



Atascadero City Council

Staff Report - Community Development Department

Second Reading of Draft Ordinances for:

PLN-2099-0818

**General Plan Amendment / Zone Change / Planned Development
Amendment and Two Lot Parcel Map
Eagle Creek Golf Course
(Gearhart)**

***(Approval would result in zone changes, the authorization to replace the existing
golf course with two single-family residences, and a 10-acre
lot subdivision into two lots.)***

RECOMMENDATIONS:

Council:

1. Approve on second reading, by title only, Draft Ordinance A approving Zone Text Change 2005-0111 amending the PD-8 Overlay District based on findings; and
2. Approve on second reading, by title only, Draft Ordinance B approving Zoning Map Change 2005-0111 based on findings.

REPORT-IN-BRIEF:

The proposed project consists of a General Plan Amendment of 10.0 acres from CREC (Commercial Recreation) to RSF-Y (Residential Single-Family 1.0 acre min), a Zone Change of 10.0 acres from LS (Special Recreation) to SFR-Y (Single-Family Residential 1.0 acre min), an amendment of the Master Plan of Development for Planned Development-8 to replace an existing golf course with two single-family residences, and a parcel map to subdivide 10.0 acres into two lots. The proposed project is located within the 100-year flood plain.

The City Council held a hearing on November 13, 2007 to consider approval of the proposed project. The project was approved on a 3-2 vote with no amendments to the

proposed ordinances. The City Council must approve the two attached draft ordinance on second reading in order for the project entitlements to go into effect.

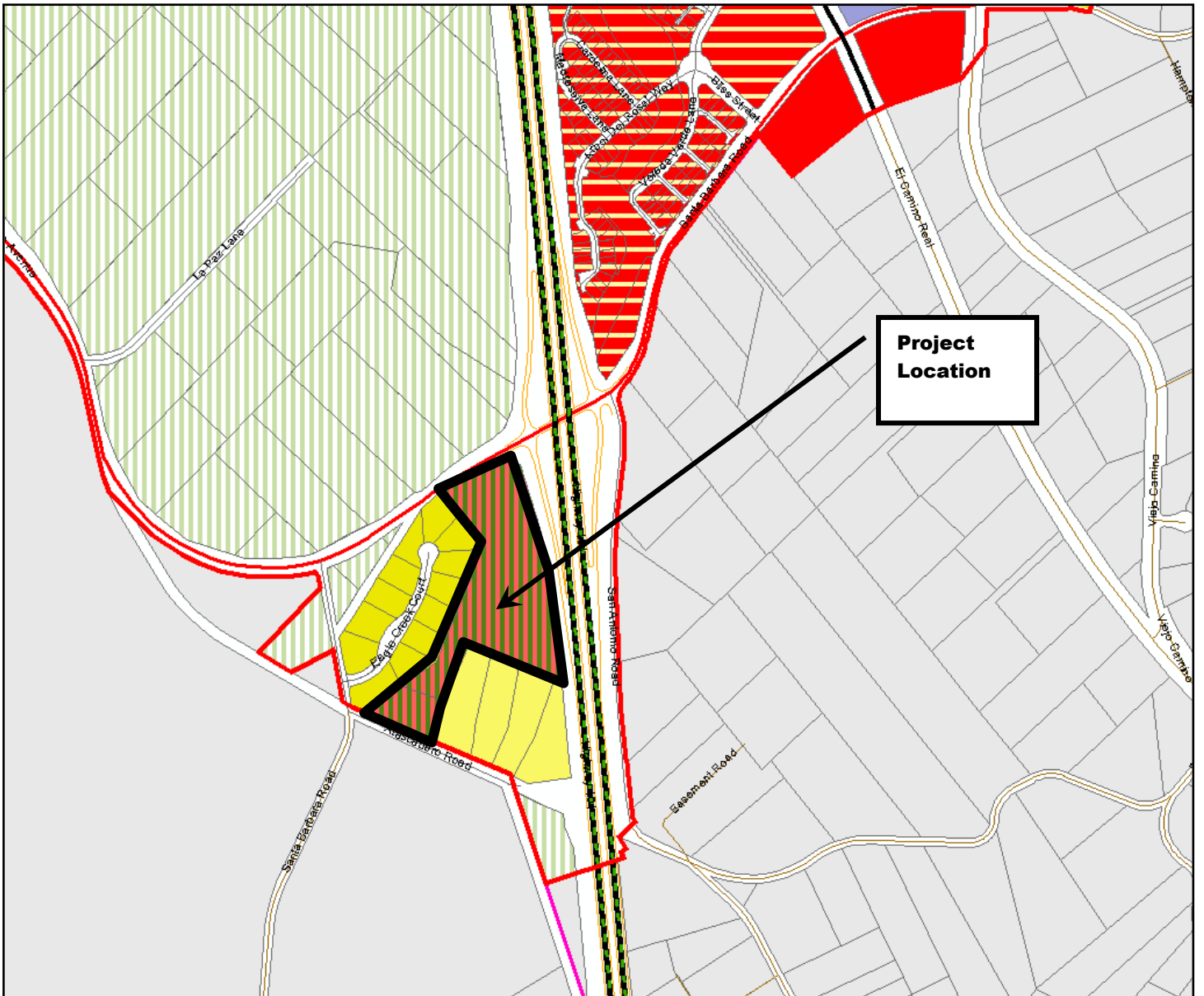
Situation and Facts:

1. Applicant / Representative: Kelly Gearhart, 6205 Alcantara Ave., Atascadero, CA 93422
2. Owner: Kelly Gearhart, 6205 Alcantara Ave., Atascadero, CA 93422
3. Project Address: 13000 Atascadero Road, Atascadero, CA 93422
APN 045-391-015, 016
4. General Plan Designation: CREC (Commercial Recreation)
5. Zoning District: LS (Special Recreation)
7. Site Area: 10.0 acres
8. Existing Use: Abandoned Golf Course
9. Environmental Status: Proposed Mitigated Negative Declaration 2007-0022

FISCAL IMPACT

The project will likely have a slight negative fiscal impact on City Revenues. A City fiscal analysis found that residential projects tend to require services that exceed the tax revenues generated. The total deficit for the project is estimated at less than \$1,000 and is off-set by the large privately maintained open space area.

