

MINUTES

TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

June 19, 2019

CALL TO ORDER

Chairman Lamoreaux called to order the regular meeting of the Town of Apple Valley Planning Commission at 6:00 p.m.

Roll Call

Present: Commissioner Arias, Commissioner Harrison, Vice-Chairman Kallen and Chairman Lamoreaux.

Absent: Commissioner Tinsley.

Staff Present

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Arias.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of March 20, 2019.

Motion by Commissioner Harrison, and second by Vice-Chairman Kallen to approve the minutes of March 20, 2019 with the following correction to Page 1-4:

“Vice-Chairman Kallen closed the Public Hearing at 6:45pm.”

“Vice-Chairman Kallen asked the Applicant if he agreed with all the Conditions of Approval.”

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

2. **Conditional Use Permit No. 2019-002** A request to approve a Conditional Use Permit to operate an automobile repair service facility within an existing 20,460 square foot industrial building. The project will occupy 2,560 square feet for auto repairs and office space. The site is 1.5 acres in size and is located within the Service Commercial (C-S) zoning designation.

Applicant: Mr. Walter Amling, Village Automotive

Chairman Lamoreaux opened the public hearing at 6:08 p.m.

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

Chairman Lamoreaux closed the public hearing at 6:13 p.m.

Chairman Lamoreaux asked the Applicant agreed to the Conditions of Approval.

Mr. Amling stated he was in agreement with the Conditions of Approval recommended by staff.

MOTION

Motion by Vice-Chairman Kallen, seconded by Commissioner Arias that the Planning Commission move to:

1. Find that, pursuant to the California Environmental Quality Act (CEQA) Section No.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. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings.
4. Direct Staff to file the Notice of Exemption.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote

3. **Variance No. 2019-002.** A request for approval to allow a proposed drive-thru lane adjacent to residential to operate from 4:30 a.m. to 11:00 p.m. where the Development Code specifies hours of operation for a drive-thru adjacent to residential to operate from 6:00 a.m. to 10:00 p.m.

Applicant: Mr. Ash Pathi

Chairman Lamoreaux opened the public hearing at 6:15 p.m.

Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

Vice-Chairman Kallen asked if the front doors of the apartments next to the development would be facing the development. Ms. Miller stated there is an alley way separating the development and the apartments and the rear doors would be facing the development. Vice-Chairman also asked if noise became an issue in the future if there would be enough room for a sound barrier. Ms. Miller said there is no room for a wall barrier and that was the reason a noise study was conducted.

Vice-Chairman Kallen asked if any of the occupants of the apartment units provided a response to the development. Ms. Miller stated that the notice was sent to the property owner and no comments were received.

Commissioner Harrison asked the applicant about the ordering board. Mr. Pathi stated the tenant uses current technology on the ordering board that has a variable sound system that will adjust to the outside noise.

Chairman Lamoreaux asked the Applicant agreed to the Conditions of Approval.

Mr. Pathi stated he was in agreement with the Conditions of Approval recommended by staff.

MOTION

Motion by Commissioner Harrison seconded, Vice-Chairman Kallen that the Planning Commission move to approve Variance No 2019-002.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias

Noes: None

Abstain: None

Absent: Commissioner Tinsley

The motion carried by a 4-0-0-1 vote

4. **General Plan Amendment No. 2019-001 and Development Code Amendment No. 2019- 004.** An amendment to the text of the Land Use Element of the General Plan removing the requirement for a minimum project size of 10 acres within the Regional Commercial (C-R) land use definition and an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will amend Table 9.35.040-A "Site

Development Standards” to reduce the minimum lot size within Regional Commercial (C-R) zoning designation from eight (8) acres to 10,000 square feet.

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

Chairman Lamoreaux opened the public hearing at 6:28 p.m.

Commissioner Harrison stated the change was very significant. Ms. Cupp stated the change would allow parcel maps to record prior to pad development being completed.

Vice-Chairman Kallen asked how staff came to the 10,000 square feet. Ms. Cupp said it matched General Commercial (CG) and was consistent with other approved projects.

Chairman Lamoreaux closed the public hearing at 6:39 p.m.

MOTION

Motion by Vice-Chairman Kallen seconded, Commissioner Arias that the Planning Commission move to approve Planning Commission Resolution No. 2019-004, forwarding a recommendation that the Town Council amends the text of the General Plan 2019-001 and Development Code 2019-004.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias
Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote

5. **Development Code Amendment No. 2019-005.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to modify various sections relating to the following:
1. Allow administrative review of all new development that is less than 100,000 square feet in size.
 2. Remove Use Permit requirements as it pertains to physical development and replace it with a Development Permit.
 3. Expand the lapse of time for a Variance to two (2) years and allow for extensions of time for Variance and Deviation Permits.
 4. Modify language to better clarify the extension of time process for Use, Development, Variance and Deviation Permits.
 5. Add language to the Development Code relating to the Development Advisory Board.
 6. Remove Chapter 9.66 "Entertainment Overlay" and associated references.

7. Reduce the number of Findings required to approve a Use or Development Permit.

Chairman Lamoreaux opened the public hearing at 6:40 p.m.

Ms. Pam Cupp, Associate Planner, presented the staff report as filed with the Planning Division and included Town Attorney recommended modifications to the Resolution which added provisions that additional conditions could be added when requesting a time extension.

Vice-Chairman Kallen asked about the recommended change number "1" on the list thought the Planning Commission should still review 100,000 square foot projects. Vice-Chairman Kallen also asked about removing the Findings covering Historical Structures. Ms. Cupp said that F was removed since Historical Structures were covered under CEQA.

Commissioner Harrison also asked about the list and wanted an example of how item number "1" benefit developer. Ms. Cupp stated it would be a speedier process. Harrison asked about page 5-6 and completing the sentence.

Mr. Rice recommended modifying section 9.17.100 "Lapse of Permit" to read "Expiration of Development Permits shall expire 2 years following the date permit is issued and that all similar phrasing of the various time extension section also be modified in the like.

Chairman Lamoreaux close public comment at 6:54 p.m.

MOTION

Motion by Commissioner Arias, seconded, Commissioner Harrison that the Planning Commission move to approve Planning Commission Resolution No. 2019-005 including amending section 9.17.100 and forwarding a recommendation that the Town Council amend Title 9 "Development Code" of the Town of Apple Valley Municipal Code.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias
Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote

OTHER BUSINESS

6. General Plan Conformity Finding for the Town's Capital Improvement Program (CIP) for fiscal year 2019-2020. Carol Miller, Assistant Director of Community Development, presented the staff the report as filed with the Planning Division.

MOTION

Motion by Commissioner Harrison, seconded Vice-Chairman Kallen that the Planning Commission move to approve Planning Commission Resolution No. 2019-006

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias
Noes: None
Abstain: None
Absent: Commissioner Tinsley
The motion carried by a 4-0-0-1 vote

PLANNING COMMISSION COMMENTS

Vice-Chairman thanked Mr. Rice for reducing the introduction to the meeting.

Commissioner Arias asked when more Amendments were coming. Ms. Cupp said more amendments to come at the August 7th meeting.

Chairman Lamoreaux thanked staff for moving along the Amendments in a timely manner.

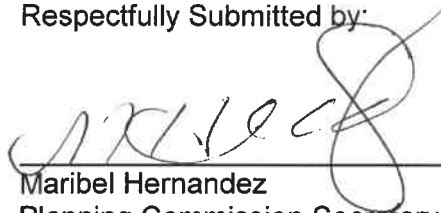
STAFF COMMENTS

Ms. Miller said staff was working off the list received from the May 1st Joint Meeting and staff was also taking the opportunity to clean up some of the issues that come up on a daily basis.

ADJOURNMENT

Motion by Vice-Chairman Kallen seconded by Commissioner Arias, and unanimously carried, to adjourn the meeting of the Planning Commission at 7:09 p.m. to its next regularly scheduled meeting on August 7, 2019.

Respectfully Submitted by:



Maribel Hernandez
Planning Commission Secretary

Approved by:



Chairman Jason Lamoreaux