

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNING COMMISSION GUIDELINES FOR CONDITIONS OF APPROVAL, CHURCHES IN COMMERCIAL ZONES

DATE: SEPTEMBER 6, 2005

Needs: For the City Council to consider adopting a set of Guidelines for Planning Commission use when considering applications for churches on commercial zoned properties.

Facts:

1. At the City Council meeting of July 19, 2005, the City Council considered and approved a Zoning Code Amendment that would allow churches to be established in the Regional Commercial Zone, subject to approval of a Conditional Use Permit (CUP).
2. In conjunction with the Council discussion, concerns were expressed regarding potential impacts of churches in the Regional Commercial zone. Staff was directed to bring back suggested guidelines that could be considered when the Planning Commission evaluates CUP applications for churches.
3. Consideration of this topic was continued from the August 2, 2005 Council meeting.

Analysis
and

Conclusion: City Council concerns with churches in the Regional Commercial Zone seemed to center on compatibility among land uses and consistency with the City's adopted Economic Development Strategy. Compatibility includes consideration of public health, safety and welfare.

The adopted Economic Development Strategy focuses on commercial land uses that generate revenue to the City. Those commercial land use revenues are needed to off-set the costs of providing services to the entire community, including but not limited to:

- Police
- Emergency Services
- Parks & Recreation
- Library

- Road construction and maintenance
- Bridges, interchanges and traffic control devices
- General City government / administration

To the extent that churches would displace revenue-generating land uses in the Regional Commercial or other commercial zone locations, there could be inconsistency with the City's Economic Development Strategy.

In addition to potential loss of sales tax and/or transient occupancy taxes, there may be incompatibility between churches and commercial land uses including but not limited to sale of alcohol (which is land use that is permitted by right in the commercial zones).

Based on the foregoing considerations, attached is a draft Resolution that would outline some suggested policy parameters that the Planning Commission should consider in conjunction with approval of a CUP for a church in a commercially zoned location.

The Planning Commission has the discretion to approve, conditionally approve or deny an application for a CUP for a church in a commercially zoned location. Having adopted Guidelines should assist the Commission.

Policy

Reference: General Plan, Economic Strategy, Zoning Code

Fiscal

Impact: Without adequate considerations as to potential impacts, there could be a significant adverse effect resulting from approval of a CUP for a church in a commercially zoned area

Options:

- Adopt Resolution No. 05-xx providing Guidelines for the Planning Commission to consider when evaluating an application for a Conditional Use Permit for a church in a commercially zoned location.
- Amend, modify or reject the foregoing option.

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ESTABLISHING GUIDELINES FOR PLANNING COMMISSION CONSIDERATION OF
CONDITIONAL USE PERMITS FOR CHURCHES IN COMMERCIAL ZONED AREAS

WHEREAS, the City's General Plan provides for a balance of land uses, including but not limited to residential, commercial, industrial, public, and institutional; and

WHEREAS, the ability of the City to provide services to the community, including but not limited to Police, Emergency Services, Parks & Recreation, Library, Road construction and maintenance, Bridges, interchanges and traffic control devices, and General City government / administration, is dependent upon sales tax and other revenues from commercial land uses; and

WHEREAS, the City's adopted Economic Development Strategy has the purpose and intent of fostering revenue generating land uses to provide employment and income to the City to pay for the costs of facilities and services of general public benefit; and

WHEREAS, locating a church in a commercially zoned location could result in incompatibility with land uses that are permitted by right in a commercial zone (e.g. sale of alcoholic beverages) and/or could displace revenue generating land uses upon which the City depends for covering the costs of City facilities and services; and

WHEREAS, churches are conditionally permitted in all residential zones, most commercial zones, and two manufacturing zones, thereby providing a wide range of opportunities to establish a church in a location that is suitable for the church and, at the same time, does not raise issues of compatibility and/or adverse fiscal impact on the City; and

WHEREAS, there are currently no established guidelines or standards for the issuance of a Conditional Use Permit for a church in a commercially zoned location; and

WHEREAS, establishment of guidelines that would assist the Planning Commission in their consideration of a Conditional Use Permit for a church in a commercially zoned location could help prevent conflicts between land uses and inconsistencies with the implementation of the City's Economic Development Strategy.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby establish the following guidelines for use by the Planning Commission in their consideration of a Conditional Use Permit for a church in a commercially zoned location:

1. A prerequisite to approval of a Conditional Use Permit for a church in a commercially zoned location should be a written acknowledgement by the applicant of the range of land uses that are permitted either by right or conditionally in the City's commercial zones and a statement that the applicant will not protest the establishment of land uses that are provided for in the Commercial zones as reflected in the City's Zoning Code. The Planning Commission should also consider the issue of land use compatibility and consider denial of the Conditional Use Permit for a church if the Planning Commission concludes there is a potential for incompatibility.

2. In conjunction with consideration of an application for a Conditional Use Permit for a church in a commercially zoned location, the Planning Commission should evaluate whether the design, location and operation of the proposed church is consistent with the protection of the public health, safety and welfare and whether the proposed church use will have a significant adverse fiscal impact upon the neighboring properties. A finding that such use is inconsistent with the public health, safety and welfare or that it will have a significant adverse fiscal impact would be grounds for denial of the pending application.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 6th day of September 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk