

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

January 17, 2018

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; Jason Lamoreaux; Doug Qualls; Vice-Chairman B. R. "Bob" Tinsley; Chairman Mark Shoup.

Absent: None

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 Yvonne Rivera, Planning Commission Secretary.

APPROVAL OF MINUTES

1. **Approval of Minutes**
 - a. Regular Meeting of November 15, 2017

MOTION

Motion by Vice-Chairman Tinsley, seconded by Commissioner Lamoreaux, to approve the minutes for the Regular Meeting of November 15, 2017.

Vote: Motion carried 5-0-0-0

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

Absent: None

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

2. **Special Use Permit No. 2017-002 and Variance No. 2017-001.** A request for a Special Use Permit to allow the installation of gasoline pump island with fuel pumps at an existing liquor store. The Variance is a request to deviate from the following Development Code Sections: Section 9.36.190 C (3) to allow a four (4)-foot setback from the front property line where a ten (10)-foot setback is required, Development Code Section 9.36.190 C (6)(a) to allow approximately 3.5 percent of the site to be landscaped where a minimum ten (10) percent is required, Development Code Section 9.36.190 C (7) to allow two (2) existing thirty-five (35) foot wide driveways to remain where one thirty-two (32) foot wide driveway is allowed for gas stations, and Development Code Section 9.72.080 (A) (2) to allow zero landscape setback along Navajo Road where a minimum ten (10) foot landscape setback is required along the street frontage.

Applicant: Dale Mell & Associates

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

Carol Miller, Assistant Director of Community Development, informed the Commission that the Applicant has requested to withdraw the application.

Thomas Rice, Town Attorney, stated that no further action is needed by the Planning Commission.

Chairman Shoup, with the consensus of the Planning Commission, stated for the record that the Applicant's request to withdraw the application is accepted.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:03 p.m.

There was no further action taken.

3. **General Plan Amendment No. 2017-002 and Zone Change No. 2017-002** (Continued from November 1, 2017).

Applicant: Town of Apple Valley

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

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She stated that this item is continued from the November 1, 2017 Planning Commission meeting. At the request of the Commission, Development Code 2017-001 contains a provision that allows existing 2-4 units located in a residential neighborhood to be rebuilt in the event of damage or catastrophic loss.

Ms. Cupp informed the Commission that she had been contacted by a property owner who is requesting that their property be included in the amendment. She noted that the property, as shown on Page 3-31, is located adjacent to Project Area 9 on the southwest corner of Mesquite Road and Outer Highway 18.

Chairman Shoup questioned whether adding the property would change the noticing requirements.

Thomas Rice, Town Attorney, responded to questions by the Commission as it related to the proper noticing requirements to amend the proposed designation to include areas that were not originally included. He recommended that the Commission direct staff to come back with a report that includes adding the property.

Ernesto Flores, Apple Valley, stated that although he did not receive a notice to attend tonight's Planning Commission meeting, he is grateful for the opportunity to ask the Commission for approval to build a single-family resident on his lot. He noted that although his zoning is for multi-family units, he respectfully requests that the Commission consider an amendment to that designation to single-family residential. He also stated that he would be open to building his home facing Mesquite Road instead of Highway 18.

Mr. Rice explained the Commission's options to proceed with approval of staff's recommendation or to continue the item and allow staff the opportunity to notice with the additional property. He also answered questions by the Commission regarding whether or not the property owners would incur any costs should staff initiate the process.

Carol Miller, Assistant Director of Community Development, noted that initiation by staff would come at the direction of the Town Council.

Adolfo Martinez, Apple Valley, commented on the property he owns on Cochiti Road. He believed that the lots would remain unbuildable should the Commission not move forward with approval of this item. He also commented on the difficulties to build a duplex, due to the lot size, as well as restrictions placed by Lahontan.

There being no additional requests to speak, Chairman Shoup closed the public hearing at 6:13 p.m.

Discussion ensued amongst the Commissioners regarding the noticing required to continue the General Plan Amendment to a future meeting. Ms. Cupp informed the Commission that if recommended, a new notice would be advertised to include the additional parcel number.

Mr. Rice advised against any further discussion by the Commission regarding the inclusion of specific property. He recommended that the Commission continue the item for reconsideration at a future meeting. He also stated that there would be a 10-day Public Notice requirement under the Planning and Zoning Laws of a Public Hearing at the

Planning Commission level. He clarified that if the matter is continued to a date certain, a new notice is not required.

Ms. Cupp clarified for the benefit of the Planning Commission, that there would not be a need to inform Cal-Trans of the proposed zone change for the frontage on Highway 18.

It was the consensus of the Planning Commission to continue this matter to the next regularly scheduled Planning Commission meeting on February 7, 2018.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:13 p.m.

MOTION

Motion by Commissioner Lamoreaux, and seconded by Commissioner Kallen to:

1. Continue this matter to the next Regular Planning Commission meeting on February 7, 2018.

Vote: Motion carried 5-0-0-0

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

Absent: None

4. Conditional Use Permit No. 2017-008 (Continued from December 20, 2017)

Applicant: Oak Fence Senior, LLC

Chairman Shoup opened the public hearing at 6:19 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She informed the Commission that the Applicant is requesting that the item be continued to the Planning Commission meeting on February 7, 2018. She explained that because the Applicant specifically requested the continuance, the Town Attorney is recommending the Commission grant the continuance.

Thomas Rice, Town Attorney, explained his recommendation for a continuance.

