

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

February 6, 2019

#### CALL TO ORDER

#### INSTALLATION OF NEWLY APPOINTED COMMISSIONER

Yvonne Rivera, Planning Secretary, administered the Oath of Office to Joel Harrison.

Commissioner Kallen called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:05 p.m.

#### Roll Call

Present: Commissioner Mike Arias Jr., Joel Harrison, Bruce Kallen.

Absent: Vice-Chairman Lamoreaux, Chairman Tinsley.

#### Staff Present

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

Thomas Rice, Town Attorney, announced there is a need for the Commission to appoint an acting Chairman in the absence of Vice-Chairman Lamoreaux and Chairman Tinsley.

#### MOTION

Motion by Commissioner Arias, seconded by Commissioner Harrison, to appoint Commissioner Kallen as acting Chairman for the Regular Meeting of February 6, 2019.

#### ROLL CALL VOTE

Vote: Motion carried 3-0-2-0

Yes: Commissioner Arias; Harrison; Kallen.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Harrison.

#### APPROVAL OF MINUTES

1. **Approval of Minutes**

1. Regular Meeting of January 16, 2019.

**MOTION**

Motion by Commissioner Arias, seconded by Commissioner Harrison, to approve the minutes for the Regular Meeting of January 16, 2019.

Vote: Motion carried 3-0-2-0  
Yes: Commissioner Arias; Harrison; Kallen.  
Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

**PUBLIC COMMENTS**

None.

**PUBLIC HEARINGS**

2. **Development Permit No. 2018-010 and Variance No. 2018-002.** The Applicant is requesting to construct a 3,965 square foot addition to an existing 3,500 square foot commercial structure. The plan includes the use of metal roof and siding, parking and landscaping. The Variance is a request to encroach six (6) feet into the required ten (10) foot front building setback and encroach fifteen (15) feet into the required fifty (50)-foot street side yard setback. The project site is two (2) acres in size and located within the Village commercial (C-V) and Service Commercial (C-S) zoning designations.

**Applicant:** Mr. Chet Hitt, Townsend Stillhouse and Grill

Commissioner Kallen opened the public hearing at 6:13 p.m.

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

Discussion ensued regarding the concerns surrounding metal particles that may get washed into the Town's storm drains. Also discussed was the Applicant's request for a Variance as it relates to minimum setback requirements.

Mr. Chet Hitt, Applicant, provided the Commission with an aerial photo that showed the lot lines of the buildings at the proposed site.

Mr. Chris Hitt, Apple Valley, commented on the removal of the drainage ditches, which would allow an extra twenty (20)-feet to add additional parking in front of the businesses, as well as extend the sidewalk an additional seven (7)-feet. He believed this will contribute to the Town's desire to widen Outer Highway 18.

Commissioner Kallen asked the Applicant if he was in agreement with the Conditions of Approval.

Mr. Chet Hitt stated that he was in agreement with all Conditions of Approval.

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:18 p.m.

### **MOTION**

Motion by Commissioner Arias, seconded by Commissioner Kallen, that based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, 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 Development Permit No. 2018-010 and Variance No. 2018-002.
3. Adopt the Findings as provided in the staff report and approve Development Permit No. 2018-010 and Variance No. 2018-002.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0  
Yes: Commissioner Arias; Harrison; Kallen.  
Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

3. **Conditional Use Permit No. 2018-008.** The Applicant proposes a request to approve a Conditional Use Permit to install and operate a Craft Distillery that will manufacture and bottle distilled spirits. The Distillery will occupy 2,845 square feet and be an accessory use to a bar and grill located on a two (2)-acre site within the Village Commercial (C-V) and Service Commercial (C-S) zoning designation.

**Applicant:** Mr. Chet Hitt, Townsend Stillhouse and Grill

Commissioner Kallen opened the public hearing at 6:18 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She explained, for the benefit of the Commission, that the three (3) items for this project are being presented to the Commission separately because of the multiple structures, uses and Conditions of Approval. She also noted that a Conditional Use Permit (CUP) is required because manufacturing is not a permitted use in the Village area. However, due to it being operated in conjunction with the restaurant, it can be allowed with a CUP.

Ms. Cupp explained that the most important Condition is that Food and Beverage Service needs to be made available for this Distillery to continue producing due to the manufacturing aspect.

Commissioner Kallen asked questions regarding the hours of operation for the Distillery and Bar and Grill.

Ms. Cupp informed the Commission that the hours for the Bar and Grill have not been determined and is not part of the CUP. She also noted that the Distillery would only be open to the public during normal business hours of the bar and grill.

Commissioner Kallen asked the Applicant if he was in agreement with the Conditions of Approval.

Mr. Chet Hitt stated that he was in agreement with all Conditions of Approval.

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:25 p.m.

