

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, April 2, 2014

#### CALL TO ORDER

At 6:01 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for April 2, 2014, was called to order by Vice-Chairman Qualls.

#### ROLL CALL

##### Planning Commission

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

#### STAFF PRESENT

Carol Miller, Senior Planner; Douglas Fenn, Senior Planner; Mallory Snyder, Planning Intern; Haviva Shane, Town Attorney, Lori Lamson, Assistant Town Manager, Marc Puckett, Assistant Town Manager and Debra Thomas, Planning Commission Secretary.

#### PLEDGE OF ALLEGIANCE

Commissioner Shoup led the Pledge of Allegiance.

#### 1. APPROVAL OF MINUTES

- A. Minutes for the Regular Meeting of February 5, 2014.

Motion by Commissioner Shoup, seconded by Commissioner Lamoreaux, to approve the Minutes for the Regular Meeting of February 5, 2014.

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

#### PUBLIC HEARING ITEMS

2. **Development Permit No. 2014-001.** A request to review and approve a Development Permit that will allow the construction of a twenty-one (21) foot, eleven (11)-inch tall, 1,575 square-foot, detached garage.  
**Applicant:** Skyline Ranch Homes  
**Location:** 16753 Ta-Ki-Pi Road; APN 0441-032-04.

Vice-Chairman Qualls opened the public hearing at 6:04 p.m.

Ms. Mallory Snyder, Planning Intern, presented the staff report as filed by the Planning Division.

Commissioner Shoup asked why a recommendation was made to exceed the height line.

Mr. Douglas Fenn, Senior Planner, stated there is a provision contained within the Development Code that allows an application to go before the Planning Commission to exercise their right to increase the height limit.

Commissioner Lamoreaux asked the question "Where do we stop?" when exceeding height limits as it relates to detached garages.

### **PUBLIC COMMENTS**

Mrs. Isabell Moore, Apple Valley, CA called staff on April 1, 2014, and expressed her concern that the proposed project was too tall and would block her property view. She also expressed concern that the actual use of the project may be apartments.

Mr. Percy Moore, Apple Valley, CA, opposed the proposed project. He was concerned when he subdivides his property in the near future, the height of the structure will block the views of those homes.

Vice-Chairman Qualls closed the public hearing at 6:18 p.m.

Discussion ensued to determine where the Moore's property was in conjunction to the proposed project.

### **MOTION:**

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

1. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that the proposed request 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.
3. Approve Development Permit No. 2014-001, subject to the attached Conditions of Approval.
4. Direct staff to file a Notice of Exemption.

**ROLL CALL VOTE**

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

**OTHER BUSINESS**

**4. To consider a General Plan Conformity Finding for the Town's Capital Improvement Program for fiscal year 2014-2015.**

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

1. Adopt Planning Commission Resolution No. 2014-001 which finds the proposed Capital Improvement Program for fiscal year 2014-2015 is consistent with the goals and policies of the Town's General Plan.

**ROLL CALL VOTE**

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

**3. Development Code Amendment No. 2014-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Chapters 9.08, 9.28, 9.29 and 9.35 regarding assembly uses within the commercial zones.

**Applicant:** Town of Apple Valley  
**Location:** Town-wide.

Vice-Chairman Qualls opened the public hearing at 6:39 p.m.

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

Following lengthy discussion to clarify the definition of "assembly and ancillary uses", the Commission requested staff to forward an additional recommendation for Council consideration that would allow Special Use Permit applications for ancillary places of assembly to be a no-fee application regardless if the entity is for profit or non-profit.

**PUBLIC COMMENTS**

None.

Vice-Chairman Qualls closed the public hearing at 7:09 p.m.

**MOTION:**

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

1. Approve Planning Commission Resolution No. 2014-002, 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.
2. Include an automatic staff waiver of fees for Special Use Permits pertaining to non-profits.

**ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Commissioner Tinsley  
Vice-Chairman Qualls

Noes: None

Abstain: None

Absent: Chairman Kallen

The motion carried by a 4-0-0-1 vote.

**PUBLIC COMMENTS**

None.

**PLANNING COMMISSION COMMENTS**

Commissioner Tinsley attended the Planners Academy and stated it was a very informative event. He stated they provided current and accurate information on what was going on in the state.

Vice-Chairman Qualls stated he got a lot out of the academy and especially enjoyed the breakout sessions. One of the more interesting sessions was a presentation by the attorney for the City of Riverside regarding medical marijuana which was very conservative and the attorney for the City of Oakland presented their take on medical marijuana which was the polar opposite.

**STAFF COMMENTS**

Ms. Lori Lamson, Assistant Town Manager, informed the Planning Commission that workshops for the real estate sign portion of the sign code update, which had been postponed, would be scheduled for future Planning Commission meetings.

Discussion ensued regarding the availability of the Planning Commission and those dates have been tentatively scheduled for July 16, 2014 and August 20, 2014.

**ADJOURNMENT**

Motion by Commissioner Lamoreaux, seconded by Commissioner Tinsley, and unanimously carried to adjourn the meeting of the Planning Commission at 7:20 p.m. p.m. to the Regular Meeting on April 16, 2014.

Respectfully Submitted by:

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Debra Thomas  
Planning Commission Secretary

Approved by:

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Vice-Chairman Doug Qualls