

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES**

MAY 19, 2009

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

Commissioners present: Chair Shannon Goodpaster, Commissioners Robert Lombardo, Dennis McKoy, Dawn Rowe and Margo Sturges

Chairman Goodpaster led the Pledge of Allegiance.

APPROVAL OF AGENDA:

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

PUBLIC COMMENTS: None

PUBLIC HEARINGS:

**1. CONDITIONAL USE PERMIT CUP 09-05, AMENDMENT #1
MODIFICATION OF PHASE ONE
VALLEY COMMUNITY CHAPEL**

A request that the Planning Commission allow completion of landscaping and the interior of the second story to be postponed until phase two. The second floor and landscaping are anticipated to be completed within 6 to 12 months. The project is located at 59205 Yucca Trail and is identified as APN 588-041-42

Mr. McKoy stated he has a conflict of interests with this agenda item as he is on the Board of Valley Community Chapel and left the room.

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.

This project was originally approved on June 19, 2007 as a 10 year, 3 phase project which included a 10,800 s.f. 400 seat church, 3,600 s.f. fellowship hall with associated facilities on 4.82 acres. The multi-purpose room was approved as part of Phase 1. The addition of a second story to the multi-purpose room was approved on August 5, 2008. The applicant proceeded with construction. The exterior and the lower portion of the building have been completed. Minor improvements to the second story are pending.

For clarification, the staff report mentions a Certificate of Occupancy which is a building permitting issue. The Building Official is the only one with discretion to approve a Certificate of Occupancy so that is not for discussion this evening. The item this evening

is to amend the CUP to allow them to postpone the Landscaping to Phase 2 and to allow them to use the lower portion of the multi-purpose room. The second story will be completed when funds become available.

Staff recommends that the Planning Commission approves the applicant's request and allows the landscaping and the second story to be postponed until phase two.

Mr. Lombardo asked how the landscaping is linked to the completion of the second story. Mr. Kirschmann replied with the original CUP staff identified the landscaping along Yucca Trail as deficient and that the addition of the large retention basin would require additional landscaping in conjunction of Phase 1. The request is to postpone that to Phase 2.

Ms. Sturges questioned the dirt on the project site. Mr. Kirschmann replied that is an issue to be addressed to the Town Engineer by the applicant and is not an issue before the Commission this evening.

Mr. Goodpaster opened the hearing for public comments.

Applicant representative Jeffrey Heil of Yucca Valley presented photos of the buildings on the site, copies of which are preserved in the meeting and project files, which he stated demonstrate that the request will not cause the building to be an eyesore. The exterior of the building has been completed as well as the underground fire sprinkler and the fire alarm system for both floors. The fire board has been completed and painted inside. There are just a few minor details on the interior of the building, the finished plumbing and wheel chair ramp which need to be completed.

Concerning the dirt in the back, he has spoken with the Town and they have several contractors who wish to purchase or take the excess dirt for future projects in the Yucca Valley area. Financial constraints have prevented that. The dirt is clean fill dirt which testing has confirmed will compact. The church will give the dirt away but are requesting a charitable contribution be made to the church for it.

There is landscaping in the front. They have completed approximately 95% of all of the Conditions required by the Engineering and Planning departments as well as Building & Safety for the entire project. The retention basin, catch basin, ribbon gutter and the regular curb & gutter are completed to handle water issues. Additional landscaping which was approved for the entire build-out of the project is yet to be completed.

Essentially the building has been completed less a few toilets, sinks, carpeting and a wheel chair ramp. The ADA ramp is an expensive item and the congregation is challenged by the economy.

Mr. Goodpaster closed the public hearing.

Ms. Rowe stated the project looks great and they are to be complimented for a nice job.

Ms. Sturges disclosed she was at the site on Saturday at 9:00 pm and Sunday at 2:00 pm looking at the facilities and the lights. At 10:00 pm Sunday she drove there again to see the lights. All the parking lot lights were off. She spoke with Mr. Heil today and informed him that at 10:36 there was a shut off of the east fixture of the lower level.

They discussed the amount of light being thrown out. He stated they are going to be working on that and there is a difference in the type of bulb on the lower 2 levels. The property looks wonderful and the building is beautiful. She asked staff why are we requiring them to put in a wheel chair ramp to the second story when we did not require one for a recently approved medical building.

Mr. Kirschmann replied the ramp was not a Planning requirement but a Building Code. He referred the question to the applicant.

Mr. Goodpaster reopened public comments.

Mr. Heil stated it is his understanding that because it is open to the public building, ADA requires a handicapped access. When they submitted the plans for plan check the issue was identified and required. They then had to design the ramp which was kicked back to them. ADA regulations state it must be 4 feet wide and can only travel so many feet of less than 1% to a flat landing area. They are going to have to have switch-backs for the ramp to get to the elevation. That was a Building & Safety requirement when the plans for the second story were submitted.

