



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

- AGENDA DATE:** May 15, 2013
- CASE NUMBER:** Conditional Use Permit No. 2013-002
- APPLICANT:** Mr. Bill Goforth, B & K Automotive
- PROPOSAL:** A request to approve a Conditional Use Permit to operate an automobile repair service facility within an existing 8,670 square foot industrial building. The project will occupy 4,335 square feet for auto repairs, storage and office space. The site is 2.2 acres in size and is located within the Service Commercial (C-S) zoning designation.
- LOCATION:** 13528 Nomwaket Road, Suite B-104, 105 and 106 (APNs 3087-811-11, -12 and -13).
- ENVIRONMENTAL DETERMINATION:** Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301 Class 1, the proposed request is Exempt from further environmental review.
- CASE PLANNER:** Ms. Pam Cupp, Associate Planner
- RECOMMENDATION:** Approval

PROJECT AND SITE DESCRIPTION:

- A. Project Size:
The project site is 2.2 acres in size and improved with three (3) buildings totaling 24,710 square feet of industrial/office space.
- B. General Plan Designations:
Site - C-S, Service Commercial
North - C-S, Service Commercial
South - C-S, Service Commercial
East - C-S, Service Commercial
West - C-S, Service Commercial

C. Zoning/Existing Use:

- Site - C-S, Service Commercial, Nomwaket Business Center
- North - C-S, Service Commercial, Industrial Building/Church
- South - C-S, Service Commercial, Industrial Building and Uses
- East - C-S, Service Commercial, Towing/Impound Yard and Vacant
- West - C-S, Service Commercial, Vacant

D. Site Characteristics:

The subject site is a level parcel that has been developed with an industrial condominium complex. The site has existing paved parking, lighting and landscaping. The project site includes three (3) buildings with a combined floor area of 24,712 square feet and is located within the Service Commercial (C-S) zoning designation. The surrounding properties are also within the C-S zoning designation.

E. Parking Calculations:

Type of Use	Square Footage	Parking Ratio	Number of Spaces Required	Number of Spaces Provided
Auto Repair	4,335	1/400 sq. ft	11	11
Warehouse	8,670	1/500	17	17
Industrial Uses	5,780	3/1000	17	17
Retail	2,192	1/250	9	9
Beauty Salon	747	1/125	6	6
Groomer	747	1/250	3	3
Office	747	1/250	3	3
Office (Vacant)	1,494	1/250	6	6
Handicapped Parking			3	4
Other				12
Total	24,712		75	87

The Nomwaket Business Center received approval for 4,482 square feet of office space and 20,230 square feet of industrial space. As illustrated above, required parking is based upon the existing uses. The project site exceeds its minimum required parking spaces and is in conformance with the Development Code.

ANALYSIS:

A. General:

Pursuant to the Development Code, Planning Commission approval of a Conditional Use Permit is required for all vehicle repair facilities within any commercial zone. The Conditional Use Permit process allows the Commission an opportunity to consider certain uses which may have potential adverse impacts upon surrounding property or the general public. The applicant, B & K Automotive, is requesting Planning Commission review and approval of a Conditional Use Permit to operate an automobile repair facility.

The applicant proposes to occupy three (3) suites with a total floor area of 4,335 square feet. The occupied space consists of three (3) large receiving doors, three (3)

pedestrian door, three (3) car lifts, office space, work benches and restroom facilities. The business is owner-operated with three (3) additional employees at this time. The automotive repair facility will operate between the hours of 8:00 a.m. to 6:30 p.m., Monday through Friday and Saturdays by appointment only.

The industrial/office complex provides a total of 24,712 square feet of floor space and has been subdivided into commercial condominiums. Other uses within the complex include a crematorium, warehouse and storage, retail shops and personal service establishments. The proposed auto repair use is compatible with existing businesses on the site. The available on-site parking meets the minimum required for all existing, proposed and future industrial or office uses on the project site.

Due to the nature of the business, it may be necessary to occasionally park vehicles in the parking area overnight. Staff is including Condition of Approval No. P9, which requires all vehicles stored outdoors to have a current registration. The vehicles may be parked for up to seven (7) consecutive days. In addition, staff is recommending Condition No. P10, which requires that all repairs be done within an enclosed building and P14 which prohibits vehicle from being displayed for sale upon the premises.

