



Planning Commission Staff Report

Date: September 12, 2012
Case No.: 3.0452 MAA (APPEAL)
Type: Appeal of Minor Architectural Application
Applicant: Rick Puckett of Desert Scapes Welding, Inc.
Location: 1235 / 1233 S. Gene Autry Trail
APN: 680-570-005 / 680-570-004
General Plan: IND (Industrial)
Zone: M-1 (Service / Manufacturing)
From: Craig A. Ewing, AICP, Director of Planning Services
Project Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant has filed an appeal of the Planning Director's decision to deny the relocation of driveway gates for the properties located at 1235 & 1233 South Gene Autry Trail. The appellant is seeking that the Commission overturn the denial and allow the relocation of the driveway gates.

RECOMMENDATION:

That the Planning Commission uphold the decision of the Planning Director denying the request to relocate the driveway gates.

BACKGROUND:

On July 19, 2012, the applicant submitted a Minor Architectural Application to install a recycling bin enclosure at the northerly side of the property located at 1235 South Gene Autry Trail.

On August 1, 2012, the applicant submitted another Minor Architectural Application to allow the relocated driveway gates at the properties located at 1235 and 1233 South Gene Autry Trail.

On August 2, 2012, the Planning Director approved the request to install a recycling enclosure at 1235 S. Gene Autry Trail, and denied the request to relocate the driveway gates at 1235 & 1233 S. Gene Autry Trail.

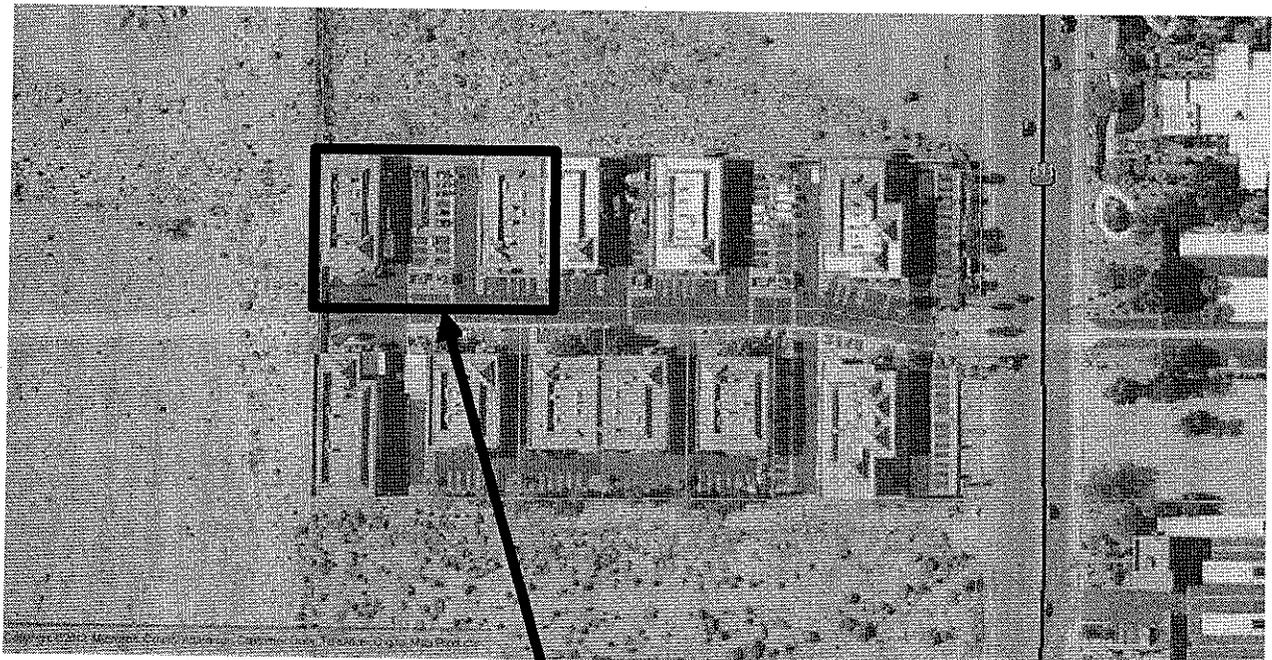
On August 13, 2012, the applicant / appellant filed a request to appeal the Director's decision to the Planning Commission (see attached letter).

