

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting May 2, 2012

CALL TO ORDER

At 6:02 p.m., the Workshop and Regular Meeting of the Planning Commission of the Town of Apple Valley for May 2, 2012, was called to order by Chairman Cusack.

ROLL CALL

Planning Commission

Roll call was taken with the following members present: Commissioner David Hernandez, Commissioner Mark Shoup, Commissioner B.R. "Bob" Tinsley, Vice-Chairman Jason Lamoreaux, and Chairman Larry Cusack.

STAFF PRESENT

Lori Lamson, Acting Director of Community Development; Doug Fenn, Senior Planner; Carol Miller, Senior Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of April 18, 2012.

Motion by Commissioner Hernandez, seconded by Vice-Chairman Lamoreaux, to approve the Minutes for the Regular Meeting of April 18, 2012.

Motion carried by the following vote: Ayes: Commissioner Hernandez, Commissioner Shoup, Vice-Chairman Lamoreaux and Chairman Cusack. Noes: None. Absent: None. Abstain: Commissioner Tinsley.

2. WORKSHOP ITEM

The Planning Commission discussed and took public testimony pertaining to the development standards and permitting requirements for Mobile Food Facility/Hot Food Trucks within the Town of Apple Valley ("Town").

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

Lengthy discussion ensued between the members of the Planning Commission presenting their opinions, questions, concerns and options on whether to allow Mobile Food Facilities within the Town.

PUBLIC COMMENTS

Ms. Janice Moore, Apple Valley Chamber of Commerce, conveyed the Chamber's support for Mobile Food Facilities. Ms. Moore provided some guidelines she believed the Town should consider that would assist in the success of Mobile Food Facilities as well as licensing and permitting.

Mr. Vincent Ajanwachuku, Apple Valley, explained his support for Mobile Food Facilities and believed that a decision to allow them would be beneficial to employees of small businesses allowing them more options with a limited time for lunch.

Mr. Chet Hitt, Apple Valley, believed allowing Mobile Food Facilities to be a good idea but questioned whether problems would arise if a Mobile Food Facility were parked in front of a brick and mortar restaurant. He explained his biggest concern was the issue of sanitation and wanted to know how that would be addressed.

Ms. Lori Lamson, Acting Director of Community Development, explained that San Bernardino County Environmental Health Code requirements would address the issue of sanitation.

Mr. Hitt asked whether a property owner could lease a spot in front of its business to a Mobile Food Facility.

Ms. Lamson responded that the Town would require seeing a copy of the agreement between an owner and a Mobile Food Facility, but the Town would not regulate the monetary exchange.

Further discussion ensued between the members of the Planning Commission regarding how the Town can regulate Mobile Food Facility permits, location, parking and aesthetics.

Mr. James Krider, Apple Valley, informed the Planning Commission that he owned a Mobile Food Facility and his office is located next door to St. Mary's Medical Center. He asked if he parked his truck behind his office, could he serve the local walking community without being required to have designated parking spaces.

Chairman Cusack stated that the Town's Code requires businesses to have designated parking spaces and there would be a parking requirement, however, that would need to be discussed further and placed in the upcoming draft resolution.

MOTION:

The Commission, by consensus, provided guidance to assist staff in creating a draft Planning Commission Resolution with appropriate language. Staff will then return to the Planning Commission with draft language for consideration. After adoption of a Resolution by the Planning Commission, it would be forwarded to the Town Council for consideration and final action.

PUBLIC HEARING ITEMS

- 3. Conditional Use Permit No. 2012-02 and Deviation Permit No. 2012-02.** A request for approval of a Conditional Use Permit to construct a seventy (70) foot tall wireless telecommunication monopole designed as a pine tree.

Applicant: RealCom Associates, LLC for Verizon Wireless

Location: The project site is located on the Apple Valley Municipal Golf Course on Fairways #13 and #14, APN: 3112-111-41.

Chairman Cusack opened the public hearing at 6:56 p.m.

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

Staff notified property owners within 1500 feet of the facility and received one letter of opposition.

Staff would request one minor change to Condition of Approval No. P8 for consistency with the Development Code. The condition reads, "obsolete and abandon" and 30 days for removal of abandoned facilities. The Code does not have the word "obsolete" and it does not require 30 days for removal; it requires 90 days for removal of abandoned facilities.

