



Agenda Submittal

Agenda #: 3 **Status:** PC-Regular
Type: PC-Document **Department:** Planning Commission
File #: PC 17-026 **Contact:**
Agenda date: 6/1/2017 **Final action:**
Title: Public Hearing to consider Rezoning Petition No. Z-16-01(Pokrajac Properties) to rezone 16+ acres from the Rural Residential(RR-5), Exclusive Agriculture (A-20) and Neighborhood Commercial (C-N) Districts to Highway Commercial (C-H) and Commercial Service (C-S) Districts. (Project Planner: Karen Avery) Staff Recommendation: Recommend the Board of Supervisors approve the proposed zone change

Governing body:

District:

Attachments: 1. A - Draft Resolution, 2. B1 - Z-16-01 (Pokrajac Properties) Neg Dec Summary, 3. B2 - Pokrajac Properties) Draft Initial Study & Neg Dec (April 2017) (1), 4. C - General Plan Map, 5. D1 - Zoning Maps - Before, 6. D2 - Zoning Maps - Before, 7. E1 - Zoning Maps - After, 8. E2 - Zoning Maps - After, 9. F - Comment Letters

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Published Notice Required? Yes X No ___
Public Hearing Required? Yes X No __

RECOMMENDATION:

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a public hearing to consider Rezoning Petition No. Z-16-01(Pokrajac Properties) to rezone 16+ acres from the Rural Residential(RR-5), Exclusive Agriculture (A-20) and Neighborhood Commercial (C-N) Districts to Highway Commercial (C-H) and Commercial Service (C-S) Districts
2. Recommend that the Board of Supervisors adopt the Negative Declaration
3. Recommend that the Board of Supervisors approve Rezoning Petition Z-16-01

EXECUTIVE SUMMARY:

The applicant is requesting a rezoning of approximately 16 acres to align the zoning designations of the property with the current General Plan designations of the property. Currently the property is under four zoning designations - rural residential, exclusive agriculture, neighborhood commercial and highway commercial. The current General Plan designations are Highway Commercial and Service Commercial. The applicant is proposing to rezone the properties eliminating the rural residential, exclusive agriculture and neighborhood commercial zoning designation and recognizing the General Plan designations approved in the Solano County General Plan.

ENVIRONMENTAL ANALYSIS:

Per the California Environmental Quality Act (CEQA), a Draft Negative Declaration was prepared and

circulated for public review and comment. Two comment letters were received and are attached. Further discussion regarding the environmental analysis is included below.

PROPERTY INFORMATION:

A. Applicant:

Tom Phillippi
Phillippi Engineering
425 Merchant Street, Suite 200
Vacaville, CA 95688

Owner:

Steven and Corina Pokrajac
333 N. Madison Ave
Monrovia, CA 91016

B. Surrounding General Plan, Zoning and Land Uses:

| | General Plan | Zoning | Land Use |
|-------|--------------------------------|-------------------------|--|
| North | Rural Residential | Rural Residential RR-5 | Residential - Single Family dwellings |
| South | City of Vacaville | City of Vacaville | Undeveloped and Developed Industrial |
| East | I-505, then Highway Commercial | Park | Outdoor Paintball Facility |
| West | Commercial Neighborhood | Commercial Neighborhood | Neighborhood Market, Bar and Gas Station |

ANALYSIS:

A. Environmental Setting

The project site is located on the northeast corner of Midway Road and Hartley Road in unincorporated Solano County outside the boundaries of the City of Vacaville near the intersection of Interstate 505. The project site consists of three assessors parcels numbers totaling 16.64 acres in size. The site is mostly vacant land with mature non-native eucalyptus trees at the north and south end of the property and a single line of non-native eucalyptus trees bordering Hartley Road. The property is enclosed with a chain link fence along Hartley and Midway, and barbed wired fencing along I-505. The property currently has several storage containers on-site used for storage of tools and materials to maintain property by the property owner. There are no permanent structures on the property. The majority of the property is flat with a berm running north/south near Hartley Road. In the past, the center of the property was used as a materials borrow pit to construct the Interstate 505 and Midway Rd. overpass and subsequently the majority of topsoil was stripped off the property. The majority of the property is vegetated with annual grasses.

Access to the property is from a driveway located on the north side of Midway Road. The property is bordered by I-505 to the east, Hartley Road to the west then a commercial gas station, convenience store and bar.

South of the property is a combination of non-developed and developed industrial land within the City of Vacaville and rural residential properties developed with single family dwellings and accessory structures are located north of the site.