The proposed auto repair facility will include the use of oils, grease and disposal of waste products. Due to the nature of this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Department of Environmental Health Services prior to obtaining a Certificate of Occupancy from the Town. In this respect, Condition No. P11 requires the applicant to file a State of California Business Contingency Plan with the San Bernardino County Department of Environmental Health Services prior to issuance of a Certificate of Occupancy.

There are existing improvements that are in conformance with Town standards. Therefore, there are no recommended Conditions offered by the Engineering or Public Works Divisions.

B. Development Review

This project was not reviewed by the Development Advisory Board; however, project information was distributed and comments were requested from Town Divisions and affected agencies. All comments and recommended Conditions of Approval received from Town Divisions and local agencies are included in this report.

C. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15301, Class 1, the proposed request is Exempt from further environmental review.

D. Noticing:

The project was legally noticed in the Apple Valley News on May 3, 2013 and notices were mailed to all property owners within 300-feet of the project site.

CONDITIONAL USE PERMIT FINDINGS:

As required under Section 9.16.090 of the Development Code, prior to approval of a Conditional Use Permit, the Planning Commission must make specific Findings. The Findings, and a suggested comment to address each, are presented below:

1. That the proposed location, size, design and operating characteristics of the proposed use 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 auto-repair business is in compliance with the Development Code of the Town of Apple Valley and adopted General Plan, upon the review and approval of a Conditional Use Permit by the Planning Commission.

2. That the location, size, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, nor be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

Comment: The property is approximately 2.2 acres in size and located along Powhatan and Nomwaket Roads, which have existing improvements and infrastructure to serve the proposed site. The proposal, with adherence to the recommended Conditions of Approval, will be compatible with the surrounding area.

3. That the proposed use is compatible in scale, bulk, lot coverage, and density with adjacent uses;

Comment: The proposed auto-repair business will be compatible with surrounding uses. The proposed location is within an existing industrial building that has been developed with parking, access points and setbacks that are consistent with the C-S, Service Commercial, zoning designation. No changes to the site are proposed.

4. That there are public facilities, services and utilities available at the appropriate levels or that these will be installed at the appropriate time to serve the project as they are needed;

Comment: The proposed auto-repair business is located within an existing industrial building that has existing services and utilities available for this proposal. No changes to the site are proposed nor will additional services be required.

5. That there will not be a harmful effect upon desirable neighborhood characteristics;

Comment: The location, size, design and operating characteristics of the proposed auto-repair business, and the conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. All activities associated with the auto-repair business will occur within an enclosed structure. In addition, the project is required to conform to the Noise Control Ordinance of the Development Code.

6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;

Comment: Traffic generated from the project will not adversely impact the surrounding area. The proposed project will be located along an improved local commercial road, which can accommodate traffic generated from the proposed use. The project will contain paved parking that meets the requirements as specified in the Development Code. In addition, the proposed project must adhere to the Conditions of Approval identified in the Conditional Use Permit.

7. That traffic improvements and/or mitigation measures are provided in a manner adequate to maintain the existing service level or a Level of Service (LOS) C or better on arterial roads and are consistent with the Circulation Element of the General Plan;

Comment: The proposed auto-repair business will be located on adjacent to Nomwaket and Powhatan Roads, which can accommodate traffic generated from the project site. Traffic generated from the project will not adversely impact the surrounding area.

8. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The proposed auto repair facility will include the use of oils, grease and disposal of waste products. Due to the nature of this type of business, the applicant is required to adhere to regulations and secure approval from the San Bernardino County Department of Environmental Health Services.

9. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: The proposed project will not produce adverse impacts upon the site, nor the surrounding properties.

10. That the impacts, as described in paragraphs 1 through 9 above, and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be maintained will not be detrimental to the public health, safety or welfare, nor be materially injurious to properties or improvements in the vicinity, nor be contrary to the adopted General Plan;

Comment: The location, size, design and operating characteristics of the proposed auto-repair business, and the recommended conditions under which it will be operated and maintained, will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. All activities associated with the auto-repair business will occur within an enclosed structure with limited outdoor vehicle storage. The project is required to conform to the Noise Control Ordinance of the Development Code.

11. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed auto-repair business can operate in conformance to the Development Code, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

12. That the materials, textures and details of the proposed construction, to the extent feasible, are compatible with the adjacent and neighboring structures;

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

13. That the development proposal does not unnecessarily block public views from other buildings or from public ways, or visually dominate its surroundings with respect to mass and scale to an extent unnecessary and inappropriate to the use;

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

14. That quality in architectural design is maintained in order to enhance the visual environment of the Town and to protect the economic value of existing structures;

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site.

15. That access to the site and circulation on- and off-site is safe and convenient for pedestrians, bicyclists, equestrians and motorists.

Comment: The proposed auto-repair facility will be located within an existing, permitted industrial building. No modifications are proposed to the structure or the site; however, the existing site has been designed to provide safe, on- and off-site circulation.

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. Find that, pursuant to the California Environmental Quality Act (CEQA), Section No.15301, Class 1, 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 Conditional Use Permit No. 2013-002, subject to the attached Conditions of Approval.

4. Direct Staff to file the Notice of Exemption.

Prepared By:

Reviewed By:

Pam Cupp
Associate Planner

Lori Lamson
Community Development Director

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Site Photos
5. Zoning/Location Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2013-002

Planning Division Conditions of Approval:

- P1. This project shall comply with the provisions of State law and the Town of Apple Valley Development Code and the General Plan. This conditional approval, if not exercised, shall expire three (3) years from the date of action, May 15, 2016, of the reviewing authority, unless otherwise extended pursuant to the provisions of application of State law and local ordinance. The extension application must be filed, and the appropriate fees paid, at least sixty (60) days prior to the expiration date. The Conditional Use Permit becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P2. The applicant shall agree to defend at its sole expense (with attorneys approved by the Town), hold harmless and indemnify the Town, its agents, officers and employees, against any action brought against the Town, its agents, officers or employees concerning the approval of this project or the implementation or performance thereof, and from any judgment, court costs and attorney's fees which the Town, its agents, officers or employees may be required to pay as a result of such action. The Town may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of this obligation under this condition.
- P3. The filing of a Notice of Determination requires the County Clerk to collect a documentary handling fee of fifty dollars (\$50.00). The fee must be paid in a timely manner in accordance with Town procedures. No permits may be issued until such fee is paid.
- P4. The approval of Conditional Use Permit No. 2013-002 by the Planning Commission is recognized as acknowledgment of Conditions of Approval by the applicant, unless an appeal is filed in accordance with Section 9.12.250, *Appeals*, of the Town of Apple Valley Development Code.
- P5. Parking requirements must be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P6. Required parking spaces will be provided for the handicapped in accordance with Town standards and in accordance with Title 24 of the California Administrative Code. The handicapped spaces shall be located as close as practical to the entrance of the facility. Each space must be provided with access ramps and clearly marked in accordance with Title 24 of the California Administrative Code.
- P7. All signs shall have a separate permit and are subject to conformity with previously approved Sign Program No. 2009-003 and final approval by the Town of Apple Valley.
- P8. Lighting fixtures shall be of a type and be located in such a manner that no light or reflected glare is directed off-site and shall provide that no light is directed above a

horizontal plane passing through the bottom of the fixture. All glare shall be directed onto the site and away from adjacent properties.

- P9. Any vehicles stored outdoors must be in an approved parking space and have current registration and license plates. The outdoor storage/parking of vehicles is limited to seven days per vehicle. Stored/parked vehicles, including employee and customer parking, may not exceed a total of eleven (11) parking spaces under this Conditional Use.
- P10. All repairs must be done within an enclosed building.
- P11. The applicant shall file a State of California Business Contingency Plan with the San Bernardino County Department of Environmental Health Services prior to issuance of a Certificate of Occupancy.
- P12. If hazardous substances are used and/or stored, a technical report, identifying any hazards presented by project must be mitigated. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building and Safety Division. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
- P13. Outdoor storage of parts, tires, equipment, etc. is prohibited.
- P14. The display of vehicles intended for sale is prohibited.