SETTING:

The subject properties (1235 & 1233 S. Gene Autry Trail) are part of a planned industrial park consisting of eleven attached and detached buildings on eleven parcels. The complex has shared access driveways and parking throughout. Raw, vacant land surrounds the 4.7 acre industrial park. Surrounding land uses, Zoning, and General Plan designations are detailed below:

Table 1: Surrounding General Plan Designations, Zones and Land Uses

	General Plan	Zone	Land Use
North	Industrial	M-1 (Service / Manufacturing)	Vacant
South	Industrial	M-1 (Service / Manufacturing)	Vacant
East	Industrial	M-1 (Service / Manufacturing)	Desert Water Agency
West	Open Space – Parks/Rec.	O (Open Land)	Vacant



SUBJECT PROPERTIES

APPEAL

When the Planning Commission approved the planned industrial park in 1989, only a portion of the off-street parking areas were approved for restricted access. At 1235 S. Gene Autry Trail, restricted access to parking was approved for six of the thirteen parking spaces on site; the relocated gate now restricts all but three spaces. At 1233 S. Gene Autry Trail, restricted access was approved for six of the fifteen parking spaces; the relocated gate now restricts all but five spaces.

Staff reviewed the applicant's appeal letter and notes two reasons for overturning the Planning Director's decision. Staff listed both reasons and responded below:

1. *These parking areas are used for employee parking only and the gates are located to allow company vehicles to be secured against theft at night. Theft and break-ins on company vehicles is a continuing problem.*
2. *Neither Desert Scapes Welding, nor the majority of the other business owners are retail businesses. So they don't bring in the general public. There is plenty of parking in the front of the building for visitors and that has not been a problem.*

The site plan approved by the Planning Commission allowed a limited number of parking spaces with restricted access for each property. Unrestricted parking included a certain number of spaces for joint use on each property. The further restriction of parking would impede the joint use of available parking within the industrial complex beyond that which was granted by the Planning Commission in 1989.

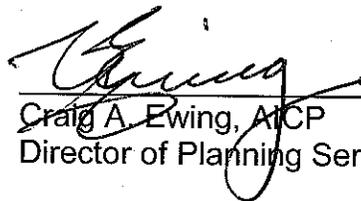
Additionally, staff notes that restricted off-street parking areas can, inadvertently or advertently change to outdoor storage areas, which is not the intended use.

CONCLUSION:

That the Planning Commission uphold the decision of the Planning Director, denying the request to allow relocated driveway entry gates at the properties located at 1235 & 1233 S. Gene Autry Trail.



