



Planning Commission Staff Report

Date: January 12, 2011

Case No.: Case 5.0984 - PD-291

Type: Minor Amendment to Planned Development District (PDD-291)

Location: 5200 East Ramon Road (The Springs)

APN: 677-420-033, 677-420-045, 677-420-044, 677-420-046 and 677-420-047

Applicant: Endure Investments, LLC

General Plan: RC (Regional Commercial)

Zone: M-1-P (Planned Research and Development)

From: Craig A. Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant is requesting a minor amendment to allow a franchise massage establishments within PD-291, The Springs shopping center, located at 5200 East Ramon Road. Additionally, staff is requesting that the Planning Commission review and determine future uses permitted within the Planned Development District – PD-291.

RECOMMENDATION:

That the Planning Commission approve the minor amendment to allow franchise massage establishments and determine uses permitted within PD-291, subject to Conditions of Approval. A draft resolution is attached to this memo.

PRIOR ACTIONS:

On September 28, 2005, the Planning Commission recommended by a vote of 7-0 that the City Council certify the Final Environmental Impact Report as complete; and approve Case No. 5.0984 PD-291.

On October 19, 2005, the City Council approved the Case No. 5.0984 PD-291 as recommended by the Planning Commission.

On June 28, 2006, the Planning Commission found the final development plans to be in substantial conformance with the previously approved preliminary plans and thus voted unanimously for approval of the Final PD Plans.

On February 14, 2007, the Planning Commission approved an amendment to the final development plans involving building pad "B" within PD-291.

ANALYSIS:

Endure Investments, LLC. has submitted a request to allow a franchise massage establishment within the existing Springs shopping center located at the northeast corner of Ramon Road and Gene Autry Trail. The property owner would like to allow a massage establishment that operates under a franchisor and meets the requirements of Chapter 5.34 of the Palm Springs Municipal Code on massage establishments.

When the Springs shopping center was reviewed and approved by the City, the following analysis in the staff report was accepted as the understanding for permitted uses within the center:

The site is zoned Planned Research and Development Park (M-1-P) per the City of Palm Springs Zoning Ordinance. The M-1-P zone permits Wholesaling and Warehousing. The M-1-P zone also allows by approval of a Conditional Use Permit all commercial uses, and by approval of a Land Use Permit, Large-Scale Service Retail Outlets, Restaurants, and Retail Uses in conjunction with another permitted use. An approved Planned Development can incorporate a multiplicity of uses provided they are permitted by either the General Plan or Zoning Code. Exhibit 1 lists the mix of uses proposed by Planned Development 291. The PD 291 uses are anchored by a Home Depot which provides large-scale wholesale and retail service consistent with the M-1-P zone. The other Major, Retail and Restaurant ancillary uses to the Home Depot are more retail in orientation, however this shift is consistent with General Plan intent to offer commercial at this corner and to promote compatibility with surrounding residential areas.

About midway through the above paragraph, a reference to an attachment – Exhibit 1 – is mentioned but was not part of the staff's report. The omitted document includes a

mix of uses proposed by the original applicant. Staff has attached a letter to this report that was submitted one week before the Planning Commission recommended approval of the original project. This letter shows the list of potential uses within the shopping center and also specifies that the list "*is not intended to be a complete and exhausted list of uses*". While the list does not show franchise massage establishments as a permitted use, staff believes that the proposed use may be similar to a "Fitness / Health Club" or a "Medical / Dental Office" when in compliance with Chapter 5.34 of the Municipal Code. Therefore, staff believes a franchise massage establishment should be permitted within PD-291 by right, subject that the use complies with Chapter 5.34 of the Municipal Code.

