

DATE SUBMITTED 3/6/2023
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 3/15/2023

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING (X)
 CITY CLERK'S INITIALS *OB*

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: ZONE CHANGE WITHIN THE MORNINGSTAR SUBDIVISION	
1. Adoption/2 nd reading by title only of Ordinance No. 825, Approving the zone change from R-1 (Residential Single Family) to RA (Residential Apartments) and R-1 (Residential Single Family) to C-2 (Commercial General) within the Morningstar Subdivision	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT DEPARTMENT	
BACKGROUND/SUMMARY: See attached Staff Report.	
FISCAL IMPACT: N/A	ADMIN SERVICES SIGN INITIALS <u><i>DP</i></u>
STAFF RECOMMENDATION: Staff recommends approval of Ordinance No. 825 approving the zone change from R-1 (Residential Single Family) to RA (Residential Apartments) and R-1 (Residential Single Family) to C-2 (Commercial General) within the Morningstar Subdivision	DEPT. INITIALS <u><i>OM</i></u>
CITY MANAGER'S RECOMMENDATION: <i>approve</i>	CITY MANAGER'S INITIALS <u><i>OH</i></u>
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED () DISAPPROVED () REJECTED () DEFERRED () REFERRED TO:



Staff Report

Agenda Item No.

To: City of Imperial City Council
From: Othon Mora, Community Development Director
Date: March 8, 2023
Subject: General Plan Amendment, Zone Change and Revisions to Tentative Map
Morningstar Subdivision
APN 063-010-089

Summary:

Applicant:	Ray Roben
Project Location:	Morningstar Subdivision APN 063-010-089
Pending Action:	<ul style="list-style-type: none">• General Plan Amendment• Zone Change• Revisions to Tentative Map
General Plan:	Existing: Residential Low Medium Density Proposed: Residential High Density Commercial Regional
Current Zoning:	R-1 (Residential Single-Family)
Proposed Zoning:	RA Residential Apartment (5.93 acres) and C-2 Commercial General (14.93 acres)
Environmental:	Negative Declaration
Recommendation:	Approval of General Plan Amendment, Zone Change and Revisions to Tentative Map and Negative Declaration

Background/Discussion and Analysis

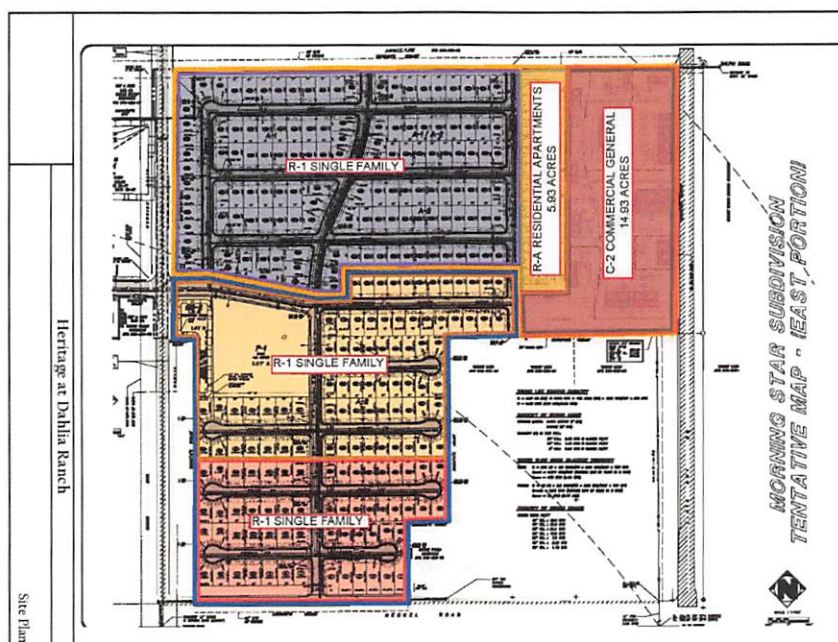
McMillin Land Development submitted an application in 2005 to annex into the City and subdivide a 181.7-acre site into 489 single family homes, a school site, and 2 park sites. The project site is located on the Southwest corner of Highway 86 and the prolongation of Ralph Road, within the area north of the City. The Applicant requested a General Plan Amendment to change the Land Use designation to Low-Medium Density Residential and Pre-Zoning Designation of R-1, Residential Single Family. All entitlements were approved in 2005.