David A. Newell
Associate Planner



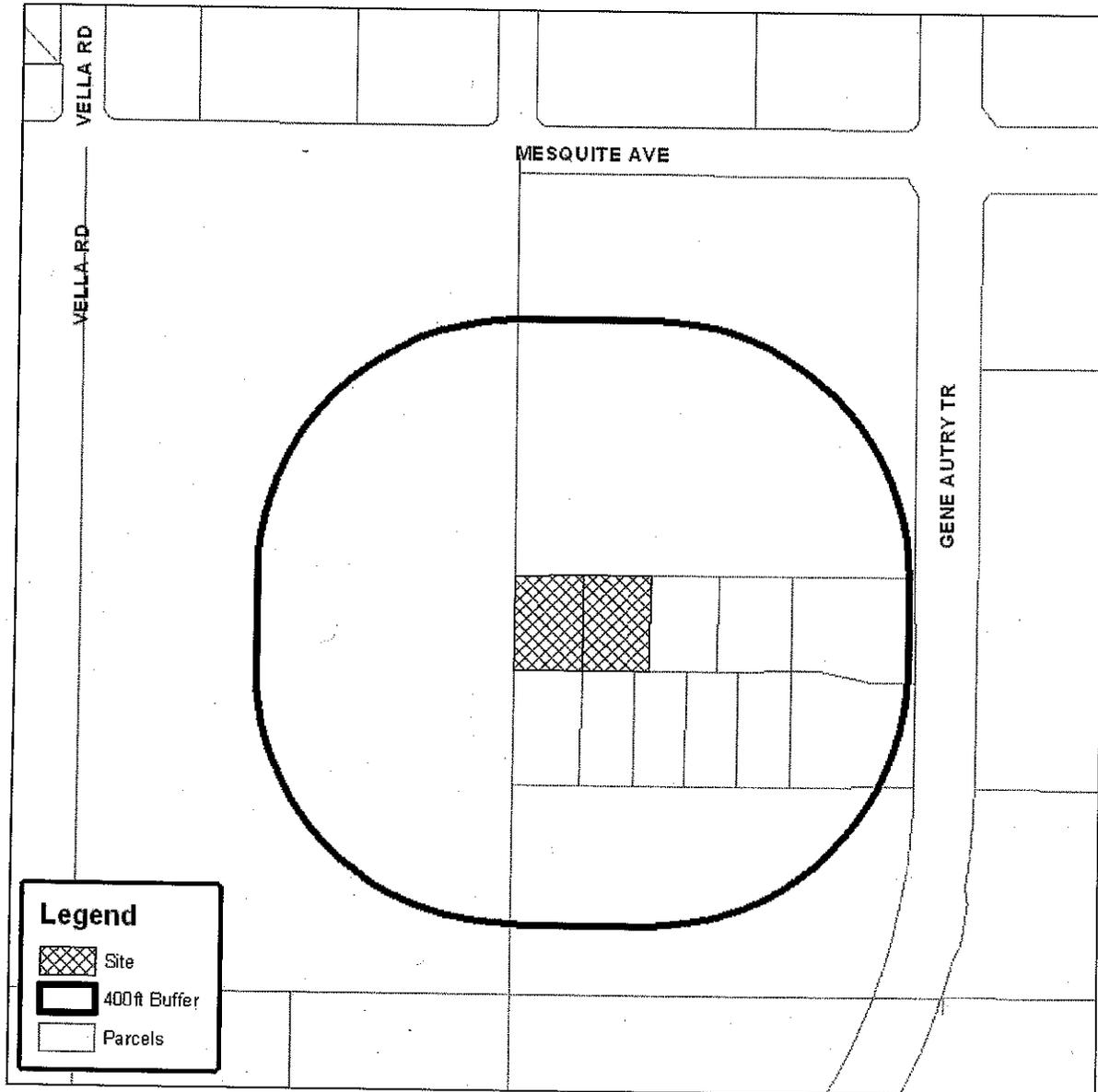
Craig A. Ewing, AICP
Director of Planning Services

ATTACHMENTS:

1. Vicinity Map
2. Denial Resolution
3. Denial letter to applicant
4. Site plan and fence elevation
5. Letter of appeal by applicant
6. Letters from other tenants in industrial park
7. Existing site photograph



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 3.0452 MAA Appeal

APPLICANT: Desert Scapes Welding, Inc.

DESCRIPTION: An appeal of the Planning Director's decision to deny the relocation of driveway entry gates at 1235 & 1233 S. Gene Autry Trail, Zone M1, Section 19.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA UPHOLDING THE DECISION OF THE DIRECTOR OF PLANNING SERVICES AND DENYING AN APPEAL BY DESERT SCAPES WELDING, INC. TO RELOCATE DRIVEWAY ENTRY GATES AT 1235 & 1233 S. GENE AUTRY TRAIL.

