

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

February 7, 2018

CALL TO ORDER

Chairman Shoup 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; Jason Lamoreaux; Vice-Chairman B. R. "Bob" Tinsley; Chairman Mark Shoup.

Absent: Commissioner Doug Qualls

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice-Chairman Tinsley.

ELECTION OF NEW OFFICERS:

Chairman Shoup made a motion, seconded by Commissioner Kallen, that Vice-Chairman Tinsley be nominated as Chairman of the Apple Valley Planning Commission.

Vote: Motion carried 3-0-1-1

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

Abstain: None

Absent: Commissioner Qualls

Commissioner Shoup made a motion, seconded by Commissioner Kallen, that Commissioner Lamoreaux be nominated as Vice-Chairman of the Apple Valley Planning Commission.

Vote: Motion carried 3-0-0-1

Yes: Commissioners Kallen; Lamoreaux; Shoup; Chairman Tinsley.

Abstain: None

Absent: Commissioner Qualls

RECESS FOR REORGANIZATION

MEETING RECONVENED

Chairman Tinsley reconvened the meeting of the Planning Commission at 6:06 p.m.

APPROVAL OF MINUTES

1. **Approval of Minutes**

a. Regular Meeting of December 06, 2017

b. Regular Meeting of December 20, 2017

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Shoup, to approve the minutes for the Regular Meeting of December 6, 2017.

Vote: Motion carried 3-0-1-1

Yes: Commissioner Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Abstain: Commissioner Kallen

Absent: Commissioner Qualls

MOTION

Motion by Vice-Chairman Lamoreaux, seconded by Commissioner Kallen, to approve the minutes for the Regular Meeting of December 20, 2017.

Vote: Motion carried 4-0-0-1

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

Absent: Commissioner Qualls

PUBLIC COMMENTS

None.

PUBLIC HEARINGS

- 2. Conditional Use Permit No. 2017-009.** A request to approve a Conditional Use Permit that will allow the construction of a 6,000-square foot church. The project will include paved parking, lighting and landscaping. The site is two and one-half (2.5) acres in size and located within the Single-Family Residential (R-SF) zoning designation.

Applicant: Mr. Greg Benson, for Hi-Desert Church of Christ

Chairman Tinsley opened the public hearing at 6:17 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She recommended a condition be added that requires all church related activities end by 11:00 p.m. She also informed the Commission that she received a call from one of the commercial property owners who expressed concern regarding future liquor sales based on the proximity of the church.

Ms. Cupp informed the Commission of corrections made to Condition of Approval P26 which was to strike the words tract/parcel map and replace with "project site". Vice-Chairman Lamoreaux announced that he had a potential conflict of interest on this item; therefore, he recused himself from voting on this item.

VICE-CHAIRMAN LAMOREAUX RECUSED HIMSELF FROM THE DAIS AT 6:18 P.M.

Commissioner Kallen questioned liquor sales and separation requirements to churches.

Commissioner Shoup had questions regarding the project's prior. Staff noted that the foot print of the building is small than the previous approval. Staff further explained the location requirements for churches and places of assembly.

Commission Kallen questioned traffic generated by a church.

Richard Pedersen, Deputy Town Engineer, noted that peak traffic occurs between the hours of 4:00 p.m. and 6:00 p.m. during weekdays. Mr. Pedersen further noted that traffic impacts from churches are less than significant.

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

Greg Benson, Applicant, stated that he was in agreement with the Conditions of Approval.

David Troester, Apple Valley, spoke in opposition of the proposed project. He noted that his property is located next to the church. He informed the Commission that he recently contacted the Code Enforcement Department regarding issues surrounding noise and lighting at the temple. He expressed concern regarding other issues at the temple including the parking and fencing at the site.

Ms. Cupp noted that the project is conditioned for a 6-foot tall perimeter block wall.

Monica Seielstad, Apple Valley, questioned how a residential lot can be purchased for the use of a church. She shared pictures with the Commission that demonstrated how the view from her home would be blocked with the construction of a church behind her property.

Mark Johnson, Apple Valley, spoke in opposition of the proposed project. He commented on the concerns he has regarding traffic that would come from the church. He also commented on drivers that would use Powhattan Road for U-turns in order to access the church.

