

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
March 6, 2007**

Chair Huntington called the regular meeting of the Yucca Valley Planning Commission to order at 7:00 p.m.

Commissioners present: Chair George Huntington, Commissioners David Cooper, Dennis McKoy, Steve Willman and Shannon Goodpaster

Chairman Huntington led the Pledge of Allegiance.

Mr. Cooper moved to approve the agenda, which motion was seconded by Mr. Willman and passed unanimously by voice vote.

PUBLIC COMMENTS:

None

PUBLIC HEARING:

1. VARIANCE V 08-06 (A through F) – PHELPS CHEVROLET NISSAN

A proposal to allow:

- A. a twenty five (25) foot high freestanding sign on 29 Palms Hwy where only twelve (12) feet is allowed;
- B. a seventy-five (75) sq ft freestanding sign where only a sixty (60) sq ft is allowed;
- C. two (2) monument signs along Hilton Ave where only one (1) is allowed;
- D. five (5) wall signs on the Nissan building where only two (2) are allowed,
- E. five (5) wall signs on the Chevrolet building where only two (2) are allowed;
- F. a twelve (12) sq ft directional sign where only three (3) sq ft is allowed; and,
- G. the wall signage on the Chevrolet building to exceed what is permitted by 13 sq ft

The project is located at 57909 and 57927 Twentynine Palms Hwy, on the southwest corner of Twentynine Palms Hwy and Hilton Ave, and is identified as assessors parcel number 601-011-08.

With reference to the complete printed staff report provided in the meeting packets and preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the project discussion to the meeting. He stated that the applicant met with planning staff this afternoon which resulted in the letter, copies of which are preserved in the meeting and project files, from Neil Phelps presented to the Commissioners indicating requested changes to the original requested variances. Even with those changes, a variance is still required.

In the information submitted tonight, it is proposed to replace a 25 ft. high free-standing sign with a 10 ft. high sign. Therefore, the variance for item "A" above is no longer required. The request in item "B" remains the same. The variance requested in item "C" above is no longer required since one sign along Hilton will be eliminated. The requests in items "D" and "E" are being reduced to three (3) signs but variances would still be required for the one (1) extra sign in both

items. In item “F” the 12 sq. ft. sign is being changed to a 4 sq. ft. sign which still requires a variance for 1 sq. foot. The variance for item “G” is still required.

As part of the original CUP approval, lattice panels were approved for use on the front of the building for mounting of the Chevy signs. There was no discussion of the color of the panels. Applicant is proposing a relatively bright blue which is inconsistent with the Town’s Commercial Design Guidelines. Staff requests an interpretation by the Commission regarding the consistency of the bright blue with the guidelines.

Staff recommends denial of the requested variances based on the findings in the staff report.

To questions asked by Mr. Cooper, Mr. Kirschmann replied the freestanding sign in item “B” now meets the height requirements but exceeds total square footage by 15 sq. ft. Two of the signs in items “D” and “E” are the “Express” and “Service” signs located in the service area of the dealership which may be directional signs. Current code addresses free-standing directional signs but not directional signs mounted on the building. The sign in item “F” is a free-standing directional sign containing words and arrows. Item “G” addresses the total footage of all three signs proposed for the front of the building including “Express” and “Service.” Both of the buildings (Nissan and Chevrolet) are treated as separate businesses for purposes of signage.

To a question asked by Mr. Huntington, Mr. Kirschmann replied that the two signs being eliminated in items “D” and “E” were proposed to say “Phelps”. Making this adjustment allows enough square footage for the Express/Service sign when that sign is counted as only one sign. Mr. Huntington asked why each of the names is considered a separate sign. Mr. Kirschmann replied on the Chevrolet building the bow-tie and the word Chevy are adjacent to each other and are considered one sign. However, the Chevy logo and the word Phelps are on completely different boards, each considered one sign. The sign ordinance does not address this situation.

Dir. of Community Development Tom Best stated the Town has been using the separation distances as criteria to determine if a sign is one sign or multiple signs. Deputy Town Manager Shane Stueckle commented the code requires that a rectangle be drawn completely around all the words to be considered one sign. However, that increases the total square footage of the sign because the blank space between words is counted as part of the square footage.

Mr. McKoy questioned the requirements of corporate imaging standards. Mr. Kirschmann replied the applicant stated the proposal is the minimum allowed the franchise.

Mr. Huntington opened the public hearing.