WHEREAS, on August 2, 2012, the Planning Director denied a request to relocate driveway entry gates at two properties located at 1235 & 1233 S. Gene Autry Trail, Zone M-1, Section 19; and

WHEREAS, on August 13, 2012, the applicant, Rick Puckett of Desert Scapes Welding, Inc., filed an appeal request of the Planning Director's decision; and

WHEREAS, Sections 94.04.00(E)(2)(b) of the Palm Springs Zoning Code allows decisions by the Director of Planning Services to be appealed to the Planning Commission; and

WHEREAS, on September 12, 2012, the Planning Commission conducted a public review of the appeal request, including all of the evidence presented in connection with the matter, including, but not limited to, the staff report prepared on the matter, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: That the decision by the Director of Planning Services to deny the request to relocate driveway entry gates and further restrict off-street parking access was justified based on the following:

1. When the Planning Commission approved the planned industrial park in 1989, only a portion of the off-street parking areas were approved for restricted access. At 1235 S. Gene Autry Trail, restricted access to parking was approved for six of the thirteen parking spaces on site; the relocated gate now restricts all but three spaces. At 1233 S. Gene Autry Trail, restricted access was approved for six of the fifteen parking spaces; the relocated gate now restricts all but five spaces.
2. The site plan approved by the Planning Commission allowed a limited number of parking spaces with restricted access for each property. Unrestricted parking included a certain number of spaces for joint use on each property. The further restriction of parking would impede the joint use of available parking within the industrial

complex beyond that which was granted by the Planning Commission in 1989.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby rejects the appeal and upholds the decision of the Director of Planning Services, denying the request to relocate driveway entry gates at 1235 & 1233 S. Gene Autry Trail.

ADOPTED this 12th day of September, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services



City of Palm Springs

Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: www.palmspringsca.gov

August 2, 2012

Mr. Rick Puckett
Desert Scapes Welding Inc.
1235 South Gene Autry Trail
Palm Springs, California 92264

RE: Case No. 3.0452 MAA; 1235 / 1233 S. Gene Autry Trail
Request to legalize relocated driveway gate and install a recycling bin enclosure

Mr. Puckett,

On July 19, 2012, the City received your Minor Architectural Application seeking approval of relocated driveway gates at the subject properties. On August 1, 2012, additional materials were received to install a recycling bin enclosure at the northerly side of the property (outside of parking areas) at 1235 S. Gene Autry Trail.

Staff has reviewed the request in accordance with Section 94.04.00 of the Palm Springs Zoning Code, and determined the following:

1. The relocated driveway gates are inconsistent with the approval granted by the Planning Commission on January 25, 1989.
2. The location of the new driveway gates will further restrict parking access for the facilities.
3. The recycling bin enclosure will be consistent with the criteria outlined in Section 93.07.02(D) of the Zoning Code.

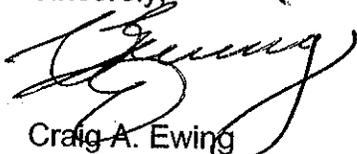
From this analysis, staff has **DENIED** the request to relocate the driveway gate and **APPROVED** the request to install the recycling bin enclosure, subject to the following conditions:

1. The relocated driveway gates shall be removed by August 16, 2012.
2. The corrugated metal fence for the recycling bin enclosure shall be a stainless steel material with a minimum thickness of 18 gauge.
3. The area surrounded by the recycling bin fence shall be constructed with a concrete floor.
4. The fence shall be painted to match the adjacent existing wall color.
5. Recyclable materials shall be removed on a regular basis and not be stored higher than the enclosure wall / fence.

Please note that you or any aggrieved person may appeal this decision to the Planning Commission within 10 days of the date of this letter. The appeal must be filed in writing no later than August 13, 2012, and include a filing fee \$305.00.

If you have any questions about this letter, please contact Associate Planner David A. Newell at (760) 323-8245.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig A. Ewing". The signature is stylized with a large, sweeping "C" and "E".

