Atascadero City Council

Staff Report - Community Development Department

Title 9 Planning and Zoning Text Amendment
PLN 2099-1002 for ZCH 2004-0091
5190 Portola Road
(Nolan)

(Proposed project would allow a 2-lot residential planned development.)

RECOMMENDATION:

Council adopt on second reading by title only, Draft Ordinance A, adopting Zone Change 2004-0091 establishing a Zone Map Change at 5190 Portola Road, based on findings.

DISCUSSION:

On September 11, 2007, the City Council conducted a public hearing and introduced the zone map change for first reading to establish a Planned Development 16 for a two lot subdivision project. On a 3-1 vote, City Council approved the first reading.

ATTACHMENTS:

Attachment 1: Draft Ordinance A
DRAFT ORDINANCE A


5190 Portola Road
(Nolan)

WHEREAS, an application has been received from Ed Nolan, 5190 Portola Road, Atascadero, CA 93422 (Applicant and Property Owner), to consider a project consisting of a Zone Change from RSF-Z (Residential Single-Family-Z) to RSF-Z/PD16 (Residential Single-Family-Z with a Planned Development Overlay-16) with corresponding Master Plan of Development and Tentative Parcel Map located at 5190 Portola Road Avenue, (APN 054-051-021); and,

WHEREAS, the site’s General Plan Designation is SFR-Z (Single-Family Residential-Z); and,

WHEREAS, the site’s current zoning district is RSF-Z (Residential Single-Family –Z; 1.5 to 2.5 acre minimum); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0005 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 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, the City Council has determined 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, 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 the Planning Commission recommended denial of the project; and,
WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on September 11, 2007, studied and considered Zone Change 2004-0091 (PLN 2099-1002), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council of the City of Atascadero takes the following actions:

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RSF-Z/PD-16. The Planning Commission 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.
4. The proposed project offers certain redeeming features to compensate for the requested zone change.
5. The project site includes an open space easement.
6. The intent and purpose of the PD-16 Overlay includes providing relief from the City’s Subdivision Ordinance regulating flag lots (Section 11-6.26 of the City’s Municipal Code).
7. Modification of the 3:1 depth to width ratio requirement of the City’s Subdivision Ordinance is necessary based on the size and shape of the property and different property ownerships which reduce access to the public road.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on September 11, 2007, resolved to approve on second reading by title only, an ordinance that would rezone the subject site consistent with the following:

Exhibit A: Location Map/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

By: ______________________________
 Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________________
Robert Schultz, Interim City Attorney
**Exhibit A: Location Map / Zone Map Amendment Diagram**

**Existing Designation:**
- Single Family Residential
- Residential Single Family - Z

**Proposed Designation:**
- Single Family Residential - Z
- Residential Single Family -Z/ PD-16