

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PROPOSAL TO INITIATE ZONING CODE AMENDMENT: SCOPE OF LAND USES IN THE PARKS AND OPEN SPACE (POS) ZONE

DATE: AUGUST 2, 2005

Needs: For the City Council to consider directing staff to initiate a Zoning Code Amendment to modify the land use matrix with regard to the Parks and Open Space Zone.

Facts:

1. The City's General Plan defines the purpose of the Parks and Open Space Land Use Category "to provide a category for public and private properties that are to be used only for open space and recreation."
2. The Zoning Code has a consistent POS Zone category. The Land Use Matrix in the Zoning Code provides for the range of land uses that are permitted or conditionally permitted in the POS Zone.
3. Attached is a list of the land uses that are currently permitted or conditionally permitted in the POS Zone.
4. The list of permitted or conditionally permitted land uses does not include indoor and outdoor recreation uses that would seem to be consistent with the General Plan definition of POS. Excluded land uses include the following:
 - Gyms, health spas
 - Racquetball, handball courts
 - Pool, waterslides
5. One of the property owners within the Chandler Ranch Area Specific Plan is proposing that an "Aquatic Center" be provided for on private property adjacent to Barney Schwartz Park.
6. An "Aquatic Center" or other recreational land uses could be provided for with a Commercial Zone category. A Commercial Zone would, however, allow a much broader range of land uses that include uses that would seem less compatible with Barney Schwartz Park.

7. Amending the range of permitted or conditionally permitted land uses in the POS Zone would allow consideration of a range of recreation related land uses without opening the adjacent property for general commercial uses.

Analysis
and

Conclusion:

The General Plan land use category of “Parks and Open Space” allows a relatively wide range of permitted and conditionally permitted uses, as demonstrated by the attached list. Certain land uses that would seem consistent with “recreation” are not provided for, including gyms, health spas, indoor racquetball courts, and aquatic facilities.

Modifying the range of permitted land uses in the POS Zone would allow greater flexibility in terms of land uses that would seem compatible with the General Plan and also public park and recreation facilities like Barney Schwartz Park. Use of the POS Zone would preclude establishment of a much broader range of commercial land uses that would include less compatible uses.

Requiring approval of a Conditional Use Permit would provide a means through which the Planning Commission could evaluate particular proposals for the compatibility.

It is suggested that the City Council consider directing staff to initiate a Zoning Code Amendment to provide for the following land uses within the POS Zone, subject to approval of a Conditional Use Permit:

- Gyms, health spas
- Racquetball, handball courts
- Pool, waterslides, and other aquatic facilities

Policy

Reference:

General Plan, Zoning Code

Fiscal

Impact:

Staff time and materials to process Zoning Code Amendment (nominal)

Options:

- a. Direct staff to initiate a Zoning Code Amendment regarding the scope of permitted and conditionally permitted uses in the POS Zone, consistent with the above described approach.
- b. Amend, modify or reject the foregoing options.

Parks and Open Space Zone

Permitted land uses:

- Cattle, horse and sheep grazing
- Poultry & rabbit keeping accessory to [permitted] residential use
- Crop production
- Seasonal stands (including Christmas trees and pumpkins)
- Wine-tasting rooms
- Caretaker residence accessory to a business, one per business
- Guest house without kitchen facilities
- Home occupation business
- Residential care facilities, 6 or fewer residents
- Single-family dwelling
- Family day care with 14 or fewer children
- Convention centers (private)
- Public facilities
- Public parks, playgrounds, and ball fields
- Public utilities facilities
- Public schools
- Restaurants accessory to golf courses or resort/spa
- Temporary construction yards in conjunction with a valid building permit

Conditionally permitted land uses:

- Equestrian facilities
- Year-round roadside produce stands and Certified Farmers markets
- Wineries
- Caretaker residence accessory to a business, more than one per business
- Employee housing appurtenant to an approved commercial or industrial development (outside of Airport Land Use Review Area)
- Single-family dwelling if less than a one acre parcel
- Family day care with more than 14 children
- Libraries, museums and art galleries (private)
- Social halls, clubs, lodges, scout huts and fraternal organizations
- Ball fields, playgrounds, stadiums and amphitheaters
- Golf course, driving ranges
- Hot spring resort/spa
- Tennis courts
- Bed & Breakfast Inns
- Hotels and Motels
- Recreational Vehicle Parks
- Sand & gravel mining
- Fill dirt mining
- Addressing non-conforming situations