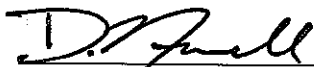
Staff also believes that many of the uses listed in the attached applicant letter are uses that are typically allowed within the C-S-C (Community Shopping Center) zone (see attached list for all uses permitted within the C-S-C zone). Since it appears that this was the intent of the City when approving PD-291, staff believes it would be useful to reference the C-S-C zone for all future permitted uses within the PD-291. This will provide staff with specific guidance in the future when a new business proposes to locate within the Springs shopping center.

CONCLUSION:

Staff recommends that the Planning Commission allow a franchise massage establishment within PD-291, and the C-S-C zone as a reference for all future permitted uses within PD-291. A draft resolution reflecting this recommendation is attached to this report.

ENVIRONMENTAL DETERMINATION:

A Final Environmental Impact Report was previously adopted by the City Council on October 19, 2005. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further documentation is not necessary since the circumstances surrounding the project have not changed. The present project could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.



David A. Newell
Associate Planner



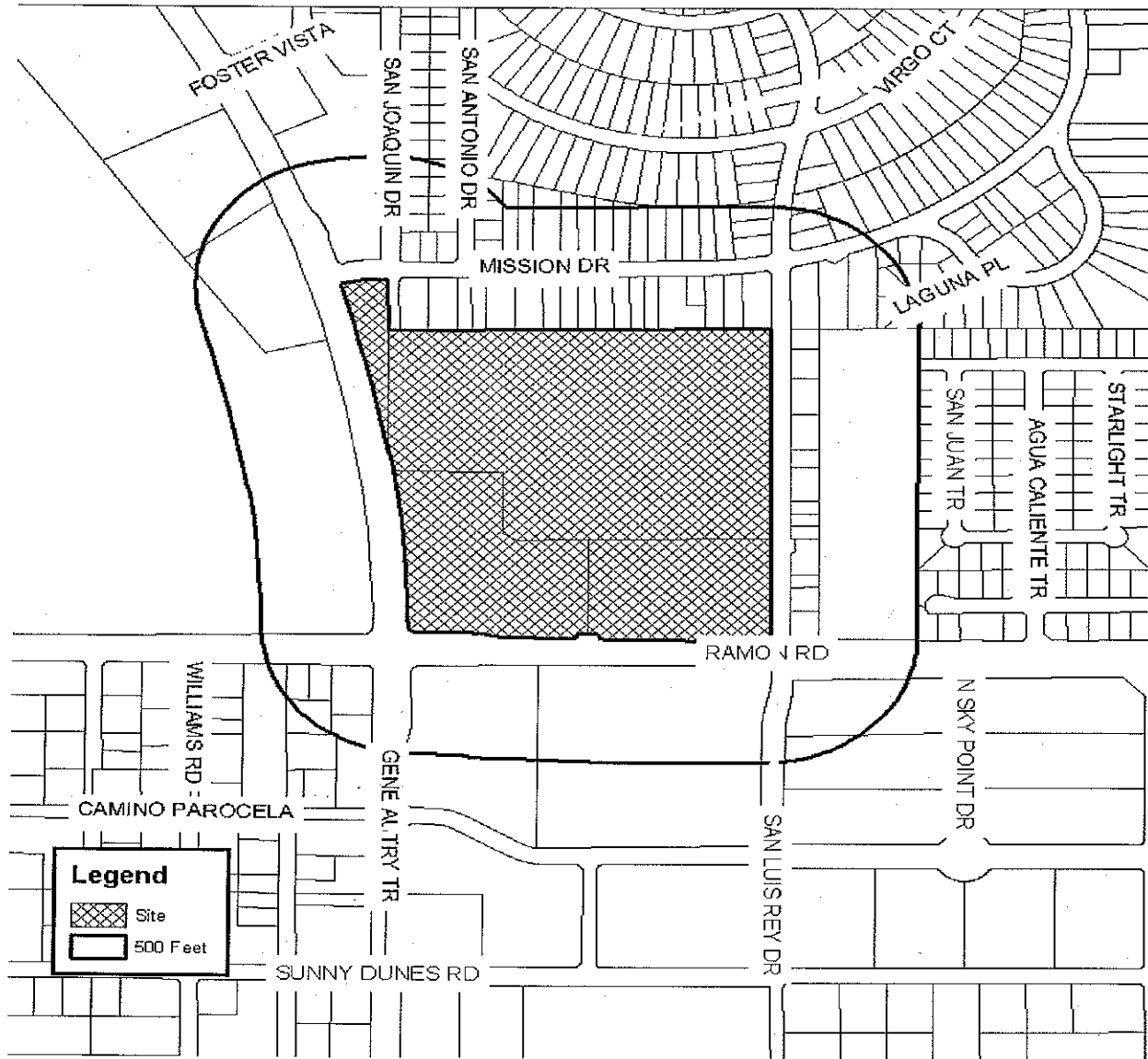
Craig A. Ewing AICP
Director of Planning Services

