

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
October 2, 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.

APPROVAL OF AGENDA:

Mr. McKoy moved that the Agenda be approved which motion was seconded by Mr. Cooper and passed unanimously by voice vote.

PUBLIC COMMENTS:

None

PUBLIC HEARING:

1. PARCEL MAP 18690 – RICHARDS - CONTINUATION

A proposal to divide one single family residential lot into 2 lots located at the north terminus of Arrowhead Dr. and identified as APN 586-511-08.

The applicant requested in writing that the Planning Commission continue the public hearing to the meeting of November 6, 2007.

Mr. Cooper moved that the hearing be continued to the Planning Commission meeting of November 6, 2007, which motion was seconded by Mr. Willman and passed unanimously by voice vote.

2. CONDITIONAL USE PERMIT CUP 04-06 - DePIERRO

A proposal to allow a gasoline station, fast food restaurant with drive-through and 9,000 square feet of retail on a 4.0 acre site located on Southeast corner of Highway 62 and Balsa. APN: 601-412-12, -20, -21

Staff requested that the Planning Commission continue the public hearing to the meeting of October 16, 2007 because comments have not been received from the County regarding a change to the Master Plan of Drainage.

Mr. Goodpaster moved that the hearing be continued to the Planning Commission meeting of October 16, 2007, which motion was seconded by Mr. Cooper and passed unanimously by voice vote.

3. CONDITIONAL USE PERMIT CUP 03-07 – BILLINGS TRANSFER

A request to establish a rock, sand and gravel supply business, including a truck scale and to convert an existing residence into an office on approximately 1.21 acres located at 55616 Yucca Trail, approximately 165 feet west of Miami Trail and identified as 594-041-42.

With reference to the complete printed staff report, copies of which are preserved in the project and meeting files and are contained in the meeting packet, Associate Planner Robert Kirschmann presented the project discussion to the meeting. A revised staff report, copies of which are preserved in the project and meeting files, was delivered to the Commissioners prior to the meeting.

In the Revised Staff Report staff requested that COA #7 be amended to add "Applicant shall submit illumination product cut sheets and a photometric plan"; that COA #26 be amended to read "Utility Undergrounding shall be required for all service and distribution lines that provide direct service to the property being developed or as required by ordinance"; #47 be deleted as it is covered by COA #9; that COA #50 be deleted; COA #56 be amended to read "Upon the realignment of Highway 62 access from Yucca Trail may be prohibited and an alternative access easement may be necessary. The applicant shall be advised of this possibility, and is strongly advised to accommodate alternative access at this point in time".

Staff requested that the Commission discuss the following issues: is the proposed project consistent with the Old Town Specific Plan?; does the Planning Commission believe that 6 paved parking stalls and 10 gravel spaces meet the intent of the Parking Code ?; and, is the landscaping adequate as proposed?

Staff received one letter in opposition to the project, copies of which were provided in the meeting packet and are preserved in the project and meeting files.

During discussions with the applicant, a misunderstanding regarding some language contained in the staff report came to light. The use of the phrase "Undesirable Element" is not directed towards the business or the applicant, but rather refers to the type of use and its relationship to the vision of the Old Town Specific Plan.

Staff recommended approval of the project based on the Findings and the Conditions of Approval contained in the Revised Staff Report.

Mr. Cooper commented the staff report states the landscape buffer will be lost along Yucca Trail when SR62 is realigned. We don't know where the realignment boundary is at this time. Mr. Kirschmann stated that is correct and is one of the reasons the amendment to COA #56 is being requested. If CalTrans goes with the existing centerline, the buffer will be lost. If an alternate centerline is established the buffer may not be lost.

Mr. Cooper questioned the parking issue and Code sections 87.0605(a)4 and 87.0625(g) asking why both sections were quoted and if there is a contextual difference between the two. Director Of Community Development Tom Best stated the first section addresses a change in use with existing unpaved parking, requiring 50% of the spaces be paved, and providing relief for older properties to facilitate improvements that were

economically feasible. The second section addresses paving of all parking spaces for new development.

Mr. Cooper stated COA 31, 32 and 33 all address the same issue, suggesting in the future that they be combined into one COA. He noted there is discussion about a retention basin which is not shown on the plan. Mr. Kirschmann stated the preliminary drainage study is being corrected but it does not have to come back to the Commission.

Mr. Cooper noted COA #48 requires additional drought tolerant trees but does not set a number for the trees. Mr. Kirschmann commented there is no standard. The Commission can impose the size and number of trees on the project.

Mr. Cooper questioned COA #56 and the requirement of obtaining an access easement. Mr. Kirschmann responded the applicant will have to secure an easement from the property on the east along its northern boundary going to Miami Trail.

