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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA**

WEDNESDAY, DECEMBER 16, 2020

Regular Meeting 6:00 p.m.

Town Council Chambers
14955 Dale Evans Parkway

PLANNING COMMISSION MEMBERS

Bruce Kallen, Chairman
Joel Harrison, Vice-Chairman
B.R. "Bob" Tinsley, Commissioner
Mike Arias Jr., Commissioner
Jared Lanyon, Commissioner

PLANNING DIVISION OFFICE: (760) 240-7000 Ext. 7200
www.AVPlanning.org

Monday - Thursday 7:30 a.m. to 5:30 p.m.
Alternating Fridays 7:30 a.m. to 4:30 p.m.



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**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY DECEMBER 16 – 6:00 P.M.**

IMPORTANT COVID-19 NOTICE

IN AN EFFORT TO PROTECT PUBLIC HEALTH AND PREVENT THE SPREAD OF COVID-19 (CORONAVIRUS) AND TO ENABLE APPROPRIATE SOCIAL DISTANCING, THE PLANNING COMMISSION MEETING WILL NOT BE OPEN TO PUBLIC ATTENDANCE.

THE TOWN OF APPLE VALLEY ENCOURAGES THE PUBLIC TO VIEW THIS PLANNING COMMISSION MEETING ON TELEVISION OR ONLINE. THE MEETING IS BROADCAST LIVE ON FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG

MEMBERS OF THE PUBLIC WHO WISH TO COMMENT ON MATTERS BEFORE THE PLANNING COMMISSION MAY PARTICIPATE IN THE FOLLOWING WAYS:

(1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG BY 3:00 P.M. THE DAY OF THE SCHEDULED MEETING TO BE INCLUDED IN THE WRITTEN RECORD;

(2) A REQUEST TO SPEAK CAN BE EMAILED TO PUBLICCOMMENT@APPLEVALLEY.ORG AND AT THE TIME OF THE REQUESTED AGENDA ITEM, THE PLANNING COMMISSION SECRETARY WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO SPEAK TO THE COMMISSION VIA SPEAKER PHONE DURING THE LIVE MEETING FOR UP TO THREE MINUTES. PLEASE INDICATE ON WHICH ITEM YOU WISH TO SPEAK.

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Chairman Kallen _____; Vice-Chairman Harrison _____
Commissioners: Tinsley _____; Arias _____; Lanyon _____

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

APPROVAL OF MINUTES

- 1a. Minutes for the regular meeting of November 4, 2020.
- 1b. Minutes for the regular meeting of November 18, 2020.

PUBLIC HEARING ITEMS

2. **Development Permit No. 2020-009.** A request to approve a Development Permit to allow the construction of a 950 square foot garage that is eighteen (18) feet in height.

APPLICANT: Mr. Maurice Hintz

LOCATION: 14280 Mandan Road; APN 0444-147-13

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e), accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.

CASE PLANNER: Pam Cupp, Senior Planner

RECOMMENDATION: Approval

OTHER BUSINESS

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

The Planning Commission will adjourn to the regular Planning Commission Meeting on January 20, 2021.

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 4, 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: Commissioners Tinsley; Arias; Lanyon; Vice-Chairman Harrison; Chairman Kallen

Absent: None

Staff Present

Lori Lamson, Assistant Town Manager; Albert Maldonado, Town Attorney; Daniel Alcayaga, Planning Manager; Pam Cupp, Senior Planner; and Maribel Hernandez, Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Lanyon.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of October 21, 2020.

Motion by Commissioner Tinsley, second by Commissioner Lanyon to approve Minutes of the October 21, 2020 meeting.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

PUBLIC HEARING

2. Tentative Parcel Map No. 20208. A request to approve a Tentative Parcel Map to subdivide a 2.2-acre parcel into two (2) single-family residential lots with a minimum lot size of one (1) acre. The project is located within the equestrian residential (R-EQ) zoning designation.

