

MINUTES
PLANNING COMMISSION MEETING

A regular meeting held at the La Quinta City Hall
78-495 Calle Tampico, La Quinta, CA

December 14, 2010

7:02 P.M.

I. CALL TO ORDER

- A. A regular meeting of the La Quinta Planning Commission was called to order at 7:02 p.m. by Chairman Alderson.

PRESENT: Commissioners Barrows, Quill, Weber, Wilkinson, and Chairman Alderson.

ABSENT: None

STAFF PRESENT: Planning Director Les Johnson, City Attorney Kathy Jenson, Assistant Planner Eric Ceja, Assistant Planner Yvonne Franco, and Executive Secretary Carolyn Walker.

II. PUBLIC COMMENT: None

III. CONFIRMATION OF THE AGENDA: Confirmed

IV. CONSENT CALENDAR:

There being no comments, or suggestions, it was moved by Commissioners Weber/Barrows to approve the minutes of November 23, 2010 as submitted. Unanimously approved.

V. PUBLIC HEARINGS:

- A. Conditional Use Permit 2009-122: a request by WFI, Inc. for Sprint for consideration to allow for the co-location of three panel antennas, three microwave antennas and one equipment cabinet for an existing telecommunication monopalm tower located at 77-865 Avenida Montezuma in the Desert Recreation District's La Quinta Community Park.

Assistant Planner Eric Ceja presented the staff report, a copy of which is on file in the Planning Department.

Chairman Alderson asked if there were any questions of staff.

Commissioner Weber noted a portion of Condition No. 15 had been complied with, but asked what items were outstanding. Staff responded the palm frond bark was done, but the building still needed to be repainted.

Commissioner Weber asked if there was a condition to replace the palm fronds. Staff responded no.

Commissioner Weber asked if all the cabling would be interior to the pole structure. Staff said yes.

Commissioner Weber asked if the tower would be a huge visual issue. Staff explained that the placement of the microwave antennas would minimize the visual impact.

Commissioner Weber asked if the applicant was actually only adding three microwave antennas. Staff said correct, as there were no microwave antennas currently on the tower.

Commissioner Barrows asked for clarification of the wording on Condition No. 15

Discussion followed clarifying Condition No. 15 in the staff report, versus that shown in the Power Point, with staff confirming the condition in the staff report was correct.

Commissioner Barrows asked if Condition No. 12 required painting the building and had the applicant already replaced the palm fronds.

Staff said no, they had not replaced the palm fronds. Commissioner Weber suggested that should be included.

Planning Director Johnson presented information on what had been done on the site and what the final outcome was proposed to be. He said the conditions had addressed key issues of both safety and aesthetics surrounding the site and tower, including painting the microwaves as proposed and conditioned. Those steps should eliminate any aesthetic issues.

Chairman Alderson asked if there would be additional pieces of equipment on top of the tree which would necessitate additional fronds. Staff said all they were adding was three vertical antennas and the microwaves.

Commissioner Quill commented on the following items:

- The paint color of the buildings should match the off-white color on the two nearby buildings.
- The fascia and all the woodwork, as well as the eaves, be painted to match the accent color on the eaves of the main building.
- The conduits, wrapping around the building, be placed in a painted, stuccoed raceway.
- The existing wrought iron fencing be painted.

Staff pointed out, Condition No. 13 stated the wrought iron fencing be painted black.

Commissioner Wilkinson asked what would happen if the towers became obsolete. Staff explained how a conditional use permit worked and what recourse there was if this happened.

Commissioner Quill asked if the Desert Recreation District was happy with the agreement. Staff said they were fine with it.

General discussion followed regarding the clause in Condition No. 21 which stated "...This permit shall expire on December 14, 2012." Staff explained the intention of that condition.

Chairman Alderson commented on the following items:

- Conditional use permits allow the City the right of revocation if conditions are not met; echoing earlier discussion about obsolescence.
- The weeds be removed and enough ground cover gravel be used to deal with any future problems.
- The roof tile on the southeast corner be repaired.

City Attorney Jenson responded by saying, if the applicant violates any of their conditions, there's a process for that, and if they stop

using the tower it will automatically cease under the Code and would have to be removed.

There being no further questions of staff, Chairman Alderson asked if the applicant would like to speak.

Mr. Mike Sloop, Employee of WFI, a Consultant representing ClearWire and Sprint Communications, 6170 Cornerstone Court East, Suite 200, San Diego CA 92121, introduced himself and stated the applicant had no issues with either the staff or Commission conditions.

