

**TOWN OF APPLE VALLEY
TOWN COUNCIL – SPECIAL MEETING
MINUTES – MAY 12, 2009**

The Special Meeting of the Town of Apple Valley Town Council was called to order at 4:09 p.m. at Town Hall, 14955 Dale Evans Parkway, Apple Valley, California.

ROLL CALL

Roll call was taken with the following members present: Council Members Peter Allan; Bob Sagona; Ginger Coleman; Mayor Pro Tem Scott Nassif; Mayor Rick Roelle.
Absent: None.

BUSINESS OF THE COUNCIL

General Plan Amendment No. 2008-001 (General Plan Update), Annexation No. 2008-001 and Annexation No. 2008-002.

Nicole Criste, Consultant, presented the staff report as filed with the Town Clerk. She stated that staff was pleased to presented the results of several years worth of community input. She presented the proposed General Plan and commented on items included in the proposed document including an Environmental Impact Report.

Ms. Criste stated that this Public Hearing would be continued to a special meeting on June 9, 2009.

Ms. Criste explained that the staff report includes short summaries of proposed changes. She also stated that the Council will be asked to review four (4) requests that have been submitted to staff for land use changes.

Councilwoman Coleman stated that there is a general law exception that allows large property owners to vote on certain issues that pertain to their property. She stated that based on this law, she does not need to excuse herself from the discussion on the land use changes; however, legal counsel has recommended that she not participate in the discussions when Altec Engineering is making its presentations.

Mayor Roelle opened the public hearing at 4:15 p.m.

Anthony Thomas, Property Owner, believed the residents and property owners in the Bell Mountain area should remain outside the Town limits. He recommended the Golden Triangle remain County property.

Jim Blackburn, Property Owner, expressed concern regarding the Town's desire to incorporate the property near Bell Mountain. He stated that incorporation was unsuccessfully attempted several years ago with a vote of 49-3.

Ms. Criste explained the process that takes place for annexation.

Dino Defazio, Developer, commented property that he owns within the Town where the zoning may be changed to multi-family. He requested an update on the multi-species plan.

Angelo Cici, Shear Realty, expressed concern regarding a decision made by the Planning Department regarding a change in zoning.

Ms. Criste informed the Town Council that Mr. Defazio's property would be considered at the meeting of June 9.

TC1

Location: East side of Central, north of Standing Rock. Property immediately south was designated C-G at the joint Planning Commission/GPAC workshop. However, this parcel is not on the corner, and it is unlikely additional commercial land can be supported at this location, due to the proximity to SR-18.

Councilman Allan questioned the discussions held by the Planning Commission on this property.

Ms. Criste explained that these are two separate properties with separate owners. She stated that the Planning Commission felt a change should not be considered until actual projects are proposed.

Discussion ensued regarding a zone change from Residential to Commercial.

Mayor Pro Nassif shared concern about the development of the area and stated he is in support of the Planning Commission recommendation until an actual project comes forth.

Councilwoman Coleman shared concern regarding making any changes to the area without an existing project.

Mayor Roelle also shared concern regarding making zone changes at this time.

MOTION

Motion by Councilman Allan, seconded by Mayor Roelle to approve the request to change zoning from Residential to Commercial.

Vote: Motion failed 1-4-0-0

Yes: Councilmember Allan. Noes: Councilmembers Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Absent: None.

Nicole Criste, Terra Nova, requested that the Council make a motion to decide if the zoning should remain single family residential

MOTION

Motion by Councilwoman Coleman, seconded by Councilman Sagona to maintain the current zoning.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

TC2:

Location: Non-contiguous lots -- East and west side of Stoddard Wells, north of Johnson Road. The GPAC did not consider these properties in particular, but felt that the central core of the Golden Triangle, away from Dale Evans and I-15, should remain low intensity residential. The Planning Commission did not address this area. Located in Annexation 2008-001

Ms. Criste commented on TC2. She gave the dimensions of the property. She stated that the Planning Commission did not address this property. The Applicant was not present to speak.

Mayor Pro Tem Nassif stated that he was in support of this project.

Mayor Roelle stated he would support to keep land use designation as recommended.

