

## **MINUTES**

### **TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, June 4, 2014**

#### **CALL TO ORDER**

At 6:00 p.m., the June 4, 2014, Regular Meeting of the Town of Apple Valley Planning Commission was called to order by Chairman Kallen.

#### **ROLL CALL**

##### **Planning Commission**

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

#### **STAFF PRESENT**

Carol Miller, Senior Planner; Douglas Fenn, Senior Planner; Pam Cupp, Associate Planner; Haviva Shane, Town Attorney and Debra Thomas, Planning Commission Secretary.

#### **PLEDGE OF ALLEGIANCE**

Vice-Chairman Qualls led the Pledge of Allegiance.

Chairman Kallen requested a moment of silence to honor the memory of former Mayor Bob Sagona and General Manager, Scott Weldy of Apple Valley Ranchos Water District.

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

- A. Minutes for the Regular Meeting of December 18, 2013.

Motion by Vice-Chairman Qualls, seconded by Commissioner Tinsley, to approve the Minutes for the Regular Meeting of December 18, 2013.

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

- B. Minutes for the Regular Meeting of April 2, 2014

Motion by Commissioner Tinsley, seconded by Commissioner Lamoreaux, to approve the Minutes for the Regular Meeting of April 2, 2014.

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

**PUBLIC HEARING ITEMS**

2. **Appeal No. 2014-002 (Relating to Sign Permit Application No. 2014-015).** Appeal of the Planning Director's denial of Sign Permit Application No. 2014-015, a request to illuminate the fascia of an existing fuel station canopy.  
**Applicant:** Sign Development, Inc.  
**Location:** 17928 Wika Road; APN 0473-451-05

Chairman Kallen opened the public hearing at 6:04 p.m.

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

Mr. Robert O'Hara, Sign Development Inc., representing the Applicant, described the proposed illuminated sign and passed out photographs to illustrate the proposed illumination of the existing canopy fascia.

Discussion ensued regarding the canopy fascia materials to be used, the property location's hours of operation, how long the sign would be illuminated, and what determined whether the canopy fascia was considered additional signage or architectural lighting.

**PUBLIC COMMENTS**

None.

Chairman Kallen closed the public hearing at 6:25 p.m.

Commissioner Lamoreaux believed lighting could provide security and directed staff to define the difference between "signage" and "architectural lighting".

Vice-Chairman Qualls agreed with Commissioner Lamoreaux's comments.

Commissioner Tinsley stated that, if the lighting was detached from the sign, it was an architectural feature, and he did not have a problem with approval.

Chairman Kallen believed it accentuates the fascia. He would like staff to provide information on what was too much output and energy to assist the Planning Commission with future requests of this nature.

Commissioner Shoup asked staff how they would interpret the "Night Sky Ordinance" as it related to this project.

Ms. Cupp stated that, when the Sign Code was updated, the language was changed. If a sign was obviously brighter than any of its surrounding lighting, then its lighting would be considered excessive. The Town's commercial lighting standards state that all lighting must be shielded to prevent any glare from spilling above the horizontal plane of the light or onto other properties.

**MOTION:**

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

1. Overturn the Director's denial of Sign Permit No. 2014-015 and approve Appeal No. 2014-002.

**ROLL CALL VOTE**

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

Noes: None

Abstain: None

Absent: None

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

3. **Conditional Use Permit No. 2013-012 and Deviation No. 2013-004.** A request to approve a Conditional Use Permit to allow the construction of a sixty (60)-foot high wireless telecommunication facility enclosed within an adobe pueblo tower.

**Applicant:** Coastal Business Group on behalf of AT&T

**Location:** 19235 Yucca Loma Road; APN 3088-431-29

Chairman Kallen opened the public hearing at 6:44 p.m.

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

Commissioner Tinsley stated he had a potential conflict of interest on this item and, therefore, excused himself from discussion of this item.

**COMMISSIONER TINSLEY WAS EXCUSED FROM THE DIAS AT 6:46 P.M.**

Commissioner Shoup questioned the deviation and wanted clarification.

Ms. Cupp stated that the Deviation Permit process allows the Planning Commission the ability to waive almost all development requirements if the Commission believed it was in the Town's best interest to do so.

Discussion ensued regarding the design concept and size, whether or not the Fire District had approved the design, and whether or not the tower would be a single or multi-carrier.