Mr. Huntington asked if the existing trees would remain. Mr. Kirschmann stated the applicant could clarify the issue. Mr. Huntington requested and received confirmation that the JLT Rock & Sand project was required to provide 6 paved parking places and that the same formula for establishing the number of required parking places is being applied to this project.

Mr. Huntington opened the public hearing.

Applicant representative Jay Corbin of Twentynine Palms stated they are opposed to a time limit as requested by staff. As reported by staff, there is no mention or discussion of rock, sand, gravel yard or similar in the Old Town Specific Plan ("OTSP"). They believe this type of use is compatible with the OTSP in that the project site will be rezoned Industrial/Commercial which will mix light industrial with flex/tech, small scale manufacturing and service commercial. There is no conflict with the current Industrial zoning.

The project is also in the Highway Environs Overlay district of the OTSP, the purpose of which is to insure that future development proposals are not adversely affected by the realignment of SR62. There are no conflicts between this project and the realignment. They have voluntarily moved all improvements 67 feet from the centerline of Yucca Trail. Staff inaccurately states that the Planning Commission's evaluation should be between the 11 recommended by staff or the 6 paved parking proposed by the applicant. The applicant is actually proposing 16 parking spaces. Staff also requests additional landscaping because it is based on the number of parking spaces. This requirement does not appear in the Landscape Ordinance or the Parking Code. This project should be controlled by the 50% paving requirement for parking spaces as existing with unpaved parking. They request that COA #9 be revised to state 11 parking spaces are required with 6 being paved.

Regarding COA #7, additional requirements not in the Ordinance are being imposed for lighting. They ask that illumination product cut sheets and a photometric plan not be required. They request that COA #26 be deleted so the applicant is not required to underground current utilities. COA #48 imposes requirements beyond those contained in the adopted standards for landscaping. They ask that it be amended to state that the Landscape plan is approved as submitted. Regarding COA #49 and #50, extending the

concrete blocks is not necessary because all materials will be screened by the wrought iron fence on Yucca Trail. COA #49 and #50 are not necessary. Regarding COA #56, there is no legal basis for the Town to require that right-of-way be secured in advance of a future access agreement caused by the OTSP which has not yet been adopted. They request that #56 be deleted. The Planning Commission can approve this project as proposed without being in conflict with the OTSP.

He requested an opportunity to address any negative comments which may be made and to answer Commissioner questions at the close of the public hearing.

Mr. Goodpaster asked why the applicant proposes a metal screen fence rather than a material more consistent with the area. Mr. Corbin stated block walls were not required for another recently approved projects and it's not in the Town standard. They found a commercial standard allowing a variety of materials to be proposed.

Mr. McKoy asked Mr. Corbin to restate his comments regarding COA #7. Mr. Corbin replied that the COA imposes requirements above and beyond the Outdoor Lighting Ordinance not imposed Town wide. The COA should simply state the applicant will comply with the Ordinance.

Mr. Willman asked if the block wall proposed for the East and West sides is the same material used for the product storage bins. Mr. Corbin stated the inter-locking stackable blocks are the proposed screening on the East and West sides. They are not attached to the ground and may move in an earthquake. Mr. Willman asked why the block wall is not proposed to continue along the North property line. Mr. Corbin replied they don't think it's necessary as screening. Mr. Willman stated he would prefer the block wall go all the way around the project to protect surrounding properties from blowing debris in strong winds.

Mr. Cooper stated photometric plans are required of everyone and the applicant is not being picked on. He asked why no fencing is proposed on the East side of the property. Mr. Corbin replied either the blocks or the iron fence will continue to the property line.

John Wright of Yucca Valley believes the business would be good for Yucca Valley. The applicants are local business owners who do a lot for the community and would run the kind of business we want here.

Ron Taylor of Yucca Valley stated he is in favor of the project. With too much screening you can't see the business from the street. Tax revenue is a great thing but if we make things too restrictive businesses will be pushed to the County areas. We need a balance that is not unfair to small businesses.

Jack Laymon of Yucca Valley asked that the Commission look at the project as something that can be approved. He has to send a lot of business down the hill to look at samples and for supplies. This would be local and would fit a need for decorative and other materials.

Ken Blair of Yucca Valley believes the project as presented more than surpasses the parking requirement. As far as the block wall going completely around the site, he agrees that you might not be able to see the business. Product will blow over a wall

anyway in a strong wind. It will be more decorative with the wrought iron wall than with the block wall. It would be a nice project and a great asset to the community.

Mr. Lew Poist from the low desert stated his business brings truck loads of materials up to Yucca Valley. They looked at locating a small business in this area three years ago and were told the paving would be \$250,000 and they couldn't afford it. Right now the Town loses thousands of dollars in transportation taxes because the delivery ticket is not marked for Yucca Valley or San Bernardino County. This project is a start. Don't make this project go overboard with an \$80,000 wall.