Applicant Neil Phelps stated he needs to keep his franchises so he eliminated his name from the buildings. At 75 sq.ft. his sign would be half the size of the Hi-Desert Water District sign. He knows he is not a public agency so different rules apply, not only to his signs but also to his lights. His signs are not vulgar or evil and will not cause the moral fiber of the community to deteriorate. It will, however, help generate sales tax revenue for the Town. To a question asked by Mr. Goodpaster, Mr. Phelps replied Chevy and Nissan require a certain number of signs but there is no fine involved. He can reduce the sign to 40 sq. ft. if he has to.

To a questions asked by Mr. Cooper, Mr. Phelps replied he is eliminating the bow-tie on the Chevy building and then commented on his opposition to the blank space between the words being counted as part of the sign.

Mr. Willman questioned the need for 8 ft. long and 15 in. high Express/Service signs. Mr. Phelps replied it is corporate signage.

Vinnie Maraj of Yucca Valley commented on Mr. Phelps philanthropic activities and the creation of local jobs.

Mr. Huntington stated comments should only address the signage issue.

Mel Smith stated Mr. Phelps is trying to meet the codes but is caught in the middle between his business and the ordinance. He asked if these signs will really affect the quality of life in Yucca Valley. He also commented on Mr. Phelps philanthropic activities.

Sabrina Budjoivs of Yucca Valley stated she was representing Tim DeTomasso who is a neighbor of the dealerships and supports the variance requests. If a business has franchise requirements the business must abide by them. The directional signs are necessary on the site.

Tami Garcia who works for Phelps stated arguing over inches is ridiculous, the signs are necessary, Phelps produces tax revenue and he contributes to worthy causes.

Patrick Donnelly of Yucca Valley stated the relatively subdued nature of business and the rural character are positives of Yucca Valley. Phelps has already caused damage to that with his lights. He is opposed to ostentatious signage displays.

Rae Packard of Yucca Valley spoke as the President of the Morongo Basin Property Owners Assn. in support of staff's recommendation to deny. Allowing the variance will be a slap in the face to the other business who meet the regulations of the sign ordinance. This is about the fair application of Town ordinances to all.

Bill Souder of Yucca Valley suggested the Express/Service sign be counted as one. He is concerned about creep and other businesses wanting signs as large as Phelps.

Harry Bowkley of Yucca Valley commented variances can only be granted based on special findings. There are no special conditions here. Phelps generosity does not entitle him to special consideration on the variance. Approval would set a bad precedent. If you want to do business in Yucca Valley there are ordinances in place. Abide by them.

Rick Greer of Yucca Valley stated all projects should abide by the rules and suggested the item be tabled so that nobody is confused about the changes made this evening.

Chris Hutchins of Yucca Valley stated the sign ordinance has been around for awhile and Neil Phelps probably knew that going in. Consideration should be given to how much is invested, the location and the impact of the signage. It's a large complex and customers could be confused about where to go. Phelps should not be disadvantaged over other dealerships. He asked the Planning Commission to bring logic to the process and grant some leeway.

Ann Mistal of Yucca Valley stated she owns a business and meets all Town codes but there are exceptions to everything. She supports the requested variances.

The following people requested in writing that their position in favor of the requested variances be registered: Angelica Maraj, Candice Edwards, Juan Valenzuela, Robert Lanfranco, Katrina

Corres, Michael Hedge, Dominic Hodges, Phil Berg, Bonnie Berg, Billie Clements, Gary Mallon, Steven Maybury, Gerardo Ruiz, Casey Waguer and Danielle Kerber.

Applicant Neil Phelps stated his signs are not out of line with surrounding signs and many other businesses have too many signs and signs that break the ordinance. He requested that the Commission find in his favor.

Mr. Huntington closed the public hearing.

Mr. Stueckle commented sign ordinances are often works of art not science. Granting of a variance based upon the findings does not create a violation of Town code but is rather a legal approval. Staff does not make decisions; they make recommendations to the Planning Commission. Under state law the Planning Commission interprets codes and evaluates issues when the code is not defined and there are unique circumstances which enable the Commission to support the variance. This is the first opportunity for the Commission to look at a large project under the current code and decide if the code is adequate regarding the number of allowable signs. The Planning Commission may make a recommendation to the Town Council that the Sign Ordinance be reevaluated.