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

Cheri Bradley, Project Coordinator, and Yadira Gutierrez, property owner was available by phone.

Chairman Kallen asked for time to read over letter submitted by applicant.

Vice-Chairman Harrison asked about the walkway on the east side of the property that is being redone that leads to the school.

Ms. Cupp said the project is part of Safe Routes to School and doubles as a bike path.

Vice-Chairman asked about existing fences that are currently encroaching into the public right-of way and if there is no plan for improvement in the area, would allowing the applicant to keep the fence where it's located at this time be a foreseeable consideration.

Ms. Cupp spoke to the Engineering Department and they saw no issues in leaving the fence where it's located today.

Ms. Yadira, Gutierrez spoke on behalf of the project and disagreed with the requirement to grant an easement for the multi-use trail; however, accepted the Conditions of Approval with the removal of P13.

Being that there is no one from the public to comment on this item, Chairman Kallen closed the Public Hearing at 6:15pm.

Motion by Chairman Kallen, second by Vice-Chairman Harrison to approve Tentative Parcel Map No. 20208 as amended removing condition P13.

~~P1. Prior to map recordation, the fencing along Navajo Road shall be relocated to the ultimate edge of right of way as required by the Lifeline Trail standards.~~

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

- 3. Development Code Amendment No. 2020-003.** Consideration of an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code relating to the design and operating standards of drive-thru uses. Standards under review for modification include, site development standards, vehicle stacking, and incorporating language to allow for flexible application of these requirements.

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

Commissioner Tinsley asked how the stacking number was calculated.

Ms. Cupp reviewed eight different surrounding cities and found that, as far as stacking, only two cities had six and found some cities went as high as twelve.

Commissioner Lanyon asked if other businesses such as banks and pharmacies will have to follow the same stacking staking regulations.

Ms. Cupp said those types of businesses are not subject to these regulations.

Being that there is no one from the public to comment on this item, Chairman Kallen closed the Public Hearing at 6:32pm.

Motion by Commissioner Tinsley, second by Commissioner Lanyon to approve Planning Commission Resolution No. 2020-009.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

Daniel Alcayaga updated Planning Commission on upcoming projects.

ADJOURNMENT

Motion by, Vice-Chairman Harrison, seconded by Commissioner Lanyon and unanimously carried, to adjourn the meeting to its regularly scheduled Planning Commission meeting on November 18, 2020.

Respectfully Submitted by:

Maribel Hernandez
Planning Commission Secretary

Approved by:

Chairman, Bruce Kallen

**MINUTES
TOWN OF APPLE VALLEY
PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 18, 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: Commissioners Tinsley; Arias; Lanyon; Vice-Chairman Harrison; Chairman Kallen

Absent: None

Staff Present

Lori Lamson – Assistant Town Manager, Albert Maldonado – Town Attorney, Daniel Alcayaga – Planning Manager, Richard Pederson – Deputy Town Engineer, Kiel Mangerino – Planning Commission Secretary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Tinsley.

PUBLIC COMMENTS

None

APPROVAL OF MINUTES

None

PUBLIC HEARING

- 1. Conditional Use Permit No. 2019-006 - Amendment 1.** A request to expand the hours and activities for an approved Conditional Use Permit, which allows an open-air Farmer's/Flee Market, the installation of vendor kiosks, tenant improvements of an existing structure for the purpose of alcohol sales, parking lot improvements and landscaping. The amendments will allow banquets, live entertainment, as well as construction of a noise insulated stage at the Market at Towns End. The project site is located on a developed, three (3)-acre site within the Village Commercial (C-V) zoning designation.

Daniel Alcayaga – Planning Manager, presented the staff report as filed with the Planning Division.

Chet Hitt – Applicant, was available by phone.

Discussion ensued between the commission and staff regarding sound levels and number of events at Towns End market.

Chet Hitt – Applicant, provided clarification regarding the need for fire department attendance at events, and sound mitigation.

