



Get a Slice of the Apple.

**TOWN OF APPLE VALLEY
PLANNING COMMISSION AGENDA
REGULAR MEETING
Wednesday, April 4, 2018 – 6:00 P.M.**

PUBLIC PARTICIPATION IS INVITED. Planning Commission meetings are held in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, California. If you wish to be heard on any item on the agenda during the Commission's consideration of that item, or earlier if determined by the Commission, please so indicate by filling out a "REQUEST TO SPEAK" form at the Commission meeting. Place the request in the Speaker Request Box on the table near the Secretary, or hand it to the Secretary at the Commission meeting. (G.C. 54954.3 {a}).

Materials related to an item on this agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office, at (760) 240-7000, two working days prior to the scheduled meeting for any requests for reasonable accommodations.

REGULAR MEETING

The Regular meeting is open to the public and will begin at 6:00 p.m.

CALL TO ORDER

ROLL CALL

Commissioners: Shoup _____; Kallen _____; Qualls _____
Chairman Tinsley _____ and Vice-Chairman Lamoreaux _____

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Anyone wishing to address an item not on the agenda, or an item that is not scheduled for a public hearing at this meeting, may do so at this time. California State Law does not allow the Commission to act on items not on the agenda, except in very limited circumstances. Your concerns may be referred to staff or placed on a future agenda.

APPROVAL OF MINUTES

None

PUBLIC HEARING ITEMS

1. **Conditional Use Permit No. 2018-002** A request to approve a Conditional Use Permit to allow a 18,800 square-foot Tractor Supply Store, including approximately 18,000 square-feet of outdoor display, 360 square-foot forage barn for hay storage and a 1,000-gallon propane tank.

Variance No. 2018-001 A request to allow an eight (8)-foot landscape setback where a minimum twenty-five (25)-foot landscape setback is required for parking adjacent to residentially zoned property.

Tentative Parcel Map No. 19937 A proposal to subdivide a seventeen (17) acre parcel into two (2) commercial parcels consisting of a three (3) acre and a fourteen (14) acre parcel. Parcel 1 located on the west side of Braeburn Road will accommodate the proposed retail store and Parcel 2 will be for future commercial development.

APPLICANT: Brad Sobel representing Apple Valley SC, LLC

LOCATION: Northwest corner of Braeburn and Bear Valley Road, APN 3087-201-21

ENVIRONMENTAL

DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315, Class 15, the proposed Parcel Map is Exempt from further environmental review. Also, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15332 and 15305, the proposed retail store development with setback variance on a 3 acres site is Exempt from further environmental review.

CASE PLANNER: Carol Miller, Assistant Community Development Director

PROPOSAL: Approval

PLANNING COMMISSION COMMENTS

STAFF COMMENTS

OTHER BUSINESS

ADJOURNMENT

The Planning Commission will adjourn to its next regularly scheduled Planning Commission meeting on April 18, 2018.



TOWN OF APPLE VALLEY PLANNING COMMISSION

Get a Slice of the Apple.

Staff Report

AGENDA DATE: April 4, 2018

CASE NUMBERS: Conditional Use Permit No. 2018-002
Variance No. 2018-001
Tentative Parcel Map No. 19937

APPLICANT: Brad Sobel representing Apple Valley SC, LLC

PROPOSAL: A request to approve a Conditional Use Permit to allow a 18,800 square-foot Tractor Supply Store, including approximately 18,000 square-feet of outdoor display, 360 square-foot forage barn for hay storage and a 1,000-gallon propane tank.

A request to allow an eight (8)-foot landscape setback where a minimum twenty-five (25)-foot landscape setback is required for parking adjacent to residentially zoned property.

Proposal to subdivide a seventeen (17) acre parcel into two (2) commercial parcels consisting of a three (3) acre and a fourteen (14) acre parcel. Parcel 1 located on the west side of Braeburn Road will accommodate the proposed retail store and Parcel 2 will be for future commercial development.

LOCATION: Northwest corner of Braeburn and Bear Valley Road, APN 3087-201-21

ENVIRONMENTAL DETERMINATION: Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315, Class 15, the proposed Parcel Map is Exempt from further environmental review. Also, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15332 and 15305, the proposed retail store development with setback variance on a 3 acres site is Exempt from further environmental review.

CASE PLANNER: Carol Miller, Assistant Community Development Director

RECOMMENDATION: Approval

PROJECT SITE AND DESCRIPTION

A. Project Size

The subject site is seventeen (17) acres in size. Following the recordation of the map, the retail store will occupy Parcel 1 which consists of approximately three (3) acres. The remainder fourteen (14) acre parcel will accommodate future commercial development.

B. General Plan Designations

- Site - General Commercial (C-G)
- North - Single-Family Residential (R-SF)
- South - General Commercial (C-G)
- East - General Commercial (C-G)
- West - Mixed Use (M-U)

C. Surrounding Zoning and Land Use

- Site - General Commercial (C-G), Vacant
- North - Single-Family Residential (R-SF), Single family residences
- South - General Commercial (C-G), Commercial development
- East - General Commercial (C-G), Vacant
- West - Mixed Use (M-U), Vacant

D. Site Characteristics

The project site is currently vacant with some sloping topography. The site contains limited native vegetation. Scattered Creosote bushes can be found throughout the site and two small Joshua Trees located east of Braeburn Road. The area on the west side of Braeburn Road shows signs of old stock piles of dirt. The entire site demonstrates a lot of disturbance related to past activities.

E. Building Analysis:

The proposed retail store is 18,800 square feet in size and the forage building is 360 square-foot in size.

- | | | |
|----------------------------|------------|---------|
| F. <u>Building Height:</u> | Permitted: | 35 feet |
| | Proposed: | 26 feet |

- | | | |
|--------------------------------------|----------|----------|
| G. <u>Building Setback Analysis:</u> | Required | Proposed |
| Bear Valley Rd | 45 ft. | 147 ft. |
| Braeburn Road | 25 ft. | 25 ft. |
| Side | 0 ft. | 41 ft. |
| Rear | 25 ft. | 110 ft. |

- | | | |
|------------------------|-----------|------|
| H. <u>Landscaping:</u> | Required: | 10 % |
| | Proposed: | 15 % |

- | | | |
|-----------------------------|-----------|-----------|
| I. <u>Parking Analysis:</u> | Required: | 81 Spaces |
| | Proposed: | 81 Spaces |

ANALYSIS

A. General:

The applicant is requesting approval of a Conditional Use Permit to construct a 18,800 square-foot Tractor Supply store with outdoor display and storage and a 1,000 gallon above ground, liquid petroleum gas (LPG) tank. Pursuant to the Development Code, a Conditional Use Permit to allow the installation of a 1,000-gallon tank requires Planning Commission approval. The Development Code also requires the review and approval of a Conditional Use Permit to allow permanent outdoor display. The applicant is also requesting approval of a variance to allow an eight (8)-foot landscape setback where a minimum twenty-five (25)-foot landscape setback is required for parking adjacent to residentially zoned property. The property is zoned General

Commercial (C-G), which permits retail uses. The proposed tentative parcel map will create a parcel to accommodate the use.

