

**TOWN OF YUCCA VALLEY
PLANNING COMMISSION MEETING MINUTES
APRIL 8, 2014**

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

Commissioners present were Bridenstine, Lavender, Whitten and Chair Humphreville. Commissioner Drozd was not present (excused).

The Pledge of Allegiance was led by Chair Humphreville.

APPROVAL OF AGENDA

Commissioner Bridenstine moved to approve the agenda. Chair Humphreville seconded. Motion carried unanimously.

PUBLIC COMMENTS

None

PUBLIC HEARING

1. VARIANCE, V 01-14 ROSS DRESS FOR LESS

Chair Humphreville opened the public hearing for the issuance of Variance, V 02-14 Ross Dress for Less.

Planning Technician Diane Olsen presented the staff report explaining the staff's findings regarding the requested Variance. She explained that the proposed variance was to allow the installation of a 258 square foot wall sign where 125 square foot of signage is allowed. She explained that the project was located in an existing commercial center containing other businesses, none of which have been granted variances. Variances are only permitted when special circumstances or conditions, such as size, shape, topography or location apply to a property and would make strict application of the Development Code's standards impractical or impossible. It was staff's finding that none of these applied. Variances are only permitted when the following four conditions are met:

1. The granting of the variance will not be materially detrimental to other land uses in the area, or interfere with solar energy systems.
2. There are exceptional circumstances associated with this property.
3. The strict application of the sign ordinance would put undue limitations on the property.
4. The variance is compatible and consistent with the Development Code.

It was staff's finding was that none of these conditions were met, and staff's recommendation was to deny the variance.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke against the granting of the variance. She felt that Ross was asking for special privileges. She is a small business owner and is not allowed a big sign.

Tarran Merrill, representative for the applicant, spoke saying he was confident of a resolution. He also said that if you drew a 10 sided shape around the sign instead of a 4 sided one, it was only 230 feet.

Frank Salman, representative for Ross, said that Ross was looking to grow in Yucca Valley, and will be hiring in the community. He said that the 230 foot sign is similar to other signs in the shopping center, citing Vons as an example, and Ross is not asking for special favors. He said the signage is their primary source of advertising.

Dawn McDaniel, landlord to Ross, spoke in favor of the variance. She said that the large wall sign will be the only signage they will be putting up. She believes it will help drive growth in the center. She also said that the proposed sign will fit in to the center aesthetically.

Tarran Merrill, stated that he took site surveys around town and found other businesses within the valley with signs that appear to have been granted a variance, including Angel View, Big Lots, and Cactus Mart.

Susan Simmons, Yucca Valley, said that people will be able to see the store and its sign, and its location should cause no problems. She said that if you bend the rules, everyone will want to bend the rule.

Deputy Town Manager Stueckle replied to the public comments on the behalf of staff. He stated that State law allows deviation based on unique elements of the property. Variances can only be granted under state law when there are unique conditions. He also stated, that the 258 sq. ft. measurement was what was stated on the permit application, and 230 sq. ft. would still require a variance. He also stated that Cactus Mart's sign predated the formation of the town, and Big Lots was probably approved under an earlier ordinance which allows a 1.5 to 1 ratio. There may be examples of other businesses within the shopping center which were approved under that same earlier ordinance. He said that the item at question was a request for variance to the sign code, and it is important to separate the technical elements from other concerns. The desirability of Ross is not in question. The application is based on standard findings.

Commissioner Bridenstine said that she is grateful that Ross is coming to Yucca Valley. That being said, the Town's hands are tied due to the current ordinance. She believes that the commission needs to have a workshop with local businesses about the sign ordinance. She would be in favor of creating a cumulative standard that combined the allowance for monument and wall signs. She said that this is something that needs to be addressed in the near future, and there also needs to be discussion about bringing all businesses into compliance. She doesn't think the commission can grant the variance under the current ordinance, but does believe that the ordinance should be changed.

Commissioner Lavender said that he doesn't think that Ross will suffer on the basis of sign size. He said that most people were already aware of the location, even before any signs have been put up. He said that the council has to be fair. He also asked if the sign would be a deal breaker for Ross. The Ross representative, Frank Salman, replied that he wasn't able to answer that, but that the requested sign was Ross's standard sign size.

Commissioner Whitten asked for clarification from staff that the variance was only for the 258 sq. ft. sign, which he received. He said that there are certain sign sizes that are standard for corporations. He said that this could allow for a variance. He also believed that the setback is a special circumstance. He doesn't believe that the sign will impact the viewshed or aesthetic values. He also agreed with the landlord that the signs should be bigger. He believed that the proposed sign would be compatible with the existing signs based on the standard set by the Vons sign. He said that everyone has the right to submit a variance request. He also said that the variance will provide an economic benefit as Ross will be an anchor store for that center. He believes that the commission can grant the variance.

