

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, August 19, 2015

CALL TO ORDER

At 6:04 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for August 19, 2015, was called to order by Chairman Kallen.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner Jason Lamoreaux, Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Doug Qualls and Chairman Bruce Kallen.

STAFF PRESENT

Carol Miller, Principal Planner; Douglas Fenn, Senior Planner; Pam Cupp, Associate Planner; Lori Lamson, Assistant Town Manager; Richard Pederson, Deputy Town Engineer; Haviva Shane, Town Attorney; and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of July 15, 2015.

Motion by Vice-Chairman Qualls, and seconded by Commissioner Tinsley, to approve the Minutes for the Regular Meeting of July 15, 2015.

Motion Carried by the following vote: Ayes: Commissioner Lamoreaux, Commissioner Shoup, Commissioner Tinsley, Vice-Chairman Qualls and Chairman Kallen. Noes: None. Absent: None. Abstain: None.

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit 2015-006.** The Applicant is requesting a Conditional Use Permit to allow the construction of a single-story 11,715 square foot commercial automotive tire sales and service building.

Applicant: Evergreen Devco, Inc.

Location: The project site is adjacent to Highway 18 within the Apple Valley Commons shopping center.

Chairman Kallen opened the public hearing at 6:05 p.m.

Mr. Douglas Fenn, Senior Planner presented the staff report as filed by the Planning Division. He noted there are two (2) key Conditions added: 1) Condition No. 22 recommending replacement of the turf area with rockscape to match the existing landscaping and 2) Condition No. 23 recommending a change to the colors in order to be in conformance with the rest of the center.

Chairman Kallen asked the Applicant if he agreed to the Conditions of Approval.

Mr. Zack Lauterback stated "Yes".

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:10 p.m.

MOTION

Motion by Chairman Shoup, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15332, Class 32, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Conditional Use Permit No. 2015-006, subject to the attached Conditions of Approval and the added Conditions as stated above.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
 Commissioner Shoup
 Commissioner Tinsley
 Vice-Chairman Qualls
 Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

3. **Conditional Use Permit No. 2015-002 and Deviation No. 2015-002** (Continued from the July 15, 2015 meeting). A request to approve a Conditional Use Permit to allow the construction of a sixty-three (63)-foot high wireless telecommunication facility designed as a faux church tower. The Deviation is a

request to encroach by 185 feet into the required separation distance from residential land uses.

Applicant: Reliant Land Services representing Verizon

Location: The project site is located at the 21938 Thunderbird Road, APN 437-222-29.

Chairman Kallen opened the public hearing at 6:11 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division. He commented on the Exhibits attached to the report, which represent cellular coverage based on the different height levels as requested by the Planning Commission at the last meeting.

Mr. Fenn read into the record the following new Condition of Approval (P-10):

“The approval is conditioned with the express findings of the Planning Commission that the height of the tower and the base station, as proposed, are designed to be proportionate in size and scale to the church, along with the design color features of the structure, and are an integral part of the concealment elements of the tower base station.”

Discussion ensued regarding the signal frequencies, tower height, and the Deviation.

Commissioner Shoup asked a series of questions regarding the definition of substantial change.

Ms. Carol Miller, Principal Planner, noted the definition of substantial change can be found under Section 6409(a) and will be included as part of the Town’s Code.

Ms. Haviva Shane, Town Attorney, gave an example of how the Federal regulation defines substantial change. She noted that if the Federal regulation were to interpret it in a way that is inconsistent with the Town’s current argument, the Town would have to be consistent with the Federal regulations.

Staff and Applicant were asked questions regarding co-location, the propagation maps, extending the height of the tower, and strength of signals.

Ms. Marilyn Warren, Reliant Land Services representing Verizon, explained if a request is made for additional height, approval by the Landlord will be needed.

Chairman Kallen asked the Applicant if she agreed to the Conditions of Approval.

The Applicant responded “Yes”.

PUBLIC COMMENT

None.

Chairman Kallen closed the public at 6:38 p.m.