Tractor Supply stores supply merchandise that meet the needs of the recreational farmer and rancher. Sales includes merchandise related to agriculture, livestock, gardening, pet supply, vehicle maintenance parts, power tools, as well as clothing and footwear.

B. Site Analysis:

The facility will consist of a 18,800 square-foot retail building, public parking, outdoor display, 360 square-foot forage barn for hay storage, and a propane dispensing area located to the east side of the retail building and within a fenced storage area.

The project proposes to include approximately 18,000 square-feet of outdoor display area, including 14,738 square-feet of fenced outdoor display/storage of merchandise located on the east side of the building and 3,283 square-feet of permanent sidewalk display area and equipment display adjacent to the front of the building and fenced area. The fenced display area will include outdoor storage of merchandise, the forage building and the bulk propane tank, with an eight (8)-foot high open decorative metal fence with metal mesh and ornamental design to provide screening from Braeburn Road.

Access to the site will be provided via two driveways along Braeburn Road and one driveway along Bear Valley Road. A loading dock will be located on the north (back) side of the building. There will be a portable loading dock that will be stationed near the rear loading door for use when unloading supplies from trucks. Deliveries will be during regular business hours and truck types will vary depending on the type of delivery.

The site plan indicates eighty-one (81) parking spaces, four (4) of which are handicap parking, three (3) truck and trailer spaces, an area for motorcycle parking and a bike rack located near the front of the building along the west elevation. Development Code Section 9.72.050.A.3 requires parking for commercial uses adjacent to residential uses or zoning to be setback a minimum twenty-five (25) feet. As designed, the parking area, located on the north side of the building is setback eight (8) feet from the residentially zoned property. The applicant has requested a Variance to deviate from this requirement.

Typically, the main concern with propane tanks is safety. All valves and dispensing equipment are secured, and the installation is required to meet all Fire Code requirements as well as Building Codes. These codes ensure proper separation distances, adequate fire protection, signage, emergency shutoff, as well as operation and maintenance standards. The LPG tank will be installed by the east side of the store and will be setback approximately fifty-six (56) feet from Braeburn Road and 155 feet from Bear Valley Road. Staff is recommending Condition of Approval No. P25 requiring the tank to be painted to match the building and recommending Condition of Approval No. P26 prohibiting the tank or associated equipment from containing any non-regulatory, commercial or not commercial signage.

In accordance with Development Code Section 9.70.020.H.6, the maximum height for parking lot lighting and/or security lighting is not to exceed twenty (20) feet in height. However, staff is recommending the light standards within the rear parking area and closest to the residential area be limited to a maximum height of fifteen (15) feet (Condition of Approval No. P32).

C. Architecture Analysis:

The proposed building is concrete masonry construction with cement plaster to highlight the building corners and entry statement. The entrance to the store and awnings are corrugated metal panels and will be a factory grey color. The building will be painted two shades of brown

with a secondary color (Sanderling) to be used on the lower split face block and cement plaster. The rest of the CMU walls will be the lighter color (Urban Putty). Accent color to be used on the cornice and parapet trim will be dark brown in color.

The front building elevation depicts a large cabinet sign mounted on the corrugated metal panels. In accordance with the Sign Code, except for corporate logos, all lettering is required to be channel lettering.

The building elevations indicate four HVAC units are to be located on the roof which extend above the height of the parapet. In accordance with the Development Code Section 9.37.060.6 & 7, all roof mounted equipment is to be screened from public view based on the highest architectural element. The front elevation parapet wall may fulfill this requirement, but the east building elevation as seen from Braeburn Road does not appear to meet this requirement. Plans submitted for plan check shall demonstrate this requirement has been met.

Exterior light fixtures are proposed on all four sides of the building and decorative light fixtures are proposed on the front building elevation above the entrance. Parking lot light standards are proposed throughout the site. All lighting is required to be shielded and directed toward so as not to create glare onto adjoining properties and shall meet Town standards. The maximum height that security lighting can be located on a building is twenty (20) feet.

D. Tentative Parcel Map

The purpose of the parcel map is to create parcels that match the lot configuration that were essentially created when Braeburn Road was constructed, bisecting the underlying parcel. Although the road created a physical division, it did not create two legal parcels. This subdivision will create two (2) parcels as created by Braeburn Road and will facilitate the development of a 18,800 square-foot retail store on the west side of Braeburn Road and a parcel for future commercial development to the east. The two (2) commercial lots are approximately three (3) and fourteen (14) acres in size. The minimum lot size for lots within the General Commercial (C-G) District is 10,000 square feet.

E. Variance:

The purpose of the Variance, if granted, would enable the applicant to encroach seventeen (17) feet into a twenty-five (25)-foot parking lot setback. To grant a Variance, there must be a special circumstance applicable to the property, including size, shape, topography, location or surroundings that would create a hardship in complying with the Development Code standards. Given the lot shape due to Braeburn bisecting the underlying parcel, meeting the setback requirement is difficult without losing building square-footage or parking.

Development Code Section 9.72.050.A.3 requires parking for commercial uses adjacent to residential uses or zoning to be setback a minimum twenty-five (25) feet. As designed, the parking area, located on the north side of the building is setback eight (8) feet from the residentially zoned property. Although this is a significant encroachment into the setback requirement, the area in question, zoned residential is the gated entry into the adjacent housing development, and therefore, not an impact to property developed with a single-family residence (see attached exhibit). The closest residence is approximately 260 feet away to the north.

F. Drainage:

The project will create impervious surfaces (such as the building, driveways and parking areas) that will create additional surface water runoff. To handle the storm water runoff that currently crosses the parcel on the west side of Braeburn Road, a retention area will be developed on the parcel to the east of Braeburn Road to intercept this runoff. The Tractor Supply site will be

developed to retain their storm water runoff. The Engineering Division has recommended Condition No. EC1, which requires that a final drainage plan to be submitted for review and approval to the Town Engineer. This plan must show provisions for receiving and conveying off-site and on-site tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties.

G. Environmental Assessment:

Pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315, Class 15, the proposed Parcel Map is Exempt from further environmental review. Also, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15332 and 15305, the proposed retail store development with setback variance on a 3 acres site is Exempt from further environmental review.

H. Noticing:

This item was advertised as a public hearing in the Apple Valley News newspaper on March 23, 2018.

I. Conditional Use Permit Findings:

Before approving a Special or Conditional Use Permit, the Director, Commission or Council when appropriate, shall find that the circumstances prescribed below do apply:

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 project, as conditioned, is consistent with the Town's General Plan and Zoning, as it consists of a 18,800 square-foot retail building with outdoor display and enclosure because the proposed retail use fits the intent of the C-G zone, which is to service the entire community both locally and regionally by providing a range of retail, service and office opportunities within the Town. Upon approval of a Variance by the Planning Commission from the parking lot to residential setback requirement, the project will be consistent the development standards of the Town.