Craig A. Ewing
Director of Planning Services

cc: Code Enforcement

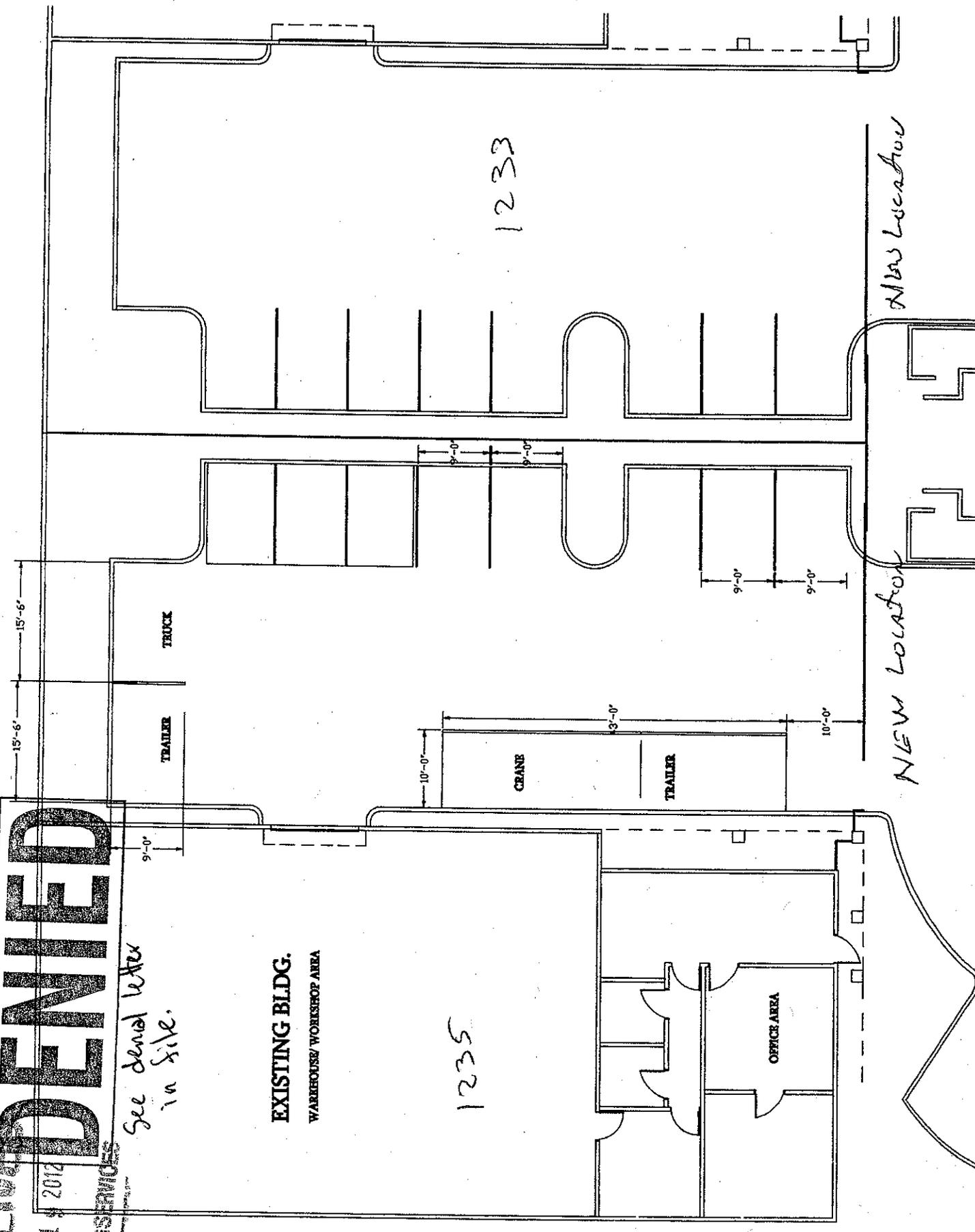
3.0482 max Dr 8/2/2012

RECEIVED
JUL 1 2012
PLANNING SERVICES

DENIED

See denial letter
in file.