Chair Humphreville asked how the staff arrived at their measurement for the proposed sign. Staff responded that they drew a box around the sign. Chair Humphreville said that he believes that there is a huge difference between a solid sign and letters on a wall. He believes that the code needs to be changed. He said that he thinks that the setback serves as a special circumstance in this case. He stated that he believes that wall signage is preferable to monument signage. He is asking for the town council to push for change to the sign code. He also stated that he believes that the lettering should be the basis for the sign measurement. He supports granting the variance.

MOTION

Commissioner Whitten made a motion that the Planning Commission grant the Variance, V 01-14 based upon the findings, not the findings in the staff report under special circumstances.

Chair Humphreville seconded the motion.

The motion passed at 3 for and 1 against, with Commissioner Bridenstine as the dissenting vote.

Deputy Town Manager Stueckle requested that the following findings be included in the record:

Prior to approving the request for variance the review authority shall find the following to be true:

1. The granting of the variance will not be materially detrimental to other properties or land uses in the area, and will not subsequently interfere with present or future ability to use solar energy systems. The application before the Commission is for an attached wall sign which will not interfere with solar energy systems.
2. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use which do not apply to other properties in the same district or vicinity. The Commission found this evening that based upon the distance of the commercial buildings from Highway 62, being substantially different from that of other structures in the same zone or land use district along Highway 62, the distance from Highway 62 created an exceptional or extraordinary circumstance and condition to support the approval of the variance.
3. The strict application of the land use district would deprive such property from privileges enjoyed by other properties in the vicinity or in the same land use district. As noted by Commission dialogue and findings this evening, that while the zoning district allows for and prescribes specific sign ratios for wall signs of one (1) sq. ft. of sign area to one (1) linear foot of building frontage, the distance of the structures within the Vons center from Highway 62 creates a substantial or extraordinary circumstance requiring an allowance for a larger sign in order to be visible from Highway 62.
4. The granting of the variance is compatible with the objectives and policies general blank uses and programs in the General Plan, Development Code and any other applicable plan or ordinance. The Commission found this evening that based upon the unique circumstances caused by how this property was developed that the extraordinary or exceptional distance of the building from Highway 62 provides the basis for the granting of the variance.

Chair Humphreville asked for clarification that they were requesting a variance for a 230 sq. ft. sign rather than the 258 sq. ft. stated in application. He asked if they could be held to the 230 sq. ft. number rather than then the original 258 sq. ft. Staff replied that they could and it was in the record based on applicant testimony.

2. DEVELOPMENT CODE AMENDMENT, DCA 07-13 ARTICLE 3 CEQA EXEMPTION, SECTION 15061

Deputy Town Manager Stueckle presented the staff report. Staff intends to present the Commission with an over view of the proposed language changes put forth in Article 3. He also stated that there was discrepancy between the language in the printed agenda and the portion that was posted on the town’s website. Because of this, staff recommended that the matter be continued until the next hearing even if the Commission finished their dialogue on this issue. The code sections relating to the sign code were included in the printed materials provided to the commission for discussion purposes, but it was not included in the recommended language.

The first change was in section was in 9.30.060, in which staff recommends that the term Director be changed to Commission, and the term Commission be changed to Council. The next change was to 9.31.020, with regards to the clear site triangle. It was staff’s recommendation that real estate signs and sign twirlers, if allowed under future sign ordinances, be prohibited from the clear site triangle. The next recommended change was to section 9.31.03 and involved changing the maximum height increase for single-family dwelling units and institutional structures from 25 feet to a percentage. Staff asked for clarification from the Commission regarding what percentage increase should be allowed. Staff also suggested that the Commission consider if the current 50 percent increase for miscellaneous structures, particularly for windmills, was still appropriate. The next change was to 9.32.020 suggesting that the phrase “Hi Desert Water District” be replaced by “local water purveyor,” and added the language “some of the following” to item 14 on page 3-18. In section 9.32.090, staff included a definition of mass grading. Deputy Town Manager Stueckle also reminded the Commission that Article 2 will identify the landscaping requirements for residential and commercial development, and that water conservation standards should be kept separate from landscaping requirements.

Chair Humphreville suggested allowing comment on the current sections before continuing on with the rest of the article. He then opened the floor to public comment.