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 building is oriented towards Bear Valley Road, minimizing its commercial presence toward the single-family residences to the north. The maximum height of the building is 26 feet, which is moderately taller than the surrounding single-family residences to the north whose pad elevations are approximately two (2) to four (4) feet higher than the proposed store pad elevation. The adjacent vacant Mixed Use (M-U) to the west and the adjacent General Commercial (C-G) to the east when built upon, will have similar or taller building heights as allowed by Code. Therefore, the architecture and scale of the proposed building would be compatible with the future surrounding commercial development.

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

Comment: The maximum height of the building is 26 feet, which is moderately taller than the surrounding single-family residences to the north whose pad elevations

are approximately two (2) to four (4) feet higher than the proposed store pad elevation. However, the height of the structure is well below the maximum height of thirty-five (35) feet as allowed within the C-G zone when beyond 100 feet from residential property.

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 project, as conditioned, will have adequate public facilities, services and utilities when the project is completed.

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

Comment: The building and site are oriented toward Bear Valley Road, minimizing its commercial presence toward the single-family residences located to the north. The maximum height of the building is 26 feet, which is moderately taller than the surrounding single-family residences to the north whose pad elevations are approximately two to four feet higher than the proposed store pad elevation.

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

Comment: Traffic generated by the proposed retail store will not adversely impact the surrounding area. The proposed development will be located along improved roadways that can accommodate traffic generated from the project site.

7. The 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: Traffic generated by the proposed retail store will not adversely impact the surrounding area and was anticipated within the General Plan. The proposed development will be located along improved roadways that can accommodate traffic generated from the project site.

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

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 upon the environment.

9. 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 upon the environment, as it has been determined that the proposed request is Exempt from further environmental review.

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 operated or 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 proposed development and use will not endanger the public health, safety or welfare. The development is required to comply with all Building and Fire Codes.

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

Comment: As designed and with approval of Variance No. 2018-001, the project meets all Code requirements for a retail business with outdoor display/ storage and bulk propane sales.

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 design, materials and details of the proposed Tractor Supply building are compatible with properties or improvements in the vicinity.

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 maximum height of the building is 26 feet, which is moderately taller than the surrounding single-family residences to the north whose pad elevations are approximately two to four feet higher than the proposed store pad elevation. The height of the structure is well below the maximum height of thirty-five (35) feet.

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 development fits within the intent of the C-G zone where it is being developed, which is to service the entire community both locally and regionally by providing a range of retail, service and office opportunities. Additionally, in accordance with the Development Code, decorative fencing and landscaping is being installed around the outdoor merchandise storage area to screen it from public view.

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

J. Parcel Map Findings:

As required under Section 9.71.040 (A5) of the Development Code, prior to approval of a Tentative Parcel Map, the Planning Commission must make the following Findings:

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and any applicable Specific Plan. The proposed subdivision or land use is compatible with the objectives, policies, general land uses and

programs specified in the General Plan and any applicable Specific Plan (Subdivision Map Act 66473.5).

Comment: The project is a proposal to subdivide approximately seventeen (17) acres into two (2) parcels that meet the Development Code Table 9.35.040-A criteria for minimum lot size, for lots within the General Commercial zoning district. The property has a General Plan land use designation of General Commercial (C-G) and, by size, shape and configuration, can be developed in a manner consistent with the General Plan Land Use Element and zoning designations. The subject site is vacant, and the surrounding properties are vacant, commercial development and single family residential.

2. The Planning Commission has considered the effects of its action upon the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Subdivision Map Act Section 66412.3).

Comment: The proposal consists of a land subdivision within the General Commercial (C-G) zoning designation. No houses are being removed, and housing needs will not be negatively impacted. The proposed subdivision will allow the property owner to develop the proposed center in a manner that is consistent with the Town's General Plan Goals and Objectives to promote commercial development.

3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision (Subdivision Map Act Section 66473.1).

Comment: The commercial parcels created under this subdivision are appropriate in size to provide natural heating and cooling opportunities for development of the site. The subdivision proposal will facilitate the development of the center and will not conflict with the provisions of any adopted, applicable plan, policy or regulation. As development occurs, the individual lots are subject to the implementation of natural heating and cooling requirements pursuant to Title 24 energy requirements and the Town's Climate Action Plan.

4. The Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in a violation of the requirements as set forth in Section 13000 et seq., of the California Water Code. If the Planning Commission finds that the proposed waste discharge would result in or add to a violation of said requirements, the Planning Commission may disapprove the subdivision (Subdivision Map Act Section 66474.6).

Comment: The project is a commercial land subdivision and is required to connect to the Town of Apple Valley's sewer system. The proposed development can be accommodated by the existing capacity of the sewer system. Applicable fees to connect to these existing infrastructure facilities is a required condition of approval. The requirement to hook up to existing sewer and wastewater lines will comply with California Water Code.

K. Variance Findings:

As required under Section 9.24.070 *Required Findings* of the Development Code, prior to approval of a Variance, the Planning Commission must make the following Findings:

1. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

Comment: Staff concurs with the applicant's finding.

2. That granting the Variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located;

Comment: Although this is a significant encroachment into the setback requirement, the area in question, zoned residential is a dedicated roadway and the gated entryway and roundabout into the adjacent housing development, and therefore, not an impact to property developed with a single-family residence. The closest residence is approximately 260 feet away to the north. The intent of the setback requirement is to provide greater separation between a commercial development to a residence. Given the distance separation of approximately 260 feet, the intent of the Code is met.

3. That granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought;

Comment: The literal interpretation of the Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district because the Code does not account for situation where the adjacent property that maybe zoned residential but developed in a non-buildable/residential manner such as for roadway purposes in this situation.

4. That granting the Variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located;

Comment: The encroachment of the three parking stalls into the required twenty-five (25)-foot landscape setback will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district because the area in question is roadway and the nearest single-family residence to the north is approximately 260 feet away.

5. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located; and

Comment: The subject property was bisected into two parcels as a result of the construction of Braeburn Road, which also happens to be a curvilinear in design. Although the subject retail site is adjacent to residential zoning to the north, because of the road design, the project is not adjacent to single family residences but rather adjacent to the roundabout and gated entry. Given these circumstances, the granting of the Variance will not constitute a special privilege.

6. That granting the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

Comment: The proposed retail use is an activity that is allowed by the Development Code within the General Commercial (C-G) district.

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 15315, Class 15, the proposed Parcel Map is Exempt from further environmental review. Also, pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Sections 15332 and 15305, the proposed retail store development with setback variance is Exempt from further environmental review.
2. Find the facts presented in the staff report do support the required Findings for Approval for Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937.
3. Adopt the Findings as provided in the staff report and approve Conditional Use Permit No. 2018-002, Variance No. 2018-001 and Tentative Parcel Map No. 19937 subject to the Conditions of Approval.
4. Direct staff to file the Notice of Exemption.

