

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

702 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
March 31, 2005

SUBJECT: GENERAL PLAN AMENDMENT NO. 737 (GPA00737)/CHANGE OF ZONE CASE NO. 6830 (CZ06830)/TENTATIVE TRACT MAP NO. 31543 (TR31543)

Environmental Assessment (E.A.) No. 39117 – Riverside County, applicant for general plan amendment - Lohr and Associates for Fiesta Development/Ashby Financial, applicant for change of zone and tentative tract map - Third Supervisorial District - Sun City/Menifee Valley Area Plan - Romoland Zoning Area - 4.44 acres - 15 proposed lots - C-P-S Zone - Schedule E - Located easterly of Interstate 215 and Encanto Drive, northerly of Rouse Road - REQUEST: GPA00737 proposes to amend the Sun City/Menifee Valley Area Plan designation of the site from Commercial Retail to Medium Density Residential. CZ06830 proposes to change the zoning from C-P-S to R-1. TR31543 proposes to subdivide the 4.44-acre site into 15 lots.

CONTROVERSIAL ISSUES: Whether residential or commercial development is more appropriate for this property, impacts of highway noise and commercial traffic on residential livability.

RECOMMENDED MOTION:

The Planning Department recommended Approval; but,
THE PLANNING COMMISSION UNANIMOUSLY RECOMMENDS:

DENIAL of **GENERAL PLAN AMENDMENT NO. 737** amending the designation of this property on the Sun City/Menifee Valley Area Plan from Commercial Retail to Medium Density Residential (2 to 5 dwelling units per acre), as shown on Exhibit 6A.

Robert C. Johnson
Planning Director

initials

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 3/31/05

Departmental Concurrence

Dept't Recomm.: Policy
Per Exec. Ofc.: Policy

Prev. Agn. Ref.

District: Third

Agenda Number:

16.2 a-b

The Honorable Board of Supervisors

RE: GENERAL PLAN AMENDMENT NO. 737 (GPA00737)/CHANGE OF ZONE CASE NO. 6830 (CZ06830)/TENTATIVE TRACT MAP NO. 31543 (TR31543)

March 31, 2005

Page 2 of 2

The Planning Commission further recommends that your Board **DENY** the associated change of zone and tentative tract map.

The Planning Commission's previous recommendation for approval of this change of zone and tentative tract map issued on January 28, 2004 was based on the site's Area Plan designation at the time (Medium Density Residential), which the Planning Commission felt constrained by, but believed was inappropriate.

BACKGROUND:

Change of Zone Case No. 6830 (proposing to change the zoning of this property from C-P-S to R-1) and Tentative Tract Map No. 31543 (proposing to divide the property into 15 lots) were submitted by Ashby Financial Company (also known as Fiesta Development) through its engineer, Lohr and Associates, on July 8, 2003. The General Plan, as adopted on October 7, 2003, designated this property as Medium Density Residential (2 to 5 dwelling units per acre). The two cases were recommended for approval by staff and by the Planning Commission, which held its public hearing on January 28, 2004. However, the Board of Supervisors denied the change of zone and tentative tract map at its hearing on March 16, 2004. At the time, the Board determined that development pursuant to the existing zoning of C-P-S would be more appropriate than residential development as anticipated in the Area Plan.

In light of the Board's action denying the change of zone and tentative tract map, the Board decided to initiate a general plan amendment to apply a non-residential designation to the property. The general plan amendment, GPA00696, was recommended for approval by the Planning Commission and was adopted by the Board of Supervisors on December 21, 2004 over the objections of Ashby Financial, the property owner, which had filed litigation challenging the County's denial of the change of zone and tentative tract map.

General Plan Amendment No. 737 was initiated by the County of Riverside pursuant to a settlement agreement in the case Ashby Financial Company v. County of Riverside, as a means of enabling the reinstatement of the Medium Density Residential designation of this property in the event that, upon reconsideration of Change of Zone Case No. 6830 and Tentative Tract Map No. 31543, the Board of Supervisors determines that the change of zone and tentative tract map should be approved.

However, upon consideration of the proposed General Plan Amendment, the Planning Commission decided on March 30, 2005 that its recommendation for changing the designation of the property to Commercial Retail through General Plan Amendment No. 696 was an appropriate decision, and that General Plan Amendment No. 737 should, therefore, be denied. The Planning Commission also decided accordingly to recommend that the change of zone and tentative tract map be denied, despite its previous recommendation on January 28, 2004 to approve the change of zone and tentative tract map.