The current Owner and Developer is now proposing a General Plan Amendment, Zone Change and Revisions to Tentative Map for the City's consideration. The proposed changes and revisions are notable as it relates to design, phasing and internal circulation. The revisions will eliminate the school site of approximately 10.8 acres, which is not needed by the Imperial School Unified District (see attached letter), create 5.93 acres for Residential Apartments and 14.93 acres for Commercial uses. The overall footprint of the project site remains the same.

The Imperial County Fire Department is requesting a capital purchase of a fire engine as a condition of approval. The developer does not agree with this condition and is requesting the Planning Commission consider recommending the project without the imposed condition of approval. It is staff's recommendation that the governing body consider options in the budget process, explore a variety of grants and other funding sources available pertaining capital expenditure purchases.

The Planning Commission recommended approval of the General Plan Amendment, Zone Change, Revisions to Tentative Map and Negative Declaration (removing the capital purchase of a fire engine condition of approval) to the City Council on February 8th, 2023. The City Council conducted a public Hearing on March 1, 2023 and recommended approval Ordinance No 825 and Resolution No 2023-07 approving the General Plan Amendment, Zone Change, Subdivision Revision to the Morningstar Subdivision and Certifying a Negative Declaration.

Location Map



General Plan Land Use Designation

The City of Imperial's General Plan identifies the following policies within its Land Use Element:

Policy 5.4.1 in the General Plan's Land Use Element states "multi-family residential developments of varying types and densities shall be encouraged where compatible with existing land uses and the provision of public services is highest."

Policy 2.1 "Appropriate densities/intensities shall be established for new development projects and increased within the appropriate character areas to accommodate a variety of land use and development types."

The Applicant is requesting a General Plan Amendment to change the Land Use designation of a portion of the Tentative Tract Map area to Commercial Regional that can support residential neighborhoods. This Land Use designation will allow a full range of retail, office, service and institutional businesses within close proximity to and for the convenience of residents. The City's goal is to establish and encourage commercial areas along the City's main arterial roadway, Highway 86, to serve as strong character identification, gateway to the City and draw a regional sales tax base.

Environmental Compliance

The Environmental Evaluation Committee (EEC) reviewed the project and found the project, as proposed, would create potentially significant impacts to transportation and traffic. The applicant provided an updated traffic study and mitigation measures were incorporated. Upon further review, the EEC determined that adoption of a Negative Declaration would be appropriate. The attached Negative Declaration was prepared for the proposed project in conformance with the California Environmental Quality Act (CEQA). The proposed revision from R-1 (Residential Single Family) to RA (Residential Apartments) and C-2 (General Commercial) will not affect a change in the original findings and mitigation measures and will continue to be enforced.

Public Notification

The public hearing scheduled for March 1, 2023 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on February 16, 2023. A Notice of Public Hearing was mailed to all property owners within 300-feet of the property.

Recommendation

Staff recommends approval of Ordinance 825 approving the Zone Change within the Morningstar Subdivision.

