

MINUTES

**TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING**

November 1, 2017

CALL TO ORDER

Chairman Shoup called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01 p.m.

Roll Call

Present: Commissioners Bruce Kallen; Doug Qualls; Vice-Chairman B. R. "Bob" Tinsley; Chairman Mark Shoup.

Absent: Commissioner Jason Lamoreaux

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Qualls.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 - a. Regular Meeting of October 18, 2017

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Qualls, to approve the minutes for the meeting of October 18, 2017.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

2. **Tentative Tract Map No. 18619 Extension of Time No. 1** – A request for a three (3) year time extension for a previously approved subdivision that would serve as a financing and infrastructure master map within the Bridle Path Estates Specific Plan. Tentative Tract Map No. 18619 will subdivide approximately 400 gross acres of the total 664 gross acre site, into nine (9) separate legal residential lots for future individual tentative tract maps and one (1) lot for a future private park.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

Chairman Shoup opened the public hearing at 6:09 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She informed the Planning Commission, with the concurrence of the Town Attorney, that Agenda Items 2 through 11 would be presented concurrently.

Ms. Cupp stated that approval of Tentative Tract Maps 18619, 18351 through 18359, were reviewed by the Planning Commission on September 19, 2007; the expiration date for the maps was September 19, 2017. Staff's recommendation for a three (3) year time extension would extend the expiration date to September 19, 2020.

Bob Basen, Apple Valley, spoke in favor of the extension and respectfully requested that the Planning Commission move forward with approval.

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

Eric Flodine, Applicant, stated that he was in agreement with the Conditions of Approval.

There being no additional requests to speak, Chairman Shoup closed the public hearing at 6:09 p.m.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to 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. 18619, subject to the attached Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

- 3. Tentative Tract Map No.18351 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately thirty-one (31) gross acres into thirty-four (34) single-family residential lots within the Equestrian Residential (R-EQ) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18351, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

- 4. Tentative Tract Map No.18352 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately forty-four (44) gross acres into sixty-eight (68) single-family residential lots within the Single Family Residential (R-SF) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18352, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

5. **Tentative Tract Map No.18353 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately thirty-nine (39) gross acres into twenty-seven (27) single-family residential lots within the Single Family Residential (R-SF) and Open Space Conservation (OS-C) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18353, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

6. **Tentative Tract Map No.18354 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately thirty (30) gross acres into twenty-one (21) single-family residential lots within the Single Family Residential (R-SF) and Open Space Conservation (OS-C) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18354, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

7. **Tentative Tract Map No.18355 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately thirty-eight (38) gross acres into thirty-four (34) single-family residential lots within the Equestrian Residential (R-EQ) and Open Space Conservation (OS-C) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18355, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

8. **Tentative Tract Map No.18356 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately twenty-eight (28) gross acres into forty-six (46) single-family residential lots within the Single Family Residential (R-SF) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18356, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

9. **Tentative Tract Map No.18357 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately forty-seven (47) gross acres into eighty-two (82) single-family residential lots within the Single Family Residential (R-SF) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18357, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

- 10. Tentative Tract Map No.18358 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately forty-one (41) gross acres into fifty-seven (57) single-family residential lots within the Single Family Residential (R-SF) land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18358, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

- 11. Tentative Tract Map No.18359 Extension of Time No. 1.** A request for a three (3) year time extension for a previously approved subdivision of approximately thirty-seven (37) gross acres into fifteen (15) single-family residential lots within the Equestrian Residential (R-EQ) and Open Space Conservation (OS-C) and land use designation of the Bridle Path Estates Specific Plan for future single-family residential development.

Applicant: Mr. Eric Flodine for Bridle Path Estates L.P.

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen to:

1. Determine that, there is no new substantial change in the project or new information that would result in new, significant environmental impacts beyond those identified within the Mitigated Negative Declaration that was prepared for the Bridle Path Estates Specific Plan, and adopted on October 10, 2006 by the Town Council. Therefore, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162, the proposed request is not subject to further environmental review.
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. 18359, subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Determination.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

- 12. General Plan Amendment No. 2017-002 and Zone Change No. 2017.** A request to consider a change in land use designation from Medium Density Residential (R-M) to Single Family Residential (R-SF). Zone Change No. 2017-002 is a request to consider a modification of the zoning designation from Multi-Family Residential (R-M) to Single-Family Residential (R-SF).

Applicant: Town of Apple Valley

Chairman Shoup opened the public hearing at 6:12 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She provided the Planning Commission with a brief overview of the requirements for properties within the Multi-Family Residential (R-M) zoning. She noted that several areas within the Multi-Family Residential (R-M) zoning do not have sewer available.

