

MINUTES

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

April 18, 2018

CALL TO ORDER

Commissioner Shoup announced that there is a need to nominate a member of the Planning Commission to serve as acting Chairman for the Regular Meeting of April 18, 2018, in the absence of Chairman Tinsley.

ROLL CALL

Motion by Commissioner Shoup, seconded by Commissioner Qualls, to nominate Commissioner Kallen to serve as acting Chairman for the Regular Meeting of April 18, 2018.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

Acting Chairman Kallen 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; Mark Shoup

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley

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 Shoup.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 - a. Regular Meeting of March 7, 2018.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Qualls, to approve the minutes for the Regular Meeting of March 7, 2018.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 2. Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003.** A request for a Conditional Use Permit to install a sixty (60)-foot tall wireless telecommunications tower designed as a pine tree. The tower will be situated within an existing tree line and will include a 195 square foot CMU block wall equipment enclosure. The Deviation is a request for a reduced separation distance from residential uses and from existing wireless telecommunication towers.

Applicant: Reliant Land Services for Verizon Wireless.

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

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

Commissioner Shoup requested to know why a Deviation Permit was required for the landscaping.

Pam Cupp, Associate Planner, explained that the site location was in a landscaped area near a line of trees. She stated that the additional four (4)-feet around the trees and the enclosure had the potential of impacting park activities.

Commissioner Qualls asked how preferred locations are selected. He also asked questions regarding the setback requirements for residential properties according to industry standards.

Ms. Cupp explained that the code included a list of sites that have previously been determined as preferred locations. She stated that the sites included public parks, golf courses, churches over three (3)-acres, and commercial properties over five (5)-acres. She also explained that the standards related to the setback

requirements for residential, were developed by the Planning Commission at the time it developed the ordinance.

Commissioner Qualls commented on his understanding of a Deviation. He noted that according to the staff report, there did not appear to be another area within the parameters of the project location, where the project would work without the Deviation.

Commissioner Kallen asked a series of questions regarding the existing seventy (70)-foot stealth pole as shown on Page 2-14. He also wanted to know if the old antenna could be replaced, rather than installing a new pole.

Ms. Cupp informed the Commission that the Planning Department was contacted by the applicant about putting the antenna array on top of the existing light pole. Based upon the proposed design, the Planning Department discouraged the applicant from moving forward at that location.

Stella Shih, Applicant, provided the Commission with further details relating to the antenna expansion upon the existing light pole.

Ms. Shih also responded to the concerns expressed by the Commission regarding the base of the pole. She recommended placing light colored boulders around the pole to serve as a warning to children that play in that area. She also asked questions of staff regarding the security lid for the enclosure.

Discussion ensued regarding possibly amending the conditions to include an alternative design for the base of the pole, including a decorative bench. It was the consensus of the Commission to add a Condition of Approval requiring the applicant to include install a park bench around the base of the mono-pine.

Acting Chairman Kallen asked the Applicant if she agreed with all Conditions of Approval.

Ms. Shih stated that she was in agreement with all Conditions of Approval, as amended.

There being no one in the audience wishing to speak, Acting Chairman Kallen closed the public hearing at 6:25 p.m.

Thomas Rice, Town Attorney, clarified that the amendment is to add Condition P14 requiring the placement of a surrounding bench at the base of the tower.

MOTION

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

- 1 Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003 are exempt from further environmental review.
- 2 Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003.
- 3 Approve Conditional Use Permit No. 2017-011 and Deviation Permit No. 2017-003, subject to the attached Conditions of Approval, as amended.
- 4 Direct Staff to file the Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

3. **Conditional Use Permit No. 2017-010.** A request for a Conditional Use Permit to install a seventy-five (75)-foot tall wireless telecommunications tower designed as a pine tree. The tower will be located within a commercial retail center and will include a 400-square foot CMU block wall equipment enclosure.

Applicant: J5 Infrastructure for Verizon Wireless

Acting Chairman Kallen opened the public hearing at 6:27 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that the parcel map and site plan review for the center, included a parcel that was intended for this type of installation.

Acting Chairman Kallen asked the Applicant if he agreed with all Conditions of Approval.

Bryce Novak stated he was in agreement with all Conditions of Approval.

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

MOTION

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

1. Determine that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) Section 15303, Conditional Use Permit No. 2017-010 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 for Conditional Use Permit No. 2017-010.
3. Approve Conditional Use Permit No. 2017-010 subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

4. **Conditional Use Permit No. 2017-012 and Deviation Permit No. 2017-004.** A request for a Conditional Use Permit to install a fifty-five (55)-foot tall wireless telecommunications tower designed as a pine tree. The tower and associated equipment will be located within a 264 square foot block wall enclosure. The Deviation is a request for a reduction to the minimum setback from the property line and a reduced separation distance from residential uses and districts. The project site contains an existing gas station and convenience store.

Applicant: Jacobs Telecommunications, Inc. for Verizon Wireless

Acting Chairman Kallen opened the public hearing at 6:29 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that staff is recommending that the applicant plant a minimum of three (3) trees that are fifteen (15)-feet in height or greater, within twenty (20)-feet of the monopine tower, in an effort to alleviate the visual impact.

