

**MINUTES**

**TOWN OF APPLE VALLEY  
PLANNING COMMISSION  
REGULAR MEETING**

**December 6, 2017**

**CALL TO ORDER**

Chairman Shoup called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:03 p.m.

Roll Call

Present: Commissioners Jason Lamoreaux; Doug Qualls; Vice-Chairman B. R. "Bob" Tinsley; Chairman Mark Shoup.

Absent: Commissioner Bruce Kallen

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Associate Planner, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Thomas Rice, Town Attorney.

**APPROVAL OF MINUTES**

**1. Approval of Minutes**

- a. Regular Meeting of November 1, 2017

Chairman Shoup announced that the minutes for the Regular Meeting of November 1, 2017, will be continued to the next Regular Meeting on December 20, 2017.

**MOTION**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Qualls, to continue the minutes for Regular Meeting of November 1, 2017 to the next Regular Meeting on December 20, 2017.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Lamoreaux; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Kallen

**PUBLIC COMMENTS**

None.

**PUBLIC HEARINGS**

2. **Development Permit No. 2017-010** – A request to approve a Development Permit to allow the construction of a 960-square foot shade structure on an existing church campus.

**Applicant:** First Assembly of God

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

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She stated that staff is recommending that the color of the shade structure match the color of the site. She noted that there is a need to make a correction to the Conditions of Approval because the Fire District does not have any conditions; therefore, staff will strike the Apple Valley Fire Protection District Conditions of Approval.

Chairman Shoup asked the Applicant if he agreed to the Conditions of Approval.

Pastor Josh Gerbracht stated that he was in agreement with the Conditions of Approval, including the modifications recommended by staff.

There being no requests to speak, Chairman Shoup closed the public hearing at 6:10 p.m.

#### **MOTION**

Motion by Commissioner Qualls, seconded by Commissioner Lamoreaux to:

1. Determine that pursuant to Section 15303 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. 2017-010.
3. Approve Development Permit No. 2017-010, subject to the attached Conditions of Approval, as amended.
4. Direct Staff to file the Notice of Exemption.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Lamoreaux; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Kallen

3. **Development Code Amendment No. 2017-001.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend Chapters 9.28 "Residential Districts", 9.29 "Specific Use Regulations for Residential Districts" and 9.31 "Residential Design Standards" and 9.72 "Off-Street Parking Regulations", related to Multi-Family Residential Standards for parking, unit size, and open space.

**Applicant:** Town of Apple Valley

Chairman Shoup opened the public hearing at 6:10 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. She commented on the handout provided to the Planning Commission that identifies two projects built in neighboring communities.

Bob Basen, Apple Valley, addressed the Commission and believed that the report provided by staff is incomplete because it lacks information regarding height, building size and setback requirements for larger units. He commented on the need to provide the Town Council with a complete report. He also recommended that Developers be invited to participate as part of the process, and that their input and recommendations be considered.

In response to Mr. Basen's comments, Ms. Miller stated that building height and setbacks are already included in the Code so they do not need to be added.

Commissioner Lamoreaux agreed with the comments by Mr. Basen. He recommended that each item be reviewed carefully, and that special consideration be given to open space, amenities, and unit size. He also recommended implementing a reduction of the unit size to twenty-five (25)-percent. He also discussed the benefits of designing the units with carports instead of garages.

Commission Qualls questioned the need for Code modifications and expressed that garages can be considered an amenity and had no opinion regarding square footage.

Commission discussion ensued regarding the reasons for the change.

Ms. Miller informed the Planning Commission that at the direction of the Town Council, staff has reviewed the issues with the Development Code for Multi-Family Residential. She stated that based on the Town's standards it is difficult to come close to reaching the twenty (20) unit maximum density and have identified several issues, which if changed can assist developer with achieving better density.

Chairman Shoup expressed concern regarding moving too far away from the current standards for new development, as well as the lack of maintenance upkeep for multi-family units.

A lengthy discussion ensued amongst the Planning Commission regarding Multi-Family Residential Standards related to parking, unit size, and open space.