EXISTING BLDG.
WAREHOUSE/ WORKSHOP AREA



NEW LOCATION

NEW LOCATION

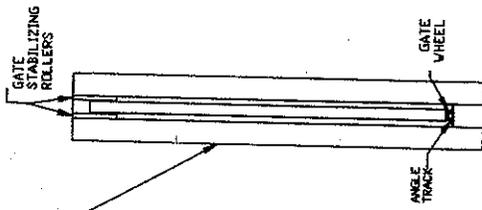
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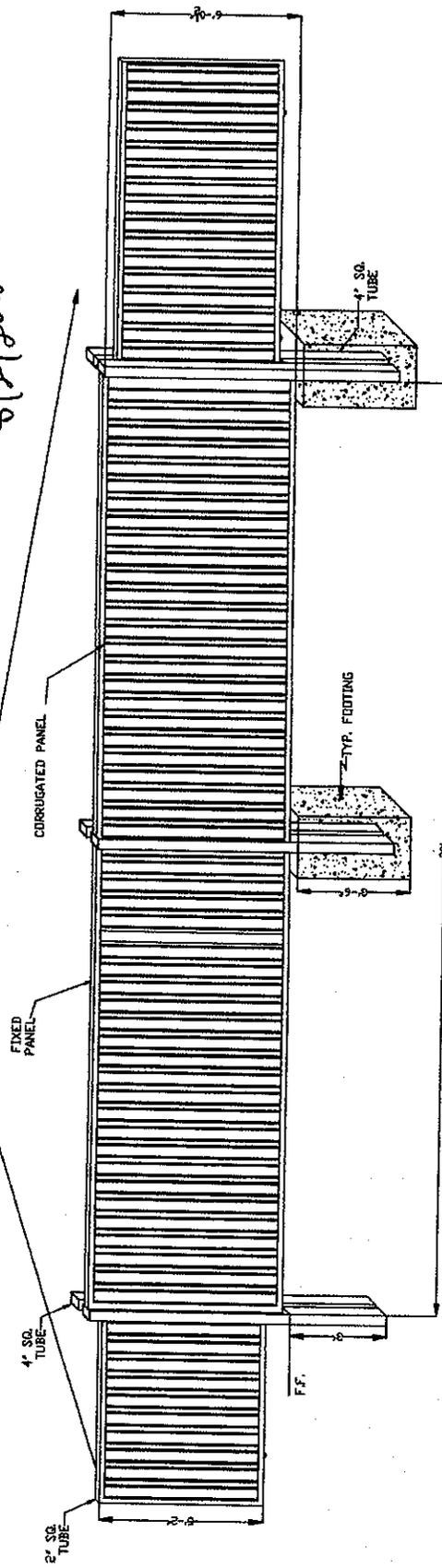
JUL 19 2012

PLANNING SERVICES

3.0452 MAX
8/2/2012
DENIED
see denied letter 8/2/12/12



DOUBLE CANTILEVER ROLLING GATE



<p>APPROVAL NOTE ON DRAWINGS THAT ARE NOT BEING SUBMITTED FOR APPROVAL, CERTAIN DIMENSIONS, NOTES, ETC. THAT ARE DESIGNATED WITH A CLOUD; IF THIS INFORMATION IS NOT VERIFIED OR PURCHASED BY THE APPROVER OR GC, DESERT SCAPES WELDING INC. WILL ASSUME IT TO BE CORRECT AS SUBMITTED AND WILL FABRICATE ACCORDINGLY.</p>	<p>DESERT SCAPES WELDING 1235 GENE AUTRY TRAIL PALM SPRINGS, CA. 92264 PHONE 760-778-7728 FAX 760-778-7827</p>
	<p>JOB: DOUBLE CANTILEVER ROLLING GATE</p>
<p>LOCATION: PALM SPRINGS</p>	<p>CONTRACTOR: DESERT SCAPES WELDING</p>
<p>ARCH. / ENG.</p>	<p>DATE 7-29-2012</p>
<p><small>THE DRAWING SHALL BE USED AS SHOWN. THE DRAWING SHALL BE THE ONLY REFERENCE FOR THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.</small></p>	

Desert Scapes Welding Inc.
1235 So. Gene Autry Trail
Palm Springs, Ca. 92264
760-778-7728 / 578-0809 *
Cal Lic. # 786905

Attn: Mr. Craig Ewing
City of Palm Springs
Department of Planning Service
Re: Case No. 3.0452MAA; 1235 / 1233 S. Gene Autry Trail

August 13, 2012

Request to legalize relocate driveway gate and install recycling bin enclosure.

In your letter dated 6/02/12 Desert Scapes Welding Inc. (DSWI) is responding with the following request for an approval for outdoor storage and driveway gates relocation.

