

## MINUTES

### TOWN OF APPLE VALLEY PLANNING COMMISSION REGULAR MEETING

OCTOBER 21, 2020

#### CALL TO ORDER

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

#### Roll Call

Present: Chairman Kallen, Vice-Chairman Harrison, Commissioner Arias,  
Commissioner Tinsley, Commissioner Lanyon,

Absent:

#### Staff Present

Lori Lamson, Assistant Town Manager, 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 Commissioner Tinsley

#### APPROVAL OF MINUTES

1. Minutes for the Regular Meeting of October 7, 2020.

#### MOTION

Motion by Vice-Chairman Harrison, Second Commissioner Arias to approve the minutes of October 7, 2020.

#### 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.

<b>PUBLIC COMMENTS</b>
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None

<b>PUBLIC HEARINGS</b>
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- 2. Development Permit No. 2020-007 and Variance No. 2020-001.** *(Continued from October 7, 2020).* A request for approval of a Development Permit to allow the construction of an 11,914 square foot, fourteen (14)-unit apartment complex. The Variance is a request to reduce the required parking spaces from forty-nine (49) to forty-two (42) spaces. Also requested is a reduction to the side yard setback from fifteen (15) feet as required by Ranchos Residential Overlay District, to 13.5 feet. The subject site is 0.84 acres in size and located within the Multi-Family Residential (R-M) zoning designation.

Chairman Kallen opens the public hearing at 6:07pm.

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

Ryan McGowan, Applicant was available by phone.

Commissioner Lanyon asked about the garden area and feels it may not be maintained as well as if the property management would maintain it.

Ms. Cupp said the garden area was for the personal use of the tenant to allow them to plant what they choose.

Vice-Chairman Harrison said he drove the area around this project and noticed many cars parked out on the street, and on vacant lands but also noticed well managed properties, that was not an issue.

Chairman Kallen asked if, with current Multifamily Ad HOC Committee discussion, would there be an opportunity of potential phasing of this project and allow for the reduction in parking.

Commissioner Arias said this was a timing issue with the current discussions with the Ad Hoc Committee, and do not know if Council will approve their recommendations.

Mr. McGowan said the 3 feet garden area was intended as an amenity for tenants to have their own garden to grow as they choose. And as for the garages, they anticipate the tenants using them for parking as these units are more of a high-end Townhome style.

Vice-Chairman Harrison asked Mr. McGowan about the reference on his application on page 2-20 Special Circumstances, 3 parking spaces for unit.

Mr. McGowan said they knew of the Ad Hoc Committee and anticipated a change in the code to lower the parking demand to be like surrounding cities.

Chairman Kallen asked Mr. McGowan if he agreed with the conditions of approval as amended.

Mr. McGowan agrees with the amended conditions of approval.

Chairman Kallen closed the public hearing at 6:20pm.

Chairman Kallen asked Vice-Chairman Harrison and Commissioner Arias what their thoughts were, since both are member of the Multifamily AD Hoc Committee.

Commissioner Arias said the Committee did have a discussion to keep the parking standards in line with surrounding cities and it appears the Town's parking standards are excessive.

Lori Lamson, Assistant Town Manager said she did some calculation of the proposal on what will be taken to Council and the committee recommended 2.5 parking spaces which would put the current project at 35 parking spaces which is well under what is being provided.

Discussion ensued regarding Condition P8, which requires the applicant to submit the project consistent with the current Code. It was determined that if the Code is modified to allow the proposed parking reduction, the plans could be revised accordingly in the future if the changes occur.

Discussion ensued regarding the requested Variance and the inability to make the Findings required for approval.

Condition P22 was added at the request of the Town Attorney as follows:

"The applicant agrees to not pursue litigation against the Town of Apple Valley in the event the Development Code is not modified to reduce the required parking for three (3) bedroom apartment units to three (3) or less spaces per unit.

Chairman Kallen asked Mr. McGowan if he agreed with the conditions of approval as amended.

Mr. McGowan agrees with the amended conditions of approval.

**MOTION**

Motion by Commissioner Tinsley seconded Chairman Kallen to approve Development Permit No. 2020-007 and denial of Variance No. 2020-001 adding an additional condition as amended:

Should the Development Code parking requirements be reduced prior to project completion, the plan may be revised to three (3) bedroom units or construction of up to fourteen (14), three (3) bedroom units may be permitted.

Condition P22 was added at the request of the Town Attorney as follows:

“The applicant agrees to not pursue litigation against the Town of Apple Valley in the event the Development Code is not modified to reduce the required parking for three (3) bedroom apartment units to three (3) or less spaces per unit.

**ROLL CALL VOTE**

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

Noes: None

Absent: None

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

- 3. Development Code Amendment No. 2020-010.** An amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code to add regulations relating to nuisance lighting and glare between residential properties. This amendment will also consider removal of all references relating to the "Dark Sky Policy".

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

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

Discussion ensued regarding the historical context relating to the proposed amendment.

Being that there is no one from the public to comment on this item Chairman Kallen closed the public hearing at 6:45p.m.

**MOTION**

Motion by Chairman Kallen, second Commissioner Arias to approve Planning Commission Resolution No. 2020-008.

**ROLL CALL VOTE**

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

Noes: None

Absent: None

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

**OTHER BUSINESS**

None

**PLANNING COMMISSION COMMENTS**

Commissioner Arias said the Ad Hoc Committee meeting was very productive and thanked staff for setting it up.

Vice-Chairman Harrison asked if a sign could be placed at the new Starbuck directing traffic, so they do not accidently drive into the drive thru.

**STAFF COMMENTS**

Mr. Alcayaga updated the Planning Commission on upcoming items for the next meeting.

**ADJOURNMENT**

Motion by Commissioner Arias, Second by Vice-Chairman Harrison, and unanimously carried, to adjourn to the next regular meeting of the Planning Commission on November 4, 2020.

Respectfully Submitted by:

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Maribel Hernandez  
Planning Commission Secretary

Approved by:

A handwritten signature in blue ink, appearing to read 'Bruce Kallen', written over a horizontal line.

Chairman, Bruce Kallen