Attachments:

- 400' Radius Map
- Draft Resolution
- Letter from applicant dated September 21, 2005
- Section 92.11.00 C-S-C Zone Permitted Uses
- Section 92.10.00 C-D-N Zone Permitted Uses



Department of Planning Services
Vicinity Map



Legend

- Site
- 500 Feet

CITY OF PALM SPRINGS

CASE NO: 5.0984 PD-291-AMND

APPLICANT: Endure Investments, LLC

DESCRIPTION:

The Springs Commercial Center located at the northeast corner of Gene Autry Trail and Ramon Road, Zone M-1-P, Section 17.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PLANNED DEVELOPMENT DISTRICT 291; THEREBY APPROVING A FRANCHISE MASSAGE ESTABLISHMENT USE AT THE SPRINGS SHOPPING CENTER, LOCATED AT THE NORTHEAST CORNER OF RAMON ROAD AND GENE AUTRY TRAIL.

WHEREAS, Endure Investments, LLC, (the "Applicant") has filed an application with the City pursuant to Section 94.03.00(G) of the Palm Springs Zoning Code to amend Planned Development District 291 to allow a franchise massage establishment, subject to Chapter 5.34 of the Municipal Code, at the Springs shopping center located at 5200 East Ramon Road, Zone M-1-P, Section 17; and

WHEREAS, on September 28, 2005, the Planning Commission voted to recommend that the City Council adopt the Final Environmental Impact Report (FEIR), thereby approving Case No 5.0984 PD 291; and

WHEREAS, on October 19, 2005, the Final Environmental Impact Report (FEIR), for the project was previously adopted by the City Council in conjunction with the approval of Case No 5.0984-PD-291, Planned Development District (PD-291); and

WHEREAS, on January 12, 2011, a public meeting was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the meeting on the project, including but not limited to the staff reports, all written and oral testimony submitted by the applicant, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the requirements of Section 94.03.00(G), of the Zoning Code, the Planning Commission finds:

- 1) *That the use is in keeping with the stated intent and purpose of the Planned Development.*

The proposed minor amendment to the Planned Development District includes the introduction of a new service-related use, specifically franchise massage establishments, to PD-291. The proposed use is similar to "Fitness/ Health Clubs" and "Medical / Dental Offices", which are permitted by right within PD-291. Additionally, the proposed use would be regulated by a franchisor and be subject to Chapter 5.34 of the Municipal Code.

Section 2: The original approval of PD-291 specified a list of potential uses within the shopping center, but never provided a specific zone that listed all uses permitted. The list includes a mixture of major retail, general retail, office and food uses, which are most closely resembled by the City's C-S-C zone.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves (1) the amendment to PD-291 to allow a franchise massage establishment, subject to Chapter 5.34 of the Municipal Code, and (2) the use of the C-S-C zone, Section 92.11.01 of the Zoning Code, as a reference for all future permitted uses within PD-291, located at 5200 East Ramon Road.

ADOPTED this 12th day of January 12, 2011.