Kari Leon, Agio Realty, commented on the negative impact of placing too many restrictions on developers. She also commented on the high demand for units with 1 bedroom and 1 bath, which the Town currently does not have. She responded to questions by the Planning Commission regarding existing multi-family units in Apple Valley that are unkept.

Ms. Miller informed the Planning Commission that rental inspections are required by the code and they are performed by the Code Enforcement Department.

Discussion ensued regarding the various types of violations responded to by the Code Enforcement Department, as well as the proposed standards for the minimum square footage of multi-family units.

Ms. Leon would like to see the Code Enforcement Department work with the realtors, to help form solutions towards multi-family units that are unkept. She also answered a series of questions by the Planning Commission regarding the demand for smaller units in Apple Valley.

Thomas Rice, Town Attorney, recommended that the Planning Commission refrain from discussing matters specifically related to property maintenance for multi-family projects because it was not noticed. He recommended that the Planning Commission direct staff to come back with a report for discussion on these matters.

Vice-Chairman Tinsley recalled that most of the existing multi-family units in Apple Valley were built as part of a tax incentive for Investors. He commented on the reasons why he believed there is such a problem with the lack of maintenance on these units. He would like the Planning Commission to carefully consider this item and not make any premature decisions at this time. He also welcomed the idea of working with developers on future development projects and consider their input.

Ms. Miller informed the Planning Commission that staff has notified all the local Architects for their input regarding the standards for multi-family residential units.

Vice-Chairman Tinsley talked about the cost to build with minimum requirements as dictated by the state. He believed that the requirements by the state to design and build are strict due to natural hazards.

Ms. Miller commented on the Council's desire to see the Development Code Amendment move forward. Therefore, she is recommending that staff come back with a report based on their recommendations at the Regular Planning Commission meetings to be held on December 20, 2017 and January 17, 2018.

Mr. Basen commented on the reasons why he believed the new development being proposed is not feasible with the current code. He respectfully requested that the Planning Commission consider working with experts that can examine the Town's current standards and make recommendations as needed. He also commented on the reasons why he believed the Town should not consider the input by local Architects.

Ms. Leon shared with the Planning Commission, the concerns expressed by developers as it relates to their inability to build according to the Town's current standards. She would like to work with Town on new ideas that would be inviting to the local developers for future projects in Apple Valley.

A lengthy discussion ensued regarding seeing a garage as an amenity, as well as eliminating a garage requirement. Ms. Miller stated that she thought it appropriate for duplexes to fourplexes to have garages. Vice-Chairman Tinsley stated that lenders consider duplexes to fourplexes as single family and therefore do require garages.

Members of the Planning Commission stated that they would like to see examples of larger units that were built with carports instead of garages before casting a vote on this item.

Mr. Basen invited members of the Planning Commission to take a tour of larger units that were built by a developer from Irvine, California. He believed it would be more beneficial for members of the Commission to see the units in person instead of a brochure.

It was the consensus of the Planning Commission to continue the public hearing at a Regular Meeting to be held on December 20, 2017, with direction to staff to come with an item to discuss

floor plans and elevations, and to have a list of projects that members of the Commission can tour.

**MOTION**

Motion by Commissioner Qualls, and seconded by Commissioner Lamoreaux to:

continue the public hearing at the next Regular Meeting on December 20, 2017 with direction to staff to come back to the Planning Commission with an item to discuss specifics as it relates to floor plans and elevations, and to have a list of projects that members of the Commission can tour.

Vote: Motion carried 4-0-0-1

Yes: Commissioners Lamoreaux; Qualls; Vice-Chairman Tinsley; Chairman Shoup.

Absent: Commissioner Kallen

**OTHER BUSINESS**

None.

**PLANNING COMMISSION COMMENTS**

None.

**STAFF COMMENTS**

Carol Miller provided the Planning Commission with updates on current projects within Apple Valley including Big Lots and the Walmart Super Center.

**ADJOURNMENT**

Motion by Vice-Chairman Tinsley, seconded by Commissioner Lamoreaux, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:31 p.m. to its next regularly scheduled meeting on December 20, 2017.

Respectfully Submitted by:



Yvonne Rivera  
Planning Secretary

Approved by:

  
Chairman Mark Shoup