

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

DISCUSSION OF EXPOSED METAL BUILDINGS IN THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN (NAVISP)

Summary Statement:

At the December 8, 2009 Town Council Meeting, Council Member Rick Roelle requested that an item pertaining to the regulations for exposed metal buildings in the North Apple Valley Industrial Specific Plan (NAVISP) be placed on January 12, 2010 agenda. The current regulations of the NAVISP prohibit the use of exposed metal on buildings, with the exception of airplane hangars located on County-owned airport property.

The Council originally adopted the NAVISP on October 24, 2006. On July 10, 2007, the Council considered and adopted the first amendment to the Specific Plan that included expanding the plan area to the southwest. The amendment also removed some minor discrepancies and added regulations regarding roof material within the Design Standards and Guidelines section. The adopted roof material regulations states that corrugated metal, unpainted materials and/or reflective materials are not permitted.

Concerned about the use of exposed metal roof and other metal building materials, there were several property owners and their representatives present at both the Town Council and Planning Commission meetings for the NAVISP Amendment No. 1. These property owners and their representatives spoke at the May 16, 2007 Planning Commission meeting and supported the high quality design standards required in the Specific Plan, which they equated to protecting their investments and maintaining high property values. The May 16, 2007 minute excerpt is attached to this report.

(continued on next page)

Recommended Action:

Move to receive and file the report.

Proposed by: Planning Division **Item Number** _____

Town Manager Approval: _____ **Budget Item** Yes No N/A

The use of exposed metal was also discussed by the Planning Commission at its November 7, 2007 meeting. The discussion was related to an expansion of existing Reid Products facility. The related minute excerpt is also attached to this report. The existing Reid Products facility has exposed metal buildings and the proposal was to continue the use of exposed metal on the new building. The existing facility is considered a legal non-conforming use due to the exposed metal. The continued use of exposed metal is considered an expansion of an existing non-conforming use.

In accordance with the Specific Plan, a Conditional Use Permit is required to expand an existing non-conforming use. Staff and the applicant were able to compromise on a design that has a combination of a stucco appearance and some exposed metal. The Planning Commission approved this concept, with the understanding that any new development would continue to maintain the high quality design standards set forth in the Specific Plan. The intent of the regulations prohibiting exposed metal is to ensure that the Specific Plan is developed as a high quality industrial park. The legal non-conforming expansion language in the Specific Plan allows the Planning Commission to consider modifications to the Specific Plan, such as continuing the use of exposed metal, for existing facilities. This designed-in flexibility was provided to enable the Planning Commission to consider development, such as the expansion of Reid Products, on a case-by-case basis.

Based upon the foregoing, staff recommends adoption of the form motion.

Attachments: Planning Commission Minutes for May 16, 2007
 Planning Commission Minutes for November 7, 2007

MINUTE EXCERPT

TOWN OF APPLE VALLEY PLANNING COMMISSION Regular Meeting Wednesday, May 16, 2007

PUBLIC HEARING ITEMS

2. **General Plan Amendment No. 2006-004, Zone Change No. 2006-004 and Specific Plan No. 2005-001, Amendment No 1**

Applicant: Town of Apple Valley

Location: The Amendment area is bounded by Dale Evans Parkway on the west, Papago Road on the north, Dakota Road on the east, and Waalew Road on the south. The existing Specific Plan area is bounded by Dale Evans Parkway on the west, Central Road on the east, Quarry Road on the north, and Waalew Road on the south.

Chairman Hernandez opened the public hearing at 6:05 p.m.

Consulting Planner, Nicole Sauviat Criste, presented the staff report as filed by the Planning Division.

Commissioner Kallen commented on the lack of sufficient Commercial zoning designations and suggested some Commercial zoning along Johnson Road.

Ms. Criste responded changes can be made to the land use designations; however, she felt this proposal did provide for a balance between Industrial, General Industrial and Commercial.

Ms. Lori Lamson, Assistant Director of Community Development, commented on a possible future annexation east of Town that would be evaluated and possibly provide more Commercial designation.

Mr. J.T. Stone, a property owner, stated he was in the process of constructing a building in the area based on the Town's high standards and would be against changing any of the development standards for that area.

Mr. Ronald Barbieri of Lee and Associates, stated he would be against allowing inferior metal buildings in the Industrial areas and also against reducing the established setbacks. He stated these changes would negatively impact the adjacent parcels.

Mr. Carl Ross, a property owner, in the area agreed with Mr. Stone and Mr. Barbieri about not changing any of the development standards.

Mr. Craig Halverson, with Watson Land Company, stated he owns land in the North Apple Valley Industrial Specific Plan area. He stated they were planning on developing the land and was opposed to allowing metal buildings and reducing the

setbacks. He stated the guidelines, already in place, will ensure a quality industrial park.

Mr. Nick Dicosola, talked about a corporation headquartered in Germany is interested in coming to Apple Valley to provide dialysis machines for kidney failure. He stated he was also opposed to metal buildings and reduction of setbacks.