AYES:

NOES:

ABSENT:

ABSTAIN:

Craig A. Ewing, AICP
Director of Planning Services

September 21, 2005

Mr. Lance Schultz
City of Palm Springs – Planning Department
3200 Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Proposed uses for “The Springs” shopping Center

Dear Lance:

As requested, the following list represents a general representation of the potential uses within the above referenced project.

THE SPRINGS, PALM SPRINGS, CA - PROPOSED USES

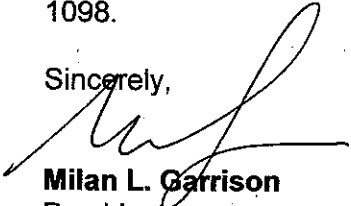
Major Retail*	Retail*	Office*	Food*
Home Depot	Salons	Copy Centers	Coffee shops
Kohls	Fitness/Health Club	Medical/Dental	Restaurants
Target	Cleaners	Travel Agency	Fast Food (Drive-Thru)
Marshals	Florists	Banks/Credit Unions	Bakery
Ross	Sporting Goods, Bike Shops	Real Estate	Ice cream
Mervyn's	Furniture		Delicatessen
	Hardware		Health Food Store
	Drug Store/Pharmacy		
	Hobby Shop		
	Pet Store/Care/Supplies		
	Book Stores		
	Tailor		

*** And other similar uses**

This is not intended to be a complete and exhausted list of uses, but used as a reference. All uses are considered to be by right with no further discretionary actions necessary.

If you have any questions or in need of additional information, please contact me at (626) 584-1098.

Sincerely,



Milan L. Garrison
President

- C: Arman Gabay, Charles Company
- Mark Gabay, Charles Company
- Sarah Withers, Charles Company

2. Department stores;
3. Bowling alleys;
4. Home improvement centers;
5. Roller or ice skating facilities;
6. Theaters.

B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, and no more obnoxious or detrimental to the public health, safety and welfare or to the other uses permitted in the zone, as provided in Section 94.01.00. All uses shall be subject to the standards in Section 92.09.03.

C. Uses Permitted by Land Use Permit.

1. Uses permitted by land use permit in the C-D-N zone, Section 92.10.01(B).

D. Uses Permitted by Conditional Use Permit (unless otherwise permitted). If not approved as part of the original plan, the following uses may be permitted subject to further approval of a conditional use permit, as provided in Section 94.02.00. Such uses shall be designed integrally with the center.

1. Automobile service stations, limited to the dispensing of motor fuels and oils, lubrication, sales and service of tires, tubes, batteries, and other minor accessories. No major automotive repair shall be permitted, such as engine, radiator, transmission or body repair;
2. Bowling alleys (Deleted by Ord. 1418);
3. Business schools not exceeding forty thousand (40,000) square feet of gross building area;
4. Car washes;
5. Churches, freestanding;
6. Drive-through facilities;

92.11.00 "C-S-C" community shopping center zone.

The C-S-C zone is designed to combine the general variety of community-level commercial services, in a planned shopping complex. The organization of services into a coordinated and interrelated complex is found to be a desirable alternative to scattered strip commercial development. The C-S-C zone will not be granted until a conditional use permit has been approved and all conditions comply with. (Ord. 1654 (part), 2004; Ord. 1294 (part), 1988)

92.11.01 Uses permitted.

A. Uses Permitted.

A community shopping center should feature those commercial sales and service establishments that satisfy the primary needs of the city's residential community at large. It is neither intended nor permitted for these facilities to dilute or to detract from the commercial base established in the downtown shopping district. Tourist-oriented commercial uses are not considered to be viable land use in the C-S-C zone.

Buildings, structures and land shall be used and buildings and structures shall thereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards in Section 92.11.03.

1. All uses allowed in the C-D-N zone, Section 92.10.01(A);

- 7. Nightclubs as a primary use;
- 8. Recreation centers, not otherwise regulated herein;
- 9. Theaters (Deleted by Ord. 1418);
- 10. Video/amusement arcades as a primary use subject to the provisions of Section 93.16.00;
- 11. Video/amusement machines as a secondary use subject to the provisions of Section 93.16.00.

