

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, July 15, 2015

CALL TO ORDER

At 6:05 p.m., the Regular Meeting of the Planning Commission of the Town of Apple Valley for July 15, 2015, 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, Principal Planner; Douglas Fenn, Senior Planner; Pam Cupp, Associate Planner; Richard Pederson, Deputy Town Engineer; Haviva Shane, Town Attorney; and Debra Thomas, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Tinsley led the Pledge of Allegiance.

1. APPROVAL OF MINUTES

Minutes for the Regular Meeting of July 1, 2015.

Motion by Commissioner Tinsley, and seconded by Commissioner Shoup, to approve the Minutes for the Regular Meeting of July 1, 2015.

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

PUBLIC HEARING ITEMS

- 2. Conditional Use Permit No. 2015-002 and Deviation No. 2015-002.** A request to approve a Conditional Use Permit to allow the construction of a sixty-three (63)-foot high wireless telecommunication facility designed as a faux church tower. The Deviation is a request to encroach by 185 feet into the required separation distance from residential land use.

Applicant: Reliant Land Services representing Verizon

Location: The project site is located at 21938 Thunderbird Road; APN 437-222-29.

Chairman Kallen opened the public hearing at 6:06 p.m.

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

Staff and Applicant were asked questions regarding the design of the cell tower, height, security, and aesthetics compared to the existing building, elevation and location.

Ms. Marilyn Warren, Reliant Land Services, representing Verizon, described how the cell tower was designed, the ventilation needed and that the balance of the design matches the building.

Chairman Kallen asked the Applicant if she agreed to the Conditions of Approval.

Ms. Warren stated "Yes".

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 6:37 p.m.

Discussion ensued regarding the cell tower's height and co-location. The Commission requested additional propagation maps for towers at different height levels.

MOTION

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

1. Continue Conditional Use Permit No. 2015-002 and Deviation Permit No. 2015-002 to the next Planning Commission meeting scheduled for August 19, 2015.

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. **Development Permit No. 2015-004.** A request to review and approve a Development Permit to allow construction of a nineteen (19) foot one (1) inch tall, 1,068 square-foot, detached garage.

Applicant: Mike Bergstrom/Bergstrom Construction

Location: The project site is located at 16076 Serrano Road; APN 0441-093-09.

Chairman Kallen opened the public hearing at 7:03 p.m.

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

Chairman Kallen asked if Applicant agreed to the Conditions of Approval.

Mr. Mike Bergstrom, Bergstrom Construction stated "Yes".

PUBLIC COMMENT

None.

Chairman Kallen closed the public at 7:05 p.m.

MOTION

Motion by Commissioner Shoup, seconded by Commissioner Tinsley, 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. 2015-004, subject to the attached Conditions of Approval.
4. Direct staff to file a 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.

4. **Conditional Use Permit No. 2015-004.** A request for approval of a Conditional Use Permit to allow expansion of a legal, non-conforming church.

Applicant: Pastor Josh Gerbracht, representing First Assembly of God

Location: The project site is located at 21811 Ottawa Road; APN 3087-361-05

Chairman Kallen opened the public hearing at 7:06 p.m.

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

Mr. Tom Reagan, TRLS Engineering, on behalf of Applicant, Pastor Josh Gerbracht, described the drainage challenges at the project location. The water runs north and south in the area and, ultimately, floods when it rains.

Mr. Richard Pedersen, Deputy Town Engineer, commented on the Applicant's challenging situation regarding the drainage at the project site. He stated that he had suggested to the Applicant that a tilt section might help with the flow of water, however; it would create a dam at the location.

The Planning Commission would like a Condition of Approval added that gives the Applicant the option of paying in-lieu frontage foot fees or providing street improvements.

Applicant, Pastor Josh Gerbracht agreed.

PUBLIC COMMENT

None.

Chairman Kallen closed the public hearing at 7:35 p.m.

The Planning Commission wanted the following Conditions of Approval added:

“Within six (6) months, Applicant must select Option A, pay in lieu frontage fees or Option B, complete street improvements at the project location. If Applicant chooses Option B, street improvements must be completed within one (1) year from approval of Conditional Use Permit No. 2015-004. Condition No. BS-4 had been stricken from the Conditions of Approval.”

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, 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 Conditional Use Permit No. 2015-004, subject to the attached Conditions of Approval and the amended Conditions of Approval as stated above.
4. Direct staff to file a 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.

5. General Plan Amendment No. 2015-001 and Zone Change No. 2015-001.

General Plan Amendment No. 2015-001 is a request to modify the General Plan Land Use designation for a two (2) acre portion of Lenny Brewster Sports Complex (APN 0440-085-13) from Very Low Density Residential (R-VLD) to Open Space (OS); to modify the General Plan Land Use designation for a 19.5 acre parcel within the Town of Apple Valley Dry Lake (APN 0440-085-06) from Very Low Density Residential (R-VLD) to Public Facilities (P-F); and a request to update the Town of Apple Valley General Plan Circulation Element by modifying Figure II-y "General Plan Street System".

Zone Change No. 2015-001 is a request to change in zoning designation for a two (2) acre portion of Lenny Brewster Sports Complex (APN 0440-085-13) from Very Low Density Residential (R-VLD) to Open Space Recreation (OS-R) and to change a 19.5 acre parcel within the Town of Apple Valley Dry Lake (APN 0440-085-06) from Very Low Density Residential (R-VLD) to Public Facilities (P-F).

