

FROM THE PLANNING COMMISSION MINUTES OF JUNE 13, 2013

9. REZONE/SPECIAL USE PERMIT (Public Hearing)

Z12-0004/S11-0007/Rescue Community Center submitted by RESCUE COMMUNITY CENTER (Agent: Tim Closner) for the following: (1) Rezone from Estate Residential Five-Acre (RE-5) to Recreational Facilities (RF); and (2) Special Use Permit to allow the expansion of a non-conforming use to include a remote control scale car race track as part of an existing community center. The property, identified by Assessor's Parcel Number 069-160-16, consisting of 4.012 acres, is located on the south side of Green Valley Road, approximately 300 yards west of the intersection with Deer Valley Road, in the Rescue area, Supervisorial District 4. *[Project Planner: Aaron Mount] (Mitigated Negative Declaration prepared)* [continued from 3/28/13, 4/25/13 & 5/9/13 meetings]*

Aaron Mount stated that Seth Griffin was not available today and Tim Closner was going to try to attend. Chair Pratt acknowledged the one neighbor that was in attendance.

Mr. Mount summarized the events of the project and referenced Staff Memo dated June 11, 2013 that contained revised Findings and Conditions, including options for several conditions. In response to Commissioner Stewart's inquiry, staff stated that although they were unaware if the applicants had reviewed the recent Staff Memo, discussions had taken place on the options being presented today and the applicants were aware of the direction staff was heading.

Chair Pratt referenced Val Cook's letter regarding the neighbors conducting a Sound Study Analysis.

County Counsel David Livingston informed the Commission that there was no expiration with a Special Use Permit as it runs with the land and it can only be revoked through the hearing process.

Applicants were not present.

Dave Palm/resident made the following comments:

- Mr. Cook had a family medical emergency and couldn't attend today's hearing;
- Informed the Commission that he had sent an email to the neighbors suggesting it would be better for them to attend the Board hearing than today's hearing as it was likely going to be forwarded on;
- Sound Study Specialist would be in attendance at the Board hearing as neighbors are concerned on the assumptions that were used in the applicant's Noise Study;
- Distributed to the Commission a Mountain Democrat article and a printout of the applicant's website containing comments;
- If he ever sold his house, he would have to disclose being close to a RC track;
- Although applicant appears to want to work with neighbors to resolve issues, the concern lies in the fact that the Special Use Permit runs with the land, therefore, they would like to have safeguards in place;
- It appears that the target audience seems to want the RC track more than the Community Center; and

- There have been no additional conversations with the applicants.

Mr. Mount informed the Commission that County Counsel Livingston was recommending striking out the last two sentences in Condition 5.b.

Commissioner Stewart made the following comments:

- Supports giving the applicants an opportunity to try;
- Discussed his opinion on the available options for several of the Conditions; and
- Wanted clarification if weekend meant Friday, Saturday, Sunday or just Saturday and Sunday.

Commissioner Heflin made the following comments:

- Has turned negative on this project;
- Disappointed that the applicants were not present at today's hearing;
- Fencing and access issues have not been adequately addressed;
- Can't support the Mitigated Negative Declaration due to the noise and safety issues; and
- Recommends denial of the project.

Commissioner Shinault made the following comments:

- Supports the project;
- Commission is not in the business of deciding how high a fence should be;
- Burden is on the applicants to do what they say they are going to do; and
- Discussed his opinion on the available options for several of the Conditions.

Commissioner Mathews made the following comments:

- Agreed with Commissioner Shinault's comments;
- Doesn't want to see the applicant lose the RC track, but does sympathize with the neighbors having to listen to constant buzzing;
- Special Use Permit has the potential to have many violations and this is almost a recipe for failure;
- Videos of previous RC races that had a PA system showed it being used for play-by-play and not for just providing announcements;
- In support of the rezone; and
- Discussed his opinion on the available options for several of the Conditions.

Chair Pratt made the following comments:

- Discussed his opinion on the available options for several of the Conditions;
- Not in favor of a PA system;
- Would like a 1-year review;
- Agreed with Commissioner Heflin's comments on the fence;
- Sound travels in odd ways;
- Keeps changing his mind on this project and, therefore, would not support it as this is not a recipe for success; and
- The RC track may not be the right option to make the Community Center financially stable.

Peter Maurer read into the record proposed language for a new condition requiring a one-year review. He also explained the difference in processing a Code Enforcement issue vs. violations of a Special Use Permit.

Chair Pratt closed public comment.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (3-2), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Revised Conditions of Approval and Mitigation Measures as amended; 3. Approve Rezone Z12-0004 based on the Revised Findings; and 4. Conditionally Approve Special Use Permit S11-0007 based on the Revised Findings and subject to the Revised Conditions of Approval amended as follows: (a) Amend Condition 1.C.7 to add “and starting March 1st, the first weekend will be a race weekend and every other weekend (Saturday-Sunday) after that the track shall be closed.”; (b) Amend Condition 2.b to add “and a P/A system shall only be allowed to be used for two weekends each year at the remote control scale race track.”; (c) Amend Condition 5.b to delete the last two sentences; (d) Amend Condition 6 to state “Gates shall be locked during hours of non-operation.”; and (e) Add new Condition requiring a review of the Special Use Permit by the Planning Commission no later than January 2015.

After the motion but prior to the vote, Commissioner Heflin voiced public safety concerns, noise mitigation issues and that the Mitigated Negative Declaration was not sufficient. Commissioner Mathews indicated that he liked the motion because the track had been there 17 years.

AYES: Mathews, Stewart, Shinault
NOES: Heflin, Pratt