

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, November 6, 2013

CALL TO ORDER

At 6:04 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for November 6, 2013, was called to order by Chairman Lamoreaux.

ROLL CALL

Planning Commission

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

STAFF PRESENT

Lori Lamson, Community Development Director; Douglas Fenn, Senior Planner; Pamela Cupp, Associate Planner; John Brown, Town Attorney; Haviva Shane, Town Attorney, and Debra Thomas, Planning Commission Secretary.

PLANNING COMMISSION CLOSED SESSION

Motion by Vice-Chairman Kallen, seconded by Commissioner Shoup, to adjourn to closed session at 6:05 p.m.

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

Conference with Legal Counsel – Anticipated litigation.
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; (1 or more cases).

The Planning Commission reconvened from closed session at 6:39 p.m. with no reportable action.

PLEDGE OF ALLEGIANCE

Vice-Chairman Kallen led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of October 2, 2013.

Motion by Vice-Chairman Kallen, seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of October 2, 2013.

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

PUBLIC HEARING ITEMS

2. **Development Permit No. 2013-004.** A request to approve a Development Permit to allow the construction of a 15,179 square foot, two (2)-story medical office building. The project will include paved parking, lighting and landscaping.
Applicant: R.A.M. Architecture
Location: 16008 Kamana Road; APNs 0473-412-11 and -12.

Chairman Lamoreaux opened the public hearing at 6:41 p.m.

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

Ms. Cupp stated that a Condition of Approval had been included to require the completion of a lot merger. Based upon the metallic finish of the structure, another Condition was included that would address any nuisance glare, should that occur. The Town of Apple Valley's Building Official required an additional Condition of Approval, BC14, be added requesting a statement on the plans from the building owner identifying how, the clinic would be licensed. Ms. Cupp stated this is a requirement of the Office of Statewide Health Planning and Development (OSHPD).

Chairman Lamoreaux asked the Applicant's representative, Mr. Robert Martinez, if he had reviewed and agreed to the Conditions of Approval, as well as the newly added Condition stated above.

Mr. Martinez stated he agreed with all Conditions of Approval.

Chairman Lamoreaux closed the public hearing at 6:46 p.m.

MOTION:

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

1. Determine that pursuant to Section 15332 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is Categorically 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 Development Permit No. 2013-004.
3. Approve Development Permit No. 2013-004, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Ayes: Commissioner Qualls

Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux

Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote.

- 3. Development Code Amendment No. 2013-003.** Discussion of Town's existing Urgency Ordinance clarifying the scope of the Town's prohibition of Medical Marijuana Dispensaries and recent laws regarding the banning and regulation of such dispensaries.

Applicant: Town of Apple Valley
Location: Town-wide

Chairman Lamoreaux opened the public hearing at 6:46 p.m.

Ms. Haviva Shane, Town Attorney, presented the staff report as filed by the Planning Division.

Chairman Lamoreaux closed the public hearing at 6:52 p.m.

MOTION:

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

1. Adopt Planning Commission Resolution No. 2013-014 recommending that the Town Council adopt the language in the existing Urgency Ordinance modifying the definition of medical marijuana dispensaries, which expands the existing prohibition of medical marijuana dispensaries.

ROLL CALL VOTE

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

- 4. Specific Plan No. 2009-001, Amendment No. 1.** A request to amend the Lewis Center for Educational Research (LCER) Specific Plan to permit a cluster of eighteen (18) classroom portables sited as a plaza learning center development at the existing K-12 Lewis Center for Educational Research school site (the "Academy for Academic Excellence"). The LCER Specific Plan encompasses 150 acres; APNs 0474-183-21 and 22.

Applicant: Mr. Rick Piercy, representative of the Lewis Center for Educational Research
Location: 17500 Mana Road

Chairman Lamoreaux opened the public hearing at 7:00 p.m.

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

Mr. Fenn stated a letter was received from Ms. Lisa Suttle expressing her opposition to the expansion of the Lewis Center due to the lack of access and ability to accommodate the traffic.

Mr. Rick Piercy, President of the Lewis Center, advised the Planning Commission that traffic needs to be mitigated as soon as possible at the location due to multiple campuses being merged and described the anticipated increase in student population.

Lengthy discussion ensued regarding the proposed location of eighteen (18) classroom portables, when a signal light would be installed, mitigating the traffic in the area, how the project would accommodate additional automobiles, as well as the specific plan.

PUBLIC COMMENTS

Mr. Shawn Brown, Apple Valley, expressed concerns regarding the traffic that will be created by this increase in attendance at the school. Mr. Brown's wife was involved in a car accident due to the traffic already in existence and this project would create a greater impact in the area.