Suzanne Meyer-Dalzell, Apple Valley, spoke in opposition of the project. She commented on concerns surrounding traffic, noise pollution and parking. She respectfully requested that the Planning Commission deny the continuance and deny the project.

There being no additional requests to speak, Chairman Shoup closed the public hearing at 6:23 p.m.

Mr. Rice responded to questions by the Commission regarding whether approving the continuance would give the Applicant an opportunity to come back with new information.

He explained that the terms of a continuance are a matter of courtesy that gives the Applicant an opportunity to be heard. He indicated that the Commission can deny staff's recommendations to grant the continuance; however, it would be less defensible. He recommended that the Commission grant the continuance.

Chairman Shoup spoke in support of the residents who expressed concerned about this project in their neighborhood. He believed that the residents deserve some sense of finality by having the Commission move forward with the denial.

Mr. Rice reminded the Commission of the Applicant's ability to appeal their decision to deny the project to the Town Council.

Discussion ensued regarding the appeal process if the Commission chooses to deny the project.

MOTION

Motion by Vice-Chairman Tinsley, and seconded by Commissioner Qualls to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for Denial for Conditional Use Permit No. 2017-008 and adopt those findings.
3. Deny Conditional Use Permit No. 2017-008.

Vote: Motion carried 5-0-0-0

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

Absent: None

5. **Development Code Amendment No. 2017-001** – This is an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend 9.29 "Specific Use Regulations for Residential Districts" relating to multi-family residential development standards and amending Section 9.07.030 "Continuance of Legal Nonconforming Structures".

Applicant: Town of Apple Valley

Commissioner Lamoreaux announced that he had a potential conflict of interest on this item; therefore, he recused himself from voting on this item.

COMMISSIONER LAMOREAUX RECUSED HIMSELF FROM THE DAIS AT 6:32 P.M.

Chairman Shoup opened the public hearing at 6:32 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She noted that this item was continued from the December 20, 2017 Planning Commission Meeting. She reminded the Commission that at the meeting, it was the consensus of the Commission to leave the parking standards as is; therefore, that portion was removed from the staff report.

Ms. Miller commented on the following modifications to the General Plan Amendment, as listed under "Continuance of Legal Non-Conforming Structures" outlined below:

1. A exception was added to allow 2-4 units in a residential zones to completely rebuild in the event of any damage or castastrophic loss.
2. Unit size has been included.
3. A requirement has been added for open space to include the four-plex
4. Specific language has been added under "amenities" that provides more direction to staff and the applicants
5. A modification to the on-site storage requirement of 400 cubic square feet has been converted to 25 square feet.
6. A provision has been added to the code that stipulates for unit sizes that are 200 square feet or larger, as shown on Page 5-5, that all private open space can be waived.

Ms. Miller informed the Commission that Line Item No. 6 was included for discussion; however, should the Commission agree that this provision should be deleted, staff would strike it from the code and revise the resolution.

A series of questions were asked by the Commission regarding the reconfigurations used in determining the on-site storage requirements.

Ms. Miller commented on the need to renumber some sections which is why there has now included a new Subsection "C", in order to avoid adding the same paragraph twice. When asked by Chairman Shoup about the Mountain Vista area provisions Ms. Miller stated that the Mountain Vista exception is existing language and that it was there to encourage development in the Mountain Vista area.

Commissioner Kallen asked questions regarding the proposed amenities and community focal points as shown on Page 5-4, Paragraphs B and C.

Ms. Miller clarified that a focal point is defined as a central meeting place for residents such as a club house or a gazebo. She noted that the focal point should be appropriate for the project size and is reviewed on a case by case basis.

Vice-Chairman Tinsley believed that reviewing focal points on a case by case basis would ensure that amenities would adhere to Town standards.

After a lengthy discussion regarding the amenities and community focal points, it was the consensus of the Planning Commission to make the following modifications to the development code:

1. Strike out the private open space waiver in Section B6, A-3, as shown on Page 5-8.
2. Page 5-10, Section 8C – The first line is being amended to read “Projects containing 20 or more units require...”
3. Page 5-10, Section 13 - Modify the language in the first two lines to read “Onsite storage: Each dwelling unit shall be provided a minimum of 200 cubic feet of private and closed lockable storage space within the garage, carport or ...”

There being no requests to speak, Chairman Shoup closed the public hearing at 7:00 p.m.

MOTION

Motion by Commissioner Qualls, and seconded by Vice-Chairman Tinsley to move to approve Planning Commission Resolution No. 2018-001, forwarding a recommendation that the Town Council amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code, as amended.

Vote: Motion carried 4-0-0-1

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

Absent: Commissioner Lamoreaux (excused from dais).

COMMISSIONER LAMOREAUX RETURNED TO THE DAIS AT 7:01 P.M.

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

None.

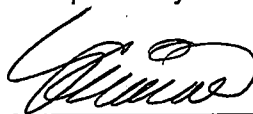
STAFF COMMENTS

Carol Miller, Assistant Director of Community Development, provided the Planning Commission with an update on the Big Lots project. She noted that the grading phase had begun.

ADJOURNMENT

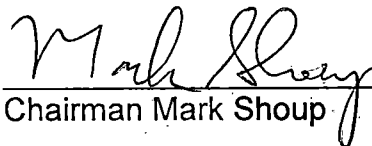
Motion by Vice-Chairman Tinsley, seconded by Commissioner Lamoreaux, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:03 p.m. to its next regularly scheduled meeting on February 7, 2018.

Respectfully Submitted by:



Yvonne Rivera
Planning Secretary

Approved by:



Chairman Mark Shoup