He added that moving any interior pieces would be difficult because the room inside the shelter was limited, but there was no problem with any of the other suggestions. He then commented on the additional exhibit distributed to the Commission.

Chairman Alderson asked about the tower service area and Mr. Sloop responded about a mile and a half radius. He then gave an explanation of radio signals and ground and building interference.

Commissioner Weber asked about RF and EMF frequencies near a playground.

Mr. Sloop said in general the local jurisdictions were pre-empted by the FCC in terms of radio frequency signal hazards. He went on to give a breakdown of the frequency calculations.

Commissioner Weber was concerned about the history of this site and the lack of maintenance. He suggested Mr. Sloop carry their concerns back to the owners, which Mr. Sloop confirmed he would.

General discussion followed regarding conditional use permits (CUP), their time of issue and if this would be coming back to the Commission.

Staff responded it would be allowed in perpetuity and would not come back to the Commission unless directed, or if there were an issue that warranted consideration for possible revocation.

There being no further questions of staff, or comments from the applicant, Chairman Alderson asked if there was any public comment.

There being no public comment, Chairman Alderson opened the matter for Commission discussion and closed the public hearing.

There being no further questions or discussion, it was moved and seconded by Commissioners Quill/Wilkinson to adopt Resolution 2010-023 recommending approval of Conditional Use Permit 2009-122 with conditions submitted, as well as the following additions to Condition No. 12:

- The building be painted a color to match the adjacent structures.
- The fascia and eaves be painted to match the accent colors on the fascia and eaves of the adjacent buildings.
- The weeds be removed from around the building and appropriate gravel groundcover be placed to prevent future weed growth in those locations.
- The roof tile be repaired.
- The conduits on the outside of building be relocated either to the inside of the building or be done, in some other appropriate manner, to improve their appearance.

Unanimously approved.

VI. BUSINESS ITEM:

- A. Appeal of Findings and/or Conditions (APP) 2010-005: a request by Dennis O'Sullivan for consideration of appeal of Director's determination that a commercial golf car sales facility is not a permitted use in a Golf Course (GC) Zoning District. This determination refers specifically to a location on the southeast corner of Westward Ho and Jefferson Street.

Assistant Planner Yvonne Franco presented the staff report, a copy of which is on file in the Planning Department.

Chairman Alderson asked if there were any questions of staff.

Commissioner Quill wanted clarification on why this use was not allowed since this site previously accommodated golf course uses. He asked if it was because that's the way the Zoning Ordinance was written and a general plan amendment needed to change it.

Staff responded the issue was not site specific issue. It was a matter of the Golf Course Zone District and the allowances within that district specifically only in conjunction with a golf course clubhouse. This property is independent of the golf course. Staff then explained the history of the site and why this matter was being brought before the Commission.

General discussion followed as to the process the applicant should have followed and the subsequent denial.

Staff told the Commission that the previous and current owners had been advised of what could, and could not, be allowed on this property. Staff then stated the only additional suggestion they could offer for consideration would be as a conditional use; if the Commission felt that that was a viable option.

General discussion followed on the current blighted state of the parcel, the history of the parcel's use and owners, what surrounds it, and viable uses of the parcel.

Commissioner Quill asked if there was access to this property. Staff said yes.

General discussion followed on allowable uses if applications were made for a general plan amendment and zone change.

Staff included comments that their position had been taken under the current zoning of the property; in that a retail establishment is not a permitted use in the Golf Course Zone.

General discussion followed on the application, previous functions of the property, and alternative courses of action the applicant could have taken.

Chairman Alderson asked if there was an adequate amount of parking available. Staff responded there was probably enough space to accommodate parking on the south side. Staff then commented on the asphalt on the north side of the parcel and the existing driveway.

There being no further questions of the staff, Chairman Alderson asked if the applicant would like to speak.

Mr. Dennis O'Sullivan 74-741 Joni Drive, Suite B, Palm Desert CA, introduced himself and said he felt this was an ideal location to have a golf cart dealership. He explained he had been working with Electric Car Distributors and mentioned the importance of this site including the Jefferson Street access for those coming in off of the I-10 Freeway. He then commented on the high-end type of product he would be offering. He said this would be a sales-only facility, with no service. He has a service facility in Palm Desert that would continue to exist.

Mr. O'Sullivan said the entrance on the north side of the parking lot would not be used. He also said he had spoken with most of the residents on Westward Ho, and received several endorsements which had been included with the staff report.

