

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
July 15, 2020**

CALL TO ORDER

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

Roll Call

Present: Chairman Kallen; Vice-Chairman Harrison, Commissioner Tinsley;

Absent: Commissioner Arias; Commissioner Lanyon

Staff Present

Carol Miller, Assistant Director of Community Development, Daniel Alcayaga, Planning Manager, Pam Cupp, Senior Planner, Albert Maldonado, Town Attorney, Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of May 6, 2020.

Motion by, Vice-Chairman Harrison, second by Commissioner Tinsley to approve the minutes of May 6, 2020.

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Arias
Commissioner Lanyon

The motion carried a 3-0-0-2 vote

PUBLIC HEARINGS

2. **Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002***(Continued from July 1st)*. A request for approval of a Conditional Use Permit to install a roof-top wireless telecommunications facility. Screening of the facility is designed to emulate a third floor to an existing two (2)-story, office building. The Deviation Permit is a request to allow the roof top equipment to occupy approximately twenty (20) percent of the roof area where ten (10) percent is allowed.

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

Courtney Standridge, Applicant was available by phone.

Chairman Kallen asked if there were any health concerns.

Ms. Cupp said the FCC has stated there is no health concerns.

Chairman Kallen asked Ms. Standridge if they agreed with the conditions of approval as presented by staff.

Ms. Standridge said they do agree with the conditions of approval.

Chairman Kallen closed the public hearing at 6:08p.m.

Planning Commission agreed that this tower was well designed.

Motion by, Vice-Chairman Harrison, Second by Commissioner Tinsley to approve Conditional Use Permit No. 2018-011 and Deviation Permit No. 2018-002.

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

- 3. Tentative Tract Map No. 20304***(Continued from July 1st)*. The proposal is to subdivide approximately fifty-five (55) acres into ninety-three (93) single-family lots. All lots are single-family residential and will range in size from 18,000 to 65,562 square feet with an average lot size of 21,217 square-feet.

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

Thomas Hhubik, applicant, and Shane Shubert were available by phone.

Vice-Chairman Harrison asked if there was any additional communication from the public, other than what was provided in the agenda packet.

Ms. Miller said, no other correspondence was received.

Mr. Hhubik submitted some additions and changes to his conditions. He would like to insert a condition of CC&R's; remove Condition of Approval P.17, regarding the horse trails; and asked that Engineering condition to have a gate on Arcata Rd.

Chairman Kallen asked Ms. Miller if the request of the wall changes any other conditions.

Ms. Miller said there is no code requirement that requires communities to be gated.

Chairman Kallen about the points of access to allow for equestrian people to get out of the area.

Ms. Miller said there may be some conditions placed in the CC&Rs that prohibit large animal keeping. And the Town does not enforce the CC&Rs.

Mr. Hhubik said they are trying to maintain the integrity of the project and the size of the lots are ½ an acre and with the size of the homes will not allow room for large animal keeping.

Chairman Kallen asked Mr. Hhubik if he was in agreement with the rest of the conditions of approval as presented by staff

Mr. Hhubik said he agreed with the conditions of approval.

Chairman Kallen closed the public hearing at 6:25pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Tentative Parcel No. 20304 Tinsley as amended.

Removal of condition P17.

Tentative Tract Map No. 20304 shall adhere to all Equestrian Residential (R-EQ) site development standards and all requirements of the Development Code. All local streets shall be developed with a nine (9)-foot wide trail, and a three (3)-foot wide separation

between curb face and trail, within the right-of-way (in lieu of sidewalk), on the north and west side.

And addition of.

P22. The Covenants, Conditions and Restrictions (CC&Rs) shall be reviewed by the Town prior to final approval of the Final Map. The CC&Rs shall include a Homeowner' Association and shall contain provisions for liability insurance and methods of maintaining open space, private roads, retention basin, gated entry areas, subdivision perimeter walls and decorative block walls, subject to approval by the Director of Economic and Community Development (or designee), the Town Engineer and the Town Attorney.