Commissioner Shoup thanked Staff for addressing the concerns expressed by the Planning Commission regarding the possibility of extending the height of the tower and additional twenty (20) feet.

Chairman Kallen would like to continue to receive propagation maps.

Commissioner Shoup would also like to see an overlay of the zoning districts with the propagation maps.

MOTION

Motion by Vice-Chairman Qualls, seconded by Commissioner Tinsley, that the Planning Commission move to

1. Find that pursuant to the California environmental Quality Act (CEQA), Section 15303, Class 3, the proposed request is Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2015-002 and Deviation Permit No. 2015-002.
3. Approve Conditional Use Permit No. 2015-002 and Deviation Permit No. 2015-002, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None
Abstain: None
Absent: None

The motion carried by a 5-0-0-0 vote.

4. **Tentative Tract Map No. 16979, Extension No. 1.** The Applicant proposes a request of a three (3) year time extension for Tentative Tract Map No. 16979, No. 1 of a previously approved (156) single-family residential subdivision on 179.26 acres, within the Single-Family Residential (R-SF) Zoning District. The expiration date (after exhausting all of the State-mandated automatic extensions) of this Tentative Tract map is September 5, 2015.

Applicant: United Engineering, Beau Cooper

Location: The site is located on Apple Valley Road north of Ohna Road and at the terminus of Kasota Road; APN 0473-001-30.

Chairman Kallen opened the public hearing at 6:40 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division. He commented on the numerous calls received from individuals who are concerned with the property values.

Mr. Fenn responded to questions by the Planning Commission regarding the changes to the map, which include a change to the setbacks as shown on page 47, Condition 3-13, as well as the Conditions included on page 4-8 and page 4-11 regarding the Environmental Regulatory Compliance Conditions. He noted all the other Conditions remain the same.

Discussion ensued regarding the maximum number of extensions that can be granted, in addition to the automatic extensions that are not inclusive per state law.

Applicant, Beau Cooper, responded to questions by the Planning Commission regarding the elevation of the water tank as shown on the map.

PUBLIC COMMENT

John Hoag, Apple Valley, spoke in favor of this item and believed the project would be beneficial.

Reid Robsham, Apple Valley, spoke in opposition of the item. He expressed concern regarding the report provided by Staff and questioned why there was no mention of Ion. He also believed the notices mailed to the property owners were inadequate.

Mr. Beau Cooper, Applicant, responded to the concerns expressed by Mr. Robsham. He explained that Ion is not included on the map because it is not part of extension. He also commented on the slopes and grading.

Discussion ensued regarding the slopes and grading, minimum size disturbance, and the analysis performed.

Mr. Fenn responded to the concerns expressed by Mr. Robsham regarding the noticing requirements. He stated that all property owners identified on the map were notified accordingly.

Ms. Carol Miller, Principal Planner, noted the noticing radius was 700 feet beyond the tract in question.

Chairman Kallen asked the Applicant if he agreed to the Conditions of Approval.

Mr. Cooper responded "Yes".

Chairman Kallen closed the public hearing at 7:17 p.m.

Commissioner Shoup recalled the significant amount of public interest in the project in 2005 when he was a Councilmember. He noted Mr. Robsham made an Appeal against the project with over 100 signatures in support of the Appeal.

MOTION

Motion by Commissioner Lamoreaux, seconded by Chairman Shoup, that the Planning Commission move to:

1. Determine that, pursuant to the California Environmental Quality Act (CEQA), Section 15162, the proposed Time Extension is exempt and does not require further environmental review (although the map is still required to fulfill all environmental requirements stipulated within the map's initial approval).
2. Find that the facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve a three (3)-year extension of time for Tentative Tract Map No. 16797, subject to the attached, Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Exemption

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

5. **Development Code Amendment No. 2015-004** (Continued from the July 1, 2015 meeting). An amendment to the Development Code as it pertains to fencing of vacant parcels.
Applicant: Town of Apple Valley
Location: Town-wide

Chairman Kallen opened the public hearing at 7:22 p.m.