Mr. O'Sullivan commented on the Table of Permitted Uses and the notation of golf cart paths which would include golf carts.

Commissioner Weber asked the applicant if he had explored the opportunity of having his golf cart dealership at the Indian Springs Clubhouse.

Mr. O'Sullivan said he had not explored that possibility. He then asked about an earlier comment about circumventing the process.

Commissioner Weber explained that the applicant should have gone through the process of completing the appropriate applications as opposed to challenging the Planning Director's denial and then bringing his request to the Commission.

Mr. O'Sullivan said he was just doing what he was instructed in his denial letter.

General discussion followed regarding the procedures which were followed.

Chairman Alderson asked who was the current property owner.

Mr. O'Sullivan said Howard and Hannah Park.

There being no further questions of staff, or comments from the applicant, Chairman Alderson asked if there was any public comment.

Mr. Robert Thomas Jr., 52-780 Velasco Street, La Quinta CA, introduced himself and said it would be very remiss to let this property go to waste. He said the City should be receiving revenues from this property and the sale of golf cars could provide that revenue. He gave examples of the cost of golf cars and the revenue they could generate, as well as an office building being a bad choice for that location. He pointed out that La Quinta is going in the direction of electric vehicle use and this dealership would be selling those vehicles.

Chairman Alderson asked not just golf carts, but also electric vehicles?

Mr. Thomas said no, and explained the predominance of electric golf carts becoming legal and the applicant will have street legal golf carts for sale. He added this could open up a whole new avenue for the City. He said this property is an eyesore and will continue to be if someone doesn't try to see a better use for this property.

Mr. Neil Finch, Indian Springs Golf Club, 79-940 Westward Ho Drive, Indio CA – proprietor for Indian Springs Golf Club – gave some background on his purchase, and what was included in his golf course property. He thanked the City for cleaning up the blight on Jefferson and said this was the last remaining ugly parcel. He stated that he was in favor of allowing Mr. O'Sullivan to operate there. He gave his resume which included golf operations in several locations and provided anecdotal evidence that golf carts were usually sold as part of the golf industry's regular retail functions. He explained why this parcel could no longer function as a clubhouse and pointed out a possible access location which would require a right-in/right-out access. He added he could not think of anything that would tie into the area any better than a golf cart operation. He mentioned that the applicant could not sell golf carts from an unattractive building and would have to put a lot of care into this building.

Ms. Marion Ellson – 80-082 Palm Circle Drive, La Quinta CA – introduced herself and said he was a resident of the nearby condominiums. She came to the meeting to obtain all the facts. She said the condominium residents' concern was about changing the zoning, and referenced a letter (in the packet) indicating they were not in favor of commercial zoning on that property. She agreed with Mr. Finch, that the corner was an absolute eyesore and something needed to be done with it. She suggested the residents would like to see the

landscaping continue along Jefferson and commented on a small galvanized iron wall with a wire fence on top of it and how they would like to get rid of it. She said it was on City property and the City had a responsibility for seeing that area was landscaped. She added she did not have a violent opposition to the golf cart proposal, but the City needed to be careful about what options were opened up throughout the entire City in allowing something other than what was designated.

Mr. Robert Cleveland – Westward Isle Condo Owner - 80-155 Palm Circle Drive, La Quinta CA – introduced himself and said he had a couple of objections to commercial zoning. One being what happens if it goes away. They did not want fast food or a 7-Eleven to take its place. There are 28 condominiums there and those residents don't want any of those types of commercial businesses on that parcel. He said he was the Vice President of the Homeowners' Association and one of his members commented on some golf cart operations ending up looking like salvage yards, while re-conditioning carts. He also commented on their plans for a new entry and their concerns for a new monument.

There being no further public comment, Chairman Alderson opened the matter for Commission discussion and closed the public hearing.

Discussion followed regarding on what basis the Director's determination was made and the need for a solution for this parcel.

Commissioner Quill recapped his concerns saying:

- The adjacent residents don't want to see this zoned commercial.
- If we allowed the applicant to submit a CUP we could include the appropriate conditions.
- This blighted corner could be put to a legitimate, low-impact use and, additionally, provide electrical vehicles.
- We could allow them to make this application for a CUP with some stretching of Golf Course zoning.

He added that allowing the CUP could improve the situation, allow the applicant to use the property, and improve the situation for the neighbors.

