

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, October 19, 2016

CALL TO ORDER

Chairman Qualls called to order the Regular Meeting of the Planning Commission of the Town of Apple Valley for October 19, 2016 at 6:00 p.m.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Carol Miller, Principal Planner, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, and Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Vice-Chairman Shoup led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of September 21, 2016.

Motion by Commissioner Kallen, and seconded by Vice-Chairman Shoup, to approve the Minutes for the Regular Meeting of September 21, 2016.

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

PUBLIC HEARING ITEMS

- 2. Tentative Parcel Map. 18083, Extension of Time.** This is a request for a time extension of a previously approved tentative parcel map to subdivide 2.28 acres into four (4) single-family residential lots for future residential development. The

lots will range from 20,098 to 22,968 square feet in size. The project is located within the Residential Equestrian (R-EQ) zoning designation.

Applicant: Mr. David Greiner, representing Arete Enterprises, LLC

Location: The project site is generally located on the west side of Washoan Road, approximately 600 feet north of Otoe Road; APN: 0441-011-54

Chairman Qualls opened the public hearing at 6:03 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She commented on the modifications to Condition P-12 as it relates to the Design Criteria Policy.

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

Mr. David Greiner stated he agreed with all Conditions of Approval.

Chairman Qualls closed the public hearing at 6:07 p.m.

PUBLIC COMMENT:

None.

MOTION

Motion by Vice-Chairman Shoup, seconded by Commissioner Kallen that the Planning Commission move to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), 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 a three (3)-year extension of time for Tentative Tract Map No. 18083, subject to the attached Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Ayes: Commissioner Kallen
Vice-Chairman Shoup
Chairman Qualls

Noes: None

Abstain: None

Absent: Commissioner Lamoreaux
Commissioner Tinsley

The motion carried by a 3-0-0-2 vote.

3. **Development Code Amendment No. 2016-004.** This is an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying Chapter 9.25 "Deviation Permits"; Chapter 9.28 "Residential Districts"; Chapter 9.35 "Commercial Districts"; and Chapter 9.63 "Ranchos Residential Overlay District" as it pertains to setback reduction procedures within the Ranchos Residential Overlay District.

Applicant: Town of Apple Valley

Location: Town-wide

Chairman Qualls opened the public hearing at 6:07 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed by the Planning Division. She noted there is a need to make a correction on Pages 3-4 and 3-7, Section 4 of the proposed resolution, to remove the restrictions of 100 square feet for additions.

Lengthy discussion ensued among the Planning Commissioners regarding setback procedures and the zoning designations within the Ranchos Residential Overlay District.

Ms. Cupp informed the Planning Commission that the Town Council initiated a Development Code Amendment to provide setback relief for construction projects located within the Ranchos Residential Overlay Districts. She also noted that currently, there is no flexibility in the setbacks and most encroachments require a variance process.

Vice-Chairman Shoup expressed concern regarding moving forward with the item without the input of all Planning Commissioners.

Ms. Carol Miller, Principal Planner, read into the record Section 9.31.020 as it relates to single-family planning design standards:

- B. Infill setbacks in existing neighborhoods within new single-family development must be equal to the average setback of all residences on both sides of the public right-of-way within 200-feet of the property lines of the new development, or equal to the average of the two immediate adjacent residences.

Lengthy discussion ensued regarding new construction that may not meet the setbacks according to the development code standards.

The Planning Commission requested that staff come back with illustrations that demonstrate the impact that may be associated with encroachments and to provide a comparison of the Ranchos Residential Overlay setbacks to the setback as determined by zoning designation.

Thomas Rice, Town Attorney noted there is an appeal procedure in the Development Code; a Notice Action Deviation Permit to notice the members of the public around the property subject to the change. He stated those members of the public would know staff's action and would then be able to appeal that to the Planning Commission.

Chairman Qualls closed the public hearing at 6:44 p.m.

PUBLIC COMMENT:

None.

MOTION

Motion by Commissioner Kallen, seconded by Vice-Chairman Shoup, that the Planning Commission move to continue this item to the next Planning Commission meeting on November 16, 2016.

The Motion carried unanimously by voice vote.

4. **Development Code Amendment No. 2016-005.** This is an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapter 9.35 and 9.36 to add regulations related to allowing cargo containers in the Village area.

Applicant: Town of Apple Valley

Location: Village Commercial Zoning District

Chairman Qualls opened the public hearing at 6:45 p.m.

Ms. Carol Miller, Principal Planner, presented the staff report as filed by the Planning Division. She informed the Planning Commission that the Council expressed concern regarding allowing cargo containers in one geographical area, and not allowing them in other commercial areas.

Lengthy discussion ensued regarding potential storage problems that would affect the Village commercial areas, as well as issues related to the height, definition and setbacks for cargo containers.

Ms. Miller recommended adding an item that requires the setback of the zoning designation be met.

The Planning Commissioners would like staff to modify the proposed ordinance to clarify the maximum height for cargo containers, as well as adding the language "Axle" as part of the definition of the containers.

Mr. Thomas Rice, Town Attorney, also recommended adding language to the staff report that prohibits stacking of the containers over 9 feet, 6 inches.

Chairman Qualls closed the public hearing at 7:05 p.m.

PUBLIC COMMENT:

Mr. Cecil Volsch, Apple Valley, provided the Planning Commission with information as it relates to various descriptions for cargo containers.

MOTION

Motion by Commissioner Kallen, seconded by Vice-Chairman Shoup, that the Planning Commission move to:

1. Following receipt of public input and discussion by the Commission, it is recommended that the Commission move to approve Planning Commission Resolution No. 2016-09 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, as amended.

ROLL CALL VOTE

Ayes:	Commissioner Kallen Vice-Chairman Shoup Chairman Qualls
Noes:	None
Abstain:	None
Absent:	Commissioner Lamoreaux Commissioner Tinsley

The motion carried by a 3-0-0-2 vote.

PUBLIC COMMENT:

None.

PLANNING COMMISSION COMMENTS:

Chairman Qualls commended staff for their work on the improvements made to the industrial buildings located on Central Road and Highway 18. He believes the buildings now meet the high standards upheld by the Town.

STAFF COMMENTS:

None.

OTHER BUSINESS

None.

ADJOURNMENT

Motion by Vice-Chairman Shoup, seconded by Commissioner Kallen, and unanimously carried to adjourn the meeting of the Planning Commission at 6:49 p.m. to the Regular Meeting on November 16, 2016, in memory of former Planning Commission Secretary, Patty Hevle.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:



Chairman Doug Qualls