

**MINUTES**  
**TOWN OF APPLE VALLEY**  
**TOWN COUNCIL/PLANNING COMMISSION**  
**Special Meeting/Workshop**

**Wednesday, February 25, 2009**

**CALL TO ORDER**

The workshop meeting of the Town Council/Planning Commission was called to order at 6:30 p.m. by Mayor Roelle of the Town Council.

**ROLL CALL**

Roll call was taken with the following members present:

**Town Council**

Councilman Allan  
Councilwoman Coleman  
Councilman Sagona  
Mayor Pro Tem Nassif  
Mayor Roelle

**Planning Commissioners:**

Commissioner Larry Cusack  
Commissioner David Hernandez  
Commissioner John Putko  
Vice-Chairman Bob Tinsley  
Chairman Bruce Kallen

**Staff Present:**

Frank Robinson, Town Manager; Ken Henderson, Assistant Town Manager, Economic and Community Development; Lori Lamson, Assistant Director of Community Development; Becky Reynolds, Principal Planner; Nicole Criste, Planning Consultant; and Patty Hevle, Planning Commission Secretary.

**PLEDGE OF ALLEGIANCE**

Planning Commissioner Larry Cusack led the Pledge of Allegiance.

**JOINT WORKSHOP ITEM**

The Planning Commission recommended its recommendation regarding the General Plan Update Land Use Map and Land Use Policies.

Mr. Ken Henderson, Assistant Town Manager-Economic and Community Development, commented on the history of the General Plan Update and that the discussion tonight is a culmination of eighteen (18) months of work on the General Plan Update.

Mr. Henderson introduced Ms. Nicole Criste of Terra Nova, the Town's General Plan consultant.

Mayor Roelle stated that this meeting was for informational purposes only and that no action would be taken this evening.

Ms. Criste presented the staff report as filed by the Planning Division. She stated the General Plan is an information and policy document and is quite similar to the existing General Plan. She stated that the Land Use Element is now complete; however, the Housing Element is in draft form and awaiting changes and certification by the State. Ms. Criste presented the major changes to the Land Use Map.

Mr. Ian Bryant of Apple Valley expressed his concerns regarding Policy Numbers 1.H and 1.I. and requested these be removed from the General Plan Update document.

Mr. Dino DeFazio, Apple Valley, was also concerned about these two (2) policies delaying the General Plan Update process due to current litigation in the areas referenced in these policies. He further commented that, as a member of the General Plan Advisory Committee (GPAC), he did not have the opportunity to speak about land he owned and its' zoning designation, but would like his property to be reviewed regarding the zoning designation.

Mr. G. Schulz, a property owner in Apple Valley, commented on property he owned being annexed into the Town.

Mr. Carl Coleman, Apple Valley, expressed concerns regarding a project he was involved in being denied because the Planning Commission did not follow the recommendations of the General Plan Advisory Committee (GPAC). He requested the Town Council review that project.

Ms. Hansen of Apple Valley, commented about the Specific Plan designation.

Ms. Criste, Planning Consultant, stated she would initiate the discussion by going over the policies reviewed by the Planning Commission and the GPAC.

Planning Commission Chairman Bruce Kallen expressed his concern regarding the elements of the Specific Plan (SP) designation being separated throughout the draft General Plan Update. He stated he would prefer it be explained in one (1) section, as it is in the previous General Plan.

Ms. Criste explained that the prior General Plan discussion regarding Specific Plans contained development standards and the General Plan is only for policy and does not include development standards. She stated that a Specific Plan (SP) designation can be developed on any land use; therefore, it may be mentioned in several different sections of the General Plan.

Councilman Allan questioned the need for this type of designation.

Ms. Criste explained the intent of the Specific Plan (SP) designation.

Councilman Allan expressed his concerns that the Specific Plan (SP) designation may result in developments with less than one-half (½) acre lots.

Mayor Pro Tem Nassif commented that the Specific Plan (SP) designation would still require a General Plan Amendment and be required to go through the public hearing process in order to be adopted.

Ms. Criste stated that the GPAC recommendation was not to designate a minimum size for the Specific Plan (SP) designation, but that, for example, it could be as small as five (5) acres or as large as 2200 acres.

Planning Commission Chairman Kallen expressed concerns regarding the Specific Plan (SP) description of appropriate amenities being too subjective without being better explained.

Ms. Criste stated that the General Plan is merely a policy document and that specifics about the Specific Plan (SP) designation should be expressed in the Development Code update.

Ms. Criste spoke about the new Residential Equestrian Three-Quarter (REQ ¾) land use designation, which was specifically designed for equestrian uses.

**Mayor Roelle called for a recess at 7:30 p.m.**

**Mayor Roelle reconvened the Workshop discussion at 7:40 p.m.**

Ms. Criste continued with the General Plan Policies discussion, particularly the added Policies 1.H and 1.I. She stated that Policy 1.I was not reviewed by the GPAC; however, it was added on advice of legal counsel, in association with litigation regarding the Mansion project.

Commissioner Hernandez felt it was unnecessary to have both policies and commented on the possible inappropriateness of discussing this item due to the litigation.

Councilman Allan agreed stating that, with these policies in the General Plan, a Specific Plan can move forward, even though it was denied through litigation.