P23. Prior to recordation of the Final Map, the Developer/applicant shall submit detailed plans showing all proposed walls for this subdivision, including the gated entry areas, subdivision perimeter walls and decorative block walls. Subdivision walls shall be articulated by regularly spaced pilasters or landscape insets, decorative caps and landscaping, subject to approval by the. Director of Economic and Community Development (or designee).

P24. Prior to recordation of the Final Map, the Developer/applicant shall have the option to either proceed with the private gated community or convert back to a non-gated public assess community without further Planning Commission approvals.

EC28. Arcata Road on the east property boundary between Lot Nos. 22 and 23 shall have a security gate constructed at said east property boundary to allow ingress and egress to adjacent easterly properties of Tentative Tract Map No. 20304. Arcata Road shall be improved to Town standards with curb, gutter and street pavement.

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

- 4. Conditional Use Permit No. 2020-002.** The proposal is to request to approve a Conditional Use Permit to expand an existing six (6) bed Residential Care Facility for Elderly (RCEF) to an eight (8) bed facility. The project site is 0.49 acres in size.

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

Kamal Ebadpour, Applicant and Hossein Zand were available by phone.

Vice-Chairman Harrison asked if any modifications were being made to the structure.

Ms. Cupp said not none were being made.

Commissioner Tinsley asked if the amount of traffic flow was looked at.

Ms. Cupp said the facility only allows one (1) visitor at a time and it is by appointment only so this should not affect the flow of traffic in the area.

Chairman Kallen asked how long this facility has been in operation with 6 beds.

Ms. Cupp said the facility has been in operation since March 6, 2014 and the CUP is non-transferable, so if applicant sells the property this permit is voided.

Chairman Kallen asked Mr. Ebadpour if they agree with the conditions of approval as presented by staff.

Mr. Ebadpour agrees with the conditions of approval.

Chairman Kallen closed the public hearing at 6:32pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Conditional Use Permit No.2020-002.

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

5. Development Code Amendment No. 2020-005 (Continued from July 1st).

An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to landscape setbacks regulations for commercial development

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

Vice-Chairman Harrison asked if there is any allowance for architectural decorations, such rod iron, metal figures, and large boulders in lieu of something that has to me maintained.

Ms. Cupp said not at this time, but it could be considered through a landscape program and the commission would be able to approve these on the large-scale projects of 2+ acres.

Commissioner Tinsley asked where the 8ft wall idea come from.

Ms. Cupp said the suggestion came from Council, in lieu of a landscape buffer between commercial and residential.

Commissioner Tinsley said an 8ft wall will only be an eyesore.

Ms. Cupp said the 8ft wall is currently allowed but not required.

Chairman Kallen asked if someone came forward to Council with the recommendation, because this was not something that was discussed in the workshop.

Ms. Cupp said Landscape setback of gas stations was discussed at the November 12, 2019 and they expanded to all developments less than 2 acres.

Vice-Chairman Harrison asked how an 8ft wall on flat ground would compare to the same wall on top of a slope or to the same wall on a down slope and requested a way to word this to read, depending on how the property lays.

Commissioner Tinsley said staff should have the ability to review these walls on a case by case and approve accordingly.

Chairman Kallen asked if there could add at the "Planning Director discretion" to the code and would like for more specific information on the type of block wall as the recommendations appear vague.

Chairman Kallen called for a 5-minute recess to allow staff to reword the issues with the 8-foot wall.

Chairman Kallen reconvened the meeting of the Planning Commission 6:52pm.

Vice-Chairman Harrison asked if there should be a definition of what type of block walls are allowed.

Ms. Cupp said the development code has standards relating to block walls.

Ms. Cupp made the following changes to the resolution.

"The required setback between parking lots adjacent to residential uses or districts can be reduced with a deviation permit approved by the director. The setback reductions shall require the erection of a decorative block wall sub wall will be at a

minimum 6ft up to maximum 8ft subject to surrounding topography and potential neighborhood impacts.”

Chairman Kallen closed the public hearing at 7:04 pm.

Motion by, Commissioner Tinsley, second Chairman Kallen, to approve Planning Commissions Resolution 2020-003 as amended.