Ms. Brittany Pell, Coastal Business Group representing AT&T ("Applicant"), stated that the contract between the Fire District and the Applicant had not been signed. A letter of authorization, as well as the application, was signed by the fire chief. Additionally, the Applicant, along with other carriers, are all considering a backup generator for emergency use among all sites; however, it was not in place at this time. All of the

equipment for the tower would be enclosed at the bottom and you would not see any of it. Ms. Pell went on to describe the materials that would be used when constructing the tower, as well as the design itself.

Discussion ensued regarding the design, coverage capability, height, and alternative locations of the site.

**PUBLIC COMMENTS**

None.

Chairman Kallen closed the public hearing at 7:30 p.m.

Chairman Kallen commented on the fact that he had a problem with the aesthetics of the cell tower, the site location and the height.

Commissioner Lamoreaux believed the project could be used as a landmark but he had concern for the neighboring residents. He would like the Applicant to demonstrate that the proposed height is required and provide alternate designs.

Vice-Chairman Qualls stated that the design was in character with the Town of Apple Valley's Development Code but would like to see the Applicant bring back a propagation map at the forty-five (45)-foot level, which might make a difference on how the Planning Commission views its proportionality.

Commissioner Shoup would approve the project as is.

Chairman Kallen reopened the public hearing at 7:40 p.m.

Chairman Kallen asked the Applicant how much time was needed to provide the requested information to the Planning Commission.

The Applicant responded that thirty (30) days would be needed.

Chairman Kallen closed the public hearing at 7:42 p.m.

**MOTION:**

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

1. Continue Conditional Use Permit No. 2013-012 and Deviation No. 2013-004 to the August 6, 2014 Planning Commission meeting.
2. Applicant is required to produce additional photo sims depicting alternative designs and height.

**ROLL CALL VOTE**

Ayes:           Commissioner Lamoreaux  
                  Commissioner Shoup  
                  Vice-Chairman Qualls

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

**COMMISSIONER TINSLEY RETURNED TO THE DIAS AT 7:43 P.M.**

- 4. Tentative Parcel Map No. 19536.** A request for parcel map approval to convert an existing commercial development for condominium purposes.  
**Applicant:** J.E. Miller & Associates, representing C.D.E.P., LLC  
**Location:** The site is located at 22355 Powhatan Road; APN 3087-392-38

Chairman Kallen opened the public hearing at 7:43 p.m.

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

**PUBLIC COMMENTS**

None.

Chairman Kallen closed the public hearing at 7:45 p.m.

**MOTION:**

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

1. Find that pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Mino Land Divisions Categorical Exemption Class 1, (k) ... *subdivision of existing commercial or industrial buildings, where no physical changes occur...*, 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 Tentative Parcel Map No. 19536, subject to the attached Conditions of Approval.
4. Direct Staff to file the Notice of Exemption.

**ROLL CALL VOTE**

Ayes: Commissioner Lamoreaux  
Commissioner Shoup  
Commissioner Tinsley  
Vice-Chairman Qualls  
Chairman Kallen  
Noes: None  
Abstain: None  
Absent: None  
The motion carried by a 5-0-0-0 vote.

**OTHER BUSINESS**

Chairman Kallen would like a future agenda item brought to the Planning Commission to discuss residential development impact fees.

Ms. Carol Miller, Senior Planner informed the Planning Commission that a fee schedule had been discussed and that the Town Council would talk about impact fees.

**PUBLIC COMMENTS**

None.

**PLANNING COMMISSION COMMENTS**

Commissioner Tinsley wanted to wish Ms. Pam Cupp, Associate Planner, a Happy Birthday.

Commissioner Shoup, Commissioner Tinsley and Vice-Chairman Shoup apologized for not being able to attend the scheduled June 21, 2014 Planning Commission meeting which resulted in its cancellation.

**STAFF COMMENTS**

Ms. Carol Miller, Senior Planner announced to the Planning Commission that the Town Council considered and approved the Development Code Amendment for ancillary places of assembly. The second phase of the Planning Commission's recommendation regarding fee waivers for Special Use Permits would be considered as a separate item as there were some reservations over that request.

Ms. Miller also informed the Planning Commission that the approved cell tower was under construction, the fencing was placed and the equipment had arrived.

**ADJOURNMENT**

Motion by Chairman Kallen, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 7:50 p.m. to the Regular Meeting on June 18, 2014.

Respectfully Submitted by:

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Debra Thomas  
Planning Commission Secretary

Approved by:

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Chairman Bruce Kallen