Mr. Ken Henderson, Assistant Town Manager-Economic and Community Development, stated there are limitations on the public discussion of litigation; however, the decision by the judge is a matter of public record and he (the judge) determined that the Specific Plan did not conform to the current General Plan. Mr. Henderson further stated that the addition of Policies 1.H and 1.I. is simply a General Plan compliance issue. With Policy 1.I in place in the General Plan Update, if the applicant should resubmit his application, the project would be in conformance with the General Plan. However, it was not a guarantee that the Specific Plan would be approved through the public hearing process.

Mr. Dan Seagondollar of Apple Valley and a former member of the GPAC, commented on Policy 1.I speaking of a specific parcel.

Mayor Roelle stated that the item should be agendaized for a future closed session for discussion with legal counsel.

The discussion moved onto Multi-Family Goals and Policies. Ms. Criste commented on policies relating to Mixed Use, which is a new land use designation. She stated this designation is a mixture of Commercial and Multi-Family Residential land uses.

Planning Commission Chairman Kallen expressed concerns about property owners being unable to develop their property if it required both Commercial and Multi-Family land uses.

Mayor Pro Tem Nassif stated that a zone change could be applied for if that was the case.

Ms. Criste advised that the Mixed Use designation is only applied to land on major arterial roadways. She stated that a lot of property owners along this area were in favor of Mixed Use during the GPAC hearings. She stated that smaller parcels could come together and develop as one (1) property.

Planning Commissioner Cusack commented that these projects should be reviewed on a case-by-case basis and should be flexible as to all Commercial or all Multi-Family developments.

Vice-Chairman Tinsley agreed stating that the Planning Commission was in agreement, during the GPAC hearings, to review the items on a case-by case-basis to allow for flexibility.

Mr. Carl Coleman, Apple Valley, stated that, by allowing mixed use of Commercial and Multi-Family, projects could be self-sustaining because the Commercial properties would be utilized by the people living within the Multi-Family areas.

Mr. Cliff Earp of Apple Valley, as Chairman of the GPAC, stated that the Committee had quite a few property owners that requested this type of use. He further stated that a Mixed Use designation would soften the transition from Commercial and Residential and the flexibility was there. He stated that the GPAC recommended Mixed Use along Bear Valley Road and Highway 18.

Mr. Daniel Seagondollar, Apple Valley, stated the Mixed Use will help bring the Housing Element in compliance with the State's requirements. He further commented that Mixed Use would lend itself to pedestrian traffic and be self-contained.

Councilman Allan felt there was some opportunity for the property owners if there was more than one (1) owner of a parcel.

Ms. Criste stated that the Development Code would establish standards for Mixed Use and be more specific. She stated, generally, offices, banks and real estate, and smaller businesses such as dry cleaning are within a Mixed Use development.

Mr. Ken Henderson commented that the Council should consider the recommendations made by the GPAC and the Planning Commission. Also, the property ownership will change over time and property acquisition by Mixed Use developers will not be a problem during the twenty (20)-year planning horizon of the General Plan.

Ms. Criste moved on to the Multi-Family policies and spoke about the new Mobile Home Park designation.

Councilman Sagona requested to know if the new Mobile Home Park designation would be recognizing the State's requirements for mobile homes.

Ms. Criste responded in the affirmative.

Mr. Dino DeFazio, Apple Valley, expressed his concerns about in-fill lots being left vacant in Multi-Family zoned areas.

Ms. Criste discussed the Commercial-Industrial policies. She stated the policies and programs for Commercial and Industrial are consistent with Policy 1.C relating to the Village area. She further commented that a request had been received from the Village Merchant's Association that a Specific Plan be considered for this area. She advised that redevelopment of the Village area would be through a Specific Plan, even though development could continue on individual lots while the Specific Plan was being prepared.

Mayor Pro Tem Nassif stated that the Specific Plan designation for the Village area was unanimously supported by the Village Improvement District Board of Directors.

Councilwoman Coleman requested to know if the General Plan would have to be amended if the Village Association came forward with a Specific Plan designation in the future.

Ms. Criste stated that it would; however, this policy is in support of the Specific Plan designation at this time. She stated that the Village designation does not necessarily include just the Village area.

Ms. Criste stated there was also a policy included in the General Plan to continue to support the Airport area and to address impacts associated with mining activities with the County Geologist.

It was the consensus of the Council and Commission that Program 1.C.3., concerning a Specific Plan in the Village, be included for consideration in the hearings for the General Plan Update.

Planning Commissioner Putko requested to know how many locations in Town would be considered for the Mixed Use designation.

Ms. Criste responded she believed it was five (5) locations.

Ms. Criste concluded her review of the Draft General Plan Update for the Land Use Element. She stated the General Plan Environmental Impact Report is currently available for public review, and that the Planning Commission public hearings on the Draft General Plan will start at the end of March. It is anticipated that the Council would then have their public hearings, with the adoption of the General Plan before the end of the fiscal year.

Mayor Roelle reminded the public that all policy decisions on the General Plan will be done in public hearings.

Councilman Sagona also stated that further legal guidance would be sought on Policy 1.H and 1.I.

## **ADJOURNMENT**

Mayor Roelle, with the consensus of the Council, adjourned the workshop at 8:40 p.m.

Respectfully Submitted by:

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Patty Hevle  
Planning Commission Secretary

Approved by:

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Rick Roelle, Mayor