

MINUTES

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

October 18, 2017

CALL TO ORDER

Chairman Shoup called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 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 Kallen.

APPROVAL OF MINUTES

- 1. **Approval of Minutes**
 - a. Regular Meeting of September 20, 2017

Yvonne Rivera, Planning Commission Secretary, indicated that there is a correction to the minutes for the meeting of September 20, 2017. She stated that the vote for Agenda Items 1, 2 and 3 should read: Motion carried 4-0-0-1.

MOTION

Motion by Commissioner Qualls, seconded by Vice-Chairman Tinsley, to approve the minutes for the meeting of September 20, 2017, as amended.

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. Development Permit No. 2017-007** – A request for approval to allow the construction of a detached garage/recreational vehicle carport, that is seventeen (17)-feet, eight (8) inches in height and is 1,845 square feet in size.

Applicant: Mr. Ildefonso Castaneda

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

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that approval of a Development Permit is required for this project since the height of the proposed RV carport and detached garage exceeds the (16)-foot limit permitted by the code.

Ms. Cupp informed the Planning Commission that the Applicant is proposing a (5)-foot setback on the west side of the property, as well as 1,845 square foot structure. Staff believes that a (5)-foot setback is too close to the property given the size and height of the structure; therefore, staff is recommending that the Applicant push the setback to (10)-feet instead of (5)-feet. In addition, staff is recommending that the Applicant reduce the size of area built by (45)-square feet, to comply with the accessory structure size requirements. Ms. Cupp stated that the exterior of the garage is proposed to match the house in color and material, and staff recommends the Applicant add window trim and surrounds that are also consistent with the main house.

Ms. Cupp also informed the Planning Commission that staff is recommending adding a condition, Condition P11, requiring the Applicant to provide a dust proof drive way to the garage and carport.

Ildefonso Castaneda, Applicant, expressed concern regarding the (10)-foot setback that is being recommended by staff for the west side of the property. He explained that the (10)-foot setback would not allow enough room to park his trailer on the property. He also explained to the Planning Commission an overview of the elevations of his property, that he believed placed the highest point of the garage lower than the highest point of the house. He respectfully requested that the Planning Commission approve a (5)-foot setback.

A lengthy discussion ensued regarding the request to allow the five (5)-foot side setback.

Thomas Rice, Town Attorney, clarified for the benefit of the Planning Commission, that the proposed change would also include the following:

1. Page 2 - 4, Finding No. 2. That the finding be amended to read, "The detached garage/recreational vehicle carport height proposed is considered compatible with the surrounding area, and is consistent with previously reviewed and approved detached accessory structures by the Commission. "

2. Page 2 – 10, Condition P-10. That the Condition be amended to read, “The Applicant shall submit plans that show the detached garage/recreational vehicle carport with minimum side building setbacks of five (5)-feet and the structure shall not exceed 1,800 square feet or seventy-five (75) percent of the footprint of the primary structure. “
3. Page 2 – 10. Add Condition P-11, to read, “The Applicant shall provide a dust proof drive way to the garage and carport. “

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

Mr. Castaneda stated that he was in agreement with the Conditions of Approval, as amended.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:20 p.m.

MOTION

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

1. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
2. Approve Development Permit No. 2017-007; subject to the attached Conditions of Approval, as amended to include a dust-proof driveway.
3. Direct Staff to file the Notice of Exemption.

Vote: Motion carried 4-0-0-1

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

Absent: Commissioner Lamoreaux.

3. **Conditional Use Permit No. 2017-007.** A request for approval of a Conditional Use Permit to allow the operation of an automotive repair facility. The project will occupy 3,750 square-feet within an existing 7,500-square foot industrial building. The project site is two (2) acres in size and located within the Service Commercial (C-S) zoning designation.

Applicant: Mr. Kenneth Walker, representing Walker Automotive

Chairman Shoup opened the public hearing at 6:21 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She commented on the proposed conditions including the request by the Engineering Department that required a (4)-foot road dedication on Ottawa Road. She explained that in the past the Planning Commission had waived road dedications for tenant type situations; however, the Applicant is one of the property owners for this project.

Kenneth Walker, Applicant, expressed concern regarding the requirement to give up the additional (4)-foot road dedication. He stated that it was part of the property since 1985 when the building was originally built.

The Commissioners conversed possible alternatives to the (4)-foot road dedication that would satisfy the request of the Engineering Department's condition. It was the consensus of the Planning Commission to require the (4)-foot road dedication, as suggested.

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

Mr. Walker stated that he was in agreement with the Conditions of Approval as presented by staff.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:29 p.m.

MOTION

Motion by Commissioner Qualls, seconded by Commissioner Kallen to:

1. Find the facts presented in the staff report support the required findings for approval and adopt the Findings.
2. Approve Conditional Use Permit No. 2017-007, subject to the attached Conditions of Approval.
3. Direct staff to file a Notice of Exemption.

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

None.

STAFF COMMENTS

Carol Miller, Assistant Director of Community Development, provided the Planning Commission with an update on ongoing projects within the Town of Apple Valley. She was pleased to announce that the legality issues with Big Lots have been resolved and that the project has been cleared to move forward.

ADJOURNMENT

Motion by Vice-Chairman Tinsley, seconded by Commissioner Qualls, and unanimously carried, to adjourn the meeting of the Planning Commission at 6:32 p.m. to its next regularly scheduled meeting on November 1, 2017.

Respectfully Submitted by:



Yvonne Rivera
Planning Commission Secretary

Approved by:



Chairman Mark Shoup