Prepared By:

Carol Miller
Assistant Community Development Director

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Site Plan
3. Floor Plan
4. Building Elevations
5. Tentative Parcel Map (Separate Cover)
6. Applicant's Variance Findings
7. Variance Exhibit
8. Zoning Map

Town of Apple Valley

Recommended Conditions of Approval

Conditional Use Permit No. 2018-002, Variance No. 2018-001 & Tentative Parcel Map No. 19937

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 or alleviate 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 for Conditional Use Permit No. 2018-002 and Variance No. 2018-001, 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 approval 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. This tentative subdivision shall comply with the provisions of the State Subdivision Map Act and the Town Development Code. This tentative approval shall expire three (3) years from the date of approval by the Planning Commission/Town Council. A time extension may be approved in accordance with the State Map Act and Town Ordinance, if an extension application is filed and the appropriate fees are paid thirty (30) days prior to the expiration date. The Tentative Parcel Map becomes effective ten (10) days from the date of the decision unless an appeal is filed as stated in the Town's Development Code.
- P3. The applicant shall 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.
- P4. The approval of Conditional Use Permit No. 2018-002 and Variance No. 2018-001 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. Prior to issuance of a building permit, the following agencies shall provide written verification to the Planning Division that all pertinent conditions of approval and applicable regulations have been met:

Apple Valley Fire Protection District
Liberty Utility
Apple Valley Public Works Division
Apple Valley Engineering Division
Apple Valley Planning Division

- P6. The site plan and rendering presented to and approved with Conditions by the Planning Commission at the public hearing shall be the anticipated and expected appearance of the structure upon completion.
- P7. The Community Development Director or his/her designee, shall have the authority for minor architectural changes focusing around items such as window treatments, color combinations, façade treatments and architectural relief. Questions on the interpretation of this provision or changes not clearly within the scope of this provision shall be submitted to the Planning Commission for consideration under a Revision to the Development Permit.
- P8. The filing of a Notice of Exemption requires the County Clerk to collect a fee of \$50.00. The fee must be paid in a timely manner in accordance with Town procedures. The check shall be made payable to the Clerk of the Board of Supervisors.
- P9. 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 Division for consideration and approval.
- P10. All outdoor mechanical and electrical equipment, whether rooftop, side of structure, or on the ground, shall be screened from view from the public street by architectural elements designed to be an integral part of the building.
- P11. All front building setbacks and right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped.
- P12. 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.
- P13. Landscaping shall be installed with appropriate combinations of drought tolerant trees, shrubs, and ground cover, consistent with Chapter 9.75, *Water Conservation Landscape Regulations*, of this Code.
- P14. Final landscape and irrigation plans shall be submitted prior to the issuance of Building Permits and installed prior to issuance of occupancy permits subject to approval by the Planning Division.
- P15. All identification signs shall have a separate permit and are subject to final approval by the Town Planning Division.
- P16. Access to roofs shall be from the interior of the building. If roof access is on the exterior of the building, the roof access ladder shall be screened from view from any public street or public parking area and security shall be provided to prevent unauthorized access.
- P17. 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.
- P18. Required parking spaces shall 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.

- P19. Trash Enclosure shall be in accordance with Town Standards and is recommended to reflect the architectural design (trellis canopy or other similar feature) of approved project subject to the review and approval of the Planning Division.
- P20. A six (6) foot-high block wall shall be constructed along the northerly property line, adjacent to residential with a maximum four (4) foot height within the street setbacks.
- P21. All fencing and screening material shall be in conformance with the Development Code subject to approval by the Planning Division.
- P22. Exterior lighting shall be contained within the site. All lights shall be directed downward and fully shielded.
- P23. The maximum light standard height allowed is fifteen (15) feet. All glare shall be directed onto the site and away from adjacent properties. Additionally, said parking lot lighting shall conform to all requirements of the Municipal Code and to the requirements of the uniform Building Code.
- P24. A low wall, berm or landscaping, thirty-six to forty-two (36 to 42) inches in height, shall be installed to screen automobile headlights from the public right-of-way.
- P25. The LPG tank and associated equipment shall be painted to complement the structure, subject to the review and approval of the Planning Division.
- P26. The LPG tank and/or any associated equipment shall not contain any non-regulatory, commercial or non-commercial signage.
- P27. Approval is granted for an eight (8)-foot high open decorative metal fence with metal mesh and ornamental designs subject to the review and approval of the Planning Division to surround the 14,738 square-foot outdoor storage area.
- P28. A shopping cart corral shall be provided outside of any required parking.
- P29. Where the proposed retaining wall along the westerly property line that requires a guard rail or safety fencing due to wall height, the combined height shall not exceed an overall height of eight (8) feet.
- P30. Approval is granted to allow an eight (8) foot landscape setback where a minimum twenty-five (25) setback is required for parking adjacent to residential.
- P31. The cornice/roof top eave shall not be less than a twenty-four (24) inch overhang and shall include decorative rafter tails.
- P32. In accordance with Development Code Section 9.70.020.H.6, the maximum height for parking lot lighting and/or security lighting is not to exceed twenty (20) feet in height. The light standards within the rear parking area and closest to the residential area shall be limited to a maximum height of fifteen (15) feet.

- P33. All equipment maintained in front of the store within the permanent sidewalk display area and the permanent trailer and equipment display area shall be arranged in a clean and orderly manner at all times.
- P34. All equipment positioned in front of the store within the permanent sidewalk display area shall be arranged in such a way that sufficient access is maintained in accordance with the Americans with Disabilities Act, while also allowing for sufficient vehicular overhang over the sidewalk.
- P35. Pallets and other stacked merchandize stored within the enclosed outdoor storage area shall not exceed six (6) feet in height.
- P36. Outdoor displays will be limited to only those areas identified on the site plan. No other outdoor display of merchandise is allowed outside of these designated areas.

Engineering Division Conditions of Approval

- EC1. A final drainage plan with street layouts shall be submitted for review and approval by the Town Engineer showing provisions for receiving and conducting offsite and onsite tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. This plan shall consider reducing the post-development site-developed flow to 90 percent of the pre-development flow for a 100-year design storm.
- EC2. Street improvement plans shall be submitted to the Town Engineer for review and approval.
- EC3. All streets abutting the development shall be improved a minimum half-width of twenty-eight (28) feet with curb, gutter and sidewalk on the development side.
- EC4. Bear Valley Road adjacent to the property shall be improved to the Town's half-width Major Divided Arterial standards.
- EC5. Mockingbird Avenue adjacent to the property shall be improved to the Town's half-width Industrial / Commercial local street standards.
- EC6. Braeburn Road within the property shall be improved to the Town's full-width Industrial / Commercial street standards.
- EC7. A sixty-eight (68)-foot wide half-width road dedication along Bear Valley Road adjacent to the property shall be granted to the Town of Apple Valley.
- EC8. A thirty-three (33)-foot half-width road dedication along Mockingbird Avenue adjacent to the property shall be granted to the Town of Apple Valley.
- EC9. A sixty-six (66)-foot half-width road dedication along Braeburn Road within the property shall be granted to the Town of Apple Valley.
- EC10. During the grading of the streets, soils testing of the street subgrades by a qualified soils engineering firm shall be performed to determine appropriate structural street section. Minimum asphalt concrete thickness for all streets shall be 0.33 ft.
- EC11. All required improvements shall be constructed and approved or bonded in accordance with Town Development Code.