PUBLIC COMMENTS

None

Commissioner Whitten spoke on section 9.31.03 regarding the 50 percent increase for miscellaneous structures. He said that he believes that windmills and solar energy collectors should be removed from this section and should be governed by their own ordinances.

Commissioner Bridenstine agreed that she did not believe that windmills and solar energy should be addressed in this section, and suggested amending Table 3-3 by striking item r and removing the reference to windmills from item k.

Chair Humphreville asked for and received confirmation from staff that the height of windmills could be addressed under the ordinance governing windmills. Chair Humphreville also asked staff if the language in this section regarding the distance of the required set back had been modified. Staff informed the Commission that that language had not been changed.

After discussion regarding the appropriate percentage for permitted structural height increases for single-family dwelling units and institutional structures, the Commission reached a consensus of a permitted increase of 25 percent.

Chair Humphreville introduced a discussion of section 9.32, Landscaping and Water Conservation, and stated that he was in favor of the language presented by staff because it regulates water use, although he disagrees with regulating landscaping in single family residential homes. Commissioner Bridenstine

agreed. Commissioner Whitten stated that the Town should promote water conservation, but asks if the town should be the water police.

Deputy Town Manager Stueckle informed the Commission that the State mandates that municipalities have a landscape and water conservation plan. The Town is required to review proposed water use for landscaping for adherence to minimum state standards, not what is landscaped. Hi-Desert Water District currently has water use standards in place, which is why the ordinance was structured the way it was, so that those regulations are in place if the Water District should stop using their current process.

The Commission had a discussion regarding the definition of mass grading found in section 9.32.090. Commissioner Bridenstine said that she thought that the term 'featureless' had prejudicial and negative connotations, and pointed out that you can create features in mass grading. She also expressed concern about the language stating that natural drainage features are put into an underground culvert. She said it should be simply engineered drainage instead. Staff will refer to previous discussion about a proposed hillside and grading ordinance during which the definition of mass grading was discussed and bring that definition into the recommended language.

The staff report continued with an overview of changes made to section 9.33, Parking and Loading regulations. Staff included language to allow development projects with different peak hours to be eligible for a reduction in parking. The requirements for golf course parking were reduced from 6 to 4 spaces per hole. Staff also asked the Commission to consider whether or not a standard of 1 space per 50 would be appropriate rather than the current tiered system.

Chair Humphreville asked if the 1 space per 50 would be a typical standard. Deputy Town Manager Stueckle replied that staff will look into this issue further.

Commissioner Whitten asked if there had been a consensus on the question of residential RV parking spaces. Staff stated that under the current code recreational vehicles cannot be parked in a front yard setback, they must be 10 feet from any structure, and they must be 3 feet from side and rear property lines. Staff did not believe there had been a consensus on direction, and asked if there should be some level of mandated parking required.

The commission agreed that they did not wish to mandate RV parking spaces and would allow that to be regulated by the rules regarding setbacks in Article 2.

Commissioner Whitten asked if the Hawks Landing project was approved under the 6 space requirement, and was informed that it was, and he also asked for and received elaboration on the process by which staff arrived at the 4 space number. He stated that he was satisfied with that change.

Commissioner Whitten stated that he felt that 1 space for every 50 units for mini storage facilities was too low. Chair Humphreville agreed, and Deputy Town Manager Stueckle stated that staff will do further research into how that standard compares to other ordinances.

The staff report on Chapter 9.33 continued, with staff recommending that the language regarding Conditional Use Permits in Table 3-7 be removed. Staff also stated that the Commission had requested that convalescent hospitals and retirement or rest homes be addressed separately in Table 3-8, and asked that the Commission consider what numbers would be appropriate. Staff also included a requirement of 5 spaces per acre for park facilities.

No changes were made to chapter 9.34, Performance Standards. In chapter 9.53, Maintenance Standards, 9.35.070 C the requirement of 72 hours was changed to 30 days, and the language regarding patios was modified.

Commissioner Whitten asked about including language describing severity in 9.35.09, and referenced a prior conversation with the Commission regarding how to describe severity. He thought there had been some discussion of applying a percentage. Staff said they will look in to the matter further and return their finding to the Commission.

Chair Humphreville opened the floor to public comment on the sections which had been discussed.

PUBLIC COMMENTS

None

Staff recommended that the reference to a soil erosion permit in 9.37.040, Soil Erosion and Dust Control, be changed to grading permit rather than create new types of permits. Grading plans include erosion control plans, however it is possible that a situation could arise where an erosion control plan is necessary where a grading plan is not called for. In 9.38.020, Temporary Special Events, the language ‘per location and/or per vendor’ was included in Table 3-24; the number of church tent revival meetings was changed from 1 to 3, and farmers markets was clarified to make it clear that certified farmer’s markets were permitted.