The following people requested in writing that their position in favor of the project be registered: Michael Saint-Gaudens, David Marin, B. J. Lee, Michael Nicol, Charles Soffel, Debby Vickery, Brad Vickery, Richard Stout, Tim Humphreville, John Price, Carson Woods, Mark Mihalik, Leonard Candelaria, Andrew Nator, David Colucci, Tony Culver, Wes Taylor, Chris Barker, Norm Weseman, Gordon Buma, Christina Stanford, Jim Brown, Bruce Pendergrass and Glen Soffel.

Ray Gonzales stated he owns the industrial park to the north of this project. He asked for a continuance because he did not receive the meeting packet by e-mail as he requested. He just saw the packet this evening. He encourages development in Yucca Valley but it should be done under the current guidelines. The Town successfully got rid of the junk yard in the area. The current fence on the North boundary is 3 feet tall. His parking lot is only about 30 inches above the bottom of the project fence. The existing houses on the project site are substandard and have been subject to drug raids by the police. They are not adequate to house a business with only a coat of paint. If SR62 is realigned the landscaping in front might disappear. Miami Trail is a substandard road and is not suitable for access to the project. Dirt already flows onto Yucca Trail from Miami Trail in light rains. He asked that it be continued because the applicant has not provided a water retention plan and there is a huge flooding problem here.

Mr. Huntington closed the public hearing.

Mr. Willman clarified that he was not suggesting the block wall be continued around the front of the property. He does not have a problem with the wrought iron fencing in front but would like the block wall to continue around the North boundary. The site should be completely fenced in some way.

Mr. Huntington requested discussion of the lighting issue and the applicants request that a photometric plan not be required.

Mr. Cooper stated staff has been including the requirement since the problems developed with the Phelps project.

Mr. Huntington stated it has been a standard condition and has been enforced on all applicants since outdoor lighting became such an issue in the community. He requested and received consensus from the other Commissioners that the COA remain as written in the staff report.

Regarding the time limit, Mr. Huntington stated it is not a COA but rather a suggestion from staff. Consensus of the Commission was to not impose a time limit.

Regarding compatibility with the OTSP, Mr. Willman stated he believes the project fits the descriptions in the OTSP. Mr. Cooper stated he does not have a problem with the project but does not believe Mr. Corbin was present for the discussion of the Highway Overlay. It's a buyer beware situation and could remain so for many years. Anyone building in the Overlay zone just needs to be very careful. The Town wants proposed projects in the zone to be forewarned about what might happen.

Mr. McKoy stated he sees a trend here that is diametrically opposed to the vision in the OTSP. He wonders how this project will fit in the area and stated we should not take the vision lightly. The Town is making a huge investment in Old Town to attract people to the area. If we have industry there will it attract people? Implementing the vision is off in the future but he is concerned about the trend he sees developing.

Mr. Goodpaster commented in a perfect world we wouldn't have that whole row of businesses on Yucca Trail in the OTSP area. But since we do have them, this business is consistent with what's there now, and it is an industrial area.

Mr. Huntington agreed the OTSP is a blueprint for the future of the area but we aren't there yet. This project will not have a large investment in the potential realignment location area. This is a use for the property that is an improvement over existing conditions. Any improvement is welcome in that area. Without the OTSP in place we have to go by current regulations.

Consensus of the Commission was to allow the project even in light of the OTSP.

Regarding COA #49, Mr. Huntington stated he believes some kind of enclosure needs to be provided on the North boundary, for security if for no other reason. Mr. Cooper stated the issue is that the bins are off the property line by 15 feet and that he was surprised there isn't a requirement for complete perimeter walls. Mr. Kirschmann stated staff proposed to have the bins 15 feet off the property line so equipment could get behind the bins to clean up any over-spill of material that might occur. Because septic tanks, trucks and other vehicles will be stored on site staff is requesting that the storage area be enclosed.

Mr. Huntington re-opened the public hearing and asked Mr. Corbin to clarify the security provisions for the site.

Mr. Corbin stated the applicant is proposing interlocking block walls along the West side to the 6 ft. existing chain link fence on an adjoining property. An interlocking block wall is also proposed on the East side meeting a 6 ft. chain link fence to be installed where there are no block walls. Both East & West fences will join the existing fence on the northerly boundary. The wrought iron wall is proposed on the South side with a drive thru gate.

Mr. Kirschmann requested a description of the wrought iron wall. Mr. Corbin replied it is a solid wall, not see through.

Mr. Huntington closed the public hearing.

