



# TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council **Date:** September 22, 2015

**From:** Pam Cupp **Item No:** 6  
Associate Planner

**Subject:** **ADOPTION OF ORDINANCE NO. 474 – AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING THE ZONING MAP BY CHANGING THE ZONING DESIGNATION OF A TWO (2) ACRE PORTION OF LENNY BREWSTER SPORTS COMPLEX (APN 0440-085-13) FROM VERY LOW DENSITY RESIDENTIAL (R-VLD) TO OPEN SPACE RECREATION (OS-R) AND TO CHANGE A 19.5 ACRE PARCEL WITHIN THE TOWN OF APPLE VALLEY DRY LAKE (APN 0440-085-06) FROM VERY LOW DENSITY RESIDENTIAL (R-VLD) TO PUBLIC FACILITIES (P-F).**

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

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## **RECOMMENDED ACTION:**

Adopt Ordinance No. 474.

## **SUMMARY:**

At its August 25, 2015 meeting, the Town Council reviewed and introduced Ordinance No. 474 which amends the Zoning Map by changing the zoning designation of a two (2) acre portion of Lenny Brewster Sports Complex (APN 0440-085-13) from Very Low Density Residential (R-VLD) to Open Space Recreation (OS-R) and to change a 19.5 acre parcel within the Town of Apple Valley Dry Lake (APN 0440-085-06) from Very Low Density Residential (R-VLD) to Public Facilities (P-F). As part of the requirements to adopt any new Ordinance, Ordinance No. 474 has been scheduled for adoption at the September 22, 2015 Town Council Meeting.

## **FISCAL IMPACT:**

Not Applicable

## **Attachments:**

Ordinance No. 474

**ORDINANCE NO. 474**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM VERY LOW DENSITY RESIDENTIAL (R-VLD) TO OPEN SPACE RECREATION (OS-R) FOR APN 0440-085-13 AND CHANGING THE ZONING DESIGNATION FROM VERY LOW DENSITY RESIDENTIAL (R-VLD) TO PUBLIC FACILITIES (P-F) FOR APN 0440-085-06 AS SHOWN IN EXHIBIT "A".**

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on April 27, 2010; and

**WHEREAS**, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and

**WHEREAS**, specific changes are proposed to Chapter 9.05, Section 9.05.040 "Adoption of the Official Zoning Districts Map" of Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley by amending the zoning designation as shown on Exhibit "A", and incorporated herein by reference; and

**WHEREAS**, on July 31, 2015, Zone Change No. 2015-001 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), a Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and State Guidelines for the Implementation of CEQA; and

**WHEREAS**, the Town Council finds on the basis of the whole record before it, including the Initial Study on file with the Community Development Department and any comments received that there is not substantial evidence that the project will have a significant effect on the environment and that the Negative Declaration reflects the Town Council's independent judgment and analysis, and

**WHEREAS**, the Town Council hereby finds that the Negative Declaration reflects its independent judgment. A copy of the Initial Study and Negative Declaration may be obtained at: Town of Apple Valley, Planning Division, 14955 Dale Evans Pkwy., Apple Valley, CA 92307, and

**WHEREAS**, on August 25, 2015, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2015-001, receiving testimony from the public.

**NOW, THEREFORE**, the Town Council of the Town of Apple Valley, State of California, does ordain as follows:

**Section 1.** Zone Change No. 2015-001 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley, as amended and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**Section 2.** In consideration of the evidence received at the public hearing, and for the reasons discussed by the Council at said hearing, the Town Council of the Town of Apple Valley, California, adopts the Findings and Comments for the Zone Change set forth in the Staff Report, and finds that the change proposed by Zone Change No. 2015-001 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended, and with General Plan Amendment No. 2015-001.

**Section 3.** The Town Council hereby amends that certain portion of Title 9 (Development Code) of the Town of Apple Valley Municipal Code, Section 9.05.040 "Adoption of the Official Zoning Map" subsection "B" by amending the boundaries identified on the Official Zoning Map of the Town of Apple Valley by changing the zoning designation as shown on attached Exhibit "A", and incorporated herein by reference.

**Section 4.** Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

**Section 5.** Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 6.** Severability. If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

**ADOPTED** by the Town Council and signed by the Mayor and attested to by the Town Clerk this 22<sup>nd</sup> day of September, 2015.

ATTEST:

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Honorable Larry Cusack, Mayor

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Ms. La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Mr. John Brown, Town Attorney

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Mr. Frank Robinson, Town Manager

# EXHIBIT "A"