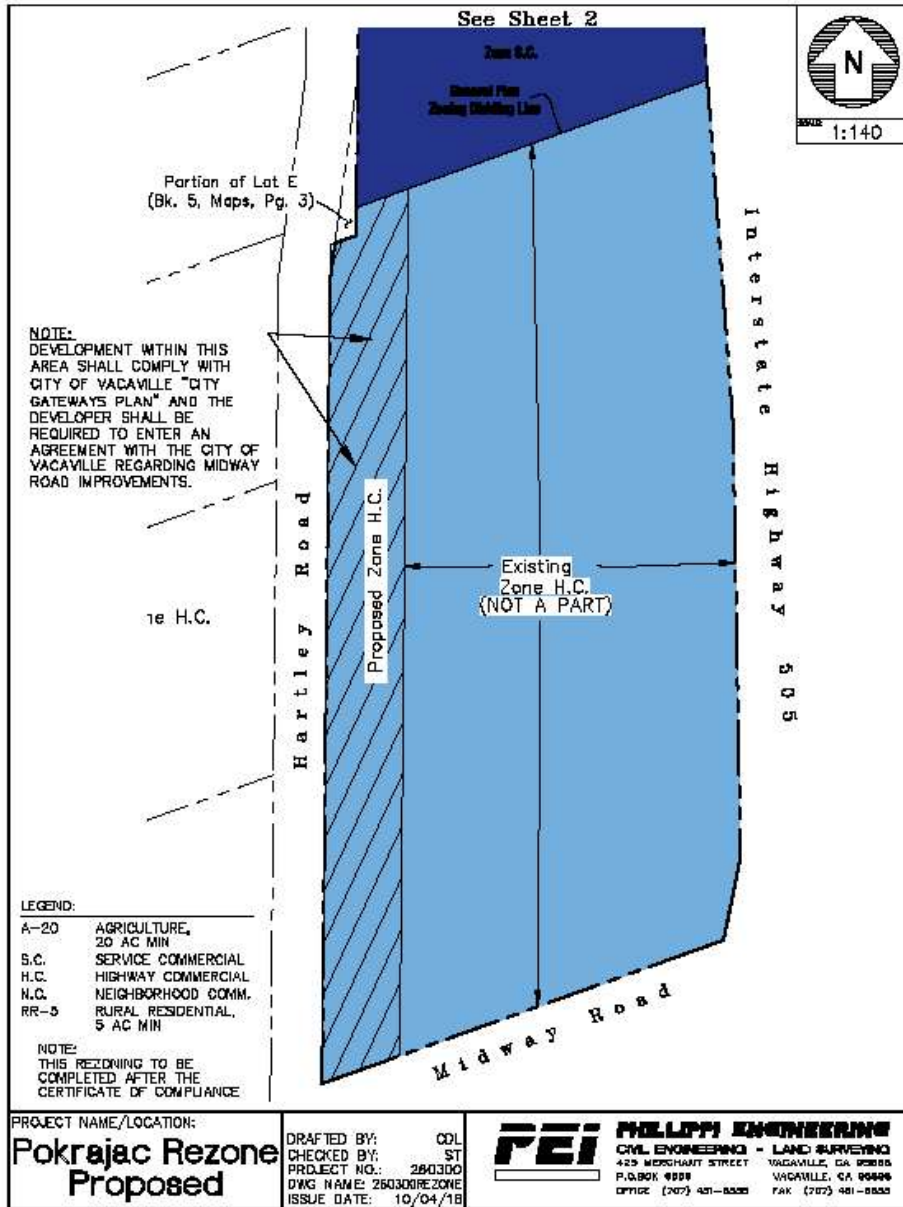
B. Project Description

The applicant is proposing a rezoning of the properties to align the zoning designations with the current General Plan designations. Currently the property is under four zoning designations - rural residential, exclusive agriculture, neighborhood commercial and highway commercial. The current General Plan designations are Highway Commercial and Service Commercial. The applicant is proposing to rezone the properties eliminating the rural residential, agricultural zoning and neighborhood commercial and recognizing the General Plan designations approved in the Solano County General Plan. Total number of acres being rezoned from Agricultural and Rural Residential is approximately 16+ acres. Currently, there are no proposed uses associated with this rezoning application request.

| APNs | Current Zoning | Current General Plan | Proposed Zoning | Acres |
|--------------|--|---|--|-------|
| 0106-210-180 | Rural Residential (RR 2.5) Neighborhood Commercial (CN) | Highway Commercial | Highway Commercial (C-H) | 5.02 |
| 0106-210-190 | Exclusive Agriculture (A-20) Neighborhood Commercial (CN) | Highway Commercial and Service Commercial | Highway Commercial (C-H) Service Commercial (C-S) | 11.15 |
| 0106-150-400 | Rural Residential (RR 2.5) | Service Commercial | Commercial Service (C-S) | .47 |

The applicant is also proposing a parcel merger to merge assessors parcels 0106-210-180 and 0106-150-400 into 0106-210-190. The purpose of the merger is to clean-up the parcel boundaries to align with the General Plan and proposed rezoning. The applicant has requested the merger and rezoning in order to help facilitate in the marketing of the property. The merger is processed as a Certificate of Compliance which is a ministerial permit.

No development of the property is proposed at this time. However, because the property is located adjacent to the boundaries of the City of Vacaville and because Midway Road is a City of Vacaville maintained road, the project proponent has agreed to comply with the City of Vacaville’s Gateways Plan (see Appendices in the Draft Negative Declaration) for the portion of the property that is being rezoned to Highway Commercial. Also, for any development within the property being rezoned to Highway Commercial, the developer will be required to enter into an agreement with the City of Vacaville regarding road improvements to Midway Road.



