

**TOWN OF
APPLE VALLEY, CALIFORNIA
AGENDA MATTER**

Subject Item:

ADOPT ORDINANCE NO. 381, SPECIFIC PLAN NO. 2005-001, AMENDMENT NO.2: AN AMENDMENT TO THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN THAT AMENDS PORTIONS OF SECTION III AND SECTION IV OF THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN AS THEY RELATE TO ALLOWABLE LAND USES, DEVELOPMENT STANDARDS AND STREET IMPROVEMENTS.

Summary Statement:

At its May 27, 2008 meeting, the Town Council reviewed and introduced Ordinance No. 381, which amends the North Apple Valley Industrial Specific Plan by amending Section III Table III-1 (allowable uses), Section III Table III-2 (development standards) and Sections IV a.3 and a.4 regarding the High Desert Corridor, and Exhibit IV-2 to reflect current General Plan roadway cross street standards.

As part of the requirements to adopt any new Ordinance, Ordinance No. 381 has been scheduled for adoption at the June 10, 2008 Town Council meeting.

Recommended Action:

Adopt Ordinance No. 381

Proposed by: _____ **Planning Division** _____

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

ORDINANCE NO. 381

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 2, THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN BY AMENDING PORTIONS OF SECTION III AND SECTION IV OF THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN AS THEY RELATE TO ALLOWABLE LAND USES, DEVELOPMENT STANDARDS AND STREET IMPROVEMENTS.

WHEREAS, Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000;

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 Plan No. 2005-001 Amendment No. 2 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

WHEREAS, on May 16, 2008, Specific Plan No. 2005-001 Amendment No. 2 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, based upon the California Environmental Quality Act (CEQA) and the State Guidelines to Implement CEQA, Specific Plan No. 2005-001 Amendment No. 2, as currently proposed is consistent with the adopted Specific Plan and does not constitute a change in build out potential and conditions within the Specific Plan area have not changed. Therefore, the certified EIR (SCH #2006031112) analyzed the impacts of the project, and the proposed amendment does not require additional environmental review and is exempt from environmental review; and

WHEREAS, the Town Council finds on the basis of the whole record before it (including any comments received) that there is not substantial evidence that the project will have a significant effect on the environment and that the certified EIR (SCH #2006031112) analyzed the impacts of the project, and the proposed amendment does not require additional environmental review and is exempt from environmental review, reflects the Town Council's independent judgment and analysis; and

WHEREAS, on April 2, 2008, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Specific Plan No. 2005-001 Amendment No. 2, receiving testimony from the public and adopting Planning Commission Resolution No. 2008-002 forwarding a recommendation to the Council; and

WHEREAS, on May 27, 2008 the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Specific Plan No. 2005-001 Amendment No. 2, 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. The Town Council finds that the adoption of Specific Plan No. 2005-001 Amendment No. 2 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and will not be detrimental to the health, safety or general welfare of the citizens of the Town of Apple Valley, as described in the Findings contained in the staff report.

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 approval of the Specific Plan set forth in the Staff Report, and finds that Specific Plan No. 2005-001 Amendment No. 2 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended.

Section 3. Table III-1 in Section III of the North Apple Valley Industrial Specific Plan is hereby amended by amending E.13 and H.6, and by adding thereto a new F “Aviation Uses, Activities and Facilities” and relettering F, G, H and I thereof sequentially to G, H, I and J of said Table III-1 (Allowable Uses) to read as follows:

**Table III-1
Allowable Uses**

TYPE OF USE ⁽¹⁾	COMMERCIAL ⁽²⁾	INDUSTRIAL ⁽²⁾		AIRPORT ⁽²⁾
	SP C-G	I-SP	I-G	IA-SP
<i>E. Manufacturing and Production Uses</i>				
13. Outdoor manufacturing	-	CUP -	CUP	-
<i>F. Aviation Uses, Activities and Facilities</i>				
1. Airfields & Heliports				P
2. Airport Operations				
a. Control Towers	-	-	-	P
b. Hangers	-	-	-	P
c. Terminals	-	-	-	P
d. Tiedown Areas	-	-	-	P
e. Fueling operations	-	-	-	P
3. Aircraft sales, rentals, service, repair, storage, charter services and flying schools.	-	-	-	P
<i>H I. Public and Semi-Public Uses</i>				
6. Government facilities/offices	P	P	P	P

Section 4. Table III-2 (Development Standards) of Section III of the North Apple Valley Industrial Specific Plan is hereby amended to read as follows:

**Table III-2
Development Standards**

	SP C -G	I-SP	I-G	I-A
Min. Lot Size (Ac)	1	2	5	n/a
Min. Lot Width (Feet)	200	100	200	200
Min. Lot Depth (Feet)	200	100	200	200
Min. Front Setback or Street Side Setback (Feet)				
▪ Landscaping				
○ On Dale Evans Pkwy	25	25	n/a	n/a
○ On Central Road	25	25	25	25
○ On Papago Rd. (east of Fernandez Rd.), Waalew Rd., or Fernandez St.	50	50	n/a	n/a 50
○ On any other road	15	15	15	15
▪ Building				
○ On Dale Evans Pkwy	50	50	n/a	n/a
○ On Central Road	50	50	50	50
○ On Papago Rd. (east of Fernandez Rd.), Waalew Rd., or Fernandez St.	75	75	n/a	n/a 75
○ On any other road	25	25	25	25
Min. Building Rear Setback (Feet)	0	15	15	15
Min. Building Interior Side Yard Setback (Feet)	0	0	0	0
Min. Building Setback (feet) from rock outcropping	50	50	50	50
Max. Bldg. Coverage (%)	65	45	45	60
Maximum Height (Feet)				
▪ Within Airport Influence Area (A-1)	35	35	35	35
▪ Within Airport Influence Area (A-2)	35	50	50	50
▪ Outside Airport Influence Area	35	50	100	50

Section 5. The paragraph beginning with the words “Papago Road” under Section IV. (Infrastructure) A. (Circulation, Roads and Alternative Transportation) 3. (East-West Circulation) and the first paragraph under Section IV. (Infrastructure) A. (Circulation, Roads and Alternative Transportation) 4. (High Desert Corridor) of the North Apple Valley Industrial Specific Plan are hereby amended to read as follows:

3. East-West Circulation

Papago Road extends from Dale Evans Parkway eastward to Central Road and beyond. It forms the southern boundary of the Specific Plan area in the ~~far western and~~ far eastern portions of the Specific Plan area. Papago Road is not paved and it is not a General Plan road.

4. High Desert Corridor

The High Desert Corridor will bisect the southwestern portions of the North Apple Valley Industrial Specific Plan area. The corridor is planned as a relocation of the existing State Route 18, and will include a 300-foot right-of-way at all locations except ramps and intersections, where the right-of-way will be wider. On and off ramps for the High Desert Corridor are being planned for both Dale Evans Parkway and ~~Waalew~~ **Choco Road. Waalew Road will be an at-grade intersection.**

Section 6. Exhibit IV-2 Section IV of the North Apple Valley Industrial Specific Plan is amended in its entirety to read as set forth in the Attachment to this Ordinance. The purpose of this amendment is to modify the street cross sections and supplemental lanes intersection layout, consistent with the amendment to the General Plan and the text of said Specific Plan.

Section 7. 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 8. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

Section 9. 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 10th day of June, 2008.

ATTEST:

Honorable Timothy Jasper, Mayor

Ms. La Vonda M. Pearson, Town Clerk

Approved as to form:

Approved as to content:

Mr. Neal Singer, Town Attorney

Mr. James L. Cox, Town Manager