Building and Safety Division Conditions of Approval

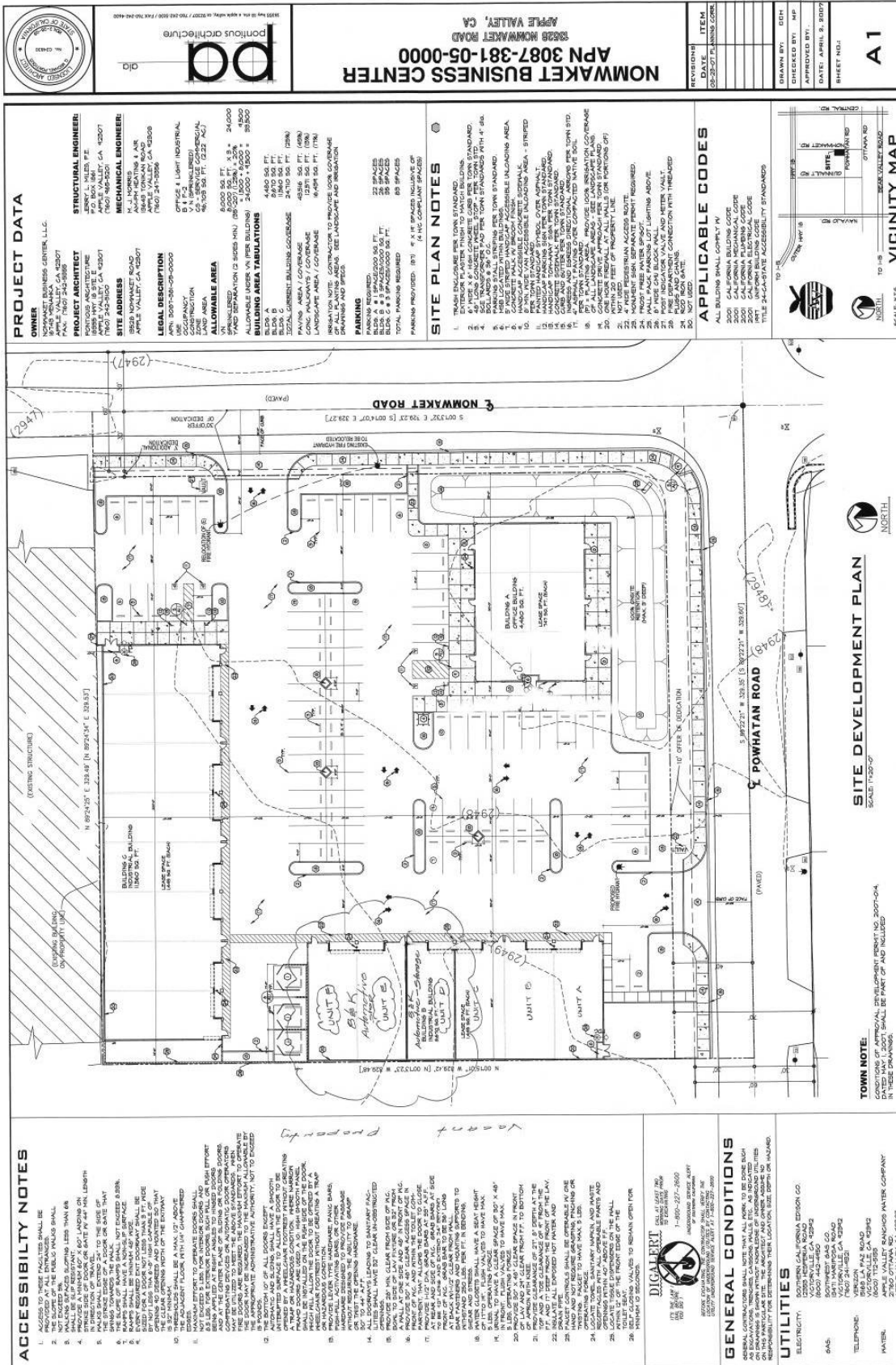
- BC1. Comply with State of California Disability Access requirements.
- BC2. Page two (2) of the submitted building plans shall contain the conditions of approval.
- BC3. Construction shall comply with current California Building Codes.
- BC4. A one (1) hour fire resistant occupancy separation wall will be required on all shared walls.

Apple Valley Fire Protection District Conditions of Approval

- FD1. The above referenced project is protected by the Apple Valley Fire Protection District. Prior to construction occurring on any parcel, the owner shall contact the Fire District for verification of current fire protection development requirements.
- FD2. Plans are required for the automatic fire sprinkler system if there are any changes to the sprinkler system. Sprinkler work may not commence until approved plans and permit have been issued by the Fire District.
- FD3. Tenant improvement plans must be submitted if there are any changes to existing walls or addition to any walls in the units.

