



TOWN OF APPLE VALLEY PLANNING COMMISSION

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Staff Report

- AGENDA DATE:** October 2, 2013
- CASE NUMBER:** Conditional Use Permit No. 2013-008
- APPLICANT:** Ron & Dorothy Borgens (Poot Trucking)
- PROPOSAL:** A request to approve a Conditional Use Permit to allow a trucking facility. The trucking company operates up to 15 trucks that will be parked on the property. The facility will not be open to the public for commercial truck parking.
- LOCATION:** The project site is located at 13643 Tonikan Road (former Town of Apple Valley animal shelter); APNs: 3087-382-19, 20 & 21
- ENVIRONMENTAL DETERMINATION:** Pursuant to Section No. 15301 Class 1 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposal is Categorically Exempt from further environmental review.
- CASE PLANNER:** Carol Miller, Senior Planner
- RECOMMENDATION:** Approval

PROJECT SITE AND DESCRIPTION

- A. Project Size
The subject three (3) properties have a combined size of approximately two (2) acres and is the former Town's Animal Shelter facility.
- B. General Plan Designations:
Project Site - Service Commercial (C-S)
North - Service Commercial (C-S)
South - Service Commercial (C-S)
East - Service Commercial (C-S)
West - Service Commercial (C-S)
- C. Surrounding Zoning and Land Use:

Project Site - Service Commercial (C-S), Former animal shelter
North - Service Commercial (C-S), Construction Company
South - Service Commercial (C-S), Outdoor storage of construction material
East - Service Commercial (C-S), Vacant
West - Service Commercial (C-S), Commercial

D. Site Characteristics

The subject three (3) properties have a combined size of approximately two (2) acres and is the former Town's Animal Shelter facility. The site contains two existing buildings with the remainder area of the site as undeveloped. The site is secured by existing chain link fencing with slating for screening.

ANALYSIS

A. General:

The applicant is requesting Planning Commission review and approval of a Conditional Use Permit to allow the storage of trucks. The site is presently utilized by the applicant during the escrow process with the Town. Pursuant to the Development Code Table 9.45.030-A of Section 9.45.030, trucking yards/facilities are permitted uses subject to the approval of a Conditional Use Permit. The Conditional Use Permit process allows the Commission an opportunity the opportunity to review the site design/aesthetics of any proposed site development.

The project description indicates that the trucking company operates up to fifteen (15) trucks, comprised of 10-wheelers, super-10's, end dumps and flatbeds. The company currently employs five (5) people. The project description also indicates that they have no intentions to do any major mechanical repairs on the property.

B. Site Analysis:

The site contains two existing buildings with the remainder area of the site as undeveloped. It is within this undeveloped area that the applicant proposes the truck parking.

The Code requires that storage areas be screened from public view. There is a six (6)-foot-high chain link fence with slating located around the perimeter of the property. The Planning Commission has approved this type of screening in the past for storage facilities within the Service Commercial (C-S) zone; therefore, no change in fencing is recommended. However, if fencing is relocated in the future, staff recommends Condition No. 20 requiring that any new fencing include slats within the chain link.

To ensure the site remains nuisance free, staff is recommending Condition Nos. 17 which states that the site shall be permanently maintained in a dust-free manner and kept clear of any litter, trash or debris and Condition No. P16 requiring that all vehicles parked at this location is current on registration. In addition, staff is also recommending Condition No. 18 prohibiting on-site repair, with the exception of minor maintenance or servicing, of any vehicles parked on this property.

The applicant intends on adding new landscape planters and landscaping adjacent to the street frontage as shown on the site plan. In addition, the applicant proposes a new paved driveway to access the existing gate adjacent to the street.

C. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on September 20, 2013.

D. 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 findings. The following are the findings along with a comment to address each.

1. That the proposed location, size, design and operating characteristics of the proposed use is consistent with the General Plan and Specific 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 trucking facility, as conditioned, is in compliance with the Service Commercial (C-S) zoning district, the Development Code and the General Plan for the Town of Apple Valley, which allows trucking facilities subject to a conditional use permit.

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 proposed trucking facility, as conditioned, is in compliance with the Service Commercial (C-S) zoning district, which allows trucking facilities subject to a conditional use permit, and based on the surrounding land uses and operating characteristics, the proposed facility is compatible with, and will not adversely affect nor be materially detrimental.

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

Comment: The trucking facility, and the recommended conditions under which it will be operated and maintained, will be compatible with the surrounding land uses which include light industrial types of uses.

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 property is the former animal shelter; therefore, there are facilities and services to serve the site.

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

Comment: The trucking facility, and the recommended conditions under which it will be operated and maintained, will not be a harmful effect upon the surrounding land uses.