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

6. **Development Code Amendment No. 2020-002.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that may remove Chapter 9.15 "Commercial/Industrial Revitalization Permits" as obsolete. All reductions to development standards afforded by Chapter 9.15 could remain as available options through the Deviation Permit process.

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

Vice-Chairman Harrison asked if making these changes make it easier for staff and better the developer.

Ms. Cupp said staff has not processed a revitalization permit.

Chairman Kallen closed the public hearing at 7:08pm.

Motion by, Commissioner Tinsley, second by Vice-Chairman Harrison to approve Planning Commission Resolution 2020-002

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

7. **Development Code Amendment No. 2020-006.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by modifying provisions relating to the location regulations for gasoline/service stations and above ground petroleum tanks.

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

Commissioner Tinsley asked why not allow tanks larger than 200 gallons.

Ms. Cupp said applicants can have larger tanks with the approval of a Special Use Permit.

Chairman Kallen would like to have someone look at the correlation between size of the of the operation to the size tank. He further expanded upon the need to make that, although the gas station would need to be set back from the hard corner a minimum of 300 feet, the Resolution should also reflect that access to the gas station should be at least 300 feet from the corner as well.

Section 3. of PC Resolution was modified to read "No more than two gasoline/service stations can be located on the hard corners of an intersection of two or more streets. Additional gasoline/service stations, and access thereto, must be located a minimum of 300 feet from the intersection of two (2) or more streets, if more than two (2) gasoline/service stations have already been entitled or legally built at said intersection on the hard corners. The existing entitlement must be valid and not expired.

Chairman Kallen closed the public hearing at 7:21p.m.

Motion by, Chairman Kallen, Vice-Chairman Harrison, second to approve Planning Commissions Resolution 2020-004 as amended.

ROLL CALL VOTE

Yes: Chairman Kallen
Vice-Chairman Harrison
Commissioner Tinsley
Noes: None
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 3-0-0-2 vote

OTHER BUSINESS

8. **Development Permit No. 2020-003.** To consider a façade improvement to a portion of an existing inline retail building within the Rancherias Plaza.

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

Mark Lyons Applicant and Mr. Tom Steeno were available by phone.

Vice-Chairman Harrison asked if there was another center within town with similar deviations.

Ms. Miller said she was not aware of another centers this request.

Mr. Steeno said the building has been vacant for many years and this enhancement may encourage the rest of the center to change.

Commissioner Tinsley asked what inspired such a drastic change in the color.

Mr. Lyons said he has four other locations and that is their branding.

Vice-Chairman Harrison loves the project, but worried about what this may bring with future projects.

Mr. Steeno added that this improvement would help clean up the center and bring jobs to the Town.

Chairman Kallen asked if there was any public comment.

Mr. Miller said the only correspondence received was from the current property owner.

Planning Commission was presented an email from the current property owner in support of the project.

Commissioner Tinsley was not in support of the drastic change to the center and the colors will not fit in the rest of the center and take away from the desert appearance.

Chairman Kallen agreed with Commissioner Tinsley, but feels the center needs some change and appears tired.

Motion by, Vice-Chairman Harrison, second by Chairman Kallen to approve Development Permit No. 2020-003

ROLL CALL VOTE

Yes: Chairman Kallen

Vice-Chairman Harrison
Noes: Commissioner Tinsley
Abstain: None
Absent: Commissioner Lanyon
Commissioner Arias

The motion carried by a 2-1-0-2 vote

PLANNING COMMISSION COMMENTS

Chairman Kallen thanked Ms. Miller for her dedication to Apple Valley.

Commissioner Tinsley thanked Ms. Miller for all her hard work.

Vice-Chairman Harrison also thanked Ms. Miller for all her work.

STAFF COMMENTS

Ms. Miller introduced Daniel Alcayaga, Planning Manager.

Mr. Alcayaga shared his employment history with Planning Commissioners.

ADJOURNMENT

Motion by, Chairman Kallen, second by Commissioner Tinsley and unanimously carried, to adjourn the meeting in honor of Carol Miller to its next regularly scheduled Planning Commission meeting on September 2, 2020.

Respectfully Submitted by:



Maribel Hernandez
Planning Commission Secretary

Approved by:



Chairman, Bruce Kallen