



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council      **Date:** October 08, 2013

**From:** Lori Lamson      **Item No:** 5  
Community Development Director  
Community Development Department

**Subject:** FEE WAIVER REQUEST FOR CONDITIONAL USE PERMIT  
APPLICATION FEES – POOT TRUCKING (13643 TONIKAN ROAD)

**T.M. Approval:** \_\_\_\_\_      **Budgeted Item:**  Yes  No  N/A

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### RECOMMENDED ACTION:

For good cause shown, approve the waiver of the Conditional Use Permit Application Fee/Deposit of \$3,045.00.

### SUMMARY:

The Town Council is considering the final steps for the sale of the former animal shelter property located at 13643 Tonikan Road. Item Number 5 on this agenda will allow escrow to open and the sale of the property to commence. The buyer operates a trucking operation and is planning on relocating their business to this site. This property is zoned Service Commercial (C-S) and requires a Conditional Use Permit to operate this use on the property.

On September 9, 2013 the Town received a complete application for the requested Conditional Use Permit. Since the Town is still the legal owner of this property, the application was signed by the Town Manager and a minimal fee to cover hard costs was collected from the buyer along with the fee waiver request (Attachment 1). Typically, the cost of the Conditional Use Permit would not be collected for a Town owned property, that was to remain in the Town's ownership. Staff processed the application and the Planning Commission reviewed and approved the Conditional Use Permit on October 2, 2013.

As part of the successful sale of this property, the costs of the fees for the entitlement process could be waived as a measure of good business. This property is a unique property and requires the right type of buyer. The industrial nature of the property lends itself to the proposed use as determined by the Planning Commission. Relieving the

buyers of the application fee would allow them to focus their funds on the necessary rehabilitation to the structures and the required improvements to the landscaping and paving imposed by the approval of the Conditional Use Permit. The improvement to this property will allow the property to be improved in a manner that will reflect positively on the businesses in the area and allow the property that has been vacant for more than three years to be occupied once again. In order to ensure that the property can be sold to this buyer with this proposed use, the fee can be considered a cost of the sale of the property.

**FISCAL IMPACT:**

There is indirect costs associated with staff time to process the application for Planning Commission review and additionally, a cost of approximately \$400 for publishing of the public hearing notice and postage to mail the hearing notices to those that must be lawfully notified.

POOT TRUCKING  
WBE – DBE – UDBE – SBE CERTIFIED  
11468 KIOWA ROAD, APPLE VALLEY, CA 92308  
PHONE: 760-240-2930 FAX: 760-240-9620  
CELL: 310-339-4915  
EMAIL – POOTTRUCKING@AOL.COM

September 6, 2013

To: The Town of Apple Valley  
From: Dottee Borgens  
Re: Application for Conditional Use Permit

I would like to request that all fees on the above application be waived. Your consideration is sincerely appreciated.

A handwritten signature in blue ink that reads "Dottee Borgens". The signature is written in a cursive style and is positioned above a horizontal line.