

5.1 Staff Report (For Possible Action - Recommendation to City Council): Case No. LDC23-00005 (Highland Zoning Map Amendment) Case No. **LDC23-00005 (Highland Zoning Map Amendment)** - A request has been made for a zoning map amendment from ±111.42 acres of Planned Unit Development (PUD) to ±46.49 acres of Multi-Family Residential (MF-14), ±44.95 acres of Parks, Greenways and Open Space (PGOS), ±16.14 acres of Multi-Family Residential (MF-30), and ±3.83 acres of General Commercial (GC). The ±111.42 acre subject site has ±1,981.32' of frontage on Lemmon Drive, ±476.82' of frontage on Sky Vista Parkway, and ±732.1' of frontage on Vista Knoll Parkway with a Master Plan land use designation of Suburban Mixed-Use (SMU) and Special Planning Area (SPA). There is a concurrent request for a conditional use permit and tentative map at this subject site (LDC23- 00006). **[Ward 4]**

Joey Winter, Associate Planner, gave an overview of the project.

Disclosures:

Familiar with the site, spoke with applicant's representative.

Public Comment:

Sheryl Wolfe, via Zoom, expressed concern regarding congestion on 395.

Questions:

Mr. Winter answered questions from Commissioner Munoz regarding the change in the amount of commercial development that would be allowed if this is approved.

John Krmpotic, applicant representative, explained for Chair Velto the topographic constraints and stated the only functional place for commercial is the 1.74 acre pad that would be visible from Lemmon Drive.

Mr. Winter responded to Chair Velto stated that the amount of grading that is proposed and the areas where there is disturbance would be an improvement from the current PUD handbook. There will be more Open Space with this proposal and it makes sense to have commercial development on the major roads.

Mark Hayden, Capstone Advisors, gave a presentation on the history of the project.

Commissioner Drakulich asked how many stores or restaurants citizens can expect from 25,000 square feet of commercial space.

Mr. Hayden stated it depends on how you lay it out. The applicant has designed it for three users.

Chair Velto asked about the sloping for roads on the hill behind Walmart. Mr. Hayden stated the extension of Vista Knolls was approved in the PUD.

There was discussion regarding whether or not the discussion is staying within the agenda item topic.

Jason Garcia-LoBue, Planning Manager, stated that Under Title 18, staff evaluates zoning requests separately from the actual proposal. The zoning request analysis focused on all of the different types of potential uses that would be allowed.

Chair Velto stated that if there is an allowed use and a certain amount of land is designated for it but it is an impossibility, that is relevant in our determination of whether it should be rezoned.

Commissioner Munoz stated there is no way he can approve this going from 487,000 sq feet to 25,000 sq ft of commercial space without knowing what's in the plan and why. There is not enough information.

Mr. Winter clarified this is a request for a zone change and is a recommendation to City Council. The next item which is a tentative map and conditional use permit would be a decision tonight. This zone change will go to City Council regardless of whether or not there is a recommendation from the Planning Commission. The next agenda item will still be heard tonight regardless of the outcome of this item.

Mr. Krmpotic asked if it would be okay to present more information on the project.

Chair Velto agreed.

Alex Zikakis, President of Capstone Advisors, gave a brief history of the project.

Commissioner Gower referred to the public comment regarding traffic concerns and asked how this zone change would impact potential traffic.

Loren Chilson, Headway Transportation, explained the traffic that could be generated with the current PUD is tremendously higher than with the proposed project.

Commissioner Johnson agreed that the traffic volume would be higher with general commercial but that would be bringing traffic predominantly from the existing area around there.

Mr. Chilson confirmed that retail use is going to be more localized traffic and residential use may add more traffic to the freeway.

Discussion:

Commissioner Johnson stated there is a geographical challenge in the area. Because of zoning map amendment findings i and j, in addition to what we heard tonight, the zone change is applicable.

Commissioner Drakulich agreed and stated the current PUD and zoning doesn't seem valid at this point and doesn't have a chance. He would support the zoning change.

Chair Velto stated he was a little shocked by the reduction of commercial with the proposed zone change, but hearing that the area for commercial can't actually happen makes him question if we should maintain the current zoning.

Commissioner Munoz stated that looking at the map, there is an entire Village 3 which is a prime location for commercial.

Commissioner Gower referred to Commissioner Munoz's concerns and stated it sounds like he is looking at this from a master plan perspective and thinking about the North Valleys from a regional perspective and thinking about access to commercial uses for residents in the area which is what we try to promote in the master plan.

Commissioner Johnson asked if staff gave consideration to allowing the Village 3 area to be general commercial, which does allow for multi-family but would not preclude commercial.

Mr. Garcia-LoBue explained that staff has worked extensively with the developer and evaluated each of the different types of zones and what is allowed and not allowed.

Mr. Winter stated there is no master plan change proposed tonight. He also reviewed some of the analysis staff has done on this item.

Mr. Krmpotic clarified that they did not request getting rid of commercial zoning. We were sunseting a PUD. We would be okay with taking the 16 acres and going to general commercial. That still allows us to go forward with multi-family as designed. The market and economics will dictate what will go there and the topography will influence it. There can be a lot of limiting factors outside of zoning.

Commissioner Velto stated that driving by on Lemmon he sees hills and does not see how that could be compatible with a commercial development.

Commissioner Munoz stated that as soon as the grading happens for the multi-family portion, it would be viable for a commercial area. He agreed with the point made that even with general commercial zoning it can still be developed for what the applicant wants, but at least that way we are not taking away the option of commercial development.

Commissioner Drakulich stated that what helped him to get there is that this item will get kicked up to City Council for more discussion.

Chair Velto stated that he is trusting the applicants that they have looked into trying to make this commercial. That in addition to looking at the map, he struggles to see how commercial uses can be put there. Because of that, he does not think we are losing general commercial.

It was moved by J.D. Drakulich, seconded by Peter Gower, to recommend that City Council approve the zoning map amendment by ordinance. Motion Pass.

RESULT:	Approved [4 TO 1]
MOVER:	J.D. Drakulich, Vice Chair
SECONDER:	Peter Gower, Commissioner
AYES:	Velto, Johnson, Drakulich, Gower
NAYS:	Munoz
ABSENT:	Villanueva