

## **MINUTES**

### **TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, April 17, 2013**

#### **CALL TO ORDER**

At 6:03 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for April 17, 2013, was called to order by Commissioner Shoup.

#### **ROLL CALL**

##### **Planning Commission**

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

#### **STAFF PRESENT**

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

#### **ELECTION OF NEW OFFICERS**

1. Nomination for Chairperson
2. Nomination for Vice-Chairperson

Motion by Commissioner Kallen, seconded by Commissioner Qualls, to continue this item until the next Planning Commission meeting.

Motion carried by the following vote: Ayes: Commissioner Kallen, Commissioner Qualls and Commissioner Shoup. Noes: None. Absent: Commissioner B.R. "Bob" Tinsley and Chairman Lamoreaux. Abstain: None.

#### **PLEDGE OF ALLEGIANCE**

Ms. Haviva Shane, Town Attorney led the Pledge of Allegiance.

#### **1. APPROVAL OF MINUTES**

- A. Minutes for the Regular Meeting of October 17, 2012.

Motion by Commissioner Kallen, seconded by Commissioner Qualls, to continue the Minutes for the Regular Meeting of October 17, 2012 until the next Planning Commission meeting.

Ms. Haviva Shane, Town Attorney, recommended all Planning Commission members who were not present at the October 17, 2012, meeting take an opportunity to watch the

Planning Commission meeting on the Town of Apple Valley's website in order to approve the Minutes at the next Planning Commission meeting.

Motion carried by the following vote: Ayes: Commissioner Kallen, Commissioner Qualls and Commissioner Shoup. Noes: None. Absent: Commissioner B.R. "Bob" Tinsley and Chairman Lamoreaux. Abstain: None.

B. Minutes for the Regular Meeting of January 16, 2013.

Motion by Commissioner Qualls, seconded by Commissioner Kallen, to approve the Minutes for the Regular Meeting of January 16, 2013.

Motion carried by the following vote: Ayes: Commissioner Kallen, Commissioner Qualls and Commissioner Shoup. Noes: None. Absent: Commissioner B.R. "Bob" Tinsley and Chairman Lamoreaux. Abstain: None.

**PUBLIC HEARING ITEM**

2. **General Plan Conformity Finding.** The Planning Commission is being requested to review the Capital Improvement Program (CIP) for 2013-2014 to determine consistency with the General Plan.

**Applicant:** Town of Apple Valley

**Location:** Town-wide

Commissioner Shoup opened the public hearing at 6:07 p.m.

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

Ms. Lori Lamson, Community Development Director, advised the Planning Commission members that this item does not require the Planning Commission to evaluate projects; it is the Commission's job to determine whether the projects conform to the General Plan.

**PUBLIC COMMENTS**

None.

Commissioner Shoup closed the public hearing at 6:16 p.m.

**MOTION:**

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

1. To adopt Planning Commission Resolution No. 2013-02 which finds the proposed Capital Improvement Program for fiscal year 2013-2014 consistent with the goals and policies of the Town's General Plan.

**ROLL CALL VOTE:**

Ayes: Commissioner Kallen  
Commissioner Qualls  
Commissioner Shoup  
Noes: None  
Abstain: None  
Absent: Commissioner Tinsley  
Chairman Lamoreaux  
The motion carried by a 3-0-0-2 vote

- 3. Development Code Amendment No. 2013-03.** A request to consider an Amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by adding Chapter 9.80 of the Development Code as it relates to Internet Cafes/Hookah Bars within the Town of Apple Valley.  
**Applicant:** Town of Apple Valley  
**Location:** Town-wide

Commissioner Shoup opened the public hearing at 6:17 p.m.

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

Ms. Haviva Shane, Town Attorney, had several concerns, corrections and suggestions, as it related to the language contained within the proposed Development Code Amendment Resolution, and described those to staff and Planning Commission members.

A lengthy discussion ensued with Planning Commission members making numerous changes and suggestions to the definitions and criteria. It was agreed that more research needed to be performed by the Town’s attorneys and staff to address the Commissioner’s.

Ms. Shane was going to make some inquiries and email staff her findings with respect to the Development Code Amendment.

**PUBLIC COMMENTS**

Ms. Carolyn Walton, Apple Valley, CA, believed that Hookah Bars are just a prelude to smoking marijuana legally. She expressed concern and her belief that once a Hookah Bar begins conducting business in the Town of Apple Valley, it will open its doors next to a medical marijuana dispensary.

Commissioner Shoup closed the public hearing at 7:44 p.m.

**MOTION:**

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

1. Continue Development Code Amendment No. 2013-03 to the Planning Commission meeting scheduled for May15, 2013.

**ROLL CALL VOTE:**

Ayes: Commissioner Kallen  
Commissioner Qualls  
Commissioner Shoup  
Noes: None  
Abstain: None  
Absent: Commissioner Tinsley  
Chairman Lamoreaux  
The motion carried by a 3-0-0-2 vote

**PUBLIC COMMENTS**

None.

**PLANNING COMMISSION COMMENTS**

Commissioner Qualls thanked the Town for sending him to the Planning Commissioner Academy.

Commissioner Kallen requested a workshop at a previous Planning Commission Meeting and wanted to know the status of that workshop in order to discuss criteria for permit renewal of existing unfinished tracts.

Ms. Lori Lamson, Community Development Director, informed the Planning Commission members that Town Council had extensive discussion regarding existing tracts and, that upon request for a Development Permit to complete an existing tract, she had been instructed to treat the request as a brand new Development Permit. This will allow an opportunity to ensure compatibility with the remaining tract and surrounding area.

**OTHER BUSINESS**

None.

**STAFF COMMENTS**

Ms. Lori Lamson, Community Development Director, informed the Planning Commission members that a Housing Element Workshop would be hosted on May 2, 2013, and is required for the update of the Housing Element. The workshop would allow all affordable housing and non-profits in the area that have issues regarding housing, the opportunity to provide input. Two (2) sessions will be conducted and from the information presented, recommendations will be incorporated into the update and forwarded to the Planning Commission members to review in August, 2013 and then presented to Town Council in September, 2013. The Housing Element must be adopted by October, 2013.

Commissioner Kallen inquired about the Town's policy is on medical marijuana.

**ADJOURNMENT**

Motion by Commissioner Kallen, seconded by Commissioner Qualls, and unanimously carried to adjourn the meeting of the Planning Commission at 7:55 p.m. to the Regular Meeting on May 15, 2013.

Respectfully Submitted by:

---

Debra Thomas  
Planning Commission Secretary

Approved by:

---

Acting Chairman Mark Shoup