

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, January 21, 2015

CALL TO ORDER

At 6:02 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for January 21, 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; Doug Fenn, Senior Planner; Haviva Shane; Town Attorney and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

PUBLIC COMMENT

It was the consensus of the Planning Commission to allow a member of the public to speak on Approval of the Minutes

Mr. Al Rice, Apple Valley, CA commented on, what he believed to be, inaccuracies in the minutes from November 5, 2014 and December 17, 2014. In addition, he commented on, what he believed to be, legal issues with respect to noticing requirements and requested that the December 17, 2014 minutes be postponed.

Ms. Haviva Shane, Town Attorney, informed the public that Planning Commission Minutes are not intended to be complete transcriptions of the meeting but only a summary. The entire meeting was available online for the public's viewing.

1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of November 5, 2014 (Continued from December 3, and December 17, 2014).

Motion by Commissioner Shoup, and seconded by Commissioner Lamoreaux, to approve the Minutes for the Regular Meeting of November 5, 2014, with highlighted comments added.

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

B. Minutes for the Regular Meeting of December 17, 2014.

Motion by Commissioner Shoup, and seconded by Commissioner Lamoreaux, to approve the Minutes for the Regular Meeting of December 17, 2014.

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

PUBLIC HEARING ITEMS

2. **Development Permit No. 2014-005.** A request to review and approve a Development Permit that would allow for the multi-phased construction of a two (2)-story dental/medical office building totaling 6,500 square feet and a second phase for a 12,715 square foot building.

Applicant: Mr. Michael Pontious

Location: The project is located at the northeast corner of Wika and Muni Roads; APN 0473-441-05.

Chairman Kallen opened the public hearing at 6:19 p.m.

Commissioner Lamoreaux recused himself from this item because he represents the Applicant and left the dias at 6:19 p.m.

Mr. Doug Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Mr. Michael Pontious, Apple Valley, CA. stated he had read the staff report and that he agreed with all Conditions of Approval.

PUBLIC COMMENT

Mr. Al Rice, Apple Valley, CA. again stated his concerns with the Town of Apple Valley's noticing requirements for the project including, but not limited to, mailings to local residents as well as publishing in the Town of Apple Valley's adjudicated newspaper, Apple Valley News.

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

It was the consensus of the Planning Commission that the project and its location will compliment the entrance the community.

MOTION

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

1. Adopt the Mitigated Negative Declaration and mitigation monitoring program for Development permit No. 2014-005 finding that, on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis. The Initial Study and Mitigated Negative Declaration are available at the Town' Planning Division which constitutes the record of proceedings upon which its decision is based.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2014-05; subject to the attached Conditions of Approval.
4. Direct staff to file a notice of Notice of Determination.

ROLL CALL VOTE

Ayes: Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Qualls
Chairman Kallen
Noes: None
Abstain: Commissioner Lamoreaux
Absent: None
The motion carried by a 4-0-1-0 vote.

Commissioner Lamoreaux returned to the dias at 6:44 p.m.

PUBLIC COMMENTS

Mr. Al Rice, Apple Valley, CA. reiterated his displeasure with the Town of Apple Valley's noticing requirements. He stated he was disappointed and embarrassed with the notice placed in the City of Adelanto's adjudicated newspaper, and the local mailings to residents and that he believed the Town of Apple Valley is restrictive when notifying members of the public of a project.

Mr. John Laraway, Apple Valley, CA. read a statement to the Planning Commission on the poisoning of our food supply and environment, losing our freedom, high taxes and tyranny. Mr. Laraway explained the positives of sustainability.

PLANNING COMMISSION COMMENTS

Vice-Chairman Qualls stated he appreciated the public's engagement and their concerns but wanted to reiterate that he had a lot of confidence in staff to follow the guidelines in notifications and in doing what is directed by state law and other regulations, not to mention the Town Council's rules and regulations.

Chairman Kallen echoed the sentiments of Vice-Chairman Qualls. He stated he understood the public's concerns and that many of the concerns had been addressed over the years as far as noticing goes. He stated that the Planning Commission is under the purview of the Town Council and followed the Development Code and General Plan as it relates to projects that come before the Commission and has complete confidence in staff's ability.. He further commented that Minutes are a summary of the meeting. If a member of the public wanted more specific information and is unable to attend the meeting, he recommended they watch the video on their computer. If a computer is not available, then staff will provide the use of a computer to view the meeting.

STAFF COMMENTS

None.

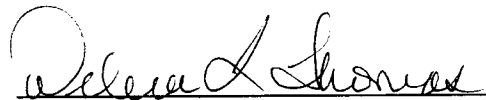
OTHER BUSINESS

None.

ADJOURNMENT

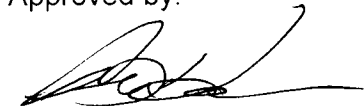
Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 6:52 p.m. to the Regular Meeting on February 18, 2015.

Respectfully Submitted by:



Debra Thomas
Planning Commission Secretary

Approved by:



Chairman BRUCE KALLEN