Ms. Sturges stated it doesn't seem right that the church has to put in a ramp when the medical building didn't.

Mr. Goodpaster commented the medical building did not have medical offices on the second floor. The second floor was offices only.

Mr. Kirschmann commented that is not a topic for this discussion but the difference may be that this project may be used as a school.

Mr. Heil stated there are 2 light fixtures about which they received a very polite anonymous letter. The reason those 2 are brighter than the others is to light the stairs to the upper level which was also a Building & Safety requirement. They will do what they can to shield those 2 fixtures so they will not be intrusive to the neighbors.

Mr. Goodpaster closed the public hearing.

Mr. Kirschmann suggested Ms. Sturges could speak with the Town Building Inspector regarding her concerns.

Mr. Goodpaster stated it is a straight forward and reasonable request.

Mr. Lombardo moved that the Planning Commission approve the applicant's request and allow landscaping and the second story to be postponed until phase two. The motion was seconded by Ms. Sturges and passed unanimously by voice vote of the Commissioners present.

Mr. McKoy rejoined the meeting at 8:16 pm.

DISCUSSION ITEMS:

2. TOWNWIDE DEVELOPMENT STANDARDS FOR COMMERCIAL AND INDUSTRIAL LAND USE DESIGNATIONS

A request by staff that the Planning Commission discuss the application of Development Code and other standards for change in use or expansion of use of existing developed properties within commercial and industrial land use designations; and provide direction to staff.

With reference to the PowerPoint presentation used at the meeting and the complete printed staff report provided in the meeting packets, copies of which are preserved in the project and meeting files, Associate Planner Robert Kirschmann presented the discussion to the meeting.

The Development Code should provide clear and thorough standards that can be easily understood by a broad base of user groups; contractors, staff, Commission, Council. There are many areas in the Development Code that are very unclear. One of the areas is how various codes and standards are applied for a change in use or expansion of use of existing developed properties within commercial and industrial land use designations.

There are four separate items staff proposes to discuss, which are: change in use with no new construction proposed, minor expansions, existing building with x% of square footage proposed for expansion, and Specific Plan areas. The issues are complex and the discussion may result in more questions than answers tonight. We probably will not be able to come to a conclusion tonight, or in subsequent meetings. Many acronyms will be used, please question any you do not understand.

1. Change in use, no new Construction proposed:

One of the questions staff has is what should the process be when no new construction is proposed. He suggested he proceed through the presentation and then return to the questions in the slides to answer them individually referencing the charts included in the presentation and staff report. Staff is trying to determine if these items should be applied to this type of use.

An example would be an existing commercial building proposed to change from a medical building to a used car lot. No expansion is proposed. What requirements, if any, should be implemented for this change? Should street improvements, additional parking and sign conformance with the ordinance be required. Some of these improvements are addressed in the Code. Does the Commission believe these are adequate or should changes or additions be made to the Development Code?

Should a Site Plan Review ("SPR"), a Land Use Compliance Review ("LUCR"), some other process or no process be required for a change in use with no new construction? In the staff report a section of code from the General Commercial Land Use district uses the example of an existing shopping center or commercial building which contains an insurance office, considered to be a professional office. They want to change that use to a Tax office, a beauty shop or other similar retail or professional uses. Currently that

change could be made at the authorization of the Director or his designee. Staff is not concerned about those issues.

The problem is the definition of a “significant change.” For example, a professional office building is required to provide 1 stall per 250 square feet of building area. A medical office is required to provide 1 stall per 200 square feet. Does that constitute a significant change?

What requirements should be implemented for a change in use; Commercial Guidelines, parking, utility undergrounding, etc.? Some of the other issues are in the Parking Code contained in the meeting packet; Sections 87.0605 a. (3) & (4). They discuss change in use. Does the Commission feel this section is still appropriate or does it require modification? Sign Ordinance 156, Section 87.07170 requires that non-conforming signs be brought into compliance when a Conditional Use Permit (“CUP”), SPR or LUCR is granted but it does not address a change in use. Should it be addressed and is this section still appropriate? Outdoor Lighting Ordinance 90, Section 8.70.030 (b) (1) discusses existing structures in commercial and industrial land use districts. Does the Commission feel that this section is still appropriate or are changes required?

Additionally, and referencing the chart in the packet, when just a change in use with no expansion is proposed, should staff require compliance with the commercial design guidelines. For example, changes in use are proposed for a metal airport hanger. Should they be required to improve the façade to be consistent with the guidelines for landscaping and the parking ordinance? The parking code requires 5% of the parking area to be landscaped. Should that be enforced with a change in use? Should off-site street improvements, curb, gutters and sidewalks, be required? The same question applies to Assessment Districts for Public Safety and potential improvements. The Native Plan ordinance should probably not apply to a change in use. Should all outdoor lighting and utility undergrounding be brought into compliance with those ordinances?