- EC12. An encroachment permit shall be obtained from the Town prior to performing any work in any public right of way.
- EC13. Final improvement plans and profiles shall indicate the location of any existing utility which would affect construction and shall provide for its relocation at no cost to the Town.
- EC14. The developer shall present evidence to the Town Engineer that he has made a reasonable effort to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
- EC15. Utility lines shall be placed underground in accordance with the requirements of the Town. (Municipal Code Section 14.28)
- EC16. The developer shall make a good faith effort to acquire the required off-site property interests. If the developer fails to acquire those interests the developer shall, at least 120 days prior to submittal of the final map for approval, enter into an agreement to complete the improvements pursuant to Government Code Section 66462 at such time as the Town acquires the property interests required for the improvements. Such agreement shall provide for payment by the developer of all costs incurred by Town to acquire the off-site property interests required in connection with the subdivision. Security for a portion of these costs shall be in the form of a cash deposit in the amount given in an appraisal report obtained by the developer, at the developer's cost. The appraiser shall have been approved by the Town prior to commencement of the appraisal. Additional security may be required as recommended by the Town Engineer and Town Attorney.
- EC17. Traffic impact fees adopted by the Town shall be paid by the developer.
- EC18. Any developer fees adopted by the Town including but not limited to drainage fees shall be paid by the developer.
- EC19. In the event that an applicant/developer chooses to seek Council approval of the Final Map prior to completion of the required improvements, an "Agreement for Construction of Improvements" shall be required. In accordance with the California Labor Code, any such Agreement will contain a statement advising the developer that certain types of improvements will constitute a public project as defined in California Labor Code, Sections 1720, and following, and shall be performed as a public work, including, without limitation, compliance with all prevailing wage requirements.
- EC20. A Storm Water Pollution Prevention Plan (SWPPP) in accordance with the National Pollutant Discharge Elimination System (NPDES) shall be required.

Public Works Department Conditions of Approval

- PW1. Sewage disposal shall be by connection to the Town of Apple Valley sewer system. Financial arrangements, plans and improvement agreements must be approved by the Town of Apple Valley Public Works Department.
- PW2. Sewer connection fees required.

Environmental and Transit Services Conditions of Approval

- ER1. The project must provide adequate areas for collecting and loading recyclable materials in compliance with AB 341. The trash enclosure must comply with the newly adopted recycling standards. (Public Resource Code Section 42910-42912)

- ER2. The developer shall complete and submit a Waste Management Plan (“WMP”), on a WMP form approved by the Town for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate all of the following:
- (1) The estimated volume or weight of project C&D debris to be generated;
 - (2) The estimated volume or weight of such materials that can feasibly be diverted via reuse or recycling;
 - (3) The vendor or facility that the Developer proposes to use to collect or receive that material; and
 - (4) The estimated volume or weight of C&D materials that will be landfilled. (Town of Apple Valley Municipal Code Section 8.19.020(a))
- ER3. Compliance with Condition of Approval No. ER2 shall be met by any of the following:
- (1) Contract for hauling services with Town’s franchise hauler, with all Project debris delivered to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (2) Self-haul all Project debris to San Bernardino County self-haul landfill diversion program, provided the diversion program is currently operating; and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (3) Self-haul all Project debris to a construction materials recycling facility, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP
 - (4) Contract with a construction site cleanup company to recycle at least 50% of the Project construction debris, and provide acceptable proof of recycling to the Town in the form of receipts and/or weigh tickets, in conformance with the WMP. (Town of Apple Valley Municipal Code Section 8.19.030)
- ER4. Prior to issuance of Certificate of Occupancy, the developer shall submit to the WMP Compliance Official documentation proving that it has met the Diversion Requirement for the Project. The Diversion Requirement shall be that the developer has diverted at least fifty percent (50%) of the total C&D debris generated by the Project via reuse or recycling. This documentation shall include all of the following:
- (1) Receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material;
 - (2) A copy of the previously submitted WMP for the Project adding the actual volume or weight of each material diverted and landfilled;
 - (3) Any additional information the Developer believes is relevant to determining its efforts to comply in good faith with this Chapter 8.19. (Town of Apple Valley Municipal Code Section 8.19.050)
- ER5. The developer shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric

measurements to weight, the developer shall use the Standardized Conversion Rates approved by the Town for this purpose.

Building and Safety Conditions of Approval

- BC1. An engineered grading report including soils report shall be submitted to and approved by the Building Official prior to recordation of the final map or issuance of permits for grading in excess of 1,000 cubic yards.
- BC2. Grading and drainage plans must be submitted to and approved by the Building Official, Planning Department and Town Engineer prior to permit issuance.
- BC3. Submit plans and obtain permits for all structures and retaining walls, signs.
- BC4. A pre-construction permit and inspection are required prior to any land disturbing activity to verify requirements for erosion control, flood hazard, native plant protection and desert tortoise habitat.
- BC5. A Notice of Intent (NOI) and Storm Water Prevention Plan (SWPP) must be submitted to and approved by the Engineering and Building Departments prior to issuance of a grading permit and or any land disturbance.
- BC6. All utilities shall be placed underground in compliance with Town Ordinance No. 89.
- BC7. All cross lot drainage requires easements and may require improvements at the time of development.
- BC8. Comply with the State of California Disability Access requirements.
- BC9. A pre-grading meeting is required prior to beginning any land disturbance. This meeting will include the Building Inspector, General Contractor, Grading Contractor, soils technician and any other parties required to be present during the grading process such as a Biologist and/or Paleontologist.
- BC10. A dust palliative or hydro seed will be required on those portions of the site graded but not constructed upon or landscaped.
- BC11. Page two (2) of the submitted building plans will be the Conditions of Approval.
- BC12. Construction must comply with the California Building Codes and California Green Building Code effective at the time of submittal.
- BC13. Best Management Practices (BMP's) are required for the site during construction.
- BC14. Provide Water Quality Management Plan (WQMP) or Alternative Compliance Plan.