(Ord. 1654 (part), 2004; Ord. 1418 (part), 1992; Ord. 1307 (part), 1988; Ord. 1294 (part), 1988)

92.11.02 Uses prohibited:

All uses and structures not permitted in Section 92.11.01 are deemed to be specifically prohibited. The following classifications of uses shall not be permitted in this zone by commission determination.

- A. Automotive repair garages;
- B. Industrial uses;
- C. Motorcycle rentals and sales, both as a primary and accessory use;
- D. Residential uses, including hotels;
- E. Wholesaling and warehousing.

(Ord. 1294 (part), 1988)

92.11.03 Property development standards.

The following property development standards shall apply to all land and buildings in the C-S-C zone, except that any lot created in compliance with applicable laws and ordinances in effect at the time of its creation may be used as a building site.

A. Site Area.

Each community shopping center shall have a minimum site area of fifteen (15) acres and a maximum of sixty (60) acres. The site area

shall generally correspond with the standards set forth in the general plan.

B. Site Dimensions.

Each community shopping center shall have a minimum frontage of five hundred (500) feet on at least one (1) dedicated and improved major or secondary highway.

C. Building Height.

1. Buildings and structures erected in this zone shall have a height not greater than thirty (30) feet.

a. Exception.

High-rise buildings may be permitted pursuant to the provisions of Sections 93.04.00 and 94.02.00.

2. Permitted Projections Above Building Height Limit.

The provisions of Section 93.03.00 shall apply.

D. Yards.

1. General Provisions.

The provisions of Section 93.01.00 shall apply.

a. Special Setbacks.

For properties fronting Tahquitz Canyon Way or E. Palm Canyon Drive, see Special setbacks, Section 93.01.02.

2. Where property in the C-S-C zone abuts a street, there shall be a minimum yard abutting such street as follows:

- a. Twenty-five (25) percent of the total site frontage may have buildings constructed twenty-five (25) feet from the property line.

92.10.00 "C-D-N" designed neighborhood shopping center zone.

The C-D-N zone provides an opportunity for convenience commercial uses to be oriented directly to the residential neighborhood they serve by means of a planned commercial complex. The shopping centers established under this zone are intended to be an integrated element of the neighborhood and to promote a harmonious relationship between convenience services and the residential environment through compatibility of site design and architectural treatment of structures. The C-D-N zone will not be granted until a conditional use permit has been granted and all conditions complied with. (Ord. 1294 (part), 1988)

92.10.01 Uses permitted.

A. Uses Permitted.

Convenience commercial uses established in a C-D-N complex shall direct their activities to serving the specific neighborhood in which they are located. Those businesses or services that require a market area beyond the sphere of the immediate neighborhood and draw customers or clients from community-level facilities or from the downtown business district are not considered to be an appropriate use in the C-D-N zone.

Buildings, structures and land shall be used and buildings and structures shall be erected, altered or enlarged only for the following uses, with specific limitations of size and scope. All uses shall be subject to the standards in Section 92.10.03.

1. Auto parts, retail;
2. Athletic and health clubs;
3. Bakeries, retail;
4. Banks and savings and loan institutions, branch offices limited to a maximum of ten thousand (10,000) square feet gross floor area;
5. Barber and beauty shops;
6. Bicycle sales, repair and rental;
7. Book, gift and stationery stores;

