

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
September 23, 2014**

Chair Humphreville called the regular meeting of the Yucca Valley Planning Commission to order at 6:00p.m.

Commissioners present were, Bridenstine, Drozd, Lavender, Whitten and Chair Humphreville.

The Pledge of Allegiance was led by Chair Humphreville.

Commissioner Whitten moved to approve the agenda. Commissioner Drozd seconded, and the motion passed unanimously.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

DEPARTMENT REPORT

1. DRAFT DEVELOPMENT CODE

Deputy Town Manager Stueckle provided the staff report. Staff provided an overview of the status of the draft Development Code and the modifications included in the current draft, as well as the draft zoning map. Staff also reviewed the changes made to the Adult Oriented Business Ordinance, including the addition of a set of standards and a permitting process. Staff had found that even when including the general commercial zone, the current standards regarding distances from the highways and residential areas would mean that the area where adult oriented businesses would be allowed to operate is extremely limited and probably would be found unconstitutional. Staff also addressed the process for the commission continuing forward with the development code.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- None

CLOSE PUBLIC COMMENTS

Commissioner Bridenstine asked staff for clarification on the accessory building development standards, which staff provided. Staff said that the accessory structure percentages applied to second dwelling units, and that the code currently allows for accessory structures in the RS zones to be up to 50% of the floor area of the primary structure, anyone wishing to exceed that limit would have to go the Commission. Staff also confirmed that the maximum lot coverage was determined by building coverage not development coverage. Staff also noted that the word “structures” in this section should be replaced with “buildings.”

Commissioner Whitten said that he appreciated the work that staff has put into the development code, and that he wanted to see it go the Town Council as soon as possible. He suggested changing the zone labeling on the zoning map to match the way zones are labeled in the development code. He also addressed the issue of the adult oriented business ordinance, and suggested that reducing the required distance from the highway might allow the Town to still keep those businesses from being visible from the highway, while providing enough possible locations to allow the code to conform to First Amendment requirements. He also said he would like the language “wherever minors gather” included in language addressing locations which adult oriented businesses cannot operate near. Commissioner Whitten also asked if the code had a way to address bar or other establishments holding sexually oriented events.

Commissioner Lavender asked if the standards the Town has for mandatory distances from sensitive land uses such a schools were similar to what is in place in other communities. Staff said that they were, but they were strong standards.

Chair Humphreville asked if it was there was a way to limit advertising for adult materials to the zones allowed for adult oriented businesses. Staff said that the Town was not allowed to regulate the content of signs, but staff also stated that the Town could prohibit sign twirlers which would address the issue of the sign twirler having a sign stating “XXX.” Chair Humphreville said he wouldn’t support prohibiting sign twirlers.

Chair Humphreville also spoke about the maximum lot coverage percentages. He thought that the maximum lot coverage for the RL zone should be changed from 20% to 25%. There was Commission consensus that the maximum lot coverage for the RL zone should be changed to 25%.

Chair Humphreville said that he didn’t think that they should hold up the completion of the Development Code while they tried to work on the sign code. He thought there was going to have to be a lot of work put in to forming a consensus. Commissioner Bridenstine agreed that they shouldn’t hold up the Development code for the sign ordinance, but that the sign ordinance should be addressed separately as soon as possible. There was Commission consensus that the sign ordinance should be addressed separately rather than have it hold up the Development Code.

Chair Humphreville said that the main sticking point was how to fix the adult oriented business. Staff said that if the Commission was comfortable with the standard, the Commission could forward the Development Code including the section on adult oriented businesses with the direction that staff modify what is necessary to make it compliant. The intent was to keep it off the highway and within the standards as drafted in the code.

Commissioner Bridenstine asked about the existing adult oriented businesses. Staff clarified that despite the sign the existing business does not meet the threshold for an adult oriented business. Commissioner Whitten asked if it would under the modified ordinance. Staff said that they would potentially be effected and might have to reduce the percentage of their adult oriented merchandise to 10%.

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

- Susan Simmons, Yucca Valley, said that the Commission had included grandfathering language for other businesses, such and Home Occupation Permits, but wasn't including any for adult oriented businesses. She said that it you were going to offer it to some people you should offer it to everyone.

With no further individuals wishing to speak, Chair Humphreville closed public comments.

CLOSE PUBLIC COMMENTS

Chair Humphreville asked staff if there was a legal requirement that the offer grandfathering. Staff said that there was no legal requirement to offer grandfathering indefinitely for adult oriented businesses, but they would be required to provide a significant amount of time for businesses to come into compliance. Staff said that would typically consist of a period of 90 or 180 days. There was Commission consensus that they should include grandfathering for existing businesses in the adult oriented business ordinance.

MOTION

Commissioner Whitten moved that the Planning Commission forward the entire Development Code to the Town Council, including Article 2 and Article 5 as recommended by staff, and that the Planning Commission receive public comment. Commissioner Bridenstine seconded and the motion passed unanimously.

PUBLIC HEARINGS

- 2. DEVELOPMENT CODE AMENDMENT, DCA 01-14
ARTICLE 2, ZONING DISTRICTS AND DEVELOPMENT STANDARDS
CEQA EXEMPTION, SECTION 15061(b)(3)**

Chair Humphreville opened the floor to public comments.

PUBLIC COMMENTS

None

CLOSE PUBLIC COMMENTS

MOTION

Chair Humphreville moved that the Planning Commission forward Articles 1 through 7 of the Development Code to the Town Council. It was seconded by Commissioner Bridenstine, and passed unanimously.

CONSENT AGENDA

1. MINUTES

A request that the Planning Commission approves as submitted the minutes of the meetings held on September 9, 2014.

PUBLIC COMMENTS

None

END PUBLIC COMMENTS

MOTION

Commissioner Whitten moved that the Commission approve as submitted the minutes of the meetings held on August 26, 2014. Commissioner Drozd seconded the motion and it passed unanimously.

STAFF REPORTS AND COMMENTS

Staff provided an overview of the status of private land development projects currently active in the town.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Drozd thanked everyone for their hard work

Commissioner Whitten thanked staff for their work, and said that the sign code should be on the agenda as soon as possible

Vice Chairman Bridenstine said that she was glad that they were completing the Development Code. It was a long but worthwhile process. She also wants the Commission to address the sign ordinance.

Chair Humphreville thanked staff for their work. He said that he thinks that the draft Development Code meets the criteria presented by the Town Council, and that the new code will be clearer and easier to use.

ANNOUNCEMENTS:

The next regular meeting of the Planning Commission is scheduled for October 11, 2014 at 6:00pm.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:52.

DRAFT

Respectfully submitted,

Allison Brucker
Secretary

Approved by the Planning Commission on _____, 2014.

DRAFT