Ms. Sturges asked if the change in use would be permanent or for a year or the life of the property. Mr. Kirschmann replied we don’t know. Properties change ownership and a business could last one year or 20 years.

Mr. Goodpaster referred to the example of a retail office change to a medical office. Within the Development Code parking requirement for a medical office would be the biggest issue. He asked if that would automatically apply and if a CUP was required.

Mr. Kirschmann replied technically not in the General Commercial Land Use district. Those uses permitted by right at the approval of the Director are professional services, which include medical, insurance and other offices and retail, trade and personal services. That’s where the question of what constitutes a significant change arises when going from and to uses that are permitted by right.

Mr. Goodpaster stated he has a hard time placing significant requirements on a project with only interior changes. It would be difficult, limiting and taxing in this economy with no expansion of the building. That could contribute to the number of vacant buildings in Town.

Mr. Lombardo stated he agrees with those ideas and it would be a burden to business but for strategic long-term thinking we have a plan for the community and that’s where

we formulate requirements for parking, landscaping, building design, signs and others. If we require improvements when ownership changes, we can bring what existed before the Plans were adopted more into conformance with our future vision. If we allow them to stay in their prior state they will always be out of compliance. He understands vacant buildings are a concern. We should be flexible but our desire should be to get reasonable conformance.

Mr. McKoy stated there are many variables to consider and we can't have one answer. We have to look at each situation and assess what kinds of changes are impacted by the change in use depending on the type of business.

Mr. Kirschmann commented staff is looking for a threshold, a trigger that would require a LUCR or allow staff to approve at the counter and the standards for that which could be easily understood by staff, the builder, the Commission and Town Council.

Mr. Goodpaster stated, in general, the way he designates change of use would be a significant change, probably structural alterations. For large additions he would like to see some of the buildings meet more of the design standards without going all the way to off-site improvements. Then it could be profitable for the business owner and equitable for the Town.

Mr. Lombardo stated it is an opportunity to get signs into conformance when businesses change.

Mr. Goodpaster said signs are one thing but changing the whole building façade is another.

Mr. Lombardo agreed and we need a trigger and review to make sure it's not so expensive it is impractical. But the opportunity is when it changes hands to get some of the issues in compliance if we can't do all of them.

Ms. Sturges agreed we should have a minimum required and signage would be one of them, anything that can improve the exterior of the building. We want the appearance to be improved. Signage should be brought into compliance without a change of ownership with a change of use.

Ms. Rowe commented Sign Code Section 87.07170 c. 9. (on P115 of the packet) states: Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements... That paragraph addresses change in tenancy or ownership. So that's already in our ordinance.

Mr. McKoy commented the way the question was posed was so open that it's very difficult to do anything. It has to be more specific to get a real answer.

Mr. Goodpaster commented that staff is trying to get us to be more specific on it.

Ms. Rowe stated Dr. Lombardo mentioned change in ownership. Many of our retail spaces are owned separately from the tenants who occupy them. Do we require the improvements from the tenant or of the owner? We have changes in use with the same ownership.

Mr. Kirschmann used a multiple tenant shopping center as an example. Each space is independently leased from the property owner. Recently a rent-a-car business wanted to lease space in a center. In that land use zoning a CUP is required to operate a car rental business. As they went through the process they had to have the application signed by the owner of the building but the tenant went forward with the entitlement. In that case the off-site improvements were relatively minor as there was a large existing surplus parking area.

Ms. Rowe stated if we burden the owner with these improvements, rents could become unaffordable. There is a new pet shop at the west end of Town which primarily sells hamsters and bunnies. She cannot see them putting in landscaping and underground utilities and making a profit.

Mr. Goodpaster stated that was exactly his point with a change of use with no improvements. It would be different with a redesign of the building. That would be a different set of issues.

Ms. Sturges referenced the example of a medical building becoming a used car lot, asking what would be required in that situation.

Mr. Kirschmann replied it would be based on the land use designation. Typically it would require a CUP as with the rent-a-car business mentioned earlier. In that case the center had been entitled by the County and constructed. Because the underlying land use designation required a CUP it is not classified as a professional-retail-trade category. They did not have to make any improvements, which is one of the reasons for this discussion.

Ms. Rowe questioned a large vacant new car dealership property asking if someone leased that property but did not physically make any changes, would that trigger a CUP.

Mr. Kirschmann replied if it was going to be a car lot or similar use, the answer is no.

Ms. Rowe asked what would trigger a CUP. She would not like to see a swap meet on SR62. She asked if there are standards for SR62.

Mr. Kirschmann replied a swap meet would not be permitted on SR62. Because there is a CUP in place for the vacant dealership, if a medical office, for example, wanted to go in there it would probably trigger, at minimum, an amendment to the CUP. At that time parking, accessibility, landscaping, etc. would be evaluated.

Mr. Kirschmann requested that the Commission address and indicate a consensus on the items on the following chart.

Requirements	Require Conformance
Commercial Design Guidelines	Consensus was No
Parking Ordinance	Existing regulations are adequate A Variance could be requested to deviate from the Standard The Old Town Specific Plan has provisions for shared parking See discussion below
Landscaping	Consensus was for No Change
Signage	Existing regulations are adequate
Off-site Improvements (streets/drainage)	Consensus was it is not applicable and No Change is requires
Assessment Districts	Consensus was they are not applicable
On-site Retention	Not required unless the structure is altered. Adding a basin may be physically impossible on smaller sites constrained by parking or built lot line to lot line. See discussion below
Native Plants	N/A
Outdoor Lighting	Existing regulations are adequate
Utility Undergrounding	Not required if no new construction is involved

The Commission discussed changes from Retail to Medical which would probably require a Building Permit and staff could discuss parking then. Increases in traffic would be an issue. If a property changed from retail (1 parking stall per 250 sf) to a restaurant (1 per 50 sf) that would require a huge increase in parking and would be a significant change. Restaurants are classified as retail, are permitted by right and require an SPR. A drive-thru triggers a CUP. This change in use could trigger numerous changes to the structure like plumbing and grease traps and is significant. Consensus was to reclassify restaurants as not retail and require a SPR. Staff will return at a subsequent meeting with additional specific examples and a summary of staffs understanding of the consensus this evening.

Regarding retention basins, Mr. Lombardo asked if the lack of retention basins is creating a serious problem can it be evaluated on a case by case basis. Mr. Kirschmann replied without written policy, existing drainage problems are very difficult to address for this category. As an example, staff recently received an application for a property which contributes a significant amount of run-off to SR62 through concrete channels which funnel the water onto SR62. With the new application staff required on site retention for

the new portions of the project consistent with the current policy and requested the applicant look at retaining some of the incremental increase from the existing part of the project. It's a very difficult situation because we have direction for the new project but no written policy for the existing buildings. Staff often surveys other cities for standards. They all say much the same thing in different words. Some are cut and dry, others are more lengthy. This survey would be an involved process due to different permitting processes. They also may have better sewage than we do.

2. Minor Expansion:

Mr. Kirschmann reported we currently have a LUCR which allows for expansions of 500 square feet or 25% of the building. The SPR and CUP fee is approximately \$4,000. The LUCR is a less formal application and the fee is \$860. There are no written requirements for a LUCR and it is a remnant of the County code inherited upon incorporation. No changes have been made to the LUCR since adoption. It allows the review to be done at the staff level with no public notification. Only one has been processed in the last 5 years for a minor addition of a storage area for an existing non-profit, and that one came to the Commission. Most of the time additions do not exceed the 500 square feet or 25% limitation. No standards or requirements are identified to be implemented for projects that fit this process.

One of the biggest questions, for both commercial and industrial projects, regards placing cargo containers on the property for merchandise storage, extra shop area, etc. The Temporary Use Permit section allows cargo containers and outdoor storage for a maximum of 30 days. Most of the citizens who request these want a longer period of time or to use them permanently. Does the Commission feel the LUCR is still appropriate? Which of the requirements in the chart below, if any, should be required for these projects? Should there be a time limit on cargo containers or should they not be allowed. Cargo containers are not allowed in the Residential land use districts, with the exception of during construction while there is an active building permit. They must be removed when the Certificate of Occupancy is issued. A few may exist in residential areas which pre-dated incorporation.

Ms. Rowe requested the commercial and industrial be addressed separately. There may be more of a functional use in industrial areas and may be more appropriate. The main concern is aesthetics and not wanting to see cargo containers on SR62. She asked if there is an industrial/commercial zoning area which may be a negative aspect.

Mr. Lombardo suggested they be shielded.

Mr. Kirschmann stated we do not have areas with both industrial and commercial other than the corner of SR62 and La Contenta where they are adjacent. We have industrial areas along SR247 north of Buena Vista on both sides of the highway also where the water district is located. There are a sections in the Old Town area zoned Commercial/Industrial and Commercial Service which allows for industrial type uses such as mini-storage, outdoor storage, contractor storage which could be a gray area.

Ms. Sturges asked if there are distance restrictions from the highway for cargo containers in an industrial area. Mr. Kirschmann replied there are no standards at all. Ms. Sturges stated if cargo containers are allowed in industrial she would like to see

standards for color schemes and have them away from the main highway so they are not lined up on the highway.

Ms. Rowe stated she does not see cargo containers improving the aesthetics the Town wants for economic development. They would be incongruent. The 30 days or less restriction is appropriate for both commercial and industrial.

Mr. McKoy stated if they were off highway in the areas where we have storage yards they might be allowed if they are needed.

Ms. Sturges asked if we have types of industrial, like industrial light or heavy. Mr. Kirschmann replied we only have one. Ms. Sturges stated she believes the County of San Bernardino has 4 or 5 industrial zonings. Maybe we need to address the zoning of industrial so we know what would be allowed in Old Town for example. Mr. Kirschmann stated it could be looked if the Commission wanted. When we incorporated we took over the County's "I" but we used the "ICU" Community/Industrial. It is one of the least intensive industrial uses the County has.

Ms. Sturges commented with medical marijuana they keep saying they will have to go to an industrial area. If we only have one industrial area does that mean they could be anywhere in Town that has an industrial zoning if we don't have differentiation? Mr. Kirschmann replied our industrial is the same across the board except within the Old Town Specific Plan area where they have their own standards.

Ms. Rowe asked if the people who are requesting an extension of the 30 days are primarily industrial or commercial. Mr. Kirschmann replied typically it is commercial businesses along the highway. A new project in an industrial area would come before the Commission as a SPR project. Ms. Rowe stated it could be evaluated at that time based on location within the industrial zone.

Mr. Kirschmann commented in the Monterey Business Center we have a business who wants to place a cargo container in the back. Staff has no standards to tell them it is limited to 30 days, or will require a LUCR or a SPR at this point. If the container was less than 500 square feet staff would allow it under the LUCR. Staff would probably bring that to the Commission anyway because staff would be treading new waters, which is what we are trying to avoid by developing new standards.

Mr. Lombardo commented he sees cargo containers as useful and economical and neater than some storage sheds. They need to be screened in some way or kept from view, or buried underground or something.

Mr. McKoy stated we approved one recently and required barriers around it so you couldn't see it.

Mr. Kirschmann stated the question for the Commission would be: should we stay with the 30 day limitation or should they be allowed, perhaps permanently, through a LUCR, or should they be permitted?

Mr. Lombardo replied there should be a potential for permanent usage if it meets the LUCR. Many businesses want to store things long term. It's economical and secure. The LUCR is a reasonable way to approve it.

Consensus of the Commission on cargo containers was that if they are 500 square feet or less then they will be subject to the LUCR.

Mr. Kirschmann stated we have an existing business in an industrial zoning near the airport which already has 2 cargo containers on site which have been there since the 40's or 50's. They want to add another cargo container of approximately 400 sf and a travel trailer proposed to be living quarters for security purposes. Should a LUCR be required?

Mr. Lombardo stated it should be flexible because some businesses need more than one.

Mr. Goodpaster replied allowing flexibility without concrete guidelines would create a problem. We don't have to decide tonight. We can think about it for awhile. Mr. Kirschmann stated staff would bring this particular case forward as a single discussion to the Commission. He stated he would rather see a cargo container than a storage rack.

Consensus could not be reached.

Ms. Sturges asked if there is a difference between cargo containers and trailer boxes. Mr. Kirschmann replied both range from 8 feet to 53 feet in length. The difference is that some of the trailer boxes still have the wheels on them.

Consensus was to require an LUCR for trailer boxes.

Regarding the chart below, Mr. Kirschmann asked if the Commercial Design Guidelines should also apply to Industrial designations. The Guidelines are applied when a commercial application is submitted. Typically the rear of buildings can remain un-enhanced.

Mr. McKoy stated he is not sure they should apply to any (all) industrial. Mr. Goodpaster agreed.

Ms. Rowe asked if we could consider a possible rezone to the corridor that borders on the arteries. Mr. Kirschmann replied it could be looked at,

Ms. Sturges stated this is an opportunity to bring up some of the guidelines. Perhaps just spiff up the front of the buildings.

Mr. Goodpaster commented we are talking about cargo containers creating the need for the LUCR. We are not talking about an addition. Mr. Kirschmann replied we need to answer the question should the Commercial Guidelines apply to industrial. When someone wants to put a cargo container on the property do we want a façade on it so it looks like the rest of the building? It appears that will depend on the location of the property.

Mr. Lombardo stated location is a reasonable issue for the Commission. If it's in a visible area it should look nice to improve the aesthetics of the Town. We don't want to go backward.

Mr. Kirschmann stated it appears there is a consensus that if the container is visible the guidelines should apply. But if it is in the rear of the building, cargo containers or additions, and not visible from the street, they may not need to comply to the design guidelines. The Commissioners agreed.

CHANGE IN USE, MINOR EXPANSION – 500 sf or 25% expansion
THRESHOLD FOR STANDARDS

Requirements	CARGO CONTAINERS Require Conformance	EXPANSION of ??? SQUARE FEET (see discussion below) Require Conformance
Commercial Design Guidelines	Yes, if visible from the street.	Staff to bring issue back to Commission. Some should apply. (see discussion below)
Parking Ordinance	No	Existing standards or apply for a Variance
Landscaping	No	5% in parking area required. 15 ft in front – only if practical
Signage	Existing standards	Existing standards
Off-site Improvements (streets/ drainage)	No	No
Assessment Districts	No	No
On-site Retention	No	Staff to survey other cities
Native Plants	Existing standards	Existing standards
Outdoor Lighting	Existing standards	Existing standards
Utility Undergrounding	No	No

Ms. Rowe referenced #3 below stating staff suggested instead of a percentage of expansion that a threshold number of square feet be established. Mr. Kirschmann replied establishing a certain square footage or percentage will be discussed in #3. Currently the LUCR is used which limits to 500 square feet or 25%, but that can be changed.

Ms. Rowe commented bigger stores which may come in with expansions to 5,000 sf could have the resources to install retention basins and underground utilities, etc. She requested that #2 above be combined with #3 and discuss square footage vs. a percentage. Do we want to increase the square footage? 5,000 sf would be a serious commercial building project.

Mr. Goodpaster stated 500 sf is a 20 x 25 room and is a very small area. He suggested 1,000 sf be considered a minor expansion.

Ms. Rowe asked if a 1,100 sf addition would be held to the same standard as a 5,000 sf addition. Mr. Goodpaster commented if you are 1 sf above the threshold we set you would have to conform. But we have to have a drop dead point or it won't work.

Ms. Rowe suggested categories of 500 sf and under, 500 to 4,000 and then 4,000 and above. She would have a hard time requiring underground utilities for a 600 sf expansion.

Mr. Goodpaster commented a 2,500 sf building could then be more than doubled and still be considered a minor expansion. He suggested existing buildings under a specified square footage be allowed to add 1,000 sf as a minor expansion. We should not allow a structure the size of Walmart to add 25% of the existing structure as a minor expansion.

Ms. Sturges asked if these examples are the problems staff is having today. Mr. Kirschmann replied these are the types of questions that have arisen over the years. Staff is requesting clearer standards and thresholds.

Mr. McKoy asked if location comes into play here. A heavily trafficked area where the building would be in clear sight is different from being back from the road where it is unseen. Mr. Kirschmann replied it would be very difficult to set a standard for that.

Mr. Goodpaster suggested the size threshold be set aside for now. We all agree that minor expansions are different from major expansions. He requested that staff get feedback from other communities and bring the discussion back at a later date.

The Commission agreed to defer the discussion of size but to reach consensus on requirements for conformance as shown above in the chart.

Regarding Commercial Guidelines, the Commission discussed whether only the addition should have to conform or if the original structures would also be included. Conformity to certain of the guidelines like landscaping when a minor addition is proposed would help a lot of projects in Town without requiring off-site improvements. Staff reported if landscaping is required for more than 500 sf, a LUCR would be used and approval by Hi-Desert Water District would be necessary. Total Town fees would be \$860 plus \$685. The Commercial Design Guidelines are a separate document, more of a should than a shall. If the expensive off-site improvements, which are a big hindrance to small project, were not required people would be happy to clean up the property to make it look more like the Town's vision. Staff could work with individual applicants to remove some items from the design list.

3. Existing Building with "X" percent/ square footage increase

Staff will research other cities and bring it back to the Commission.

Ms. Rowe requested information about the cost of undergrounding utilities be included in the discussion. It could be tens of thousands of dollars and that will make a difference. Mr. Kirschmann replied it is highly variable depending on the kind of wires, the length of the run, etc. A recent project had a 160 foot run and the in-lieu fee was approximately \$30,000. The service drops still had to be undergrounded on the rest of the project. Another project in the Old Town area had a run of 190 feet. It was a distribution line to

an adjacent building. The work had to be performed at night when the power could be shut off. The estimate for that was from \$50,000 to almost \$200,000. The ordinance has provisions for a run of less than 200 feet for the payment of estimated construction costs. A waiver is available for topography, solid rock, etc.

4. Specific Plan Areas

Mr. Kirschmann reported several areas in Town have a Specific Plan designation for development which includes almost the entire area from Avalon to La Contenta and from SR62 to Yucca Trail. Projects like Home Depot and Super Walmart were required to submit a Specific Plan for the site. The intention of a Specific Plan is to be a large comprehensive plan encompassing a large area. The Old Town Specific Plan was Town originated. The Specific Plan overlays were put in place with adoption of the General Plan in 1995 probably to develop a comprehensive large scale planning document to establish road locations and where certain types of development would be appropriate. Several Specific Plans are identified in the General Plan.

Ms. Sturges commented it appears the Town is not going to revise the entire General Plan, which had substantial citizen input before it was adopted. It appears we are addressing different situations to see if this is what the Commission wants to do. She asked if the Commission would make these decisions without citizen input. Mr. Kirschmann replied if the Commission directs staff to evaluate removing the Specific Plan overlays, it would require a General Plan Amendment and Re-Zone. Public hearings would be held through the process, notice of which would be published in the newspaper. The Old Town Specific Plan would not be addressed.

Does the Commission feel these Specific Plans accomplish the goals of the General Plan and the Development Code? Other areas that have Specific Plan overlays are in the vicinity of Western Hills, west of La Contenta and south of Yucca Trail behind Good Sheppard Church and Valley Community Chapel, including the Century Homes project site.

Ms. Rowe questioned the pros and cons of eliminating the overlays. Mr. Kirschmann replied one of the items is cost of a Specific Plan. The Town fee is approximately \$8,000 which does not include the expense the developer has of developing the Plan. And another fee of approximately \$4,000 would be charged for the CUP or SPR. Larger projects require environmental review, the fee for which is \$925, and potentially more if an EIR has to be prepared. Should small projects in the overlay area have to submit a Specific Plan? Specific Plans allow developers to design their own standards for the center. It can provide flexibility to the larger developers for signage and other items.

Mr. McKoy stated it should be dependant on the size of the project. If the Town has a vision for the center then yes, a Specific Plan should be required. But for small individual structures, then no.

Mr. Lombardo stated he is in favor of removing the ones that are not actively being utilized. We should keep the Old Town Specific Plan. If nothing is happening in the other areas then it could be a hindrance to development.

Mr. Goodpaster agreed.

Mr. Kirschmann stated there is a large area of commercial mixed use zoning designations along the highway. The General Plan requires a Specific Plan for any project being constructed in the commercial mixed use designation, whether it's a 1,000 sf building or a 200,000 sf Walmart. Does the Commission feel that should be evaluated?

Ms. Sturges stated she would like to see a map of these commercial mixed use areas and she requested a list of the fees be provided to the Commission. The other Commissioners agreed.

Mr. Lombardo stated it does depend on the size of the project.

Mr. Kirschmann stated a list of all the fee schedules, planning, engineering and building & safety, would be included for the next discussion. He will work with the Engineering Tech to provide a zoning map with the commercial mixed uses colored in yellow for reference. The largest commercial mixed use area is between Balsa and Warren Vista and SR62 to Yucca Trail which includes Phelp's and Walgreens.

Mr. Kirschmann stated that will give staff more than enough to work with and he thanked the Commission for the discussion and direction.

Mr. Goodpaster opened the discussion to the public.

Richard Harlan of Yucca Valley stated he is glad to see the Commission work so well together. Regarding cargo containers, if a business has them now and a new owner takes over will that waive the grandfather effect. Also, if the Phelp's dealership stays a car lot what will that require?

Mr. Goodpaster closed public comments.

Mr. Kirschmann stated if a new car dealership were to move into Phelp's tomorrow nothing would be required because it has not been abandoned for 180 days.

CONSENT AGENDA: MINUTES –

A request that the Planning Commission approve as submitted the minutes of the regular Commission meeting held on April 21, 2009.

Ms. Sturges requested that the minutes be pulled from the Consent Agenda and possibly postpone them to another meeting. She listened to the tape of the last meeting and she does not believe the minutes are reflecting of all of the dialogue, how the Commission came to conclusions.

She read into the record the statement made by Tim Humphrville at that meeting as follows: "In light of recent news I'm wondering if the Commission should have a discussion as to whether or not Commissioner Sturges should recuse herself from discussion or abstain from voting on Native Plant issues because of the perception she has aligned herself with environmental groups in Town."

There are other instances where it is not reflecting of what the person actually said. When she asked the secretary why she stated that she told me that it was her opinion and that's how she paraphrased it.

Mr. Goodpaster confirmed that Ms. Sturges was not in agreement with the minutes. He asked if the request is to postpone or revise.

Ms Sturges stated she had several revisions and rather than take the time now she would like to go over the minutes as she has marked them in audio and present them. Very valuable comments were deleted.

Mr. Goodpaster stated that minutes are not a direct transcript. He read the minutes and believes they reflect what was discussed that night. He is fine with them as they are.