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 All new construction shall comply with applicable sections of the California Fire Code, California Building Code, and other statutes, ordinances, rules, and regulations regarding fires and fire prevention adopted by the State, County, or Apple Valley Fire Protection District.
- FD3. All combustible vegetation, such as dead shrubbery and dry grasses, shall be removed from each building site a minimum distance of thirty (30) feet from any combustible building material, including the finished structure. This does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as ground cover if they do not form a means of transmitting fire.
- FD4. Prior to combustible construction, the development and each phase thereof, shall have two points of paved access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations. Each of these points of access shall provide an independent route into the area in which the development is located.
- FD5. Fire lanes shall be provided with a minimum width of twenty-six (26) feet, maintained, and identified. Twenty-six (26) feet access will start at both points of ingress and continue through the site.
- FD6. A turnaround shall be required at the end of each roadway one hundred fifty (150) feet or more in length and shall be approved by the Fire District. Cul-de-sac length shall not exceed one thousand (1,000) feet.

Turning radius on all roads within the facility shall not be less than twenty-two (22) feet inside and minimum of forty (40) feet outside turning radius with no parking on street, or forty-seven (47) feet with parking. Road grades shall not exceed twelve percent (12%) unless approved by the Chief. (Apple Valley Fire Protection District Ordinance 55)

- FD7. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

Commercial and industrial developments shall have street addresses and location approved by the Fire District. Where the building setback exceeds 200 feet from the roadway, additional non-illuminated contrasting eighteen (18) inch numbers shall be displayed at the property entrance. When these developments have rear doors of each unit, the unit number shall be a minimum of 6 inches and shall contrast with their background. (Apple Valley Fire Protection District, Ordinance 55)

- FD8. Plans for fire protection systems designed to meet the fire flow requirements specified in the Conditions of Approval for this project shall be submitted to and approved by the Apple Valley Fire Protection District and water purveyor prior to the installation of said systems.
- A. Unless otherwise approved by the Fire Chief, on-site fire protection water systems shall be designed to be looped and fed from two (2) remote points.
- B. System Standards:
*Fire Flow 1500 GPM @ 20 psi Residual Pressure
Duration 2 Hour(s)
Hydrant Spacing 330 Feet
*If blank, flow to be determined by calculation when additional construction information is received.

- C. A total of 1 fire hydrant will be required. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification. A total of 1 additional fire hydrant will be required on site for the fire protection. It is the responsibility of the owner/developer to provide all new fire hydrants with reflective pavement markers set into pavement and curb identification.

FD9. An approved fire sprinkler system shall be installed throughout any building:

- Exceeds 4,999 square feet
- Two stories or greater.
- Existing building(s) with intensification of use, or
- Other per California Building Code requirements.
- High piled storage for combustible materials.

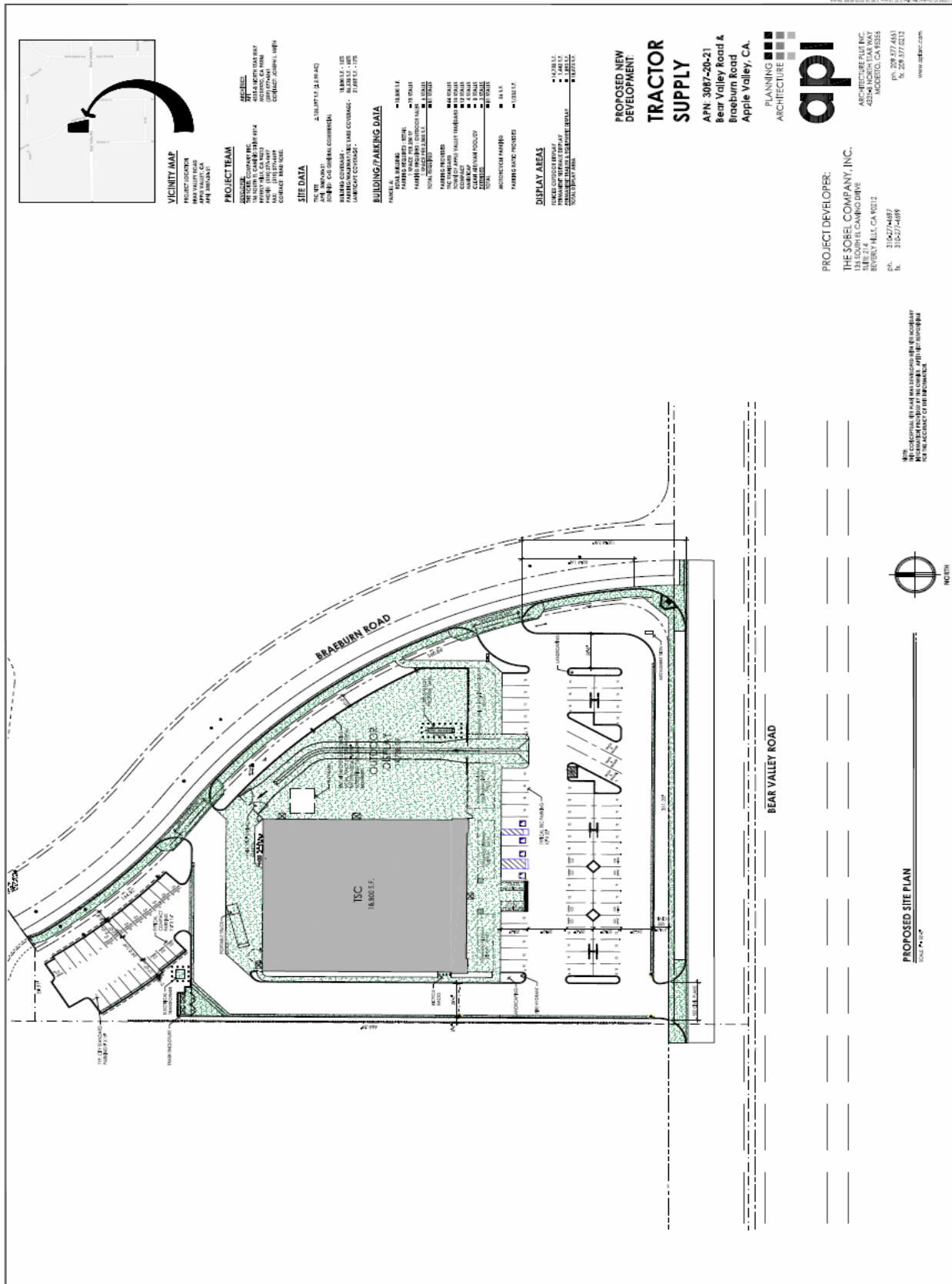
The system shall be supervised and connected to an approved alarm monitoring station and provide local alarm which will give an audible signal at a protected location. Supervision to be both water flow and tamper. Sprinkler work may not commence until approved plans and permits have been issued by the Fire District. (Apple Valley Fire Protection District, Ordinance 55)

FD10. Prior to issuance of building permit, the developer shall pay all applicable fees as identified in the Apple Valley Fire Protection District Ordinance.

FD11. A Knox Box Rapid Entry System shall be required for this project. (Apple Valley Fire Protection District Ordinance 55)

FD12. Propane Tank location shall be a minimum of 10 feet from a building or public way. NO Smoking sign shall be posted. Smoking within 15 feet of a point of transfer, while filling operations are in progress at containers or vehicles, shall be prohibited. Provide bollards every three feet around tank and call for a pre-inspection prior to concrete pour. Provide (1) one 4A40BC minimum rating fire extinguisher mounted at or in the cage. Fire extinguisher needs to be serviced by a certified company.

END OF CONDITIONS



VICINITY MAP
 BRAEBURN ROAD
 BEAR VALLEY ROAD
 APPLETON, CA
 95021

PROJECT TEAM
ARCHITECT:
 API ARCHITECTURE
 4250 N. NORTH LANE WAY
 MODERO, CA 95231
 CONTACT: JONAS L. WILSON
 PHONE: (209) 577-4641
 FAX: (209) 577-4641
 WWW.APIARCHITECT.COM

SITE DATA
 TOTAL SITE AREA: 4.31 ACRES (187,714 S.F.)
 ZONING: C-2 (COMMERCIAL)
 BUILDING COVERAGE: 18.8% (35,081 S.F.)
 PARKING COVERAGE: 18.8% (35,081 S.F.)
 TOTAL PARKING SPACES: 100

BUILDING/PARKING DATA
BUILDING:
 ■ 18,800 S.F. (1 STORY)
 ■ 18,800 S.F. (2 STORY)
 ■ 18,800 S.F. (3 STORY)
 ■ 18,800 S.F. (4 STORY)
 ■ 18,800 S.F. (5 STORY)
 ■ 18,800 S.F. (6 STORY)
 ■ 18,800 S.F. (7 STORY)
 ■ 18,800 S.F. (8 STORY)
 ■ 18,800 S.F. (9 STORY)
 ■ 18,800 S.F. (10 STORY)
 ■ 18,800 S.F. (11 STORY)
 ■ 18,800 S.F. (12 STORY)
 ■ 18,800 S.F. (13 STORY)
 ■ 18,800 S.F. (14 STORY)
 ■ 18,800 S.F. (15 STORY)
 ■ 18,800 S.F. (16 STORY)
 ■ 18,800 S.F. (17 STORY)
 ■ 18,800 S.F. (18 STORY)
 ■ 18,800 S.F. (19 STORY)
 ■ 18,800 S.F. (20 STORY)

DISPLAY AREAS
 ■ 18,800 S.F. (1 STORY)
 ■ 18,800 S.F. (2 STORY)
 ■ 18,800 S.F. (3 STORY)
 ■ 18,800 S.F. (4 STORY)
 ■ 18,800 S.F. (5 STORY)
 ■ 18,800 S.F. (6 STORY)
 ■ 18,800 S.F. (7 STORY)
 ■ 18,800 S.F. (8 STORY)
 ■ 18,800 S.F. (9 STORY)
 ■ 18,800 S.F. (10 STORY)
 ■ 18,800 S.F. (11 STORY)
 ■ 18,800 S.F. (12 STORY)
 ■ 18,800 S.F. (13 STORY)
 ■ 18,800 S.F. (14 STORY)
 ■ 18,800 S.F. (15 STORY)
 ■ 18,800 S.F. (16 STORY)
 ■ 18,800 S.F. (17 STORY)
 ■ 18,800 S.F. (18 STORY)
 ■ 18,800 S.F. (19 STORY)
 ■ 18,800 S.F. (20 STORY)

PROPOSED NEW DEVELOPMENT:
TRACTOR SUPPLY CENTER
 APN: 3087-20-21
 Bear Valley Road & Braeburn Road
 Apple Valley, CA

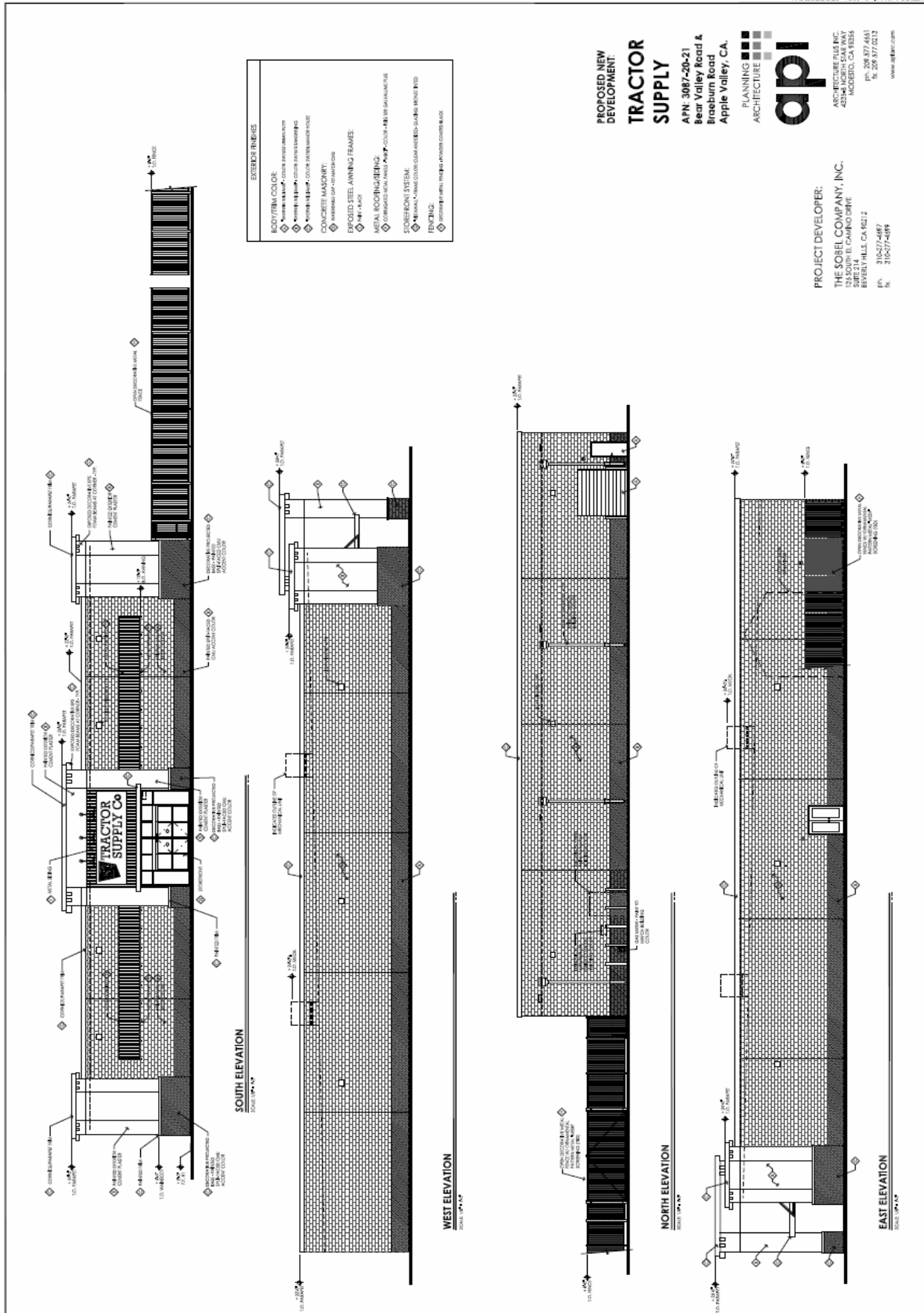
PLANNING ARCHITECTURE
api
 ARCHITECTURE
 4250 N. NORTH LANE WAY
 MODERO, CA 95231
 PHONE: (209) 577-4641
 FAX: (209) 577-4641
 WWW.APIARCHITECT.COM

