

Director LaClaire presented a brief memo to the Planning Commission regarding allowed fence height within the front yard setback area for a single-family residence.

Patrick Crow, Twentynine Palms, spoke to the Planning Commission regarding changing or making an exception to the current Code to reflect the needs of the community.

Consensus of the Planning Commission was to initiate a review of the Code.

9.0 FUTURE AGENDA ITEMS

Director LaClaire said there would be a study session in June regarding overconcentration of certain businesses in the community and possible limitations on those numbers.

10.0 COMMISSION COMMENTS/STAFF- None

11.0 STUDY SESSION

- 11.1 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.

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

Following discussion amongst the Commissioners, guidance was given to staff for possible changes to the language presented within the staff report, including the allowance for alternative container uses within residential areas under Commission review of a Conditional Use Permit. No action was needed by the Commission as the Public Hearing for the Code Amendment had been continued from May 4, 2010 to June 1, 2010.

12.0 ADJOURNMENT- Chair Mintz adjourned the meeting at 9:16 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk