

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT ORDINANCE 427 OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM PLANNED INDUSTRIAL (I-P) TO SPECIFIC PLAN (SP) FOR THE AMENDMENT AREA; AND ADOPT ORDINANCE 428 OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 5, THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN.

Summary Statement:

At its January 10, 2012 meeting, the Town Council reviewed and introduced Ordinance Nos. 427 and 428, which amends the North Apple Valley Industrial Specific Plan by adding 1,120 acres and amends the zoning from Planned Industrial (I-P) to Industrial-Specific Plan (I-SP) for the land located on the north side of Quarry Road and the northeast corner of the Specific Plan area that was annexed into the Town in 2011 (Annexation No. 2008-002). As part of the requirements to adopt any new Ordinance, Ordinance Nos. 427 and 428 have been scheduled for adoption at the January 24, 2012 Town Council meeting.

Attachments: Ordinance No. 427
Ordinance No. 428

Recommendation:

Adopt Ordinance No. 427 and Ordinance No. 428

Proposed by: Planning Division

Item Number _____

Town Manager Approval: _____

Budget Item Yes No N/A

Council Meeting Date: 1/24/12

ORDINANCE NO. 427

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING DESIGNATION FROM PLANNED INDUSTRIAL (I-P) TO SPECIFIC PLAN (SP) FOR THE AMENDMENT AREA.

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 from Planned Industrial (I-P) to Specific Plan (SP) as shown on Exhibit "A", and incorporated herein by reference; and

WHEREAS, Specific Plan No. 2005-001 Amendment No. 5, amends Exhibit II-2 (Land Use Map) to indicate a land use designation of Industrial Specific Plan (I-SP) for the amendment area; and

WHEREAS, on December 16, 2011, Zone Change No. 2011-01 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, the existing conditions, impacts and mitigation measures were addressed in that document for all the CEQA issue areas, categorically, under the discussion labeled "Annexation No. 2008-002". Furthermore, the land use designation proposed in the General Plan Land Use Map is consistent with the land use proposed in the Specific Plan Amendment. Conditions in the Specific Plan Amendment area have not changed since the preparation and certification of the General Plan EIR; and

WHEREAS, on September 7, 2011, the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Zone Change No. 2011-01, receiving testimony from the public and adopting Planning Commission Resolution No. 2011-03 forwarding a recommendation to the Council; and

WHEREAS, on December 13, 2011, the Town Council of the Town of Apple Valley conducted a duly noticed and advertised public hearings on Zone Change No. 2011-01, 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. 2011-01 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 changes proposed by Zone Change No. 2011-01 are consistent with

the Goals and Policies of the Town of Apple Valley adopted General Plan as amended, and with Specific Plan No. 2005-001 Amendment No. 5.

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 from Planned Industrial (I-P) to Specific Plan (SP) 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.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 24th day of January, 2012.

ATTEST:

Honorable Barb Stanton, Mayor

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

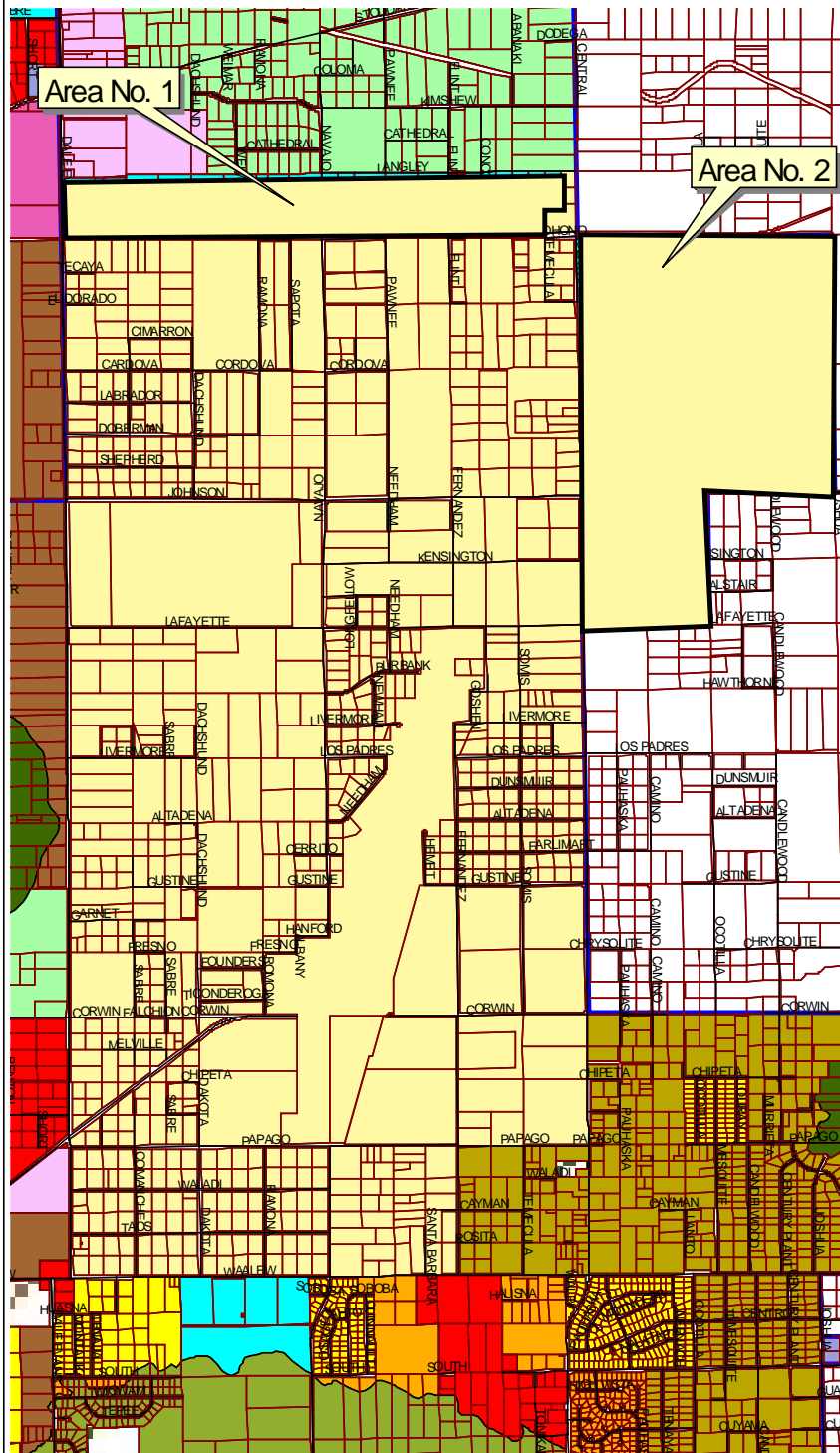
APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager

Exhibit "A"

From Planned Industrial (I-P) To Specific Plan (SP)



Residential Districts

- (R-VLD) Very Low Density Residential (1du/5+ per gross acre)
- (R-A) Residential Agriculture (1du/2.5 gross ac)
- (R-LD) Low Density Residential (1 du/2.5 to 5 gross ac)
- (R-E) Estate Residential (1 du/1 to 2.5 gross ac)
- (RE-3/4) Estate Residential 3/4 (1 du/0.75 net ac)
- (R-EQ) Equestrian Residential (1 du/0.4 to 0.9 net ac)
- (R-SF) Single Family Residential (1du/0.4 to 0.9 net ac)
- (R-M) Multi-Family Residential (2 to 20 du/net ac)
- (MHP) Mobile Home Park
- (PRD) Planned Residential Development

Commercial/Office Districts

- (C-G) General Commercial
- (C-V) Village Commercial
- (C-S) Service Commercial
- (O-P) Office Professional
- (C-R) Regional Commercial

Industrial Districts

- (I-P) Planned Industrial
- (I-RE) Resource Extraction

Other Districts

- (P-F) Public Facilities
- (OS-C) Open Space Conservation
- (OS-R) Open Space Recreation
- (MU) Mixed Use
- (SP) Specific Plan

Overlay Districts

- (A-1) Airport Overlay District
- (A-2) Airport Overlay District
- (F-H) Flood Hazard Overlay District
- (FH-L) Flood Hazard Lake Overlay District

500 0 500 Feet

ORDINANCE NO. 428

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN NO. 2005-001 AMENDMENT NO. 5, THE NORTH APPLE VALLEY INDUSTRIAL SPECIFIC PLAN.

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 Plan 2005-001 Amendment No. 5 is consistent with the General Plan and Municipal Code of the Town of Apple Valley; and

WHEREAS, on December 16, 2011, Specific Plan 2005-001 Amendment No. 5 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

WHEREAS, the existing conditions, impacts and mitigation measures were addressed in that document for all the CEQA issue areas, categorically, under the discussion labeled "Annexation No. 2008-002". Furthermore, the land use designation proposed in the General Plan Land Use Map is consistent with the land use proposed in the Specific Plan Amendment. Conditions in the Specific Plan Amendment area have not changed since the preparation and certification of the General Plan EIR; and

WHEREAS, on September 7, 2011 the Planning Commission of the Town of Apple Valley conducted a duly noticed public hearing on Specific Plan 2005-001 Amendment No. 5, receiving testimony from the public and adopting Planning Commission Resolution No. 2011-003 forwarding a recommendation to the Council; and

WHEREAS, on January 10, 2012 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. 5, 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. 5 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 2005-001 Amendment No. 5 is consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan as amended.

Section 3. The Town Council hereby adopts the attached Specific Plan No. 2005-001 Amendment No. 5 document, the North Apple Valley Industrial Specific Plan.

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.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 24th day of January, 2012.

ATTEST:

Honorable Barb Stanton, Mayor

La Vonda M. Pearson, Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

John Brown, Town Attorney

Frank Robinson, Town Manager