Silvia Houseman – Apple Valley, presented her concerns regarding the parking, lack of no parking signs and trash, at Towns Market, and has contacted staff regarding these issues.

Kiel Mangerino – Planning Secretary, read a public comment by Melanie Dube-Price regarding her concerns related to parking and noise levels at Towns End Market.

Discussion ensued between the Planning Commission and Chet Hitt – Applicant regarding the parking situation at the market.

Tom Steeno – project architect, detailed the potential construction of a parking lot at the north end of the site to alleviate the parking issue.

Lori Lamson – Assistant Town Manager, discussed potential future development of parking in the Village where Towns End Market is located.

Motion by Commissioner Tinsley, second by Vice-Chairman Harrison to approve Conditional Use Permit No. 2019-006 – Amendment 1.

ROLL CALL VOTE

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

The Motion Carried by a 5-0-0-0 vote.

OTHER BUSINESS

None

PLANNING COMMISSION COMMENTS

None

STAFF COMMENTS

None

ADJOURNMENT

Motion by, Commissioner Arias, seconded by Chairman Kallen and unanimously carried, to adjourn the meeting to its regularly scheduled Planning Commission meeting on December 16, 2020.

Respectfully Submitted by:

Kiel Mangerino
Planning Commission Secretary

Approved by:

Chairman, Bruce Kallen



Planning Commission Agenda Report

Date: December 16, 2020 Item No. 2

To: Planning Commission

Case Number: Development Permit No. 2020-009

Applicant: Mr. Maurice Hintz

Proposal: A request to approve a Development Permit to allow the construction of a 950 square foot garage that is eighteen (18) feet in height.

Location: 14280 Mandan Road; APN 0444-147-13

Environmental Determination: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e), accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.

Prepared By: Pam Cupp, Senior Planner

Recommendation: Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size:
The project site is 0.90 acres in size.
- B. General Plan Designations:
Project Site - Single-Family Residential (R-SF)
North - Single-Family Residential (R-SF)
South - Single-Family Residential (R-SF)
East - Single-Family Residential (R-SF)
West - Single-Family Residential (R-SF)
- C. Surrounding Zoning and Land Use:
Project Site - Equestrian Residential (R-EQ), Single-Family Residence
North - Equestrian Residential (R-EQ), Single-Family Residence
South - Equestrian Residential (R-EQ), Single-Family Residence

- East - Equestrian Residential (R-EQ), Single-Family Residence
- West - Equestrian Residential (R-EQ), Single-Family Residence

D. Building Height:

- Permitted Maximum: Sixteen (16)-feet
- Proposed Maximum: Eighteen (18) feet

E. Setback Analysis:

	<u>Required:</u>	<u>Proposed Garage:</u>
Front:	50 feet	50 feet
Rear:	10 feet	170 feet
East Side:	15 feet	40 feet
West Side:	15 feet	40 feet

ANALYSIS

A. General:

The applicant is requesting the Planning Commission's approval of a Development Permit to allow the construction of an eighteen (18)-foot tall, recreational vehicle garage. Pursuant to the Development Code, within the Single Family Residential (R-SF), Equestrian Residential (R-EQ), or Multi-Family Residential (R-M) zoning designations, the height of an accessory structure may not exceed one-hundred percent (100%) of the height of the main structure on site, or sixteen (16) feet, whichever is lesser, if a one story structure, nor seventy-five (75) percent of the height of the main structure, if that main structure is two or more stories in height. Pursuant to Development Code Section 9.29.020(D), a greater height may be approved by the Planning Commission upon review and approval of a Development Permit. The Development Permit process provides the Planning Commission an opportunity to review the architecture/aesthetics and the proposed height of the accessory structure in relationship to its surroundings.

B. Development Review:

The project site is developed with an existing 3,292 square foot, single-family residence and a 2,160 square foot detached accessory garage. The terrain is relatively flat with no significant slopes. All surrounding properties are located within the Equestrian Residential (R-EQ) zoning designation and developed with single-family residences.