Mr. Doug Felbinger, of Apple Valley, talked about the potential for a premiere industrial park in north Apple Valley. He stated the Specific Plan makes development easier. He stated the high development standards in place will attract quality businesses to the area. He was also against metal buildings and reduction of setbacks.

Mr. Ken Henderson, Director of Economic and Community Development, presented a summary of activities occurring in the North Apple Valley Specific Plan area. He stated he anticipated lots of job creation which will drive development in all of Apple Valley. He stated staff will keep the Planning Commission updated regarding development activities in the area.

Ms. Criste assured the Commission that the issues of allowing metal buildings and reduction of setbacks are not included in this proposal. She stated the development standards remain the same.

Since there was no one else in the audience requesting to speak to this item, Chairman Hernandez closed the public hearing at 6:35 p.m.

MOTION:

Motion by Vice-Chairman Tinsley, seconded by Commissioner Putko, that the Planning Commission move to

1. Adopt Planning Commission Resolution No. 2007-11, recommending that the Town Council:
 - a. Adopt the Mitigated Negative Declaration, Mitigation Monitoring Program for General Plan Amendment and Zone Change No. 2006-004 and Specific Plan Amendment No. 1, finding that on the basis of the whole record before the Planning Commission (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Town's independent judgment and analysis;
 - b. Adopt the recommended Findings in the staff report and General Plan Amendment No. 2006-004, changing land use designations to those identified in Specific Plan 2005-001, Amendment No. 1;
 - c. Adopt an Ordinance approving Specific Plan No. 2005-001, Amendment No. 1, the North Apple Valley Industrial Specific Plan; and
 - d. Adopt an Ordinance approving Zone Change No. 2006-004, implementing the zoning established by Specific Plan No. 2005-001, Amendment No. 1, including the land use designations identified therein.

ROLL CALL VOTE:

Ayes: Commissioner Hawley
 Commissioner Kallen
 Commissioner Putko
 Vice-Chairman Tinsley
 Chairman Hernandez

Noes: None

Abstain: None

Absent: None

The motion carried by a 5-0-0-0 vote

MINUTE EXCERPT
TOWN OF APPLE VALLEY
PLANNING COMMISSION
Regular Meeting
Wednesday, November 7, 2007

PUBLIC HEARING ITEMS

3. Conditional Use Permit No. 2007-006.

Applicant: Mr. Daniel Seagondollar, Architect for Kevin Reid

Location: 21430 Waalew Road. The property is located on the north side of Waalew Road, between Dakota and Ramona Roads; APN 463-405-06.

Chairman Hernandez re-opened the open, continued public hearing at 6:05 p.m.

Ms. Carol Miller, Senior Planner, presented the staff report as filed by the Planning Division.

Commissioner Kallen requested to know if a lifeline trail was along Waalew Road or if it had been moved with the modifications made last year to the Circulation Element.

Ms. Lamson responded staff would double check to make certain the trail is still along Waalew Road.

Mr. Kevin Reid, the applicant, stated he agreed with all of the Conditions of Approval.

Mr. Steve Childs, of Apple Valley, stated he was employed by Reid Products and was in favor of the expansion of the Company.

Ms. Lisa Zinnceri, Apple Valley, stated she was also employed by Reid Products and was a commuter before she obtained her job here. She stated the expansion of the business will benefit the employees and the Town.

Mr. Justin White, Apple Valley, also an employee of Reid Products, commented they have outgrown their building and need the expansion which would also allow them to hire more employees.

Since there was no one else in the audience requesting to speak to this item, Vice-Chairman Tinsley closed the public hearing at 6:11 p.m.

Commissioner Allen commented that the expansion of the business would benefit the Town.

Commissioner Putko agreed, stating he was impressed with the way the business is maintained.

Vice-Chairman Tinsley questioned the roofing material.

Mr. Darryl Evey, who represents the applicant, presented a sample of the roofing material to the Commission.

Vice-Chairman Tinsley stated he had seen roofing materials that were better suited to the high standards of the North Apple Valley Industrial Specific Plan; however, he stated the material was an improvement over what they had proposed in the past.

MOTION:

Motion by Vice-Chairman Tinsley, seconded by Commissioner Kallen, that the Planning Commission move to find that:

1. The land use is consistent in scope analyzed under the certified EIR for the North Apple Valley Industrial Specific Plan; therefore, pursuant to the California Environmental Quality Act (CEQA), Section No. 15162, the proposal is Exempt from further environmental review.
2. Find that the facts presented in the staff report supports the approval of Conditional Use Permit No. 2007-006 and adopt the findings and further find the project complies with the requirements of the North Apple Valley Specific Plan with the approval of a CUP.
3. Approve Conditional Use Permit No. 2007-006, subject to the Conditions of Approval.
4. Direct staff to file a Notice of Determination.

ROLL CALL VOTE:

Ayes: Commissioner Allen
 Commissioner Kallen
 Commissioner Putko
 Vice-Chairman Tinsley

Noes: None

Abstain: None

Absent: Chairman Hernandez

The motion carried by a 4-0-0-1 vote