

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, January 16, 2013

#### CALL TO ORDER

At 6:01 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for January 16, 2013, was called to order by Chairman Lamoreaux.

#### INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Debra Thomas, Planning Commission Secretary administered the Oath of Office to newly appointed Planning Commissioner Mr. Bruce Kallen.

#### ROLL CALL

##### Planning Commission

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

#### STAFF PRESENT

Lori Lamson, Community Development Director, Carol Miller, Senior Planner, Douglas Fenn, Senior Planner, Richard Pederson, Deputy Town Engineer, Haviva Shane, Town Attorney, and Debra Thomas, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Commissioner Kallen led the Pledge of Allegiance.

1. **APPROVAL OF MINUTES**
  - A. Minutes for the Regular Meeting of October 17, 2012.

The Minutes were tabled until the next Planning Commission meeting.

At the request of staff, the Commission agreed to move Agenda Item No. 3 to the beginning of the Public Hearing Items.

#### PUBLIC HEARING ITEM

3. **Easement Vacation.** A request to consider the vacation of a twenty (20)-foot wide emergency access easement.  
**Applicant:** Mr. Clyde Hedgeman  
**Location:** The easement is located at 20254 Pahute Road

Chairman Lamoreaux opened the public hearing at 6:05 p.m.

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

Commissioner Shoup asked for clarification that the purpose for the proposed vacation of easement was the homeowner had no encumbrances on his land.

Ms. Miller confirmed that statement to be true.

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

**MOTION:**

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

1. Adopt Resolution No. 2013-01 which recommends to the Town Council that the requested easement vacation is consistent with the goals and policies of the Town's General Plan.

**ROLL CALL VOTE:**

Ayes: Commissioner Kallen  
Commissioner Shoup  
Chairman Lamoreaux  
Noes: None  
Abstain: None  
Absent: Commissioner Tinsley  
The motion carried by a 3-0-0-1 vote

2. **Development Permit No. 2006-016, Amendment No. 1.** A request to make minor architectural revisions and reduce the square footage of the remaining twenty-three (23) single-family residences.  
**Applicant:** Mr. Dave Faylor for Evergreen Homes, LLC  
**Location:** The project site is generally located at the northwest corner of Mana and Aniwa Roads; APNs 473-661-11-35.

Chairman Lamoreaux opened the public hearing at 6:08 p.m.

Mr. Douglas Fenn, Senior Planner, presented the staff report as filed by the Planning Division.

Changes were made to the original Conditions of Approval adding, "A minimum of three (3) styles of garage doors and a minimum of three (3) different styles of glass/lexan panel inserts shall be provided for each model, subject to review and approval by the Planning Division."

Discussion ensued clarifying the actual square footage of each proposed home's livable space.

Commissioner Kallen asked if the Town of Apple Valley ("Town") received input from the surrounding neighbors.

Mr. Fenn indicated receipt of concerns from a couple of the neighbors with respect to the square footage reduction.

Chairman Lamoreaux paused the public hearing at 6:18 p.m.

### **INSTALLATION OF NEWLY APPOINTED COMMISSIONER**

Debra Thomas, Planning Commission Secretary, administered the Oath of Office to newly appointed Planning Commissioner Mr. Doug Qualls.

Chairman Lamoreaux resumed the public hearing at 6:23 p.m.

Chairman Lamoreaux was concerned with identifying only the total square footage rather than just liveable square footage. He added that he believed the total reduction of liveable square footage was fifty-percent (50%) and could impact the existing neighborhood.

Ms. Lori Lamson, Community Development Director, indicated the Planning Division uses total square footage because staff assesses the architectural style and massing for the entire project. We want to make sure that the overall mass and design of each structure fits within a majority of the residential community it surrounds.

Mr. Fenn described how many plans were going to be sold and how many of each would be placed in the tract

If the Applicant wanted to increase the number of Plan 1 and Plan 2, the request would need to come before the Planning Commission to obtain approval.

Commission Shoup would like any changes to Plan 1 and Plan 2 included in the Conditions of Approval.

### **PUBLIC COMMENTS**

Mr. Shawn Brown, Apple Valley, CA, stated he lives at one of the properties that border the development. When he bought his home, he was sold on the size and that the plan dictated the size of the homes on the lots behind. That was a selling point and, therefore, he does not believe there is enough consistency with the proposed new homes and opposes the project.

Ms. Ann Wilson, Apple Valley, CA, stated she is pleased that there is a project preparing to move-in and believed that the property is being used as a dumping ground. However, she would like to see the same quality of house placed there.

Mr. David Faylor, Evergreen Homes, LLC, Applicant, stated he has participated in assisting with building over 750 homes in the Town since 1984. This is our third Development Permit and believed this one had been more difficult than in times past. The product is the same as they have been building in the Town since 1996. Staff had made efforts to require additional add-ons to enhance the curb appeal and better match

the surrounding neighborhood. Mr. Faylor went on to explain the enhancements to the architecture in detail as well as keeping the consistency and compatibility to work well with the existing twelve (12) homes.

Commissioner Shoup asked the Applicant if he agreed that the homeowners, who have spoken, had a legitimate reason to believe when they purchased their homes that all would be the same size.

Mr. Faylor explained there was never a guarantee what size the homes would be on the remaining lots.

Commissioner Kallen asked if block wall would be utilized in the project.

Mr. Faylor explained block walls would be placed between the homes to separate the yards and wood fencing would be placed behind to separate the property lines.

Mr. Shawn Brown, Apple Valley, CA spoke up and confirmed exactly what fencing was in place at the development.

Mr. Faylor explained the marketing intention of the developer and that the Plan 3, 2,200 square foot model would be built to assist with selling the larger homes.

Chairman Lamoreaux asked the Applicant if he had read and agreed to the Conditions of Approval.

Mr. Faylor informed the Planning Commission he had read the Conditions of Approval and agreed to same.

Mr. Keith Dan, Apple Valley, CA, was one of the last buyers. He informed the Planning Commission that he watched a You Tube video and stated it made guarantees that all of the homes in this development would be of the same size and stature. He expressed disappointment with the proposed reduction in the size to the homes.

Chairman Lamoreaux closed the public hearing at 6:45 p.m.

Commissioner Shoup believed the primary rationale contained in the staff report for approving this modification was due to the economic downturn in the housing economy and the restructuring of the housing market towards smaller houses. He stated that rationale is exactly what the Planning Commission cannot consider in coming to a decision whether a development or project is appropriate for the Town. The Conditions of Approval indicate that the homes should all be the same size and he was troubled deeply that anyone would even consider it appropriate changing the size and believed it was unfair to the people who purchased the existing homes.

Commissioner Kallen believed that changes in existing housing tracts is going to continue. He believed the issue to be more about what the Town's acceptance standards of tracts were. He was never been a big fan of tracts, but if the Town was going to have them, he believed the standards should be consistent. Commissioner Kallen felt the original project was broken and it sat vacant with some built and some half-finished. He agreed with Commissioner Shoup's comments, but at the same time,

believed that the Planning Commission needed to figure out a compromise as more developers want to build.

Commissioner Qualls stated he did not consider the homes' total square footage necessarily small. Arguably, the appearance would be smaller than the existing twelve (12) homes but, he does not believe staff was a proponent of the project for economic reasons. He would be inclined to support the project, however, not inclined to go beyond the number of smaller homes required by the Planning Commission as it related to the ratio of larger homes.

Discussion ensued confirming the project cannot be broken up and sold individually until the Development Permit entitlement expires.

Additional discussion ensued regarding what style of home would work in this project and if Mr. Faylor would like the item tabled at this time to work with the community.

Mr. Faylor explained that he could not invest any more money redesigning the plans. If it was a matter of adjusting the mix, he could probably look at that.

Extensive discussion ensued on changing the Applicant's plans, particularly Plan 1 to include a bonus room as a standard and the issue Planning Commission was having with square footage.

Commissioner Shoup did not see how their discussions had alleviated any of the concerns the neighbors had expressed and did not believe their discussion did anything to fix the problem with the square footage concerns.

**MOTION:**

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

1. Determine that the project is within the scope of the approved Mitigated Negative Declaration that was adopted by the Planning Commission for Tentative Tract Map No. 16134 on May 19, 2004. Therefore, the proposed amendment requires no additional evaluation in compliance with the California Environmental Quality Act (CEQA).
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Development Permit No. 2006-016, AMD No. 1, subject to the attached Conditions of Approval along with the following additional Conditions of Approval:
  - a. Plan 1 with maximum of five (5) units to include a bonus room as standard;
  - b. Plan 2 with maximum of three (3) units;
  - c. Plan 3 with maximum of eight (8) units, and
  - d. Plan 4 with maximum of seven (7) units.
  - e. Any increase or change in the number of Plan 1 or Plan 2 would require Planning Commission approval of Amendment to Development Permit.
4. Direct staff to file a Notice of Exemption.

**ROLL CALL VOTE:**

Ayes: Commissioner Kallen  
Commissioner Qualls  
Chairman Lamoreaux  
Noes: Commissioner Shoup  
Abstain: None  
Absent: Commissioner Tinsley  
The motion carried by a 3-1-0-1 vote

**PUBLIC COMMENTS**

Mr. Keith Dan, Apple Valley, CA commented he was upset and disagreed with the Planning Commission's math relating to the square footage of the proposed project.

Mr. Shawn Brown, Apple Valley, CA asked if there were any plans to reconsider the block wall; at least some separation that makes continuity.

Ms. Lori Lamson, Community Development Director, suggested that staff talk to the Applicant and work with them on the block wall issue.

Commissioner Shoup informed the aggrieved parties about their right to appeal and that they could present their concerns to the Town of Apple Valley's Town Council.

Ms. Lamson informed the public where they could obtain the proper form and the time limit necessary by which to file and Appeal.

Mr. Brown asked if he could get a copy of the modified Conditions of Approval.

Ms. Lamson informed him that the modified Conditions of Approval would be made available on January 17, 2013, within the Town's Planning department.

**PLANNING COMMISSION COMMENTS**

Commissioner Shoup stated that the public cannot see the voting board on the website broadcast and would like the Planning Commission secretary to announce specifically how each Commissioner voted.

**OTHER BUSINESS**

4. A presentation to Mr. David Hernandez, a former Commissioner, was made by Chairman Lamoreaux and the Planning Commission.

**STAFF COMMENTS**

Commissioner Kallen wanted to discuss the Development Code's guidelines as it relates to tract homes for future developments and suggested a workshop be held.

Ms. Lori Lamson, Community Development Director, suggested the workshop be held with staff to assist with future tract build-outs.

Commissioner Qualls stated he was honored to have a chance to serve the Town of Apple Valley in his new capacity and echoed Commissioner Kallen's request to conduct a workshop if the Planning Commission is anticipating more of these types of applications. In addition, he asked if the National Armory, located in the Town, was a warming center.

Ms. Lamson stated she would direct staff to make that inquiry.

**ADJOURNMENT**

Motion by Commissioner Shoup, seconded by Chairman Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:05 p.m. to the Regular Meeting on February 20, 2013.

Respectfully Submitted by:

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Debra Thomas  
Planning Commission Secretary

Approved by:

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Chairman