Commissioner Tinsley indicated that a few years back the Planning Commission approved a tower in this same location. Requirements were in place to build a structure that would contain three (3) users so there was no need to build more than one.

Mr. James Rogers, RealCom Associates, representative for Verizon Wireless informed the Commission that Verizon Wireless agreed to the Conditions of Approval as set forth in the staff report and as it related to Condition of Approval No. P8.

Mr. Rogers explained to the Commission that the location's coverage area and capacity is very poor. The hills block signals, which create these issues. The applicant's engineers projected increased customer usage over the next two (2) years and the way those cell phones would be used needs to be addressed at this juncture.

Mr. Rogers explained that the golf course would be the best location for the project to move forward. It meets the Town's requirements for most of the area. A cluster of 30 to 35-foot pine trees would be planted to create a cluster that would help the tower blend in with its surroundings.

As far as the number of visits by Applicant's personnel, once the facility is up and operating, they come in once a month for testing. There are two (2) access points and the most favored access point is the existing utility easement off Rincon, which is also the Town's preferred location.

An emergency generator would be placed at the site and enclosed by a masonry wall. If the power goes out it would only operate as needed. The Town's standard is sixty (60) DBA at the property line. The decibel output of the emergency generator is well below

the Town's standard. To correct an earlier statement made by staff, the facility is designed and would be constructed to accommodate three (3) carriers, not two (2).

Commissioner Shoup wanted to know if the property owner, who submitted the letter in opposition to the facility, is from the house next door to the proposed site and wanted to confirm that it was farther away than 500 feet from the location.

Vice-Chairman Lamoreaux asked how long construction would take.

Mr. Rogers responded four (4) to six (6) weeks.

Chairman Cusack closed the public hearing at 7:37 p.m.

MOTION:

Motion by Commissioner Tinsley, seconded by Commissioner Hernandez, including the change to Conditions of Approval No. P8 that the Planning Commission move to:

1. Determine that the proposed project does not have a negative impact upon the environment and adopt a negative Declaration pursuant to the guidelines to implement the California Environmental Quality Act (CEQA) for Conditional Use Permit No. 2012-02 and Deviation Permit No. 2012-02.
2. Find the facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2012-02 and Deviation Permit No. 2012-02.
3. Approve Conditional Use Permit No. 2012-02 and Deviation Permit No. 2012-02, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Determination.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Lamoreaux
Chairman Cusack

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

4. **General Plan Amendment 2012-001.** A proposed Amendment to the Town of Apple Valley General Plan Circulation Element modifying figure II-6 "General Plan Street System".

Applicant: Town of Apple Valley

Location: Town of Apple Valley, Township 6N, Range 4W, Sections 24, 25, 26 and 35, generally located 0.5 miles north of the Ohna Road, south of Stoddard Wells Road, between Apple Valley Road and Interstate 15.

Chairman Cusack opened the public hearing at 7:39 p.m.

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

Mr. Brad Miller, Town Engineer, explained how the freeway would be developed, as well as which portions of the freeway would actually be a limited access expressway. He also indicated the Town of Apple Valley would have opportunities for funding and explained to the members of the Planning Commission the project's tentative timeline.

Chairman Cusack closed the public hearing at 7:51 p.m.

MOTION:

Motion by Chairman Tinsley, seconded by Vice-Chairman Lamoreaux, that the Planning Commission move to:

1. Determine that the proposed General Plan Amendment will not have a significant effect on the environment.
2. Adopt the Negative Declaration Finding for GPA 2012-001, finding that based overall record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town's independent judgment and analysis.
3. Find that the facts presented in the staff report support the required Findings for approval and adopt those Findings.
4. Adopt Planning Commission Resolution No. 2012-03 recommending approval of GPA 2012-001.

ROLL CALL VOTE:

Ayes: Commissioner Hernandez
Commissioner Shoup
Commissioner Tinsley
Vice-Chairman Lamoreaux
Chairman Cusack

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

None.

STAFF COMMENTS

None.

OTHER BUSINESS

Mojave Water Agency Water Update – Kirby Brill, General Manager, Mojave Water Agency.

ADJOURNMENT

Motion by Chairman Cusack, seconded by Vice-Chairman Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:31 p.m. to the Regular Meeting on June 6, 2012 meeting.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Larry Cusack