Commissioner Shoup questioned the need for a Deviation Permit and asked if the tower could be relocated to the middle of the property.

Ms. Cupp explained that the property owner plans to build in the future; therefore, he does not want to change the location for the proposed tower. She also noted that there are no viable locations for the service area.

Commissioner Kallen questioned the distance between the proposed tower and the property line. He also felt that the design of the tower should be revised to make it visually appealing.

Ms. Cupp stated that the Planning Department could condition the tower to include specific setbacks with the Commission's approval.

Discussion ensued regarding possible alternatives for the design of the tower, including a water tower. Also discussed were other potential locations that would work for the tower.

Rachel Davidson, Applicant, responded to questions by the Commission regarding changing the location of the tower. She explained that the landlord had future plans to build on the property, and with the request by staff to add three (3) live trees, he was concerned about encroaching onto the property where he plans to build. Therefore, he asked that the pole be installed in an area where it would line up with future houses. She also commented on other tree designs for the Commission's consideration; however, the applicant believed this design was more appropriate per the code.

Carol Miller, Assistant Director of Community Development, informed the Commission that the property owner does not have any entitlement for any expansions; therefore, staff believed that the owner would need to design his plans around the existing trees.

Commissioner Kallen requested to know if there were other designing options available for the tower, other than the pine tree. He stated that he would not support the project in the way that the tower is currently designed.

Commissioner Qualls also expressed concern regarding the current design of the tower. He suggested the applicant come back to the Commission with more options that conceal the tower.

Commissioner Shoup felt that the location of the tower was too close to the residential area. He also asked questions regarding landscaping in the easement.

After a lengthy discussion surrounding the issues related to the proposed tower, it was the consensus of the Commission to deny the project.

Commissioner Qualls motioned to deny the application without prejudice.

Thomas Rice, Town Attorney, recommended reading into the record, the Findings made by the Commission for the Conditional Use Permit (CUP) and Deviation Permit, prior to denying the application.

Findings for the Conditional Use Permit shall read:

1. The proposed location is not consistent with the development policies and standards of the Town. A minimum separation distance of 1,000 feet is required between towers and residential uses or districts. The proposed separation distance of twenty-five (25)

feet does not comply with established development policies and would be detrimental to future residential development.

2. The antenna will incorporate a pine tree design as camouflage for the tower, which is not compatible with the site and adjacent uses. The proposal would be visually detrimental to adjacent uses because there are no adjacent features to mitigate the height or design of the proposal.

5. Based upon the location of the proposal, the project is found to be visually detrimental to the desirable neighborhood characteristics.

Mr. Rice informed the Commission that they do not need to address the issue of a Deviation if they deny the CUP.

Acting Chairman Kallen asked the Applicant if she agreed with all Conditions of Approval.

Ms. Davison stated she was in agreement with all Conditions of Approval.

There being no requests to speak, Acting Chairman Kallen closed the public hearing at 6:45 p.m.

It was the consensus of the Commission to move forward with the Findings for the Conditional Use Permit, as outlined by the Town Attorney, to deny the application without prejudice.

As a point of order, Commissioner Qualls noted that he made the original Motion, followed by the clarification by the Town Attorney.

MOTION

Motion by Commissioner Qualls, and seconded by Commissioner Shoup that the Planning Commission move to deny the project without prejudice.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

OTHER BUSINESS

5. To consider a General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2018-2019.

Applicant: Town of Apple Valley

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division.

Ms. Miller informed the Commission that the Town contributes to the administration fee for SBTCA.

Ms. Miller answered questions by the Commission regarding the continuation of monitoring the restoration and maintenance of the vegetation in areas adjacent to the Yucca Loma Bridge.

Commissioner Qualls requested information related to the recycled water retrofit.

Ms. Miller stated that the Victor Valley Water Recycling Authority (VWVRA) facility would bring reclaimed water to the golf course.

Commissioner Qualls positively commented on the new recycled water plant located at Brewster Park.

Ms. Miller also commented on the information in the staff report regarding signal improvements. She explained, for the benefit of the Commission, that it entailed evaluating the signals for ADA compliance.

MOTION

Motion by Commissioner Qualls, and seconded by Commissioner Shoup that the Planning Commission adopt Planning Commission Resolution No. 2018-004 which finds the proposed CIP for fiscal year 2018-2019 consistent with the goals and policies of the Town's General Plan.

Vote: Motion carried 3-0-2-0

Yes: Commissioners Kallen; Qualls; Shoup.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

None.

ADJOURNMENT

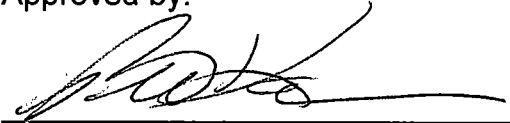
Motion by Acting Chairman Kallen, seconded by Commissioner Shoup, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:08 p.m. to its next regularly scheduled meeting on May 16, 2018.

Respectfully Submitted by:



Yvonne Rivera
Planning Secretary

Approved by:



Bruce Kallen, Acting Chair