Planning Director Johnson pointed out Table 9.8, on page 15 – under Permitted Uses – Land Use - where it states “...other principal accessory or temporary uses not listed above...”, and across from that, “Determination of Use.” This was the information he used to make his determination on a permitted use. He suggested the Commission could consider that along with Section 9.20.040 and the three questions included in the second paragraph of the staff report. The Commission could utilize that information to make a determination that the proposed use could be considered as a conditional use in this district, making a determination on the land use. It would be the applicant’s responsibility to submit the conditional use permit.

Commissioner Barrows asked if in the options of a CUP, there was a way to specify for “golf course related use” and not “standard retail activity”. Staff said yes.

City Attorney Jenson said one other alternative would be to amend the chart in the Zoning Code, to authorize golf cart sales as a conditionally permitted use. You would have to initiate a zone change, but it would be for that specific use. If The Commissioners believe that it’s an affiliated use, and it’s an appropriate use for that, you could do it that way too.

General discussion followed regarding golf cart sales, in the Coachella Valley, and golf carts sales in conjunction with clubhouse operations.

Commissioner Quill said this was an isolated scenario and shouldn’t require changing the Zoning Ordinance.

Commissioner Barrows said she would feel more comfortable with a zoning ordinance since it provided more restriction and would not open the door for other retail uses.

Staff responded, another option would be to address this issue specifically tonight and then later talk about the possibility of re-visiting that and golf-specific items that the Commission believes are appropriate activities allowed in that zoning district. The Commission could direct staff to come back with changes at a later date.

Chairman Alderson asked the City Attorney about including uses on the chart in lieu of a conditional use permit, or amending the general plan and zoning ordinance.

City Attorney Jenson said if the chart were broadened then a decision would have to be made whether it would be designated a "P" (Permitted), or a "C" (Conditioned). Commissioner Quill responded a "C."

Chairman Alderson asked if that would still allow the Commission to re-visit the project, when designed, and be able to make comments.

City Attorney Jenson said yes, it would have to come forward.

Chairman Alderson commented that there wouldn't be a need to amend the general plan.

City Attorney Jenson said no, but the Commission could approve this type of use as another principal use, not listed, and if it meets all of the criteria listed, the Commission would have the ability to do that even without modifying this chart.

Staff said the key item is making sure that if the Commission wants to go that way, there are three findings in 9.20.040 which are consistent with the second paragraph of the staff report. Those three findings needed to be considered.

General discussion followed on what had been discussed, the options available to the Commissioners, the correct way to phrase the motion, and the agreement that the parcel was an eyesore.

There being no further questions or discussion, it was moved and seconded by Commissioners Quill/Weber to adopt Minute Motion 2010-007 to uphold the Director's Determination, as submitted. Unanimously approved.

There being no further questions or discussion, it was moved and seconded by Commissioners Quill/Wilkinson to adopt Minute Motion 2010-008 making the determination that the requested use is permitted in accordance with Section 9.020.040 as a conditional use for this site alone and recommended that staff bring back the Permitted Use Table, at a future meeting, to give the Commissioners the opportunity to make amendments. Unanimously approved.

VII. CORRESPONDENCE AND WRITTEN MATERIAL:

- A. League of California Cities – 2011 Planner’s Institute
March 9-11, 2011 – Pasadena Hilton. A response was requested by
January 7, 2011.

VIII. COMMISSIONER ITEMS:

- A. Report of the City Council Meeting of December 7, 2010 presented by
Commissioner Barrows.
- B. Chairman Alderson noted Commissioner Quill was scheduled to report
back on the December 21, 2010, Council meeting but Planning
Director Johnson offered to report on the meeting instead of the
Commissioner.
- C. An updated 2011 Council Meeting schedule was distributed to the
Commission showing Commissioner Weber is scheduled to report on
the January 4, 2011 Council meeting,

IX: DIRECTOR ITEMS:

- A. Responded to Commissioner Barrows’ comment about the General
Plan Update presented to Council. A copy of the draft minutes were
given to the Council. Staff is now moving forward with the
incorporation of the comments and suggestions into the update
process.

X. ADJOURNMENT:

There being no further business, it was moved by Commissioners
Quill/Weber to adjourn this regular meeting of the Planning Commission to
the next regular meeting to be held on January 11, 2011. (Commission
previously voted to go dark on December 28, 2010.) This regular meeting
was adjourned at 9:14 p.m. on December 14, 2010.

Respectfully submitted,

Carolyn Walker, Executive Secretary
City of La Quinta, California