

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, July 1, 2015

CALL TO ORDER

At 6:00 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for July 1, 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, and Chairman Bruce Kallen. Absent: Vice-Chairman Doug Qualls.

STAFF PRESENT

Lori Lamson, Assistant Town Manager; Carol Miller, Principal Planner; Brad Miller, Town Engineer; Richard Pedersen, Deputy Town Engineer; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of June 3, 2015.

Motion by Commissioner Tinsley, and seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of June 3, 2015.

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

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit No. 2008, Amendment No. 1.** A request to expand an existing 4,680 square foot pre-school facility with a 3,444 square foot classroom addition and an increase in enrollment from eight (80) to 120 children.

Applicant: Ms. Melissa Moon for Smart Start Academy

Location: The site is located at 21482 Yucca Loma Road; APN 3112-482-13.

Chairman Kallen opened the public hearing at 6:04 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division.

Richard Pedersen, Deputy Town Engineer, described two (2) options they are providing the Applicant to choose from as it related to fees. One option is the Applicant pays both the Traffic Impact Fees and Frontage Fees and makes no road improvements. The second option is the Applicant improves the frontage area of the roadway and pays only the Traffic Impact Fees.

Mr. Mike Pontious, Architect for the Applicant, understood the two (2) alternatives being suggested by the Town's Engineering Division; however, he was unclear how to determine which option would benefit the Applicant.

Mr. Pedersen clarified for the Applicant that the Frontage Area Fee is the cost of everything but the travel lanes, curb, gutter, sidewalk and eight (8) to ten (10) feet of asphalt. The Traffic Impact Fee pays for the impact on the regional structure that only pays for the travel lanes.

Mr. Pontious stated he would appreciate it if the Planning Commission would consider staff's recommendations and Applicant agreed to the Conditions of Approval; however, he would ask staff to reconsider the final grading plan portion of the Conditions of Approval and work with Applicant on that issue.

Mr. Pedersen recommended that Applicant have its Traffic Engineer perform a traffic count at the location and that the grading plan needs to be prepared in such a way as to allow the Town's Engineer the ability to see drainage.

Mr. Pontious agreed to the suggested recommendations.

PUBLIC COMMENT

None.

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

Commissioner Shoup was concerned about allowing the Applicant to perform interim improvements that were not permanent and wanted to know why the final design of Yucca Loma Road was not known at this time.

Mr. Pedersen explained that the Town knows how wide the road was going to be but not the vertical aspects.

Commissioner Lamoreaux asked to discuss the grading plan and stated he would vote for approval.

Commissioner Tinsley supported the project and liked what he had heard, especially that the safety of children was a priority.

Chairman Kallen wished more projects like this were being built in Town. He wanted to know if the Applicant made the improvements and the Town was not happy with the improvement, whose responsibility was it to replace or maintain the improvements.

Mr. Pedersen stated it was the Applicant's responsibility to maintain the improvements.

Chairman Kallen asked if the Applicant agreed with the street improvement aspect of the Conditions of Approval.

Mr. Pontious stated "Yes".

Ms. Haviva Shane, Town Attorney, commented on the discussion of square footage of the addition and clarified how the exemption applied to the addition and that it fell within the CEQA Section 15301 Class 1 exemption.

Ms. Shane would like to add for the record that the street improvements would fall under Section 15061(b)(3) which was just the general rule; that it is exempt from CEQA if the activity is covered by the general rule that projects that have no potential for causing a significant effect on the environment are not subject to CEQA.

Commissioner Shoup requested the above stated change be added to the motion.

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15061(b)(3), the proposed request is Exempt from further environmental review.
3. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings as provided for the CUP No. 2008-010 Amendment No. 1 and Variance No. 2015-001.
4. Approve Conditional Use Permit No. 2008-010 Amendment No. 1, subject to the attached Conditions of Approval.
5. Direct Staff to file the Notice of Exemption

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Chairman Kallen

Noes: None

Abstain: None

Absent: Vice-Chairman Qualls

The motion carried by a 4-0-0-1 vote.