MOTION

Motion by Mayor Pro Tem Nassif, seconded by Councilwoman Coleman to keep land use designation as recommended.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

TC3:

Location: West side of Quinnault, north of Nisqually. The General Plan requires all new MHPs to file a General Plan Amendment and Zone change when the project is processed. In this case, however, granting the GP designation will preclude development of the site until such time as the Development Code standards are developed, which will take about 6 months. Staff would recommend that the designation remain R-M, so that the MHP can be processed with a CUP immediately, and that the Council direct staff to process the GPA and Development Code Amendment concurrently, at no charge to the applicant.

Ms. Criste stated that this request was submitted after the Planning Commission's review of their portions of the map and after they took action. Staff's recommendation is a procedural one. She explained that when you adopt the General Plan and the Mobile Home Park designation there can be no changes for four to six months during the

process. She explained the need to take the action on this item so that there will not be a delay in the project due to procedures that will have to take place.

Ian Summers, Santiago Summers, representing the Applicant, is in agreement with the plan.

MOTION

Motion by Councilman Sagona, Seconded by Mayor Pro Tem Nassif, to continue with current zoning designation.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Coleman; Sagona; Mayor Pro Tem Nassif; Mayor Roelle.

Absent: None.

TC4:

Location: West side of Central between Las Tunas (Sandia) and Lancelet Road. This 1 acre minimum area is a natural transition between more dense residential land uses to the west and the County land use designations to the east, which are a minimum lot size of 2.5 and 1 acre. The R-E designation should be maintained

Councilwoman Coleman stated that she had a conflict of interest on this item and will not be participating in the vote.

Nicole Criste, Terra Nova, explained this project and the proposed designation.

Councilman Allan questioned the number of individuals who owned the property.

Carl Coleman, Aztec Engineering, representing the owner, commented on the amount of work that was done on this property. He stated that after the review of the project by the Planning Commission and GPAC (joint), a Planning Commissioner recommended that it not be changed. He stated he was unable to speak on this item. He expressed concern regarding the discussions that took place at the Planning Commission. Mr. Coleman believes that by changing the zoning to residential from residential estate it would be more feasible.

Mayor Pro Tem Nassif had questions regarding zoning on the map.

Discussion ensued regarding pages 1-32 of the staff report.

Dino Defazio, Apple Valley, commented on the request for ½ acre lots. He recommended that the Council side with the property owner. He believed that the change in density would assist the development in the area.

Mayor Pro Tem expressed concern regarding changing the zoning to ½ acre. He understands the cost of development; however, he believed it would be best to remain consistent.

Councilman Allan commented on the need to possibly rezone the property to draw additional business to the area.

MOTION

Motion by Mayor Pro Tem Nassif and seconded by Councilman Allan, to change the zoning as requested by the Applicant.

Vote: Motion carried 3-1-1-0

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif. Noes: Mayor Roelle.

Abstain: Councilwoman Coleman.

TC5:

Councilwoman Coleman stated that she had a conflict of interest on this item and will not be participating in the vote.

Nicole Criste, Terra Nova, stated that there are nine land use recommendations.

Mr. Ken Henderson, explained the need to review the recommendations and provide Mr. Coleman the opportunity to present his request.

Mayor Roelle, with the consensus of the Town Council, recommended that all nine recommendations not be addressed at this time. It was the recommendation of Mr. Coleman to discuss Area 4.

Carl Coleman, Aztec Engineering, commented on his proposed project. He asked the Council to consider Area 4 to move forward. He stated he has not been paid any money for the proposed project.

Nicole Criste, Terra Nova, commented on Area 4 as recommended by Mr. Coleman. She stated that Mr. Coleman has represented owners in the area.

Discussion ensued regarding a zone change for this property.

MOTION

Motion by Councilman Allan; seconded by Councilman Sagona, to move to maintain the current zoning.

Vote: Motion carried 5-0-0-0

Yes: Councilmember's Allan; Sagona; Mayor Pro Tem Nassif; Mayor Roelle. Abstain:

Councilwoman Coleman.

PUBLIC COMMENTS

None

ADJOURNMENT

Motion by Mayor Roelle to adjourn the Special Meeting at 5:50 p.m. and continue the Special Meeting to June 9, 2009 at 4:00 p.m.

Town Clerk

Mayor Roelle