- 6. That the generation of traffic will not adversely impact the capacity and physical character of surrounding streets;
- 7. Comment: The applicant owns up to fifteen (15) trucks with five (5) of the trucks used on a daily basis. Based on the scope of the project, it is not anticipated the project will adversely impact the capacity and physical character of surrounding streets.
- 8. 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 applicant owns up to fifteen (15) trucks with five (5) of the trucks used on a daily basis. Based on the scope of the project, it is not anticipated the trucking facility will impact the capacity of the surrounding roadways or Level of Service of those streets. The property has frontage on Tonikan Road which is an improved street and only a few hundred feet from Outer Highway 18, also an improved roadway
- 9. That there will not be significant harmful effects upon environmental quality and natural resources;

Comment: The proposed trucking facility will not produce adverse impacts upon the sites nor the surrounding properties with adherence to the Conditions of Approval.
- 10. That there are no other relevant negative impacts of the proposed use that cannot be reasonably mitigated;

Comment: Under the State Guidelines to implement the California Environmental Quality Act (CEQA), the project is not anticipated to have any direct or indirect impact on the environment.
- 11. 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 operating characteristics of the proposed trucking facility 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, subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.
- 12. That the proposed conditional use will comply with all of the applicable provisions of this title.

Comment: The proposed project is in compliance with the General Plan Land Use, which allows a trucking facility, subject to approval of a Conditional Use Permit. The proposed project can be operated in conformance to the Development Code subject to approval of a Conditional Use Permit and adherence to the recommended Conditions of Approval.

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

Comment: No new construction is proposed nor are any exterior changes to the existing buildings proposed.

14. 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 site is the former animal shelter facility, and the scope of the project proposes no new construction to unnecessarily block public views or visually dominate its surroundings.

15. 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: No new construction is proposed nor are any exterior changes to the existing buildings proposed.

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

Comment: The site is currently developed with street improvements. The project proposes nothing that will impact the convenience for pedestrians, bicyclists, and motorists.

RECOMMENDATION

Based upon the information contained within this report, and any input received from the public at the hearing, if the Planning Commission can make the required Findings, it is recommended that the Planning Commission move to:

1. Determine that pursuant to Section 15301 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed request is Categorically Exempt from further environmental review.
2. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Conditional Use Permit No. 2013-008.
3. Approve Conditional Use Permit No. 2013-008, subject to the attached Conditions of Approval.

4. Direct Staff to file the Notice of Exemption.

Prepared by:

Reviewed By:

Carol Miller
Senior Planner

Lori Lamson
Community Development Director

ATTACHMENTS:

- 1) Recommended Conditions of Approval
- 2) Site Plan
- 3) Zoning Map

TOWN OF APPLE VALLEY

RECOMMENDED CONDITIONS OF APPROVAL

Case No. Conditional Use Permit No. 2013-008

Please note: *Many of the suggested Conditions of Approval presented herewith are provided for informational purposes and are otherwise required by the Municipal Code. Failure to provide a Condition of Approval herein that reflects a requirement of the Municipal Code does not relieve the applicant and/or property owner from full conformance and adherence to all requirements of the Municipal Code.*

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 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 approval of Conditional Use Permit No. 2013-008 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.
- P4. The rendering presented to and approved by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P5. It is the sole responsibility of the applicant on any Permit, or other appropriate discretionary review application for any structure to submit plans, specifications and/or illustrations with the application that will fully and accurately represent and portray the structures, facilities and appurtenances thereto that are to be installed or erected if approved by the Commission. Any such plans, specifications and/or illustrations that are reviewed and approved by the Planning Commission at an advertised public hearing shall accurately reflect the structures, facilities and appurtenances expected and required to be installed at the approved location without substantive deviations, modifications, alterations, adjustments or revisions of any nature.

- P6. No deviation, modification, alteration, adjustment or revision to or from the appearance, location, fixtures, features or appurtenances thereto of any type or extent shall be approved without said changes being first submitted to the Planning Commission for consideration and approval. Said review shall not rise to the level of a revision to the original Permit or other discretionary review, therefore necessitating a new public hearing, but shall, instead, constitute a clarification of the Planning Commission's original approval.
- P7. The filing of a Notice of Exemption 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.
- P8. All lighting shall be hooded and directed as to not shine towards adjacent properties and public streets.
- P9. Parking requirements shall be met and be in compliance with Town standards. All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines.
- P10. The parkway between the front property line and street curb shall be landscaped.
- P11. All required and installed landscaping shall incorporate and maintain a functioning automatic sprinkler system, and said landscaping shall be maintained in a neat, orderly, disease and weed free manner at all times.
- P12. Final landscape and irrigation plans shall be submitted and installed prior to the issuance of certificate of occupancy subject to approval by the Planning Division.
- P13. Rooftop mechanical and electrical equipment shall be screened as an integral part of the architecture.
- P14. All identification signs shall have a separate permit and are subject to final approval by the Planning Division.
- P15. The truck parking area shall be covered in gravel or similar for dust control.
- P16. All vehicles stored at this location shall have current motor vehicle registrations.
- P17. All parking and maneuvering areas be a gravel surface or paved with asphalt, concrete or other all-weather impervious surface. The site shall be free of weeds and maintained in a neat and clean manner.
- P18. The servicing of vehicles shall be limited to minor maintenance or servicing.
- P19. The truck parking area shall be completely screened from public view.
- P20. Any new fencing or relocation of the fence line shall include slats into the chain link fence and gates around the perimeter of the site to screen the area from public view. All fencing and screening material shall be in conformance with Town Standards subject to approval by the Planning Division.

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. Tenant improvement plans must be submitted if there are any changes to existing walls or addition to any walls in the units.
- FD3. A Certificate of Occupancy inspection shall be conducted by the Fire District prior to business operations.

End of Conditions