The property has nine property owners and an HOA format. The initial approval of the project provided for gates in a similar location to those constructed on site. So the need for such a separation was known from the start of the project. However, the amount of area required inside the gated area was not adequate for the needs of the property owners.

The driveway gates at 1233 and 1235 were constructed approximately 8 years ago and a permit was not obtained at that time, The gates were built from the idea of Joe Dennis 1237 for the reason of the theft and unauthorized persons walking into the shop working area, and to block the view of the work area and work trucks.

These parking areas are used for employee parking only and the gates are located to allow company vehicles to be secured against theft at night. Theft and break-ins on company vehicles is a continuing problem.

Neither Desert Scapes Welding, nor the majority of the other business owners are retail businesses. So they don't bring in the general public. There is plenty of parking in the front of the building for visitors and that has not been a problem.

The 1233 location that shares the gate system is a wholesale service and has their gate open during business hours then closed and locked with their service vehicles within.

Desert Scapes asks for the gates to remain in position and the City to approve them to remain in the current location.

Further, it is the desire of the other property owners that they have approval to be able to install similar gates adjacent to their businesses.

See attached letters from tenants and owners in the park.

Sincerely



Rick Puckett
Desert Scapes Welding, Inc.



August 13, 2012

To Whom It May Concern:

As the owner of 1229 and 1231 South Gene Autry Trail and located in the same industrial park and two doors down from Desert Scapes Welding, Inc. at 1235 South Gene Autry Trail, I have no objection to the location of the current security gate on this property. The gate does not negatively impact my employees or infrequent guests from finding parking, and it provides a screen from work that may from time to time be conducted outside.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian M. Sonderman".

Brian M. Sonderman

President

General Investments Company

Head Office:
5159 Brooks Street, Suite B
Montclair, CA 91763
Phone: (909) 626-3634
Facsimile: (909) 626-6562

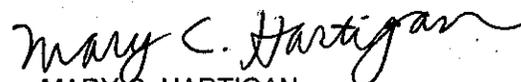
Palm Springs Office:
441 S. Calle Encinia, Ste. 4
Palm Springs, CA 92263
Phone: (760) 318-6434

CERTIFICATION

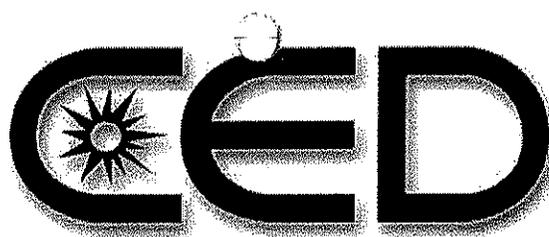
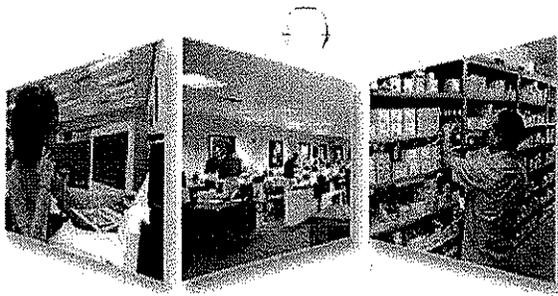
TO WHOM IT MAY CONCERN:

As owners of an industrial building located at 1235 So. Gene Autry Trail in Palm Springs, California, currently leased by Desert Scapes Welding, Inc., please be advised that we have no objection whatsoever in the security gate they installed to hide from public view the recyclable material stored at their yard from time to time which are used in the conduct of their business.

GENERAL INVESTMENTS CO.


MARY C. HARTIGAN
Property Manager

August 10, 2012



CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC.