Commissioner Whitten said that he believes that the number of permitted carnivals should be increased from 2. He said that there are already 2 carnivals a year being held in one location. The Commission came to a consensus that the number 4 would be appropriate.

PUBLIC COMMENTS

Susan Simmons, Yucca Valley, spoke in opposition to increased carnivals because she feels they are disruptive to residential neighborhoods.

The staff report continued with 3.39.05, Temporary Use Permits. Planning Technician Olsen explained that under current practices the town does not issue Temporary Use Permits until the building permits have been approved, so that language has been changed to reflect current practice. The structure was also changed to reduce duplication regarding temporary model home sales offices. The language on page 3-100 was changed from Certificate of Land Use Compliance to Land Use Compliance Review. The ordinance also restricts the location of a model home sales office to a major highway, arterial or collector.

Commissioner Lavender, asked about a development where the model home is located adjacent to a track rather than in the track itself. Staff will be working with the particular developer in question.

There were no changes to Chapters 9.40, 9.41, or 9.42. In chapter 9.43, Accessory Wind Energy Systems, staff asked the Commission if they felt the current limit of 52.5 feet should be changed.

The Commission discussed whether one acre was an appropriate minimum lot size for allowing Accessory Wind Energy Systems. Commissioner Whitten expressed concern that the limit may need to be changed in the future to accommodate improving technology. There was a consensus that a one acre minimum was appropriate for the time being.

Commissioner Whitten asked about surface mining. Staff stated that they would need to confirm whether or not State law required it to be addressed in the Development Code.

Commissioner Whitten asked if solar easements need to be addressed in this section of the code. Staff stated that it was standard provision in most codes today, and will check to make sure this concern is adequately addressed in Article 2. Chair Humphreville asked if none structure mounted solar structure were addressed in the code; staff confirmed that they were.

Staff discussed Chapter 9.44, Wireless Communications Facilities, recommending that the reference to the Scenic Highways element of the general plan be removed, one section be restructure for clarity and that conditional use permit be changed to Land Use Compliance Review approved at the staff level. That change would eliminate the requirement for a Conditional Use Permit, and will simplify the process.

Commissioner Whitten asked if there was regulation regarding abandoned towers or units. Staff informed the Commission that the current code mandates that abandoned shall be removed. Staff also explained that this portion of the code was drafted based upon the technology in use 15 years ago, which had a much greater potential impact on the viewshed then current technology.

Staff concluded its presentation and recommended that the hearing on this issue be continued to the next meeting on April 22, 2014.

PUBLIC COMMENTS

None

MOTION

Commissioner Whitten motioned that the Commission continue the public hearing on Article 3 of the Development Code until the April 22nd meeting. 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 meeting held on March 25, 2014.

MOTION

Commissioner Bridenstine made a motion to approve the consent agenda. Commissioner Whitten seconded. The motion passed unanimously.

STAFF REPORTS AND COMMENTS:

Deputy Town Manager Stueckle provided the Commission with status updates on several projects within the community, including the Senior Housing Project, the Ross tenant improvements, Desert Vista Village, Mesquite 55, single family infill construction, and the Hwy 62 construction. He also thanked staff for their efforts.

Commissioner Whitten asked about the sidewalks along Hwy 62. He expressed concern about utility and signal poles not being easily visible to pedestrians and potentially creating a hazard. Project Engineer Alex Qishta said that he will bring those concerns to Cal-Trans.

COMMISSIONER REPORTS AND REQUEST:

Commissioner Lavender had none.

Commissioner Whitten requested that the Community Updates be made available on the webpage. Staff said that that process was underway.

Commissioner Bridenstine stated that she feels that the variance application brought before the Commission made it clear how important revising the sign code is. She said that she had a problem with the fact that the setback was used as the justification for the variance, as she feels that other business have the same setback. She suggested having a workshop run by the Chamber of Commerce so the Commission could attend as observers.

Chair Humphreville said that Chamber of Commerce has held several meetings about the sign ordinance. He said that the Council has not been supportive of changing the ordinance. He believes that the percentage based changes he had previously suggested may be a good solution. He also said he appreciates staff's efforts. Commissioner Bridenstine also suggested a sign ordinance process that opens the discussion up to all businesses not just members of the Chamber Commerce.

ANNOUNCEMENTS:

The next regular meeting of the Yucca Valley Planning Commission will be held on Tuesday, April 22, 2014.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,



Allison Brucker
Secretary