

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

April 4, 2018

CALL TO ORDER

Chairman Tinsley called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:01 p.m.

Roll Call

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

Absent: None.

Staff Present

Carol Miller, Assistant Director of Community Development, Richard Pedersen, Deputy Town Engineer, Thomas Rice, Town Attorney, Yvonne Rivera, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Tinsley.

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

1. **Conditional Use Permit No. 2018-002.** A request to approve a Conditional Use Permit to allow an 18,800 square-foot Tractor Supply Store, including approximately 18,000 square-feet of outdoor display, 360 square-foot forage barn for hay storage and a 1,000-gallon propane tank.

Variance No. 2018-001. A request to allow an eight (8)-foot landscape setback where a minimum twenty-five (25)-foot landscape setback is required for parking adjacent to residential zone property.

Tentative Parcel Map No. 19937. A proposal to subdivide a seventeen (17) acre parcel into two (2) commercial parcels consisting of a three (3)-acre and a fourteen (14)-acre parcel. Parcel 1 located on the west side of Braeburn Road will accommodate the proposed retail store and Parcel 2 will be for future commercial development.

Applicant: Brad Sobel representing Apple Valley SC, LLC

Chairman Tinsley opened the public hearing at 6:03 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff report as filed with the Planning Division. Ms. Miller provided the Commission with a revised set of the Conditions of Approval which included the following modifications:

1. Condition P-23 regarding lighting, has been deleted due to redundancy.
2. Engineering Conditions EC4, 5, 6 and 11 includes added language related to road improvements along the remainder parcel.

Ms. Miller also noted that the road improvements for the remaining parcel would be improved by the developer at the time that development occurs.

Commissioner Shoup asked a series of questions regarding the outdoor display that was proposed for the east side of the building. He commented on the need to craft a condition that specifically stated what would be displayed outside of the store.

Commissioner Shoup also noted that the variance for the project does not cover the area where Joshua trees are located. He requested to know whether or not there is a need to add a condition that would protect the Joshua trees with further development.

Ms. Miller informed the Commission that currently, there is no development on the east side of Braeburn Road. She also informed the Commission that the protection of Joshua trees is part of an ordinance; therefore, any issues surrounding Joshua Trees would be specifically addressed once development occurs.

Commissioner Shoup asked the Town Attorney to explain why the project required a variance.

Thomas Rice, Town Attorney, explained that due to the fact that the parcel is not strictly for residential use, and the unusual shape of the lot located on the northern end, the need for a variance is legally appropriate for this project. He also commented on similar variances that have been upheld and considered justifiable by the courts.

Ms. Miller responded to questions by the Commission as it relates to the location of the propane tank. She stated that the Development Code stipulates that if a propane tank is over 200 gallons, it requires a Conditional Use Permit. She noted that the propane tank for the proposed retail store is 1000 gallons.

Commissioner Kallen asked if staff anticipated that the left-hand turn going east on Braeburn Road, would generate more traffic with the new commercial project.

Richard Pedersen, Deputy Town Engineer, explained that an increase in traffic is not anticipated with the new commercial project. He also commented on the reasons that would warrant the need for traffic signals in this area.

Discussion ensued regarding safety issues related to traffic, as well as the lighting requirements for the proposed project. The Commission questioned whether or not staff had received any calls from the public regarding the proposed development.

Ms. Miller responded that she received one call from a property owner who questioned the type of project that is being proposed. She also informed the Commission that although the code allows for a twenty (20)-foot high lighting standard for the parking lot, staff is recommending Condition P32, which limits the rear parking lot to a maximum of fifteen (15)-foot in height.

Commissioner Qualls asked questions regarding the sidewalk displays. He asked if the displays proposed for the front of the store would be similar to Home Depot and Lowes. He also asked questions regarding wheel barrel displays.

Ms. Miller informed the Commission that the outdoor display would be similar but that the type of merchandise would be different.

Brad Sobel, Applicant, provided the Commission with a brief history of Tractor Supply Stores. He also responded to questions by the Commission regarding the amount of outdoor displays that is being proposed, as well as the palletized material at the site and the forage barn that will be used to store hay. Mr. Sobel also addressed the concerns expressed by the Commission regarding traffic. He informed the Commission that a full traffic analysis was performed and included the view corridors at the intersection of Braeburn Road and Bear Valley Road.

Staff provided the Commission with an exhibit of the Tractor Supply Store located in Hesperia, California, for comparison.

A lengthy discussion ensued regarding the outdoor display proposed for the retail store.

Commissioner Shoup recommended staff come back to the Commission with specific content for outdoor displays, as well as additional information on the proposed wall located on the west side of the property.

Mr. Sobel reassured the Commission that the proposed development would be consistent with the store's national program. He also discussed the requirement for a block wall,

which he believed is not necessary for this site. He respectfully requested that the Commission waive the requirement for the block wall.

Discussion ensued regarding the petroleum gas tank, block wall, and the eighty-one (81) parking spaces proposed for this project.

Mr. Sobel stated that the parking spaces must be a minimum of sixty (60) in order for the project to work. He stated that he does not believe they would be full at any given time.

Commissioner Shoup would like an amendment made to the variance that required more landscaping and fewer parking spaces.

Mr. Rice reminded the Commission that the Notice for tonight, was for a variance for a parking lot setback, not a parking variance. Therefore, any discussion regarding a parking variance would have to be re-noticed. He also noted that a parking variance could not be issued without first doing a parking study. He recommended that staff work with the applicant on organizing a parking study.

