



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-25970 - APPLICANT/OWNER: SMOKE RANCH INVESTMENTS

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 19, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/se/vq vote) recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request a rezoning from R-1 (Single Family Residential) under Resolution of Intent to R-PD10 (Residential Planned Development - 10 Units Per Acre) to C-2 (General Commercial) on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard.

Staff has determined that the range of uses permitted within the GC (General Commercial) land use category and the associated C-2 (General Commercial) zoning district are not compatible with the existing residential uses which directly border this site to the south and east. Therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/28/05	The Planning Commission tabled a request for a Rezoning (ZON-5669) from R-1 (Single-Family Residential) to C-1 (Limited Commercial) on the subject property. Staff recommended approval.
11/16/05	The City Council approved a General Plan Amendment (GPA-7678) from SC (Service Commercial) to MLA (Medium-Low Attached Density Residential); a Waiver (WVR-9060) of Title 18.12.160 to allow 88 feet between street intersections where 220 feet is the minimum separation required; a Site Development Plan Review (SDR-9061) for a 50-lot single-family residential development; and a Rezoning (ZON-9058) from R-1 (Single-Family Residential) to R-PD8 (Residential Planned Development - 8 Units Per Acre). The Planning Commission and staff recommended approval.
12/01/05	The Planning Commission approved a Tentative Map (TMP-9764) for a 50-lot, single-family residential subdivision. Staff recommended approval.
03/07/07	The City Council approved the following applications for the subject site: a request to amend the Master Plan designation from ML (Medium-Low Density Residential) to MLA (Medium-Low Attached Density Residential) (GPA-16511); a request for a rezoning from R-1 (Single Family Residential) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD12 (Residential Planned Development - 12 Units Per Acre) (ZON-16519); a request for a Site Development Plan Review for a proposed 77 -lot single family residential subdivision (SDR-16522); and a - request for a Variance to allow 25,158 square feet of open space where 54,450 square feet is the minimum required. (VAR-16525). The Planning Commission and staff recommended denial of these applications on 11/16/06.

04/18/07	The City Council approved a request for a Tentative Map for a 65-lot single-family residential subdivision on the subject site. The Planning Commission recommended denial on 03/22/07. Staff recommended approval
01/24/08	The Planning Commission recommended approval of companion item GPA-25969 concurrently with this application. The Planning Commission voted 5-2/se/vq to recommend APPROVAL (PC Agenda Item #38/ar).

Related Building Permits/Business Licenses

There are no building permits or business licenses related to this application

Pre-Application Meeting

12/04/07 The requirements for a General Plan Amendment and Rezoning were reviewed. The applicant indicated that they would not be applying for a Site Development Plan Review at this time, but that the proposed use of this site would likely be an auto repair center and min-storage.

Neighborhood Meeting

01/03/08 A neighborhood meeting was held at 6:30 P.M. in the Rainbow Library located at 3150 N. Buffalo Drive. Four members of the public attended and had no concerns.

Field Check

12/17/07 The site is undeveloped and contains vegetation, trash and debris. High tension power lines are located along the south side of the Smoke Ranch Road right-of-way. A billboard is located on the corner property containing a convenience store. Residences are located to the south and east of the subject site.

Details of Application Request

Site Area

Net Acres 5.33

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MLA	R-1 ROI R-PD10
North	Retail, office, warehouse	LI/R	C-M
South	Single family residential	ML	R-CL
East	Single family residential	ML	R-CL
West	Service Station with no automotive service; Undeveloped; single family	SC	C-1, R-E ROI C-1, (C-1 CC)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District	X		N/A
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

The Airport Overlay Standards require a maximum height of 35 feet for the northeast corner of this site, and 70 feet for the southwest portion. This issue will be addressed if and when a Site Development Plan review is submitted for this site.

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	5.33 Acres	Y
Min. Lot Width	100 Feet	270 Feet	Y
Min. Setbacks			
<ul style="list-style-type: none"> • Front • Side • Corner • Rear 	<ul style="list-style-type: none"> • 20 Feet • 10 Feet • 15 Feet • 20 Feet 	N/A N/A N/A N/A	
Max. Lot Coverage	50 %	N/A	
Max. Building Height	N/A	N/A	
Trash Enclosure	Minimum 50 feet from residential	N/A	

Per Title 19.12, the following standards apply

<i>Standards</i>	<i>Required</i>	
	<i>Ratio</i>	
Parking Area	1 tree/6 spaces	
Buffer: Min. Trees	1 tree/20 linear feet where adjacent to residential; 1 tree/30 linear feet where adjacent to residential	
Min. Zone Width	15 feet along right of way; 8 feet along remaining property lines.	

ANALYSIS

The subject site is designated MLA (Medium Low Attached Density Residential) on the Southwest Sector map of the General Plan. That category permits a maximum of 12 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low density apartments. It is also an appropriate transitional use.

There is an amendment to the General Plan (GPA-25969) that proposes to change the designation to GC (General Commercial). This designation allows retail, service, wholesale office and other general business uses of a more intense commercial character. These uses commonly include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses.

This Rezoning proposes to change the sites zoning from R-1 (Single Family Residential) under Resolution of Intent to R-PD10 (Residential Planned Development - 10 Units Per Acre) to C-2 (General Commercial). A C-2 zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 District is consistent with the General Commercial category of the General Plan.

Due to the incompatibility of this proposed zoning district with the the existing residential development to the east and south of this site, staff is recommending denial of this rezoning request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The intent and uses of the proposed C-2 (General Commercial) zoning district would conform to the proposed GC (General Commercial) General Plan designation. However, the uses typically associated with those designations would not be compatible with the adjacent residential development.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The proposed rezoning will allow for the development of retail, service, wholesale office and other general business uses of a more intense commercial character on the site. These uses are not compatible with adjacent development.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Staff finds there is no indication that a C-2 (General Commercial) zoning district is needed at this location or would be compatible with the pattern of development that is occurring in this area of the city.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Smoke Ranch Road and Decatur Boulevard are designated by the Master Plan of Streets and Highways as 100 Foot wide Primary Arterials and provide adequate access to this site.

PLANNING COMMISSION ACTION

The Planning Commission recommended approval of C-1 zoning. The applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 7

SENATE DISTRICT 4

NOTICES MAILED 345 by Planning Department

APPROVALS 4

PROTESTS 3