Respectfully Submitted,



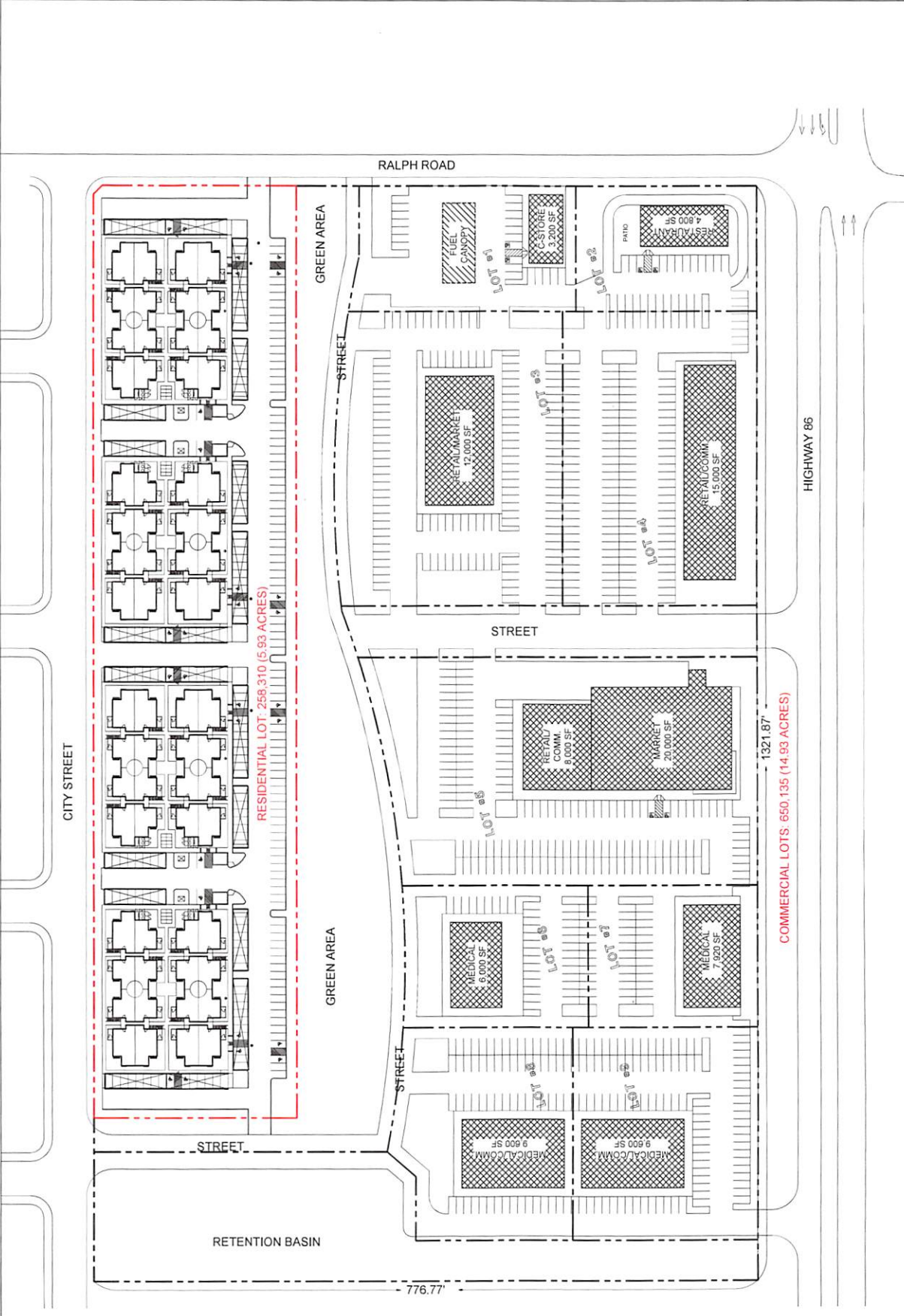
Othon Mora, MCM, CBO
Community Development Director

Attachments:

- Ordinance 825
- Concept Site Plan

PROJECT	HERITAGE
SCALE	AS SHOWN
DATE	01/22/2021
DESIGNER	2020-004
DRAWING NO.	1

PROPERTY BOUNDARY NOTE:
 THE PROPERTY OR BOUNDARY LINES SHOWN ON THIS PLAN SHALL NOT BE USED AS A LEGAL DOCUMENT FOR LOCATING PROPERTY OR BOUNDARY LINES. ANY SUCH LEGAL DOCUMENTS MUST BE ESTABLISHED OR IDENTIFIED. A REGISTERED LAND SURVEYOR WILL PREPARE THE NECESSARY SURVEY.



CONCEPT SITE PLAN
 SCALE: 1"=50'-0"

ORDINANCE NO. 825

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE IMPERIAL CITY CODE TO CHANGE THE ZONING DESIGNATION FROM R-1 (RESIDENTIAL SINGLE FAMILY) TO RA (RESIDENTIAL APARTMENTS) AND R-1 (RESIDENTIAL SINGLE FAMILY) TO C-2 (COMMERCIAL GENERAL) WITHIN THE MORNINGSTAR SUBDIVISION FOR THE FOLLOWING APN: 063-010-089

Pursuant to Section 24.19.600 et al, the City Council of the City of Imperial, State of California, does hereby ordain as follows:

SECTION 1: The “Official Zoning Map” of the City of Imperial, Imperial County, adopted at Section 24.01.140 of Chapter 24 of the Imperial City Code is hereby conditionally amended pursuant to Section 24.19.600, et seq. as set forth in this ordinance.

SECTION 2: The property affected by this ordinance is shown in Exhibit A, specifically known as APN: 063-010-089

SECTION 3: The new zone for said property is hereby changed from R-1 (Residential Single Family) to RA (Residential Apartments) 5.93 acres and R-1 (Residential Single Family) to C-2 (Commercial General) 14.93 acres.

SECTION 4: Effective Date. This Ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

The City Attorney is authorized to make minor typographical changes to this Ordinance that does not change the substance of this Ordinance.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this ____ day of _____ 2023.