Ms. Lori Lamson, Assistant Town Manager, presented the staff report as filed by the Planning Division. Ms. Lamson explained, for the benefit of the Planning Commission, the rationale of the location of the proposed Amendment within the Development Code.

Ms. Lamson read into record the following changes to Section 8 of the Development Code as provided by the Town Attorney:

Under "Exceptions" on Page 5-5, the language has been modified in the second sentence to begin as follows:

"Organic types of barriers (i.e. boulders, logs placed horizontally, incremental placement of wood post vertically to block vehicular movement; and then insert "should be used when possible".

In addition, Number 2 in the first sentence it should read as follows:

“On vacant or developed property, it can be demonstrated for review and approval by the Community Development Director that the continued security problem exists, etc.”

Modifications were also made to Number 3 to read as follows:

“Vinyl or wood fencing as reviewed and approved by the Director.”

Ms. Lamson answered questions by the Planning Commission regarding whether or not the Ordinance would prohibit an owner from putting a chained link fence around their lots.

Discussion ensued regarding chained link fences, security risks, maximum height requirements, and the possibility of fencing permits.

Chairman Kallen, with the consensus of the Commission, would like to see provisions throughout the Code that clarify the owner is responsible for maintaining their fence.

Chairman Lamoreaux thanked Staff for bringing this item forward.

Commissioner Tinsley expressed concern regarding the implementation of the Ordinance. He would like the Code to mention that the Planning Commission may adjust the Ordinance as needed.

Ms. Lori Lamson noted that the Ordinance would provide a tool that is defensible for Code Enforcement when issuing citations and would defend the Town against any legal challenges..

PUBLIC COMMENT

John Laraway, Apple Valley, spoke in opposition of the Resolution.

Chairman Kallen closed the public hearing at 7:57 p.m.

MOTION

Motion by Commissioner Lamoreaux, seconded by Vice-Chairman Qualls, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2015-007, as amended, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as it pertains to regulations for fencing vacant land and vacant developed parcels

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup

Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None
Abstain: None
Absent: None

The motion carried by a 5-0-0-0 vote.

RECESS MEETING

Chairman Kallen declared a recess of the Town of Apple Valley Planning Commission meeting at 8:07 p.m.

RECONVENED MEETING

Chairman Kallen reconvened the Town of Apple Valley Planning Commission meeting at 8:16 p.m.

- 6. Development Code Amendment No. 2015-002** A request to consider an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending Section 9.74.110.G "Digital Advertising Displays".
Applicant: Town of Apple Valley
Location: Town-wide

Chairman Kallen opened the public hearing at 8:16 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division.

Ms. Cupp requested the following modifications to Staff's suggested language:

Item d. on Page 6-4, regarding scrolling and animated characterization, Ms. Cupp is requesting this item remain the same.

Item h. on Page 6-4 as it relates to operating standards, Ms. Cupp is requesting to amend the proposed language the following: "Except for billboards located along I-15, digital signs shall not advertise off-site businesses."

Discussion ensued regarding digital advertisement displays.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 8:45 p.m.

It was the consensus of the Planning Commission, that digital signs should not be allowed in residential areas, including institutional uses such as private schools, hospitals or museums.

It was the consensus of the Planning Commission to modify Planning Commission Resolution No. 2015-004 to include staff recommended changes and the following:

Section 1a - Strike Village Commercial

Section 1b – Strike completely

Section 1c – Modifying minimum lot frontage to 200 Feet

Section 1e – Strike completely

Section 2c add: “Nothing in this section can be construed to imply that any sign may exceed its permitted height based upon its digital component.”

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, that the Planning Commission move to:

1. Approve Planning Commission Resolution No. 2015-004, as amended by consensus, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as it relates to Digital Advertising Displays.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

None.

OTHER BUSINESS

Carol Miller, Principal Planner, noted that attached to the Planning Commission Agenda is the Development Permit Annual Review, which includes the Development Permits approved by Staff within the past year.

ADJOURNMENT

Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:47 p.m. to the Regular Meeting on September 16, 2015.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:



Chairman Bruce Kallen