Mr. Benson, Applicant, responded to the concerns expressed by the speakers as it related to the sale of alcohol at the church. He also requested clarification from staff regarding the zoning for which a church can be built.

Carol Miller, Assistant Director of Community Development, stated that the code limits it to residential or office professional (O-P) zoning.

A lengthy discussion ensued regarding various concerns related to traffic, lighting, the curfew time and the current code that allows a church to be built within Single-Family Residential (R-SF) zoning designation.

Mr. Benson noted that he would be in agreement of modifying the curfew time to 8:00 p.m.

Commissioner Kallen stated he would like to see another form of access to the property that goes away from Apple Valley Road. He would also like staff to come back to the Commission with recommendations that include restrictive lighting.

Mr. Rice cautioned the Commission of a federal law relating to the placement of churches that prohibits local jurisdictions from imposing substantial burdens on church facilities.

Ms. Cupp advised the Commission that staff can add a condition to dim the lights. She also noted that the maximum height for parking lot lighting is 15-feet.

Ms. Miller also commented on potential solutions for the lighting concerns including low voltage lighting similar to what has been approved on previous projects. She recommended that the Applicant provide a lighting plan in the way of a photometric study that shows there is no spillage of light.

Mr. Rice recommended that the Commission consider adding a condition that requires the Applicant to submit a lighting plan as recommended by staff for approval and in compliance with Condition P-15 which requires that light be directed away from the streets and adjoining properties.

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

Mr. Benson stated he agreed with all Conditions of Approval, including the new condition requiring that they provide a photometric lighting plan for staff approval and the modification to the curfew time to 8:00 p.m..

It was the consensus of the Commission to move forward with staff's recommendation, including the following modifications to the conditions of approval as recommended by staff:

- Modify Condition P-15 which requires the Applicant to provide a photometric lighting plan for staff approval.
- Amend Condition P-26, striking out "tracts/parcel map" and replace it with "project site"
- Modify Condition P-27 and P-28, changing the curfew set time to 8:00 p.m.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 6:35 p.m.

MOTION

Motion by Commissioner Kallen, and seconded by Chairman Tinsley to:

1. Find that pursuant to the California environmental Quality Act (CEQA), Section 15332, Class 32, the proposed requires is Exempt from further environmental review.
2. Find the facts presented in the staff report support the required Findings for approval of the Conditional Use Permit and adopt those Findings.
3. Approve Conditional Use Permit No. 2017-009 subject to the attached Conditions of Approval, as amended.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 2-1-0-2
Yes: Commissioners Kallen; Chairman Tinsley.
Noes: Commissioner Shoup
Absent: Commissioner Qualls; Vice-Chairman Lamoreaux (absent from dais)

VICE-CHAIRMAN LAMOREAUX RETURNED TO THE DAIS AT 6:35 P.M.

3. **Tentative Parcel Map No. 19878.** A request to subdivide an 85,170-square foot (1.95 acres) lot into two (2) 42,585 square foot (0.98-acre) parcels. The site contains one (1) existing single-family residence. The Project is located within the Equestrian Residential (R-EQ) zoning designation.

Applicant: Mr. David Warren representing Omar Alfaro

Chairman Tinsley opened the public hearing at 6:36 p.m.

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

Vice-Chairman Lamoreaux asked questioned when the improvements would be required.

Ms. Cupp stated that the improvements are typically done prior to lot recordation, unless they are bonded. She also noted that the adjacent lots do not currently have any improvements.

Tom Steeno, Architect, congratulated Chairman Tinsley and Vice-Chairman Lamoreaux on their newly appointed seats. He commented on the concerns he had regarding the fees for street improvements for Apple Valley Road and respectfully requested that the Commission waive the fees for the street improvements. He also commented on issues related to the conditions for the storm water prevention plan, utilities underground, as well as the requirement that all streets be paved.

Beverly Wilson, Apple Valley, expressed concern regarding the drainage that goes onto her property following heavy rain. She stated that although grading was done in an effort to detour the drainage away from her property, flooding continues to flow onto her driveway. She would like to know if there are any plans for drainage improvements.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 7:15 p.m.

Vice-Chairman Lamoreaux responded to Mr. Steeno's concerns regarding the bonding. He asked if there was a mechanism in place that would allow the Town to waive the bond until a later date.