Katherine Burnworth, Mayor

ATTEST:

Kristina Shields, City Clerk

**STATE OF CALIFORNIA)
COUNTY OF IMPERIAL)
CITY OF IMPERIAL)**

I, Kristina Shields, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. _____ had its 1st reading on March 1st, 2023 and was passed by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MOTION CARRIED

I, Kristina Shields, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. _____ had its 2nd reading on March 15, 2023 and was passed by the following roll call vote:

AYES:

NOES:

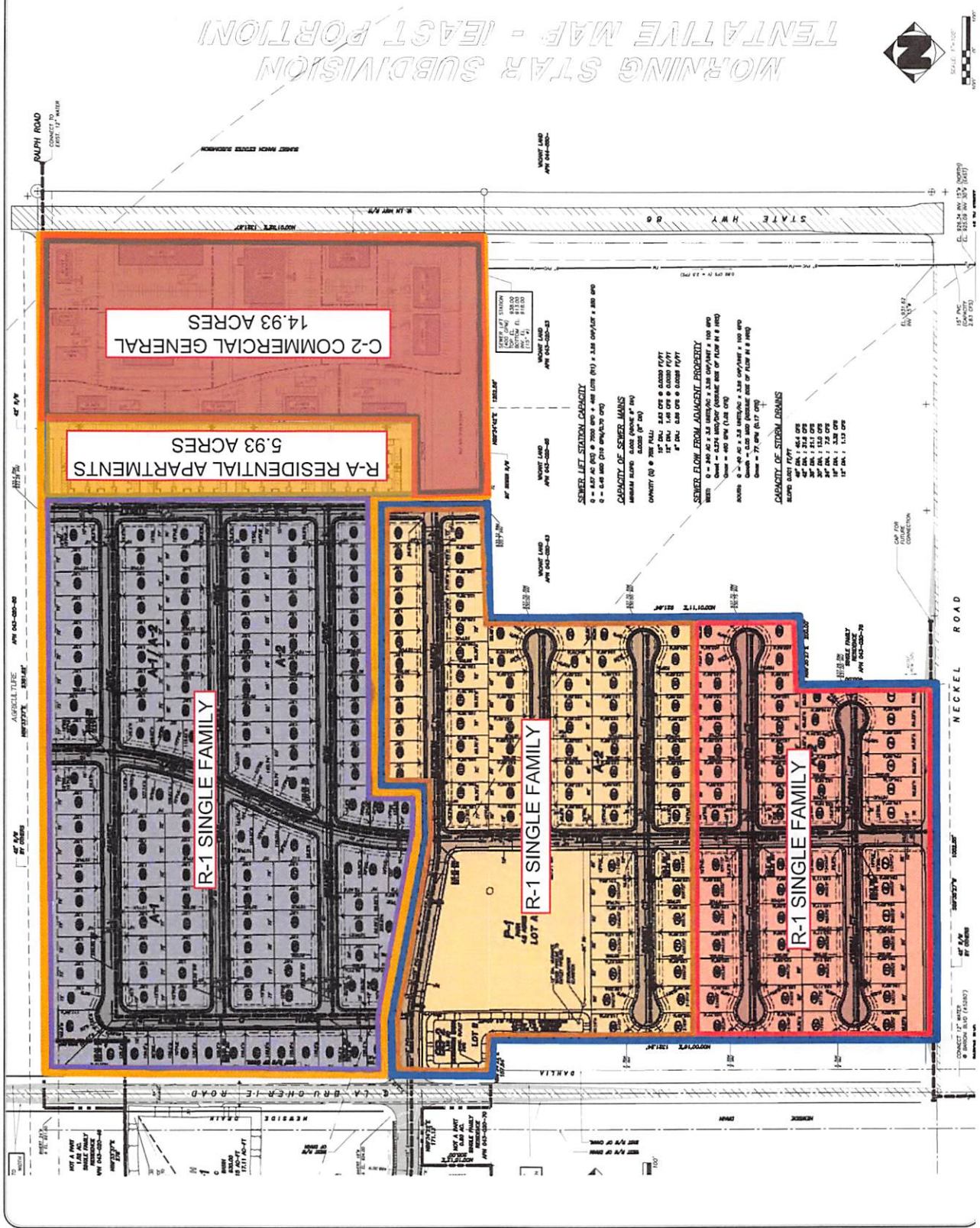
ABSENT:

ABSTAIN:

MOTION CARRIED

**KRISTINA SHIELDS, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA**

EXHIBIT "A"



Heritage at Dahlia Ranch

Site Plan