3. **Development Code Amendment No. 2015-003.** An amendment to Chapter 9.35 “Commercial Districts” and Chapter 9.25 “Deviation Permits” of the Development Code as it pertains to reducing landscaping and setback requirements for the development of sub-standard commercial lots through a Deviation Permit.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Kallen opened the public hearing at 6:55 p.m.

Ms. Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Planning Division.

Ms. Lamson stated a correction under Chapter 9.25.030 Standards, subsection E(1) should read:

“1. Reduction of landscape planter width in areas adjacent to parking areas or drive aisles no less than two (2) feet in width. (Section 9.72.060.B.8.a and b).”

PUBLIC COMMENT

Carrie Leon, Apple Valley, commented that parking for the older buildings in the Desert Knolls area had different parking standards in the past than they do today, so the new standards are helping.

Chairman Kallen closed the public hearing at 7:10 p.m.

Commissioner Tinsley asked if the new standards would be retroactive.

Ms. Lamson indicated that was correct.

Chairman Tinsley requested that the verbiage under Chapter 9.25.030 Standards, section E read:

“For substandard commercial lots in all Commercial Districts, deviations to one or all of the following standards may be allowed, including all vacant and developed lots:”

MOTION

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

1. Approve Planning Commission Resolution No. 2015-006 forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code as outlined within the staff report and as amended on the record.

ROLL CALL VOTE

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

4. **Development Code Amendment No. 2015-004.** 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 7:11 p.m.

Ms. Lori Lamson, Assistant Town Manager, presented the staff report as filed by the Planning Division.

Lengthy discussion ensued regarding all types of options and alternatives for barriers on properties instead of chain link fence.

PUBLIC COMMENT

John Laraway, Apple Valley, suggested to the Planning Commission, various types of barriers he would like to see on vacant lots and suggestions to prevent illegal dumping on large-scale vacant lots.

Chairman Kallen closed the public hearing at 7:25 p.m.

Discussion ensued about fencing for existing developed or partially developed lots with respect to vandalism and safety issues.

MOTION

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

1. Provide Staff with direction and consider continuing the item to the August 19, 2015 Planning Commission meeting for review of language in a draft Development Code Amendment.

ROLL CALL VOTE

Ayes: Commissioner Lamoreaux
Commissioner Shoup
Commissioner Tinsley
Chairman Kallen

Noes: None
Abstain: None
Absent: Vice-Chairman Qualls
The motion carried by a 4-0-0-1 vote.

PUBLIC COMMENTS

John Laraway, Apple Valley, made additional comments on his understanding of fencing or non-fencing and the problems that he believed are a nuisance. Additionally, he made recommendations for barriers on large lots to keep trucks, off-road vehicles and motorcycles from entering the properties.

Carrie Leon, Apple Valley, does not understand the problem with fencing in certain neighborhoods. She went on to describe what she would rather see in some areas and believed chain link fencing in the front can look very attractive. She commented on property owners' rights and that they should be able to put up a chain link fence.

PLANNING COMMISSION COMMENTS

Commissioner Tinsley commented on fencing in neighborhoods that have not been maintained.

Chairman Kallen recently attended the Ad Hoc meeting for builders with Commissioner Tinsley and stated Ms. Lori Lamson, Assistant Town Manager, did a great job putting it together and he received a lot of input and direction for moving forward with additional workshops.

STAFF COMMENTS

None.

OTHER BUSINESS

The Planning Commission would like to be able to discuss financial implications when a project was brought forward for its consideration. They asked staff to provide direction on anything in the Development Code that would prevent the Commission from addressing those implications in the future.

ADJOURNMENT

Motion by Chairman Kallen, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:13 p.m. to the Regular Meeting on July 15, 2015.

Respectfully Submitted by:



Debra Thomas
Planning Commission Secretary

Approved by:



Chairman Bruce Kallen