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| <ul style="list-style-type: none"> 8. Camera shops; 9. Catering, in conjunction with a permitted food service use; 10. Clothes cleaning and laundry agencies; 11. Drug or variety stores limited to the sale of merchandise that can be carried out by the customer. Sale of major furniture items or appliances is prohibited; 12. Florists; 13. Food service facilities of all types (except drive-in and drive-through types); 14. Hardware and houseware stores; 15. Hobby and craft shops; 16. Ice cream shops; 17. Interior decorating and home accessory shops; 18. Jewelry stores; 19. Laundromats; 20. Liquor stores; 21. Locksmiths; 22. Musical instrument sales; 23. Newsstands; 24. Offices (all types except contractors); 25. Paint stores; 26. Pet shops including pet grooming (no kennel facilities); 27. Plant nurseries (sales); 28. Post Office branches; 29. Radio, television and appliance sales and repair; | <ul style="list-style-type: none"> 30. Shoe repair shops; 31. Specialty food stores; provided, no live animals are kept on the premises; 32. Supermarkets and food stores; 33. Tailor shops (retail only); 34. Toy stores; 35. Travel agencies; 36. Veterinary clinic, outpatient only; 37. Video/amusement machines as an accessory use subject to the provisions of Section 93.16.00; 38. Wearing apparel shops; 39. Accessory uses customarily incidental to the permitted use and located on the same lot therewith; 40. Convenience stores. |
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B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, and not more obnoxious or detrimental to the public health, safety and welfare or to the other uses permitted in the zone, as provided in Section 94.01.00. All uses shall be subject to the standards in Section 92.09.03.

C. Uses Permitted by Land Use Permit.

- 1. Art displays;
- 2. Car shows;
- 3. Christmas tree sales not as an accessory use to a main use;
- 4. Child care centers;
- 5. Festivals, exhibits and special events;

- 6. Musicians/entertainment (subject to provisions of noise ordinance);
- 7. Recycling collection center as an accessory use on a developed property;
- 8. Outdoor dining.

D. Uses Permitted by Conditional Use Permit (unless otherwise permitted).

- 1. Automobile service stations, limited to the dispensing of motor fuels and oils, lubrication, sales and service of tires, tubes, batteries, and other minor accessories. No major automotive repair shall be permitted, such as radiator, engine, transmission or body repair;
- 2. Car washes;
- 3. Video/amusement arcades as a primary use subject to the provisions of Section 93.16.00;
- 4. Video/amusement machines as a secondary use subject to the provisions of Section 93.16.00;
- 5. Drive-through facilities;
- 6. Family pool parlors;
- 7. Nightclubs.

(Ord. 1553 (part), 1998; Ord. 1418 (part), 1992; Ord. 1366 (part), 1991; Ord. 1294 (part), 1988)

92.10.02 Uses prohibited.

All uses and structures not permitted in Section 92.10.01 are deemed to be specifically prohibited. The following classifications of uses shall not be permitted in this zone by commission determination:

- A. Automotive repair garages;
- B. Drive through (Deleted by Ord. 1366);
- C. Industrial uses;
- D. Motorcycle rentals and sales;

- E. Nightclubs (Deleted by Ord. 1553);
- F. Residential uses, including hotels;
- G. Wholesaling and warehousing.

(Ord. 1553 (part), 1998; Ord. 1366 (part), 1991; Ord. 1294 (part), 1998)

92.10.03 Property development standards.

The following property development standards shall apply to all land and buildings in the C-D-N zone, except that any lot created in compliance with applicable laws and ordinances in effect at the time of its creation may be used as a building site.

A. Site Area.

Each neighborhood shopping center shall have a minimum site area of ten (10) acres and a maximum of thirty (30) acres.

B. Site Dimensions.

- 1. Each neighborhood shopping center shall have a minimum width and minimum depth of four hundred fifty (450) feet.
- 2. Each neighborhood shopping center shall have a minimum frontage of four hundred fifty (450) feet on at least one dedicated and improved major or secondary thoroughfare.

C. Building Height.

- 1. Buildings and structures erected in this zone shall have a height not greater than thirty (30) feet.
- 2. Exceptions.
 - a. Permitted Projections Above Building Height Limit.

The provisions of Section 93.03.00 shall apply.

D. Yards.