CED-PALMS SPRINGS
1233 S. GENE AUTRY TR
PALM SPRINGS, CA 92264

TO WHOM IT MAY CONCERN:

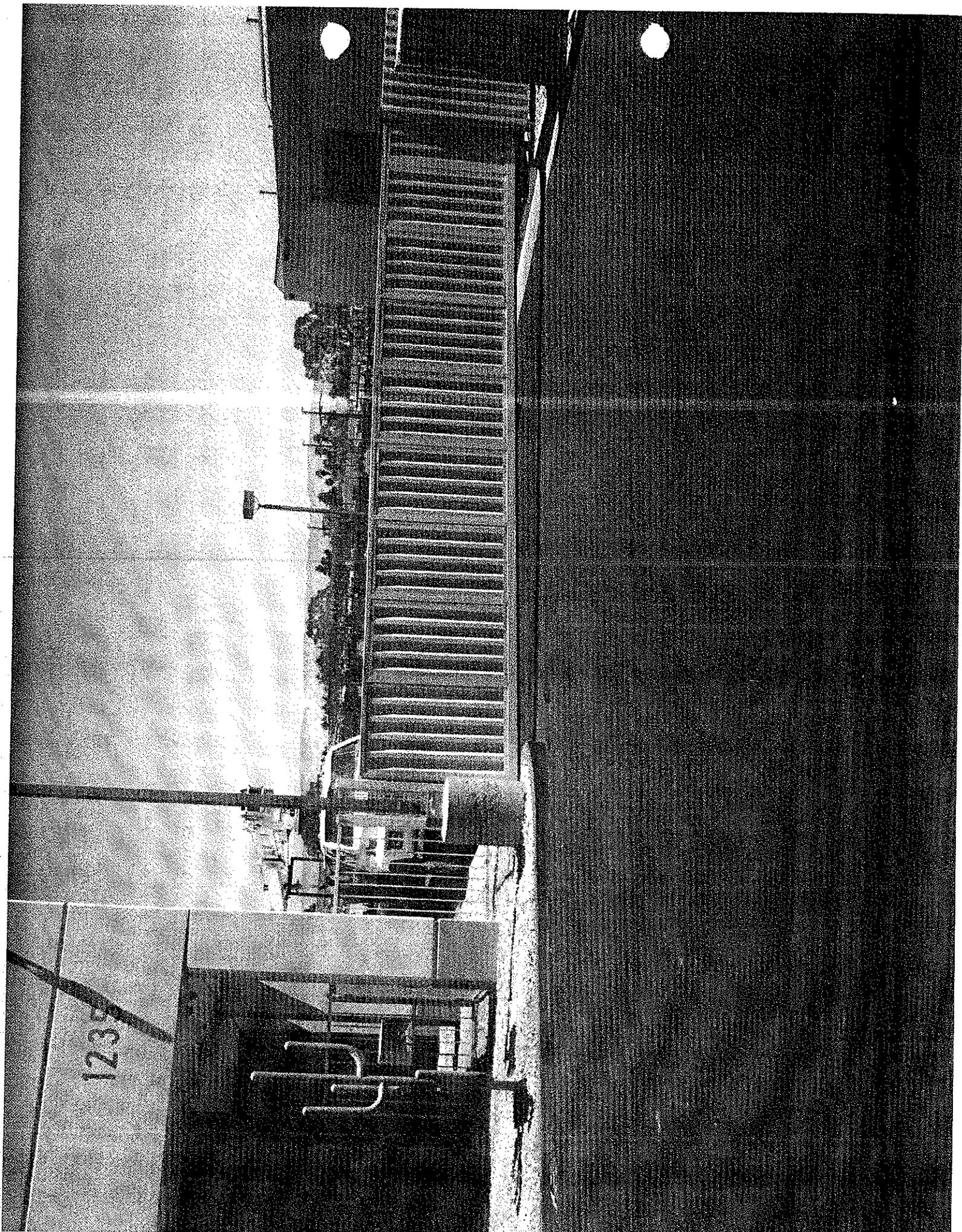
As the resident business leasing the building at 1233 S. Gene Autry we have no objection to the security gates installed at 1235, and 1233 and their current location. It does not restrict parking for our business in any capacity as ours are always open during business hours. We also believe that they are necessary for our neighbors to conduct his business properly.

Sincerely,

Russell Walke

Manager

CED-Palm Springs
1233 S. Gene Autry Trail
Palm Springs, Ca 92264
PH (760) 864-7292 FX (760) 864-7383



1235