### **MOTION**

Motion by Commissioner Kallen, and seconded by Commissioner Arias, that based upon the information contained within this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15301, the proposed requires is Exempt from further environmental review.
2. Find that the facts presented in the staff report support the required Findings for Approval for Conditional Use Permit No. 2018-008.
3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2018-008.
4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Arias; Harrison; Kallen.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

4. **Conditional Use Permit No. 2018-009.** The Applicant proposes a request to operate an open-air Farmer's Market allowing the sale of farm produce and goods. The project will include the construction of a small vendor kiosks and will be located on a portion of a developed, two (2)-acre site within the Service Commercial (C-S) zoning designation.

**Applicant:** Mr. Chet Hitt, Townsend Stillhouse and Grill

Commissioner Kallen opened the public hearing at 6:26 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She commented that the proposed hours of operation are Sundays from 7:00 a.m. to 12:00 p.m. and Wednesday evenings from 4:00 p.m. to 9:00 p.m. She noted that staff is recommending Condition No. P29 that would require Sunday hours to be from 9:00 a.m. to 2:00 p.m.

Mr. Chet Hitt, Applicant, explained the reasons why there will be a need to allow vendors to set-up one hour before the events begin.

Mr. Thomas Rice, Town Attorney, recommended that Condition P29 be amended to clarify that vendors are permitted to set up one hour prior to the opening.

It was the consensus of the Commission to amend Condition P29 as recommended by the Town Attorney.

Commissioner Kallen asked the Applicant if he agreed with all the Conditions of Approval.

Mr. Hitt stated that he is in agreement with all Conditions of Approval, as amended.

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:34 p.m.

Commissioner Arias was pleased to learn that the Farmer's Market would operate on Sundays. He also believed that the flexible hours would benefit the community.

Commissioner Harrison asked questions regarding the types of businesses that are expected to participate in the Farmer's Market.

Commissioner Kallen believed that the overall concept of the Farmer's Market would be a good asset to the Town and its residents.

### **MOTION**

Motion by Commissioner Harrison, and seconded by Commissioner Arias, that based upon the information contained in this report, and any input received from the public at the hearing, it is recommended that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA), Section 15303, 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 for Conditional Use Permit No. 2018-009.

3. Adopt the Findings as provided in the staff report and Conditional Use Permit No. 2018-009, as amended.

4. Direct staff to file a Notice of Exemption.

Vote: Motion carried 3-0-2-0

Yes: Commissioner Arias; Harrison; Kallen.

Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

5. **Development Code Amendment No. 2019-003.** An amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units and other accessory structures.

Commissioner Kallen opened the public hearing at 6:38 p.m.

Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division. She informed the Commission that the Town Council had initiated a Development Code Amendment related to Accessory Dwelling Units (ADU) to consider allowing an increase to the maximum size of the unit.

Discussion ensued regarding accessory structures on various size lots.

Ms. Cupp responded to questions by the Commission as it relates to the use of Tiny Houses as accessory structures. She explained that the code only allows one accessory unit per property, and it must be built on a permanent foundation.

Commissioner Kallen expressed concern regarding accessory structure units that are built behind a front house for purposes of serving as the primary unit and recommended adding a provision to the code that clarifies that the ADU must be located behind the main house.

Mr. Thomas Rice, Town Attorney, read into the record the following language to add to 9.29.120, Section E – Detached Accessory Dwelling Units:

*“For lots less than two and one-half (2-1/2) acres in size, the detached accessory dwelling units shall be located to the rear of the primary dwelling unit.”*

There being no one wishing to speak from the audience, Commissioner Kallen closed the public hearing at 6:58 p.m.

Mr. Rice stated, for the benefit of the Commission, that he would review the added language with the attorneys who specialize in ADUs prior to making a recommendation to the Town Council.

**MOTION**

Motion by Commissioner Harrison, and seconded by Commissioner Kallen, that the Commission move to approve Planning Commission Resolution No. 2019-003, as amended, forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code as outlined within the staff report.

Vote: Motion carried 3-0-2-0  
Yes: Commissioner Arias; Harrison; Kallen.  
Absent: Vice-Chairman Lamoreaux; Chairman Tinsley.

#### OTHER BUSINESS

None.

#### PLANNING COMMISSION COMMENTS

Commissioners Kallen and Arias welcomed new Commissioner Joel Harrison to the Planning Commission.

Commissioner Harrison thanked the Planning Commission for the opportunity to serve in the community where he grew up.

#### STAFF COMMENTS

Carol Miller, Assistant Director of Community Development, recommended that the Commission adjourn the meeting of the Planning Commission to March 20, 2019 due to a quorum issue that arose as a result of the upcoming Planning Commissioners Academy.


#### ADJOURNMENT

Motion by Commissioner Harrison, seconded by Commissioner Arias, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:01 p.m. to its next regularly scheduled meeting on March 20, 2019.

Respectfully Submitted by:

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Yvonne Rivera, Planning Secretary

Approved by:

  
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Acting Chairman Bruce Kallen