Location Map



ATTACHMENTS:

Attachment 1: Draft Ordinance A
Attachment 2: Draft Ordinance B

**DRAFT
ORDINANCE A**

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE
2005-0111 TO AMEND PLANNED DEVELOPMENT OVERLAY DISTRICT-8
APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)**

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422, (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, Article 28 of the Atascadero Municipal Code allows for the creation of Planned Development Overlay Zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Code Text to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the Planning Commission of the City of Atascadero at which

hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on October 16, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments; and,

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on November 13, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project and the Planning Commission's recommendation; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS

SECTION 1. Findings for Approval of a Zone Text Change Amending PD-8 Planned Development Overlay District. The City Council finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 13, 2007, resolved to introduce for first reading by title only, an Ordinance that would amend the City Zoning code text with the following:

Section 9-3.652 of the Atascadero Municipal Code is amended to read as follows:

9-3.652 Establishment of Planned Development Overlay Zone No. 8: (PD8).

Planned Development Overlay Zone No. 8 is established as shown on the Official Zoning Maps (Section 9-1.102). The following development standards are established:

- (a) A Master Plan of Development shall be approved prior to any development of the site. The Master Plan shall be processed in the same manner as a Conditional Use Permit except that that Master Plan may be submitted and processed in the same manner set forth for the processing of a tentative map.
- (b) In approving a Master Plan of Development for the site, the uses allowed shall be

limited to:

- (1) Single-family dwellings;
- (2) Residential accessory uses (See Section 9- 6.106);
- ~~(3) Crop production and grazing;~~
- ~~(4) Farm animal raising (See Section 9- 6.111);~~
- (5) Home occupation (See Section 9-6.105);
- ~~(6) Temporary dwelling (See Section 9-6.176);~~
- ~~(7) Agricultural accessory uses (See Section 9- 6.109);~~
- ~~(8) Outdoor recreation services, limited to a golf course and/or tennis and swim club (See Section 9- 6.123);~~
- (9) Pipelines;

(c) No uses shall be established, or expanded, unless approved pursuant to a Master Plan following a public hearing.

(d) The grove of oak trees located on the slope between the top of the knoll and the intersection of Santa Barbara and Atascadero Roads shall be preserved. In approving a Master Plan, or Tentative Map, efforts shall be made to place this extreme western portion of the property into open space easement, or otherwise ensure its preservation.

~~(e) Any substantial expansion of recreational uses beyond a nine-hole golf course shall require preparation of a traffic study. The result of that traffic study and recommendation shall appear on the consent calendar of the City Council.~~

~~(f) Residential uses shall be subject to Appearance Review. (Ord. 338 § 2, 1998; Ord. 221 § 3, Exh. B, 1991)~~

(g) An open space easement of 6.5± acres shall be maintained in perpetuity on the northern part of lot 1 created by parcel map AT 05-0364. The open space easement shall remain landscaped and with plant material in good condition consistent with the landscape plan adopted by CUP 2005-0175 (Master Plan of Development PD-8). No structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement. No further subdivisions or lot line adjustments shall be permitted of lot 1 created by parcel map AT 05-0364.

(g) The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.

SECTION 3: A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on _____,
and **PASSED** and **ADOPTED** by the City Council of the City of Atascadero, State of California,
on _____, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C.,
City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

**DRAFT
ORDINANCE B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, APPROVING ZONE CHANGE 2005-0111,
AMENDING THE OFFICIAL ZONING MAP DESIGNATION FROM LS /
PD-8 / FH (SPECIAL RECREATION WITH A PLANNED
DEVELOPMENT-8 AND FLOOD HAZARD OVERLAY) TO RSF-Y / PD-8 /
FH (RESIDENTIAL SINGLE-FAMILY 1.0 AC MIN WITH A PLANNED
DEVELOPMENT-8 AND FLOOD HAZARD OVERLAY)
APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)**

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422 (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422 (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, the Planning Commission has recommended that the site's current General Plan Designation be changed from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min); and,

WHEREAS, the site's current zoning district is LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has recommended that it is in the best interest of the City to enact this amendment to the Official Zoning Map to protect the health, safety and welfare of its citizens by applying orderly development of the City; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Change application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Amendments; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on November 13, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project and the Planning Commission's recommendation, and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development 8 and Flood Hazard Overlay). The City Council finds as follows:

1. The proposed Zone Change is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.
2. The proposed Zone Change is compatible with existing development, neighborhoods and the environment.
3. The proposed Zone Change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.
4. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
5. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
6. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

7. The proposed project offers certain redeeming features to compensate for the requested Zone Change.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 13, 2007, resolved to introduce for first reading by title only, an Ordinance that would amend the Atascadero Zoning Map consistent with the following:

Exhibit A: Zone Map Amendment Diagram

SECTION 3: A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on _____, and **PASSED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C.,
City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

Exhibit A: Zone Map Amendment Diagram