FD4. A Certificate of Occupancy inspection shall be conducted by the Fire District prior to business operations

~End of Conditions~



ACCESSIBILITY NOTES

1. ACCESS TO THESE FACILITIES SHALL BE PROVIDED AS FOLLOWS:
2. THE WIDTH OF THE BUILDING SHALL BE NOT LESS THAN 36 INCHES AND SHALL BE NOT LESS THAN 8 FT.
3. THE WIDTH OF THE DRIVEWAY SHALL BE NOT LESS THAN 12 FT.
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GENERAL CONDITIONS

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.
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TOWN NOTE:

CONDITIONS OF APPROVAL DEVELOPMENT PERMIT NO. 2013-002 ARE AS INDICATED IN THESE DRAWINGS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.

UTILITIES

ELECTRICITY: SOUTHERN CALIFORNIA Edison CO
 WATER: SOUTHERN CALIFORNIA Edison CO
 GAS: SOUTHERN CALIFORNIA Edison CO
 TELEPHONE: SOUTHERN CALIFORNIA Edison CO
 MAIL: SOUTHERN CALIFORNIA Edison CO

NOMWAKET BUSINESS CENTER
 APN 3087-381-05-0000
 3828 NOMWAKET ROAD
 APPLE VALLEY, CA

pointon architecture
 4855 W. 116th St. #100, Suite 100
 Apple Valley, CA 92407
 (951) 241-3300
 www.pointonarch.com

PROJECT DATA

OWNER: NOMWAKET BUSINESS CENTER, LLC
 3828 NOMWAKET ROAD
 APPLE VALLEY, CA 92407
 (951) 241-3300

PROJECT ARCHITECT: POINTON ARCHITECTURE
 4855 W. 116th St. #100, Suite 100
 Apple Valley, CA 92407
 (951) 241-3300

STRUCTURAL ENGINEER: APRI/APRI ENGINEERING
 10305 HILTON AVE
 APPLE VALLEY, CA 92407
 (951) 241-3300

Mechanical Engineer: K.J. HORNES
 2010 W. 116th St. #100
 Apple Valley, CA 92407
 (951) 241-3300

LEGAL DESCRIPTION: LIGHT INDUSTRIAL
 V.N. SPRINKLER
 3828 NOMWAKET ROAD
 APPLE VALLEY, CA 92407

ALLOWABLE AREA:
 3828 NOMWAKET ROAD
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 APPLE VALLEY, CA 92407

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REVISIONS

DATE: APRIL 9, 2013
 SHEET NO. A1

ITEM

NO. DESCRIPTION

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APPLICABLE CODES

ALL BUILDING SHALL COMPLY WITH:

- 2009 CALIFORNIA MECHANICAL CODE
- 2009 CALIFORNIA ELECTRICAL CODE
- 2009 CALIFORNIA FIRE CODE
- 2009 CALIFORNIA BUILDING CODE
- 2009 CALIFORNIA LANDMARK PRESERVATION ACT
- 2009 CALIFORNIA PLANNING AND ZONING ACT
- 2009 CALIFORNIA ACCESSIBILITY STANDARDS

VICINITY MAP

SCALE 1"=50'

NOMWAKET ROAD
 POWHATAN ROAD

POINTON ARCHITECTURE

4855 W. 116th St. #100, Suite 100
 Apple Valley, CA 92407
 (951) 241-3300
 www.pointonarch.com





Conditional Use Permit No. 2013-002

The project site located at the northwest corner of Nomwaket and Powhatan Roads.
 APNs 3087-811-11, -12 and -13



Legend

(R-E)	Estate Residential (1 out to 2.5 gross acres)
(R-EO)	Equestrian Residential (1 out to 0.9 net acre)
(R-SF)	Single Family Residential (100.0 to 0.9 net acre)
(R-M)	Multi-Family Residential (2 to 20 duplex units)
(MHP)	Mobile Home Park
(C-G)	General Commercial
(C-V)	Village Commercial
(C-S)	Service Commercial
(P-F)	Public Facilities
(OS-R)	Open Space Recreation
(M-U)	Mixed Use

Date: 4/29/2013

ZONING/LOCATION MAP