Ms. Rowe stated she read the minutes and they cannot be an exact regurgitation of what happened. She agrees with Mr. Goodpaster that they summarize the gist of what was said that night.

Mr. Goodpaster stated minutes by definition will never be a transcript of what transpired.

Ms. Sturges gave an example where a Commissioner gave an answer and then changed the response. There are conflicts between the minutes and the audio. She would like to have a chance to lay it all out. This is what the Town Council will review. It was called a philosophical discussion and some of this was reduced to yeses and no's without the background.

Mr. Goodpaster stated they are minutes. He does not believe they are a transcript. He understands the point.

Ms. Rowe requested confirmation that staff takes the gist of everything the Commission discusses and regurgitates it back to the Council. The Council is not only reviewing minutes.

Mr. Kirschmann replied staff reports are developed and the Planning Commission minutes are included. Commissioner Goodpaster was very clear, these are just minutes. They are not verbatim minutes or transcripts of the meeting. We don't put every "um" in the minutes.

Ms. Rowe stated she shares Ms. Sturges' frustration. She did not advocate medical marijuana people being able to grow their own pot and smoke it. Right over the front of the paper it said that. Even when facts are in minutes it is still subject o interpretation.

Ms. Sturges stated that in the first item she brought forth it is somebody's personal opinion that is being reflected in summary. This is something we need to address.

Ms. Rowe asked if the minutes could be amended to address that.

Mr. Goodpaster stated there are three options. One is to table it to allow further review of the minutes. Two is to amend them tonight. Or, three, if we feel that the minutes reflect what was discussed that night, we can have a motion, a second and vote to accept the minutes tonight.

Mr. McKoy asked if the main thing is where we are quoting someone that it is accurate. They may be divergent though because we don't always agree and say the same thing. What are we really talking about here?

Mr. Goodpaster replied he really doesn't know because he has read a lot of minutes and he has never seen any quotes. They are not designed to quote verbatim. That's not the way minutes are. A motion could be made to table and with a second we would vote on it. If there is another motion to approve the Consent Agenda that would require a second and then we'll vote on it. He called for a motion.

Ms. Sturges moved that the minutes be tabled to a future meeting.

Mr. Lombardo asked who would re-write the minutes.

Ms. Sturges replied we have an audio tape.

Mr. Lombardo said he would second it if Ms. Sturges feels it's going to help give her time to re-write the minutes.

Mr. Kirschmann stated, for clarification, that Ms. Sturges would not be re-writing the minutes. These meetings are all recorded on cassette tape. The Secretary spends hours listening to us ramble on. She tries to take our thoughts and reflect what we were trying to say.

Mr. Lombardo stated that would not a good use of public service time at this point.

Mr. McKoy stated there will always be details left out. You can't get every detail in them.

Mr. Lombardo rescinded his second of the motion.

No other second was forthcoming. Mr. Goodpaster stated the motion died for lack of a second. He called for an alternate motion.

Ms. Rowe moved to approve the minutes as submitted. The motion was seconded by Mr. Lombardo. The motion passed by voice vote of 3-1-1. Ms. Sturges voted no. Mr. McKoy abstained as he had not attended the meeting.

STAFF REPORTS AND COMMENTS:

FUTURE AGENDA ITEMS:

June 2nd and 16th 2009 meetings:

Continue the discussions of the Native Plant ordinance.

Continue the discussion regarding implementation of development standards for Commercial and Industrial land use designations.

Clarification of Conditions of Approval regarding street lighting for 2 projects on Palisade Dr.

COMMISSIONER REPORTS AND REQUESTS:

Mr. Lombardo requested an up date on Fresh & Easy and Sonic. Mr. Kirschmann reports the developer for Fresh & Easy indicated they are still moving forward with plans and that the lease agreement is being circulated for signatures. However, it was reported in a newspaper that 5 Fresh & Easy stores in the lower desert either completed or under construction will remain empty for a while. Sonic has not yet submitted plans. Building plans have been submitted for CarQuest.

Ms. Sturges requested to go on the record stating Council members do read the minutes and it is an idea of what our thought process was. It is unfortunate she was not allowed to put in a motion to correct the minutes, so they will stand the way they are.

Mr. Goodpaster replied Ms. Sturges was allowed to make a motion it just didn't pass. There was no second.

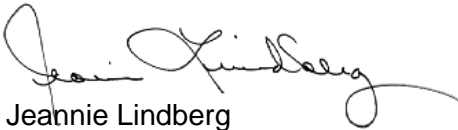
ANNOUNCEMENTS:

Mr. Goodpaster announced that the next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, June 2, 2009.

ADJOURNMENT

The meeting adjourned at 9:05 pm.

Respectfully submitted by,



Jeannie Lindberg
Administrative Assistant III