Applicant: Town of Apple Valley

Location: APN 0440-085-13 is located at the northwesterly edge of 21024 Otoe Road (Brewster Park);

APN 0440-085-06 is located on the north side of Otoe Road, approximately 1,300 feet west of Navajo Road; and Navajo Road, between Gustine Road and Fresno Road; Fresno Road, between Navajo Road and Dakota Road; and Gustine Road, between Navajo Road and Dakota Road.

Chairman Kallen opened the public hearing at 7:44 p.m.

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

PUBLIC COMMENT

Mr. Carl Riley, Apple Valley, stated he believed this project would put a lot of stress on the current roadway. In addition, he believed the project would increase crime in the area.

Chairman Kallen closed the public hearing at 7:50 p.m.

MOTION

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

1. Determine that the proposed General Plan Amendment and Zone Change will not have a significant effect on the environment.

2. Adopt the Negative Declaration finding for GPA 2015-001 and ZC No. 2015-001 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, and 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 recommend adoption of those findings.
4. Adopt Planning Commission Resolution No. 2015-008 recommending the Town Council's approval of General Plan Amendment No. 2015-001 and Zone Change No. 2015-001.

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.

RECESS MEETING

Chairman Kallen declared a recess of the Town of Apple Valley Planning Commission meeting at 7:50 p.m.

RECONVENED MEETING

Chairman Kallen reconvened the Town of Apple Valley Planning Commission meeting at 7:58 p.m.

6. **General Plan Amendment No. 2015-002 and Zone Change No. 2015-002.**
General Plan Amendment No. 2015-002. A request to change the General Plan land use designation from (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to General Commercial (C-G).
Zone Change No. 2015-002. The proposed Zone Change would change the project site from (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to General Commercial (C-G).
Applicant: Melissa and Chad Moon
Location: The project site is located at 21482 Yucca Loma Road; APN: 3112-482-13.

Chairman Kallen opened the public hearing at 7:58 p.m.

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

PUBLIC COMMENT

Mr. Victor Tronson, Apple Valley, stated there were three (3) other properties surrounding the project and wanted to know if those would be designated General Commercial. He stated he was against the project because he believed it would cause too much traffic.

Chairman Kallen closed the public hearing at 8:12 p.m.

MOTION

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

1. Determine that the proposed General Plan Amendment and Zone Change will not have a significant effect on the environment.
2. Adopt the Negative Declaration finding for GPA 2015-002 and ZC No. 2015-002 on the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, and 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 recommend adoption of those findings.
4. Adopt Planning Commission Resolution No. 2015-009 recommending the Town Council's approval of General Plan Amendment No. 2015-002 and Zone Change No. 2015-002.

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.

PUBLIC COMMENTS

None.

PLANNING COMMISSION COMMENTS

The Planning Commissioners said their goodbyes to the Planning Commission Secretary, Debra Thomas, as this was her last meeting.

STAFF COMMENTS

Ms. Carol Miller, Principal Planner, stated that the Wireless Ordinance, as recommended by the Planning Commission, was introduced and approved by the Town Council at its July 14, 2015 meeting.

OTHER BUSINESS

7. Development Code Interpretation No. 2015-002. Staff is requesting the Planning Commission's interpretation of the Development Code relating to semi-permanent RV enclosures.

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

Ms. Miller explained that individuals come to the Planning Division counter to present their plans to build a large shed, detached garage, or workshop. When informed by the Planning Division that it is prohibited to build a metal garage or workshop, the individual later returns and submits a request to build an RV enclosure instead and that allows the requestor the ability to change the location of the structure that is not fitting.

Staff believes "enclosures" for RVs need to be defined.

Commissioner Tinsley stated the structure should architecturally complement the existing structure.

Commissioner Shoup stated that he felt the Council's intent, when adopting the Code Amendment, was for the structure/covers as provided for in the staff report and not large metal structures, which are prohibited.

Discussion ensued and one description was that an RV enclosure should be called a "shading device".

Consensus of the Commission was to only allow the shade/cover structures and that the Code should be amended to better define a RV enclosure.

PUBLIC COMMENTS


Mr. Gordon Higgins, Apple Valley, expressed concerns about the difficulty getting a straight answer on the definition of an RV enclosure for the Town of Apple Valley. Several properties in his neighborhood have metal structures that he believed violate the Development Code but he does not want backlash from his neighbors if he reports them.

The Planning Commission would like staff to bring back a Code Amendment for Development Code Section 9.29.022 "Semi-Permanent Carports and Accessory Structures or Shelters for the Storage of Car, Boats, Recreational Vehicles, Trailers, Self-Propelled Equipment and Related Bulk Items" identifying what the structure is, square footage, height and what materials can be used.

ADJOURNMENT

Motion by Vice-Chairman Qualls, seconded by Commissioner Lamoreaux, and unanimously carried to adjourn the meeting of the Planning Commission at 8:57 p.m. to the Regular Meeting on August 19, 2015.

Respectfully Submitted by:


~~Yvonne Rivera Debra Thomas~~
Planning Commission Secretary

Approved by:


Chairman Bruce Kallen