Mr. Willman stated he thought the Town has made it a policy to require screening walls completely around the property. Mr. Kirschmann stated that typically has been required

in the past. Mr. Willman stated he had the impression that the block walls would go from the metal wall at the front all the way to the North boundary. Mr. Cooper stated a block wall all the way through should be required. Discussion then ensued between the commissioners regarding the type/style and location of fencing/walls around the perimeter and the location of the storage bins in proximity to the site boundaries.

Mr. Huntington re-opened the public hearing.

Mr. Corbin stated he is not hearing consensus of the Commission and requested clarification of the fencing requirements. The applicant would agree to install the wrought iron wall on the East boundary to the interlocking block wall. Mr. Huntington stated he would not have a problem moving the block storage bins to the property line.

Mr. Huntington closed the public hearing.

Consensus of the Commission was that the requirement is for the wrought iron wall with a drive thru gate on the south along Yucca Trail; the storage bins will be moved to the East property line; a wrought iron wall will be installed to meet the storage along the East property line from the southerly wrought iron wall and either wrought iron, storage bins or a block wall will be installed to meet the existing northerly chain link fence; the existing northerly chain link fence will remain; the existing 6 ft. chain link fence on the westerly boundary will remain. Either an interlocking block wall or a wrought iron wall will be installed parallel to the N fence between the easterly and westerly storage bins.

Regarding the parking issue, Mr. Huntington stated staff recommends 11 all paved parking spaces while the applicant requests 6 paved and 5 unpaved parking spaces. After discussion, consensus of the Commission was to determine that the project fits the definition of existing use and to apply the 50% formula in Code Section 87.0605 (a) 4 allowing 6 paved and 5 unpaved parking spaces.

Regarding the landscaping issue, Mr. Huntington stated he is not too concerned about additional landscaping inside the wall but landscaping should be required along Yucca Trail outside of the wall to enhance the appearance. After discussion, consensus of the Commission was to require 1 drought resistant tree for every 30 feet of frontage not smaller than in a 24 inch square box.

Regarding the Undergrounding of utilities, Mr. Huntington stated the COA as written is for new services and since there is existing service it , it is not germane. It's a standard Condition and goes with the territory. The other Commissioners agreed.

Regarding COA #56, Mr. Huntington stated it is just a warning about the potential need for an access easement and should stand as written. The other Commissioners agreed.

Mr. Huntington adjourned the meeting for a short break at 8:45 p.m. He reconvened the meeting at 8:55 p.m.

Mr. Kirschmann recapped the changes to the COA as follows:

COA # 9 is amended to allow 6 paved parking stalls and 5 gravel parking stalls
COA #31, 32 and 33 will be combined and listed as A, B and C
COA #47 is deleted in its entirety

COA #48 is amended to read "The interior landscaping will remain as shown on the conceptual landscape plan; the exterior landscaping is revised to include 24 inch boxed trees staggered and spaced approximately 30 feet apart at the ratio of 1 tree for every 30 feet of property frontage, to be approved by staff based upon a revised landscape plan.

COA #49 is revised to read "install a wrought iron wall with a drive thru gate on the south along Yucca Trail; the storage bins will be moved to the East property line; a wrought iron wall will be installed to meet the storage along the East property line from the southerly wrought iron wall and either wrought iron, storage bins or a block wall will be installed to meet the existing northerly chain link fence; the existing northerly chain link fence will remain; the existing 6 ft. chain link fence on the westerly boundary will remain. Either an interlocking block wall or a wrought iron wall will be installed parallel to the North fence between the easterly and westerly storage bins.

COA #50 is deleted in its entirety

Mr. Willman moved to approve Conditional Use Permit CUP 03-07 based upon the findings contained within the staff report and the Conditions of Approval in the Revised Staff Report as amended in Mr. Kirschmann's recap above. The motion was seconded by Mr. McKoy and passed unanimously by voice vote.

BUSINESS ITEMS: None

CONSENT AGENDA - MINUTES:

Mr. Goodpaster moved that the Planning Commission approve as submitted the minutes of the September 18, 2007 Planning Commission meeting. The motion was seconded by Mr. Cooper and passed unanimously by voice vote.

STAFF REPORTS AND COMMENTS: None

COMMISSIONER REPORTS AND REQUESTS:

Mr. Huntington requested that the reorganization of the Planning Commission be placed on the Agenda for October 16, 2007.

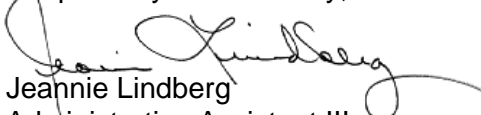
ANNOUNCEMENTS:

The next regular meeting of the Planning Commission will be held at 7:00 p.m. on Tuesday, October 16, 2007.

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Respectfully submitted by,


Jeannie Lindberg
Administrative Assistant III