

MINUTES

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

August 7, 2019

CALL TO ORDER

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

Roll Call

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

Staff Present

Carol Miller, Assistant Director of Community Development, Pam Cupp, Senior Planner, Richard Pederson, Deputy Engineer, Thomas Rice, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

APPROVAL OF MINUTES

1. Approval of Minutes for the regular meeting of May 15, 2019.

Motion by Commissioner Harrison, and second by Commissioner Tinsley to approve the minutes of May 15, 2019.

ROLL CALL VOTE

Yes: Commissioner Tinsley
Commissioner Harrison
Commissioner Arias
Noes: None
Abstain: Vice-Chairman Kallen
Absent: Chairman Lamoreaux
The motion carried by a 3-0-1-1 vote

PUBLIC COMMENTS

None

PUBLIC HEARINGS

- 2. Zone Change No. 2019-001.** A request to consider a zone change for two (2) parcels from Equestrian Residential (R-EQ) to Single Family Residential (R-SF).

Applicant: Christopher Connors

Vice-Chairman Kallen opened the public hearing at 6:07 p.m.

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

Commissioner Harrison asked why the High Desert Church did not want to move forward on with zone change and what the impact was. Ms. Miller stated there was no impact and if they should desire to build a church in the future, both zonings allowed for the construction of the church.

Commissioner Arias asked if there were any equestrian trails on this lot. Ms. Miller said there are no trails on these parcels.

Commissioner Kallen also asked about the trails near the lots. Ms. Miller stated the trail/public utility run along the rear easterly parcels.

Christopher Connors, Applicant said he was just trying to change the lot to RSF to keep it uniform with the surrounding parcels.

Vice-Chairman Kallen open the Public Comment at 6:17p.m.

William Bets, Apple Valley Resident said he has no issue regarding the zone change. Mr. Bets is concerned with the traffic congestion that would come if homes were built around the park.

Mary Dellavelle, Apple Valley Resident has issues regarding the equestrian trail behind her home being blocked. Ms. Dellavelle is also concerned with the traffic congestion if homes were built.

Chairman Lamoreaux arrived at 6:18pm.

Dianne Sthrother, Apple Valley Resident also said she was concerned about the traffic congestion and the Joshua trees in the lot.

Vice-Chairman Kallen closed the Public Hearing at 6:24.

Vice-Chairman Kallen said he did not have a problem with the zone change, since all the surrounding parcels were RSF.

Commissioner Tinsley stated he was happy to see the involvement of the residents.

Chairman Lamoreaux stated he would abstain from the vote, due to late arrival.

MOTION

Motion by Commissioner Tinsley, seconded by Commissioner Arias that the Planning Commission move to approve Zone Change 2019-001.

ROLL CALL VOTE

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

- 3. **Development Code Amendment 2019-006.** An amendment to Section 9.08 "Definitions" adding a definition for "Assembly of Products" and amend Table 9.35.030-A "Permitted Uses" of Title 9 "Development Code" of the Town of Apple Valley Municipal Code to allow the Assembly of Products as an ancillary use to any permitted or conditionally permitted use, as long as it is conducted within an enclosed building. This ancillary use would be allowed in all commercial zones Town-wide.

Chairman Lamoreaux opened the public hearing at 6:30 p.m.

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

Chairman Lamoreaux closed the Public hearing at 6:34pm.

Thomas Rice, Town Attorney recommend amending Page 3-5 Section 4 to read as follows:

Section 4. by adding Section 2 to read as follows:

MOTION

- 1. Motion by Commissioner Tinsley seconded, Vice-Chairman Kallen that the Planning Commission move to approve Planning Commission Resolution No. 2019-011 as amended.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Harrison
Commissioner Arias
Noes: None
Abstain: None
Absent: None
The motion carried by a 5-0-0-0 vote

- 4. **Development Code Amendment No. 2019-007.** The Planning Commission will be considering an amendment to Title 9 "Development Code" of the Town of Apple Valley

Municipal Code by modifying the entitlement process related to on-site sales of beer and wine only and adding provisions relating to artisan beverage makers that may include microbrews, craft distilleries and coffee roasters. Also recommended is a modification to allow food service establishments within the Public Facilities (P-Z) zoning designation.

Ms. Pam Cupp, Senior Planner, is requesting a continuance to the meeting of August 21, 2019.

MOTION

Motion by Commissioner Tinsley, seconded Commissioner Harrison that the Development code Amendment No. 2019-007 be moved to the August 21, 2019 meeting.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Harrison
Commissioner Arias
Commissioner Tinsley
Noes: None
Abstain: None
Absent: None
The motion carried by a 5-0-0-0 vote

5. **Development Code Amendment No. 2019-008.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to accessory dwelling units located on corner lots. Also, under consideration are modifications to the existing definition of front lot line.

Chairman Lamoreaux opened the public hearing at 6:32 p.m.

Ms. Pam Cupp, Senior Planner, presented the staff report as filed with the Planning Division with a few corrections:

Correction to page 5-6 under Noticing should read July 26, 2019 and not August 2, 2019.