C. General Plan and Zoning Consistency

As described above, the applicant is requesting a rezoning of the subject parcels to bring the project site into conformance with the General Plan designations thus making the project consistent with the General Plan of Solano County. Approximately 16+ acres will be rezoned from noncommercial use to commercial use.

The 2008 General Plan designations of Highway Commercial and Service Commercial established that the future development of the project site would be with commercial land uses. An EIR (Environmental Impact Report) for the General Plan was prepared, reviewed and adopted by the Solano County Board of Supervisors and the voters of Solano County approved the General Plan in November of 2008.

One of the implementation programs described in the General Plan includes creating and adopting Gateway

Design Guidelines for properties located in the unincorporated areas but adjacent to city boundaries. The Gateway Design Guidelines are to be drafted with the assistance of each city, and be consistent with that city's adopted commercial and/or industrial guidelines. Highway Commercial uses in the I-505 and Midway Road area would follow these Gateway Design Guidelines. However, since the Gateway Design Guidelines for this project area have not been written; staff is recommending that all new commercial uses in this area be subject to Architectural Review. This would include allowed by-right uses and uses allowed with further permitting by the Department of Resource Management. Future subdivision or development of the project site will be subject to a consistency determination with the General Plan and Zoning Regulations.

The Solano County Zoning Regulations Chapter 28.41.11 defines Highway Commercial and Commercial Service as:

Highway Commercial (C-H) District

The C-H districts are intended for commercial uses to serve the highway traveler. The bulk of highway frontage throughout the County is not appropriate for commercial uses but is reserved for exclusive agricultural uses, and is so zoned. C-H districts are to be established in areas of four acres or larger, and shall be located only where need is clearly indicated.

Commercial Service (C-S) District

The C-S district is designed to provide an area for commercial services of an extensive or heavy nature in support of industrial, construction, or other business activities.

Section 28.41.20 of the Solano County Zoning Regulations describes the allowed uses and uses allowed with further permitting by the Department of Resource Management as follows:

Allowed Uses and Permit Requirements

Table 28.41A identifies the land uses allowed by this Zoning Ordinance in each commercial zoning district and the land use permit required to establish each use. In addition to the land use permit required by Table 28.41A, special requirements may apply to certain uses.

Architectural Review

Architectural Approval may be required for certain uses, in compliance with Section 28.102 (Architectural Approval).

Building Permits

A Building Permit shall be required prior to any construction.

Land Use Regulations

Where the last column in Table 28-41A (Land Use Regulations) includes a section number in the zoning regulations in the referenced section apply to the use.

Site Development and Other Standards

All uses shall comply with the provisions of Section 28-90, Site Development and Other Standards, which includes standards for parking, signs and other project elements.

Though no uses are being proposed at this time, Table 28.41A Allowed Uses describe land uses that are allowed by-right and allowed with additional permit approval from the Department of Resource Management (see attached). Allowed by-right land uses include:

- Emergency shelters
- Automobile service station
- Hotel/Motel
- Pipelines within the public right-of-way
- Restaurant
- Refreshment stand

These allowed uses will be subject to architectural review prior to issuance of a building permit. Allowed uses, such as the automobile service station, will require further permitting through the Solano County Environmental Health Division for underground tank safety. There are a number of uses listed as “allowed” but with additional review required at building permit to ensure that the proposed use is constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.

Environmental Analysis

Per CEQA, a draft Negative Declaration was prepared and circulated for review for 30 days (Attachment B). Two comment letters were received and are attached (Attachment F). No staff response is required as there was no specific comment regarding the Negative Declaration.

Airport Land Use Commission Review

The project was reviewed by the Solano County Airport Land Use Commission on May 11, 2017. The proposed rezoning was found to be consistent with the policies of the Nut Tree Airport Compatibility Plan and Travis Air Force Base Land Use Compatibility Plan.

Recommended Findings for Rezoning

The Department recommends the Planning Commission make the following findings in recommending the approval of the proposed zone change to the Board of Supervisors:

1. The proposed zone change is in conformity with the Solano County General Plan with respect to land use, population densities and distribution, traffic circulation and other aspects of the General Plan considered by the Board of Supervisors to be permanent.

As discussed above, the proposed zone change from rural residential, agricultural and neighborhood commercial would conform to the existing General Plan designations of Highway Commercial and Service Commercial.

2. The area of land proposed for rezoning is contiguous to other properties that are currently zoned Commercial.

The parcels adjacent to the Project are zoned highway commercial.

3. The project has been reviewed and processed in accordance with the California Environmental Quality Act (CEQA) and the County CEQA Guidelines.

A Negative Declaration was prepared, published and circulated for review in accordance with CEQA.

ATTACHMENTS:

- A - Draft Resolution
- B - Negative Declaration
- C - General Plan Map
- D - Zoning Maps - Before
- E - Zoning Maps - After
- F - Comment Letters