

MINUTES

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

CALL TO ORDER

At 6:00 p.m., Chairman Kallen called the Regular Meeting of the Planning Commission of the Town of Apple Valley for October 21, 2015, to order.

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; Pam Cupp, Associate Planner; Douglas Fenn, Senior Planner; Richard Pedersen, Deputy Town Engineer, Haviva Shane, Town Attorney; and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Lamoreaux led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

A. Minutes for the Regular Meeting of September 16, 2015.

Motion by Commissioner Tinsley, and seconded by Vice-Chairman Qualls, to approve the Minutes for the Regular Meeting of September 16, 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 No. 2015-007. A request to approve a Conditional Use Permit to operate a tire shop.

Applicant: Mr. Efrain Mota, representing Jr's Tire

Location: The project site is located at 13462 Central Road; APN 3087-392-14.

Chairman Kallen opened the public hearing at 6:02 p.m.

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

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

Ms. Lorena Mota, Applicant, stated "Yes".

PUBLIC COMMENT

None.

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

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, 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. 2015-007, 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.

3. **Conditional Use Permit No. 2015-009.** A request to approve a Conditional Use Permit to allow the operation of an automotive repair facility.

Applicant: Ms. Rubi Pena, representing 5 Star Transmission

Location: The project site is located at 21749 Highway 18, Suite B;
APN 3087-341-10.

Chairman Kallen opened the public hearing at 6:06 p.m.

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

Ms. Cupp answered questions by the Planning Commission regarding the parking requirements for the project site.

Commissioner Lamoreaux stated he noticed the vehicle on blocks at the project site. He questioned if business activity is currently taking place.

Commissioner Tinsley asked, and the Applicant agreed, that the vehicle be removed from the project site. Commissioner Tinsley also requested that the agreement by the Applicant be noted on record.

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

Mr. Miguel Diaz stated "Yes".

PUBLIC COMMENT

None.

Chairman Kallen closed public hearing at 6:15 p.m.

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, 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. 2015-009, 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. 18914.** A request to approve a Tentative Tract Map to subdivide fifty-nine (59) gross acres into eighty-seven (87) single-family residential lots.

Applicant: United Engineering, Beau Cooper

Location: The project is located at the southeast corner of Central Road and Esaws Avenue; APN 0439-022-65.

Chairman Kallen opened the public hearing at 6:16 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report. He noted the following correction to Condition of Approval No. P21: "In accordance with Code Section 9.28.050E2, a **fourteen (14)**-foot wide landscape easement is required along Esaws Avenue" and not the sixteen (16)-foot easement as written in the staff report.

Chairman Kallen requested to know the location of the Lifeline Trails within the Residential Equestrian (RE-Q) zones of the tract.

Mr. Fenn answered questions by the Planning Commission regarding east wall, equestrian access and park criteria.

Ms. Carol Miller, Principal Planner, explained that equestrian standards require trails for within RE-Q zoning.

Commissioner Shoup asked questions regarding the access to the project site from Granite Hills High School.

Mr. Dean Phillips, representing United Engineering, stated that, after reviewing the project, he is in agreement with all the Conditions of Approval. He also stated he would be happy to work with staff to accommodate the need for an equestrian trail within the eastern portion of the map.

Ms. Miller clarified, for the benefit of the Planning Commission, the standards for walls according to the Development Code. She stated that solid walls are required along street frontages.

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

Mr. Phillips stated "Yes".

PUBLIC COMMENT

Since there was no one else in the audience that wished to speak, Chairman Kallen closed the public hearing at 6:45 p.m.

MOTION

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

1. Determine that the proposed Tentative Tract Map No. 18914 will not have a significant effect on the environment with adherence to the Mitigation Measures recommended in this report.
2. Adopt the Mitigated Negative Declaration findings for Tentative Tract Map No. 18914, 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.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those findings.
4. Approve Tentative Tract Map No. 18914, subject to the attached Conditions of Approval.
5. Direct staff to file a Notice of Determination.

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. **Conditional Use Permit No. 2015-005.** A request to approve a Conditional Use Permit to allow a not-to-exceed thirty-five (35)-foot high, V-shaped billboard with two (2), twelve (12) by forty (40), back-to-back faces
Applicant: Ann Schnitzer, Sun Outdoor Advertising LLC
Location: The project site is a 2.26-acre parcel that fronts the Outer Interstate-15 in between Saugus Road and Gridley Street; APN 0472-191-02.

Chairman Kallen opened the public hearing at 6:46 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report. Mr. Fenn stated that, in addition to local regulations, billboards must comply with Caltrans standards as well as obtaining an Outdoor Advertisement permit. .

.Commissioner Shoup stated that he was not in favor of the billboard.

Carol Miller, Principal Planner, stated that, as with any Conditional Use Permit, appropriate Findings must be made in order to deny the billboard.