And under Recommendation, should read Approve Planning Commission Resolution No. 2019-008.

and to also revise the beginning of the report to read:

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL ADOPT DEVELOPMENT CODE AMENDMENT NO. 2019-008 AMENDING TITLE 9 "DEVELOPMENT CODE" OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY MODIFYING CHAPTER 9.29 "SPECIFIC USE REGULATIONS" AS IT PERTAINS TO **DETACHED ACCESSORY DWELLING UNITS ON CORNER LOTS** AND CHAPTER 9.08 "DEFINITIONS" AS IT RELATES TO FRONT LOT LINE.

Commissioner Harrison asked if this change would be in support to allow better flexibility for housing on residential lots. Ms. Cupp responded yes.

Vice-Chairman Kallen asked if there was language discussing setbacks and asked about locations of driveways. Ms. Cupp stated there is no setback for flatwork and not all ADU's require garages.

Chairman Lamoreaux opened public comment 6:38p.m.

Jeff Chapdelaine, Apple Valley resident wanted to thank the Commission for having this item on the agenda for amendment.

Close public hearing at 6:44p.m.

Vice-Chairman Kallen asked to add flexibility for staff approvals.

Ms. Cupp made a recommendation to add verbiage to the Resolution.

Chairman Lamoreaux said he's seen ADUs on tract home that are on smaller lots and would like for staff to consider ADU's in the front of the lot.

Vice-Chairman Kallen asked if we could allow some flexibility in corner ADU.

Ms. Cupp asked the Commission if they only wanted to see ADU's in front of the main house on corner lots or also allow the same for an interior lot.

Chairman Lamoreaux would like for applicants to have the opportunity if it's on corner lots or infill.

Commissioner Tinsley asked if all ADUs required a Deviation. Ms. Cupp responded, No, they are permitted by right through the building permit process.

Vice-Chairman Kallen asked if this process could be handled as the extended height for RV storage projects. Ms. Miller said it would be an option and would require a Minor Development Permit.

Chairman Lamoreaux asked about the denying of an application.

Mr. Rice said the applicant can appeal the decision of the Planning Director, then project would come to the Commission for review.

Commissioner Harrison said it would like to see the standards written out for staff to have when processing applications.

Mr. Rice said the item before the commission tonight was to only address corner lots ADUs but something could be drafted that allows staff discretion on assessing ADUs in the front on corner lots only.

Chairman Lamoreaux asked for a short recess at 6:59p.m to allow staff and Town Attorney to draft language for consideration.

Chairman Lamoreaux called the meeting back in session at 7:02p.m.

Mr. Rice made the recommendation to modify section 3 item B to read:

- b. On corner lots, the minimum front or street side yard setback of the accessory dwelling unit shall be at least ten (10) feet greater than the primary dwelling or have its access from the street opposite that of the primary dwelling. Notwithstanding the foregoing, an accessory dwelling unit may be located in front of the primary dwelling when architecturally consistent with the primary dwelling.

Vice-Chairman Kallen asked if additional language would need to be included regarding setbacks.

Mr. Rice said this does not alter the setbacks requirements.

MOTION

Motion by Commissioner Tinsley, seconded, Vice-Chairman Kallen that the Planning Commission move to approve Planning Commission Resolution No. 2019-008 including the amended language.

ROLL CALL VOTE

Yes: Chairman Lamoreaux
Vice-Chairman Kallen
Commissioner Tinsley
Commissioner Harrison
Commissioner Arias
Noes: None
Abstain: None
Absent: None
The motion carried by a 5-0-0-0 vote

OTHER BUSINESS

6. **General Plan Conformity Finding for a Right-of-Way Vacation VAC No. 2019-001.** To consider a General Plan Conformity Finding, pursuant to Government Code Section 65402(a), for the vacation of sixteen (16) feet of the forty-five (45)-foot South Outer Highway 18 for approximately 200 linear feet.

Applicant, Ash Pathi

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

Commissioner Harrison asked if making this change would be consistent with the further development of the Outer Highway.

Richard Pederson, Deputy Engineer said Outer Highway would remain. Mr. Pederson said it was a good idea to remove Kasota only to Tuscola because it was so close to the State Route, all the business would still have highway frontage just not have Kasota access from the State Route.

MOTION

Motion by Vice-Chairman Kallen, seconded Commissioner Arias that the Planning Commission move to approve Planning Commission Resolution No. 2019-009,

ROLL CALL VOTE

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

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

PLANNING COMMISSION COMMENTS

Commissioner Harrison asked if there were any current applicant that would benefit from the amendment on item 2 of the agenda. Ms. Miller said no current applicants were currently waiting.

Vice-Chairman Kallen was happy to see the items moving along.

STAFF COMMENTS

None

ADJOURNMENT


Motion by Commissioner Tinsley, Second 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 21, 2019.

Respectfully Submitted by:



Maribel Hernandez
Planning Commission Secretary

Approved by:



Vice-Chairman, Bruce Kallen