PROJECT DEVELOPER:
THE SOREL COMPANY, INC.
 133 SOUTH EL CAMINO DRIVE
 SUITE 217
 REDDING, CA 96002
 PHONE: (530) 241-4687
 FAX: (530) 241-4687

NOTES:
 1. THIS SITE PLAN IS THE PROPERTY OF THE ARCHITECT.
 2. NO PART OF THIS SITE PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"



The applicant must provide specific justification for each of the findings listed below. You should include specific evidence, details and/or qualities of the proposed structure or other project. Additional pages or supporting documentation such as photographs, previous variance approval, etc., may be attached.

1. Special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Town Development Code deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Having a non-buildable residential parcel dedicated to a roadway next to our Commercial Zoned property

2. Granting the variance will be consistent with the general intent and purpose of the Development Code provisions for the district in which the property is located.

Closest true residential P/L is over 130' away from our parking. General intent & Purpose is intact.

3. Granting of the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district and denied to the property for which the Variance is sought.

4. Granting of the variance will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.

Closest true residential P/L is over 130' away from our closest parking space.

5. Granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and in the zoning district and General Plan land use designation such property is located.

Unique situation with our P/L being located next to non-buildable parcel used for a roadway.

6. Granting of the variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel.

NO impacts on use or activity are involved by granting this variance.

Please read and initial the following statement:

I understand that in lieu of a Variance I have the option of altering my plan and requesting a Deviation Permit in conformance with Section 9.03.0500 of the Town of Apple Valley Development Code. _____

FINDING REQUIRED TO GRANT A DEVIATION

1. Granting the deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and land use district in which the property is located.

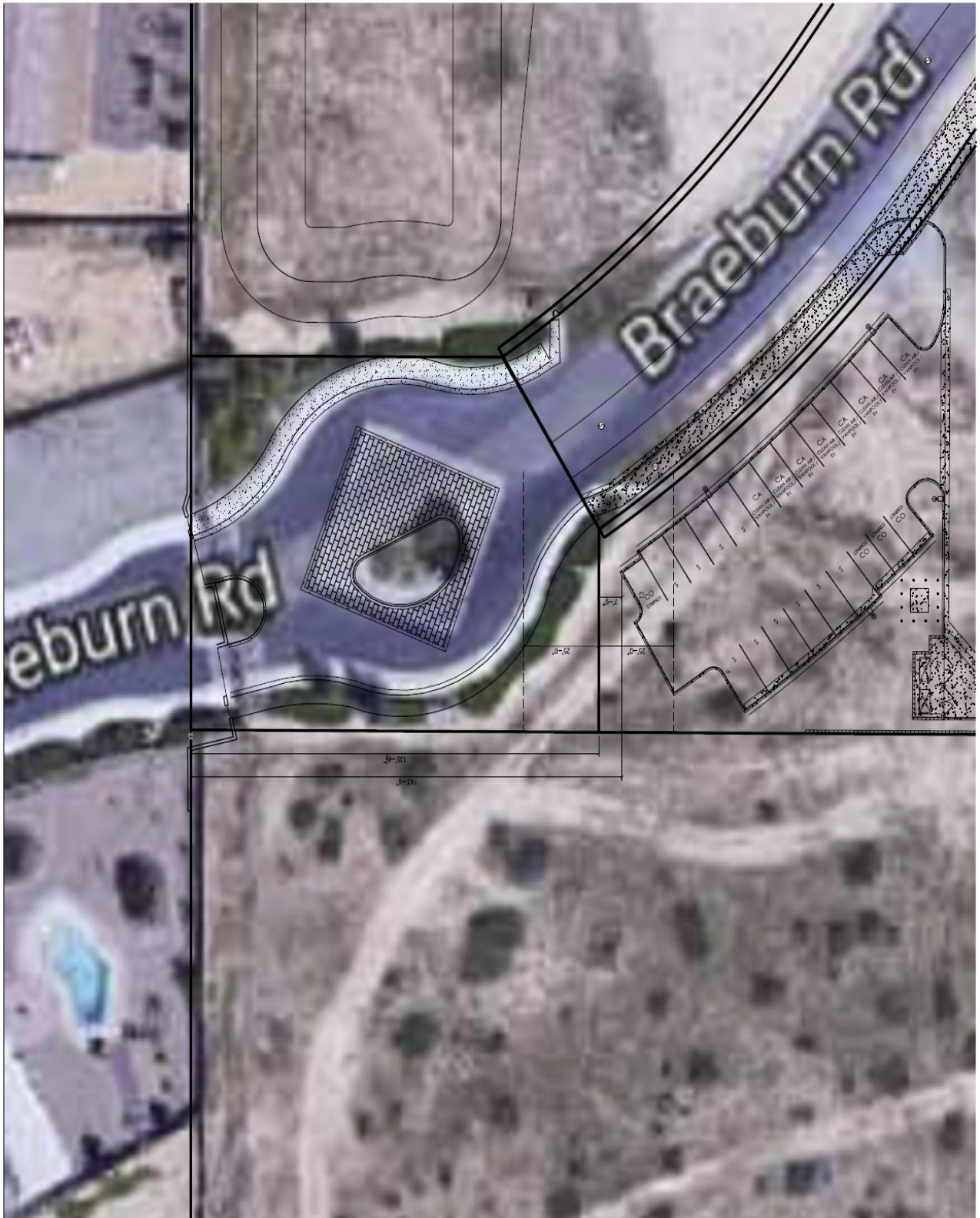
Signed _____ Date _____

Print Name _____

DEVIATION PERMIT FINDINGS FOR A WIRELESS TELECOMMUNICATION FACILITY

1. That the applicant has provided supporting documentation of the identified need that cannot be met in any other manner;

2. That there are unique circumstances associated with the proposed location necessitating the requested Deviations;



Conditional Use Permit No. 2018-002
 Variance No. 2018-001
 Tentative Parcel Map No. 19937

ZONING/LOCATION MAP