Richard Pedersen, Deputy Engineer, explained the bond requirements according to the subdivision map act. He stated that in exchange for additional lots, the Applicant is responsible for putting in the street improvements.

Discussion ensued amongst the Commission regarding the subdivision of lots and the requirements for underground utilities.

Vice-Chairman Lamoreaux questioned if underground utilities would be required as part of approving the conditions.

Carol Miller, Assistant Director of Community Development, noted for the record, that if an overhead line is also serving an adjacent resident, then the Applicant would not have to install underground utilities.

Thomas Rice, Town Attorney, read into the record the exception that applies under Section 14.28.070 which reads as follows:

"When technology or economic scale require a permit or delay in the underground installation required in the application in this Chapter 14.28, then the cost of undergrounding shall be estimated by the Town and a cash deposit of the estimated amount shall be deposited with the Town, and the cash deposit to be placed in the underground utility fund and used solely for the purpose of undergrounding distribution lines as required by this chapter throughout the Town."

Mr. Rice also commented on the arterial street system fees and whether it can be delayed as listed under Provision EC5. He noted that there is a procedure in the code for fee adjustments that requires an application to the Town Council 30 days prior to the public hearing for the development permit. He stated that if the Applicant desired to move forward with the application, then the public hearing would have to be continued to a date and time certain beyond the 30-day window to allow the Applicant the opportunity to file that request.

Discussion ensued regarding whether or not to continue the item to allow the Applicant an opportunity to work with the Town for further clarification.

It was the consensus of the Commission to move forward with staff's recommendations for Tentative Parcel Map 19878, with the elimination of EC4.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 7:43 p.m.

MOTION

Motion by Vice-Chairman Lamoreaux, and seconded by Commissioner Shoup to:

1. Find that pursuant to the California Environmental Quality Act (CEQA), Section 15315, the proposed request is Exempt from further environmental review.
2. Find that the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
3. Approve Tentative Parcel Map No. 19878, 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 Kallen; Shoup; Vice-Chairman Lamoreaux; Chairman Tinsley.

Absent: Commissioner Qualls

CHAIRMAN TINSLEY CALLED FOR A RECESS OF THE PLANNING COMMISSION MEETING AT 7:44 P.M.

CHAIRMAN TINSLEY RECONVENED THE PLANNING COMMISSION MEETING AT 7:48 P.M.

4. **General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 (Continued from January 17, 2018)** – General Plan Amendment No. 2017-002 is a request to consider a change in land use designation from Medium Density Residential (R-M) to Single Family Residential (R-SF). Zone Change No. 2017-002 is a request to consider a modification of the zoning designation from Multi-Family Residential (R-M) to Single-Family Residential (R-SF).

Applicant: Town of Apple Valley

Chairman Tinsley opened the public hearing at 7:49 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She noted that at the request of the Commission, staff has added one additional lot.

Cecil Volsch, Apple Valley, commented on lots that he believed are not buildable.

There being no additional requests to speak, Chairman Tinsley closed the public hearing at 7:51 p.m.

MOTION

Motion by Commissioner Shoup, and seconded by Commissioner Kallen to recommend to the Town Council:

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 General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 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 adopt those findings.
4. Adopt Planning Commission Resolution No. 2017-03 recommending the Town Council's approval of General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 changing land use and zoning designations as identified in the attached exhibit.

Vote: Motion carried 4-0-0-1

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

Absent: Commissioner Qualls

OTHER BUSINESS

None.

PLANNING COMMISSION COMMENTS

Vice-Chairman Lamoreaux thanked Commissioner Shoup for serving as Chairman for the Planning Commission.

Chairman Tinsley requested information on the Planning Commission Academy. Ms. Miller informed the Commission that due to budget constraints, the Planning Commission Academy is not scheduled for this year.

STAFF COMMENTS

None.

ADJOURNMENT

Chairman Tinsley sadly announced the passing of Commissioner Qualls' wife and mother this month. He requested that the Planning Commission meeting be adjourned in their memory.

Motion by Chairman Tinsley, seconded by Vice-Chairman Lamoreaux and unanimously carried, to adjourn the meeting of the Planning Commission at 7:51 p.m. to its next regularly scheduled meeting on February 21, 2018, in loving memory of Bernice Qualls and Janie Qualls.