The Development Code establishes standards for accessory structures to ensure the single-family residence remains the dominant land use and that a quality, aesthetic presentation of the property is maintained. The detached garage will measure eighteen (18) feet in height with twelve (12)-foot tall, roll-up doors on each end of the structure, two (2) man-doors on the east elevation and two (2) windows on the west elevation, facing the neighboring property. As required by the Development Code, the proposed detach garage had been designed to be architecturally compatible with the primary structure through the use of matching colors, building materials and architectural elements. Therefore, the proposed

garage is found to be compatible with the main residence and the surrounding structures. The proposed square footage is within the Development Code standards for an accessory structure and the additional two (2) feet in height is not considered substantial. Therefore, it has been determined that the proposed eighteen (18)-foot height will not cause a visual obstruction and is in scale with the surrounding residential neighborhood.

C. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15303(e), accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences are exempt from further environmental review.

D. Noticing:

The project was legally noticed in the Apple Valley News on December 4, 2020 and notices were mailed to all property owners within 300-feet of the project site. No public comment has been received by staff regarding this proposal at the time this staff report was written.

E. Development Permit Findings:

As required under Section 9.17.080 of the Development Code, prior to approval of a Development Permit, the Planning Commission must make the following Findings:

1. That the location, size, design, density and intensity of the proposed development is consistent with the General Plan, the purpose of this Code, the purpose of the zoning district in which the site is located, and the development policies and standards of the Town;

Comment: The proposed location, size, design of the detached garage is consistent with the General Plan Land Use and zoning designation which allows for detached garages to exceed the height limit of sixteen (16) feet, subject to approval of a Development Permit by the Planning Commission. The location, size and design meet the setback and size requirements of the Development Code.

2. That the location, size and design of the proposed structures and improvements are compatible with the site's natural landforms, surrounding sites, structures and streetscapes and does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings;

Comment: The proposed location, size, design of the detached garage is compatible with the surrounding properties because the additional two (2) feet in height is not a substantial increase that would drastically alter the views within the area.

3. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures and that quality in architectural design is maintained in order to enhance the visual environment of the Town;

Comment: The proposed detached garage is designed to be architecturally compatible with the primary structure through the use of matching colors, building materials and architectural elements. These design features are also consistent with those in the surrounding area.

4. That the amount, location, and design of open space and landscaping conforms to the requirements of this Code, enhances the visual appeal and is compatible with the design and function of the structure(s), site and surrounding area;

Comment: The project is not subject to open space and landscaping requirements.

5. That excessive and unsightly grading of hillsides does not occur, and the character of natural landforms such as knolls and the Mojave River and that existing vegetation and Joshua Trees are adequately protected and preserved where feasible as required by this Code;

Comment: The subject site is developed and is not within an area that possesses hillsides or natural landforms.

6. That the proposed development's generation of traffic will not adversely impact the capacity and physical character of surrounding streets and that traffic improvements and or mitigation measures are provided in a manner consistent with the Circulation Element of the Town General Plan;

Comment: A detached garage is a permitted structure as an accessory use to a single-family residence, and therefore would not generate additional traffic beyond what was anticipated for a single-family residence.

7. That there will be no negative impacts upon the environment from the proposed structure(s) that cannot be mitigated; and

Comment: The project is considered exempt under CEQA.

8. That the proposed development, and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan.

Comment: The proposed eighteen (18)-foot height will not be detrimental to the public health, safety and welfare of the community or be materially injurious to properties or improvements in the vicinity nor be contrary to the adopted General Plan because the proposed square footage is within the Development Code standards for an accessory structure and the additional two (2) feet in height is not considered substantial to be detrimental to the neighborhood.

Recommendation:

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. Determine that the project is not anticipated to have any direct or indirect impact upon the environment, as it has been determined that 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. Approve Development Permit No. 2020-009.
4. Direct staff to file a Notice of Exemption.

ATTACHMENTS:

1. Site Plan
2. Building Elevations
3. Zoning/Location Map