Mr. Sobel expressed concern regarding the Commission postponing their decision to a future meeting date. He respectfully asked that they move forward with a decision tonight.

Ms. Miller explained, for the benefit of the Commission, what the Code says and its intent. Then explained how the intent to separate commercial activity from residential activity is being met when the roundabout is factored in for separation.

Vice-Chairman Lamoreaux questioned whether or not the Commission had the authority to grant the Applicant's request to remove the wall as a requirement, without being noticed.

Michael Castellano, Apple Valley, expressed concern regarding the traffic on Bear Valley Road. He also recommended that the Commission reconsider the variance because he believed it would create the need to park too close to the street. He also commented on the proposed location of the propane tank, which he felt would be too close to Braeburn Road.

Michael Arias, Apple Valley, recommended a decelerate lane on Bear Valley Road. He also expressed concern regarding the traffic going east on Braeburn Road. He recommended that a traffic signal be installed at the intersection of Braeburn Road and Bear Valley Road

Mr. Pedersen explained that the developer would have to submit street plans that included a full improvement on the frontage of Bear Valley Road. However, he did not believe it would be necessary for the amount of traffic that is anticipated at this location.

Ms. Miller answered questions by the Commissioner regarding the forage barn that is being proposed for this development. She clarified, for the benefit of the Commission and public, that the height of the forage barn would be twenty (20)-feet.

Dennis O'Brien, Apple Valley, expressed concern with the current traffic on Braeburn Road. He believed there would be an increase in traffic with the new development.

Dan Fowley, Apple Valley, expressed concern regarding receiving a late notice for tonight's meeting. He also commented on issues related to traffic, as well as the sound that will come from the PA system once the store is in full operation.

Peggy Moore, Apple Valley, stated that she is concerned about rodents that would come from the hay that is stored at the site. She is also concerned about traffic and believed there is a need for more traffic signals.

Mr. Pedersen responded to the concerns expressed by the Commission and public as it related to traffic. He stated that he takes a special interest in identifying issues related to traffic, especially those that result in fatalities. He commented on the danger of installing traffic signals that do not meet the warrants. He also explained why he believed there is more need for a traffic signal on Iroquois Road than there is on Braeburn Road.

Commissioner Kallen stated that he was in support of the proposal; however, he was concerned about increased traffic and drivers that may use Braeburn Road to gain access to the site.

Commissioner Qualls asked staff to reiterate what would warrant the need for traffic signals.

Mr. Pedersen provided a brief history of fatal traffic collisions that occurred where traffic signals are located. He explained how the Town would be held liable by installing a traffic signal when it is not warranted. He also commented on the mechanism used in determining collision rates.

Mr. Pedersen recommended that the developer consider extending the paving across the stretch of asphalt that runs along the west bound of Bear Valley Road, in order to use it as a deceleration lane

Vice-Chairman Lamoreaux explained why he believed traffic signals would not guarantee more safety. He thanked staff for providing more information about traffic signals.

Commissioner Shoup commented on the issues surrounding traffic signals. He spoke in support of roundabouts within Town limits. He also asked if there was a need to condition the storage for the proposed site.

Vice-Chairman Lamoreaux spoke in support of the project. He commented on the history of Tractor Supply Stores and its success as a retailer. He also commented on the

concerns he has with reducing the parking, as well as waiving the requirement for the wall. He would like the wall to remain because it would help shield the parking. He also felt the hay barn was positioned well for the proposed development.

Chairman Tinsley also spoke in support of the project. He commented on the concerns shared tonight, regarding landscape versus parking. He stated that he approved the parking design of the project because he felt there was always a shortage of parking spaces. He asked that staff ensure that there would be sufficient handicap parking.

Mr. Rice noted for the record, that the Motion is to include the condition recommended by staff, to limit the lighting standard for the rear parking area to a maximum of fifteen (15)-feet in height.

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

Mr. Sobel stated that he agreed with the Conditions of Approval, as amended by staff.

There being no one else in the audience wishing to speak, Chairman Tinsley closed the public hearing at 7:17 p.m.

MOTION

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

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15315, Class 15, the proposed Parcel Map is Exempt from further environmental review. Also, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15332 and 15305, the proposed retail store development with setback variance is Exempt from further environmental review.
2. Find the facts presented in the staff report do support the required Findings for Approval for Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937.
3. Adopt the Findings as provided in the staff report and approve Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937 subject to the Conditions of Approval, as amended.
4. Direct staff to file the Notice of Exemption.

Vote: Motion carried 5-0-0-0

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

Absent: None

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Commissioner Shoup read into the record, a section of Measure N listed under Policy No. LU-10.3, regarding the Planning Commission's inability to amend the land use element. He believed mixed use zoning violates that section of Measure N. He would like staff to come back to the Commission with information for discussion at a future meeting.

Chairman Tinsley asked the minimum square footage for commercial development that requires approval by the Planning Commission.

STAFF COMMENTS

None.

ADJOURNMENT

Motion by Chairman Tinsley, seconded by Vice-Chairman Lamoreaux, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:46 p.m. to its next regularly scheduled meeting on April 18, 2018.

Respectfully Submitted by:



Yvonne Rivera
Planning Secretary

Approved by:


Chairman B.R. "Bob" Tinsley