Mr. Cooper stated he remembers discussing the blue color of the panels and it was approved by the Planning Commission so that is not an issue this evening. Mr. McKoy requested and received confirmation that the blue color is the corporate standard for Chevy. After discussion, Mr. Huntington stated it is the consensus of the Commission that the requested shade of blue is acceptable.

Mr. Cooper stated the Commission tries to work with applicants regarding corporate branding issues. Corporations are very aware that every Town has a little different sign code and the Yucca Valley sign code is not overly restrictive. He is confident there are corporate signs that will fit our code in this instance. He would be very surprised if Chevy does not have a 60 sq. ft. sign that meets the ordinance. The Commission unanimously agreed that the variance for the free-standing sign in item "B" above should not be granted and the sign should be no larger than 60 sq. ft.

Mr. Cooper questioned the sign height in relationship to total acreage. Mr. Kirschmann replied the code allows a 12 ft. high sign for a 5 acre lot. Lot sizes of 8 to 14.99 acres are allowed a 15 ft. high sign and lots larger than 15 acres are allowed signs up to 25 ft. tall.

Regarding items "D" and "E", Mr. Cooper stated the Express/Service signs are directional signs not sales tools and should not be counted against the applicant in the signage calculation. If Express/Service are removed from the calculation there will be no variance needed for the wall signs. Mr. Goodpaster agreed stating the ordinance is ambiguous and has loopholes. This is an issue where an exception can be made. Mr. McKoy opined the Express/Service signs are menus and therefore required. Mr. Willman stated he believes the Express/Service signs meet the intent of the ordinance under Exempt Commercial Signs (#16) as directional even though they are mounted on the wall. Mr. Huntington agreed with Mr. Cooper, stating the Express/Service signs have to be placed on a front facing wall of this building to direct people to the location. If they could be placed on a side facing wall the variance would not be required, but they can't be. The consensus of the Commission is to exempt the square footage of the Express and Service signs from the calculation of total signage.

The Commission instructed staff to draft and return to the Commission with recommended additional definitions and dimensions of directional signs for the Sign Code which could include an exemption or special classification for car dealerships.

After discussion the Commission determined that the request in revised item "F" for an additional 1 sq. ft. is a minor variance which could be granted.

Regarding the Findings in the Staff Report, the Commission made the following determinations:

1. That the granting of a 1 square foot variance will not be detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property and the intended use that do not apply to other properties in the same district or vicinity in that the Express and Service signs are necessary directional signs not required by others.
3. That the strict application of the sign ordinance will deprive this property of privileges enjoyed by other properties in the vicinity or in the same land use district in that the Express and Service signs are necessary directional signs.
4. That the variance request is so minor that it is in conformance with the objectives, policies and programs specified in the General Plan and Policy 11 of the Community Design Element.

Mr. Cooper moved that the Planning Commission deny Variance request V 08-06 subpart B and approve Variance request V 08-06 subpart F as amended by letter from the applicant dated February 1, 2007 presented to the Commission at this meeting. The motion was seconded by Mr. McKoy and passed unanimously by voice vote.

As further clarification to staff, Mr. Huntington stated auto dealership Express/Services signs should appropriately comply with the state laws governing service stations and gas stations and be categorized with those kinds of business operations and be governed by the same size limitations as those business operations.

DEPARTMENT REPORTS:

CONSENT AGENDA:

2. MINUTES

Mr. Willman moved that the minutes of the Planning Commission meeting held on February 20, 2006 be approved as submitted. The motion was seconded by Mr. Goodpaster and passed unanimously by voice vote.

FUTURE AGENDA ITEMS:

At the meeting on March 20, 2007 Parcel Map PM 17784 – Haley; a request to divide 5 acres into two 2.5 acre lots on the northeast corner of Balsa and Vaduz will be discussed along with the Sign Program request for the Town Center Mall (formerly Oracle Plaza).

STAFF REPORTS AND COMMENTS:

COMMISSIONER REPORTS AND REQUESTS:

Commissioner Willman questioned the informal used car lot on the southeast corner of Balsa and SR62. Mr. Kirschmann replied Code Enforcement goes there almost daily and that the vehicles go away for a while but then come back.

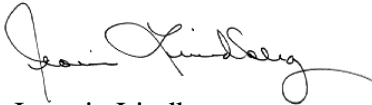
ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission is Tuesday, March 20, 2007 at 7:00 p.m.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Respectfully submitted by,



Jeannie Lindberg
Sr. Administrative Assistant