Discussion ensued regarding various issues surrounding the overall height for billboards.

PUBLIC COMMENT

Mr. John Osborne, Apple Valley, expressed concern regarding the height of the billboard becoming a potential safety hazard.

Mr. Fenn noted the height is depicted on the revised plans at thirty-five (35)-feet.

Ms. Miller recommended adding a Condition stating the overall height shall not exceed thirty-five (35) feet. She also recommended an Amendment to the Development Code that requires the Federal Aviation Administration (FAA) make a determination on the height, and that the Town receive a copy of the determination.

Chairman Kallen closed the public hearing at 7:00 p.m.

Commissioner Tinsley, speaking as an experienced pilot, stated he did not have any concerns regarding the entrance of the runway. However, he felt the thirty-five (35)-foot maximum height allowance should be included as part of the Condition.

Commissioner Lamoreaux, with the consensus of the Planning Commission and staff, recommended a revision to the language that requires the Applicant submit the necessary form to the FAA to determine the height clearance, and to submit a copy to the Town upon approval.

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

Ms. Schnitzer, stated "Yes".

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.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.
3. Approve Conditional Use Permit No. 2015-005, 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 Tinsley
Vice-Chairman Qualls
Chairman Kallen

Noes: Commissioner Shoup
Abstain: None
Absent: None
The motion carried by a 4-1-0-0 vote.

6. **Conditional Use Permit No. 2015-008.** A request to approve a Conditional Use Permit to operate a tire and auto body shop, excluding sanding, painting and welding.
Applicant: Mr. Joe Mazariegos representing Tonitos Tire Shop
Location: The project site is located at 22353 Outer Highway 18; APN 3087-382-03

Chairman Kallen opened the public hearing at 7:07 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report. He explained the required parking for the project site and requested the Commission to consider the tandem parking within the building to count towards the required parking...

Mr. Fenn commented on the need for the business owner to comply with Air Quality Management District (AQMD) standards according to the existing Conditions.

Discussion ensued regarding the work performed as an auto body shop and the potential danger to the mobile home park located close to the project site.

Ms. Carol Miller, Principal Planner, informed the Planning Commission that the Fire District would inspect the project as part of the Certificate of Occupancy.

Mr. Fenn also informed the Planning Commission that the language written in Condition of Approval No. P16 prohibits any sanding and painting in the future.

Mr. Joseph Yeo, property owner, stated it was his understanding that the Applicant desired to operate a tire shop, but he then changed it to an auto body shop.

Chairman Kallen asked the Owner if he agreed to the Conditions of Approval, as amended.

Mr. Yeo stated "Yes".

PUBLIC COMMENT

Chairman Kallen closed the public hearing at 7:23 p.m.

Discussion ensued regarding sanding and painting at the auto body shop.

Commissioner Tinsley felt that by not allowing the Applicant to call his business an "auto body shop", it would limit his ability to do work. He believes eliminating sanding and painting would be sufficient.

Vice-Chairman Qualls expressed concern regarding the use of a torch at the auto body shop.

Ms. Miller read into the record, the definition of an "Auto Body Shop" according to the Development Code.

Commissioner Shoup reiterated concerns regarding the location of the auto body shop being too close to the mobile home park. He commented on the potential impacts that may come from sanding and painting.

Commissioner Lamoreaux, with the consensus of the Planning Commission, agreed that Condition of Approval No.P16 should be revised to exclude welding, painting and sanding.

Ms. Miller read into the record the language added to Condition of Approval No. P-16:

"Auto Body shall exclude welding, painting and sanding."

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, 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. 2015-008, 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.

PUBLIC COMMENTS:

Mr. John Laraway, Apple Valley, expressed concern regarding too many restrictions that may come from the Infill Residential Ad Hoc Committee recommendations as it relates to landscaping requirements. He also requested information on future meetings where discussions on landscaping issues will take place.

Ms. Carol Miller, Principal Planner, invited Mr. Laraway to call her for information on upcoming meeting dates. Ms. Miller stated there would be an item presented to the Planning Commission regarding landscaping at the next Planning Commission meeting on November 4, 2015.

PLANNING COMMISSION COMMENTS

Commissioner Tinsley invited the public to attend the Apple Valley Chamber of Commerce Annual Fall Fundraiser this Saturday at the Moose Lodge from 6:00 p.m. to 10:00 p.m. He stated the fee is \$25.00 per person.

Chairman Kallen would like staff to come back to the Planning Commission with a report pertaining to how other local Planning Commissions consider economic or financial aspects of any project in its deliberations.

Ms. Miller informed Chairman Kallen that the report would be presented to the Planning Commission at its first meeting in December, 2015.

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 7:50 p.m. to the Regular Meeting on November 4, 2015.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:



Chairman Bruce Kallen