Mr. Scott Strunk, Apple Valley, disagreed with Mr. Piercy's numbers on the time it takes parents, from beginning to end, to drop off and pick up their children. Mr. Strunk stated he has several individuals living in his home who have special medical needs and may need emergency care due to those needs. He stated there was no way an emergency vehicle could traverse through the area due to the amount of automobiles and specifically would not be able to access his driveway. He described how parents block his and others' driveways, and that they won't listen when asked to move and are unreasonable.

Lengthy discussion ensued between the Planning Commission, Mr. Piercy, Mr. Brown and Mr. Strunk addressing the traffic issues surrounding the school, its neighboring homes and how it has not been mitigated. It was also explained to the Planning Commission that traffic and its analysis was already included in the Specific Plan. The Planning Commission's only decision to be made on this item, at this time, is to approve or deny the location of the portables on the subject property.

Commissioner Shoup wanted to know how the public was noticed regarding this matter.

Mr. Fenn informed the Planning Commission that letters were sent out to the residents within 300 feet from the school property from all parcel lines.

Mr. Brown stated that notifying residents within 300 feet of the property did not encompass all of Mana Road and he believed all residents on Mana Road have a vested interest in the project.

Mr. Piercy offered to meet with the residents who live on Mana Road and would like to create a committee to assist with solutions to the traffic problems on Mana Road and its surrounding area.

Chairman Lamoreaux closed the public hearing at 8:42 p.m.

MOTION:

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

1. Approve Planning Commission Resolution No. 2013-13, forwarding a recommendation to the Town Council that they amend the LCER Specific Plan permitting a cluster of portable eighteen (18) housing/classroom units sited as a plaza learning center of the existing K-12 Lewis Center school site.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux
Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote.

Chairman Lamoreaux recessed the Planning Commission meeting at 8:45 p.m.

Chairman Lamoreaux reconvened the Planning Commission meeting at 9:01 p.m.

5. **Development Code Amendment No. 2013-005.** *(Continued from October 2, 2013).* A request to modify the provisions of the Development Code by amending various Sections within Chapter 9.74, "Signs and Advertising Displays".
Applicant: Town of Apple Valley
Location: Town-wide

Chairman Lamoreaux opened the public hearing at 9:02 p.m.

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

Mr. Jim Anderson, Code Enforcement Manager, described the Town Code Enforcement department's role enforcing compliance with the Town's Municipal Code as it relates to signs and advertising displays.

Lengthy discussion ensued covering all of the modifications, changes and additions to Chapter 9.74 "Signs and Advertising Displays" of the Development Code.

Chairman Lamoreaux closed the public hearing at 10:30 p.m.

MOTION:

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

1. Continue Planning Commission Resolution No. 2013-007, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report to the next Planning Commission meeting scheduled for November 20, 2013.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux
Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote.

- 6. Development Code Amendment No. 2013-006 and Specific Plan No. 2005-001, Amendment No. 6.** An Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code amending the development standards of photovoltaic solar farms within the Apple Valley Dry Lake area; and

An Amendment to the North Apple Valley Industrial Specific Plan (NAVISP) Section III "Development Standards and Guidelines" by amending the photovoltaic solar farms development standards.

Applicant: Town of Apple Valley

Location: North Apple Valley Industrial Specific Plan and the Apple Valley Dry Lake area.

Chairman Lamoreaux opened the public hearing at 10:31 p.m.

Ms. Lori Lamson, Community Development Director, suggested this item be continued to the November 20, 2013 Planning Commission meeting.

Chairman Lamoreaux closed the public hearing at 10:31 p.m.

MOTION:

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

1. Due to the number of items on the November 6, 2013 agenda, and the estimated time for discussion, it is recommended that the Planning Commission continue Development Code Amendment No. 2013-006 and Specific Plan 2005-001 Amendment No. 6 to the November 20, 2013 regularly scheduled Planning Commission Meeting.

ROLL CALL VOTE

Ayes: Commissioner Qualls
Commissioner Shoup
Vice-Chairman Kallen
Chairman Lamoreaux
Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

Vice-Chairman Kallen wanted to know when public noticing requirements would be placed on an upcoming agenda.

Commissioner Qualls wanted to thank Ms. Pam Cupp, Associate Planner ,for a great presentation on the sign code.

STAFF COMMENTS

Ms. Lori Lamson, Community Development Director, announced to the Planning Commission that she would be taking family medical leave due to the upcoming birth of her daughter.

OTHER BUSINESS

None.

ADJOURNMENT

Motion by Commissioner Shoup, seconded by Commissioner Qualls, and unanimously carried to adjourn the meeting of the Planning Commission at 10:35 p.m. to the Regular Meeting on November 20, 2013.

Respectfully Submitted by:

Debra Thomas
Planning Commission Secretary

Approved by:

Chairman Jason Lamoreaux