Ms. Cupp informed the Planning Commission that staff received one letter of opposition, which was hand-delivered by Lou Viera and provided to the Commission for consideration. She noted that Mr. Viera's property is already highlighted in the report as being in opposition.

Discussion ensued regarding possible alternatives to the seventy-five (75) percent rule, as well as consideration of exempting a total of four (4) lots from the proposed zone change. Also discussed were the options available to the property owners that may want to opt out of the proposed zone change.

Thomas Rice, Town Attorney, responded to comments by the Planning Commission regarding the project. He reminded the Commission of the need to take into consideration the findings during discussions related to the project.

Mr. Rice read into the record Section 3 of the Findings as follows:

The General Plan Amendment furthers the public interest and promotes the general welfare of the Town by providing for a logical pattern of land uses and clarifying various land use policies for the Town.

Ms. Cupp announced that staff is available to meet with members of the public that may have questions regarding their lots. She also answered questions by the Planning Commission regarding the seventy-five (75) percent rule noting that the code exempts Single-Family Residential from this requirement.

Chairman Shoup expressed concern that this requirement may not be encouraging to owners who may wish to rebuild following a natural disaster or any other calamity.

Ms. Cupp answered questions by the Planning Commission regarding whether the Town Council has the authority to change the seventy-five (75) percent rule. She also discussed the requirement for sewer connection for multi-family units.

The Planning Commission discussed sending a recommendation to the Town Council to waive the seventy-five (75) percent rule. They also questioned the methods used to come up with the various proposals for the zone change.

Mr. Rice explained that sending a recommendation to the Town Council to add an exception to the non-conforming use restriction could cause a delay in the project moving forward if the Town Council recommended the item be brought back for further discussion.

Bob Basen, Apple Valley, expressed concern regarding the seventy-five (75) percent rule. He also commented on issues with financing due to the need to modify insurance coverage from multi-family unit to single family residential. He believed that exempting the existing multi-family units from the seventy-five (75) percent rule would be the best resolution for the owners.

Lou Viera, Apple Valley, spoke in opposition of the proposed zone change. He commented on the financial burdens he would experience by having his property deemed as non-conforming. He respectfully requested that the Commission amend the division in the development code to exclude his apartment complex from the new zoning.

David Haig, Apple Valley, expressed concern regarding the proposed zoning designation. He stated that he purchased a three (3)-unit complex with the understanding that it was zoned for up to eight (8) units. He considered the seventy-five (75) percent rule and sewer connection requirements to be discrepancies.

Bess Kline, Broker, spoke on behalf of a client who purchased several properties within the Town. She indicated that her client would like to build additional units but is not able to because of the cost to connect to sewer.

Jamie Tomes, Apple Valley, spoke in favor of the zone change. She explained that she and her husband own property that would otherwise sit indefinitely as a vacant lot due to the expense of the sewer.

Frank Fentin, Apple Valley, asked if the proposed project would affect his property located on Lakota Road. He also requested clarification regarding zoning for a multi-family unit with individual addresses, and whether the unit would need to comply with the sewer requirement.

There being no further requests to speak, Chairman Shoup closed the public hearing at 7:05 p.m.

A lengthy discussion ensued regarding possible alternatives to the seventy-five (75) percent rule, including amending the zoning designation so that all properties conform with the zoning.

It was the consensus of the Planning Commission to move staff's recommendation with a condition that the development code amendment be proposed that provides an exemption for non-conforming use, which includes the seventy-five (75) percent restriction for duplexes to four-plexes within the single-family zone for reconstruction.

Mr. Rice clarified, for the benefit of the public, that the motion proposed, as amended, would apply Town-wide.

MOTION

Motion by Commissioner Qualls, seconded by Vice-Chairman Tinsley, that the Planning Commission move to continue the Public Hearing to a date certain to January 17, 2018, and make a recommendation to the Town Council to initiate a development code amendment that provides an exemption for non-conforming use, which includes the seventy-five (75) percent restriction for duplexes to four-plexes within the single-family zone for reconstruction.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Kallen; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Lamoreaux

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Chairman Shoup commented on the passing of former Council Member and Mayor Richard "Dick" Pearson, and spoke of his contribution to the community. He respectfully requested that the meeting be adjourned in his honor.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Commissioner Qualls, seconded by Vice-Chairman Tinsley, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:32 p.m. to its next regularly scheduled meeting on November 15, 2017, in memory of former Council Member and Mayor Richard "Dick" Pearson.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:


Chairman Mark Shoup