

**FROM THE PLANNING COMMISSION MINUTES OF JUNE 24, 2010**

**10. GENERAL PLAN AMENDMENT/REZONE**

**A09-0006/Z09-0012/Pierce Trust** submitted by ELIZABETH ANN WILLIAMS/Trustee (Agent: Gene E. Thorne & Associates, Inc.) to allow the following: (1) General Plan amendment amending the land use designation from Medium Density Residential (MDR) to Commercial (C); and (2) Rezone from One-Acre Residential (R1A) to Commercial-Planned Development (C-PD). The property, identified by Assessor's Parcel Number 327-140-07, consisting of 4.77 acres, is located on the east side of Greenleaf Drive, approximately 300 feet south of the intersection with Missouri Flat Road, in the Placerville periphery area, Supervisorial District III. [*Project Planner: Jason Hade*] (Negative declaration prepared)\* [*continued from 5/13/10 & 5/27/10 meetings-renoticed*]

Jason Hade presented the item and provided a summary of events regarding this item. He indicated that additional public comment had been received since the last meeting and was submitted to the Commission for their review.

Gene Thorne/applicant's agent distributed two maps to the Commission which identified the General Plan designations and aerial photos of the subject area and he made the following comments:

- Property is a peninsula of residential zoning that is surrounded by three sides of commercial zoning;
- Property does not lend itself to residential development;
- Water pressure complaints voiced by residents is due to the size of the water lines and development on this parcel would not impact the neighbors' water; and
- Missouri Flat Road is a major corridor and commercial zoning should be in that area.

In response to Commissioner Heflin's inquiry on Planned Development, County Counsel Paula Frantz provided an explanation on the two types of Planned Development.

Stephan Williams provided a brief history of the parcel and explained that the now deceased property owners and their surviving kin had been unaware of the county-wide General Plan designation discussions that had taken place during the General Plan process. He also addressed issues brought up previously on traffic and water.

Ann Williams/applicant provided the following comments:

- Petition that was submitted at a previous meeting had 19 signatures, but there are only five adjacent parcels;
- No development is being proposed;
- One of the neighbors (Conley) has a residence 150 feet from the property line;
- Disagreed that there is a parcel between their property and the commercial businesses, but stated there was a road which in on their property.
- Mother Lode Drive has very good access and has an adequate intersection for this proposal;

- No impact to neighborhood traffic;
- Not feasible to subdivide the parcel; and
- Property was inherited by the surviving 4 children 1 ½ years ago and since the property will be sold, anticipating the rezone will improve the marketability of the property and the Planned Development overlay will provide control over what is allowed.

Hari Darshan Khalsa read a letter opposing the project and submitted it for the record.

Martha Martin stated the exit is already dangerous and more traffic will increase the danger. She expressed opposition to the project.

Mark Conley reiterated his statements made at the May 13<sup>th</sup> meeting and provided the following additional comments:

- Troubled that consideration of neighbors and long-time residents are being put second to profits;
- Paula Hutson is the property owner and resident of the parcel questioned by Ms. Williams and she had submitted a written public comment on this project;
- Disagreed that the property is surrounded by commercial property as there are residences on them;
- Property is not adjacent to the Missouri Flat Corridor;
- Although no development attached, project is being rubber-stamped so sellers can get more money for it being commercially zoned;
- Agreed with Commission's statements made at the May 13<sup>th</sup> meeting on not approving the project without a plan; and
- Area is a forested hill inhabited with animals.

Commissioner Pratt clarified that the Hutson property is similar to what the applicant is requesting in that it has a residence on the property but with a commercial designation. He also provided information on the Planned Development process.

County Counsel Frantz gave a detailed explanation on the differences between a Rezone with and without a Planned Development overlay. She also described the Commission's role in the review process.

Christina Conley distributed a binder containing pictures of the area and stated that the submitted petition included all the neighbors in the area and did not contain far-away individuals as suggested by the applicant.

Sue Taylor made the following comments:

- Rezone will not provide a sense of community;
- Parcel is located in the center of a steep area with seven residences around it;
- Questioned how well the Planned Development would assist as there is no community identity;
- If low impact to the neighborhood is desired, why not consider Professional Office Commercial (CPO) instead of Commercial;

- Per the Findings, the intent is retail;
- Rezone would be incompatible with the neighbors; and
- No mitigation measures for the impact to the neighbors.

Kathye Russell sympathized with the neighbors as this request is a change and would require an adjustment. At the Diamond Springs Review Committee, she had argued that this was an appropriate request as it is a transitional area. Ms. Russell stated that the project for that property would be dictated by the land and the current market. She felt that the site would be appropriate for mixed-use development.

Commissioner Mathews inquired if there had been any discussion on requesting a lower commercial zoning as it would have a lower impact to the community. Ms. Russell responded that she was unsure if there had been any discussion on that aspect, but did encourage the neighbors to continue to stay involved in the process.

Wendy Conley stated that if this project was approved, then her property would then be the buffer between commercial and residential. She stated that the applicants do have the option of either renting out the property or selling it as residential.

Jon Saunders indicated that it is a tight-knit neighborhood and he has lived there for 13 years. He provided the following comments:

- Traffic is already dangerous and if the property was developed it would increase that danger level;
- Beautiful property that can be developed as residential but would cost money due to the terrain;
- Commercial property would require significant cut/fill and would need more space than a residential development; and
- Signage, noise, and loss of trees will become an issue for the neighborhood.

Linda Pierce-Chapa/applicant made the following comments:

- Request supports the General Plan;
- Missouri Flat interchange has significantly changed the surrounding area;
- Recent County adopted policies encourage mixed-use development, which would be appropriate for the property;
- Neighbors' reaction is a normal reaction to change;
- Request is only the first step in this process; and
- This will have positive gains to the neighborhood in the areas of:
  - water availability;
  - better access for emergency vehicles;
  - removal of fire hazards;
  - open viewshed; and
  - road improvements.

Lola Martin stated that the Greenleaf Drive/Motherlode Drive interchange is dangerous.

Ann Hilke/resident understood the need for growth and development but felt this was jumping the gun. She stated that currently there is only one access point to the neighborhood and it already has traffic issues.

Bob Keller/resident commented on water, close proximity of residence and unsafe traffic.

Mr. Thorne provided a rebuttal reiterating that the Planned Development overlay would address many of the concerns voiced by the neighbors. He also stated that other commercial zones had not been considered when submitting the rezone request.

Commissioner Pratt felt that this was a transitional area and full-blown retail would not be appropriate.

Commissioner Mathews made the following comments:

- Plans could go away after a project had been approved;
- Likes the CPO rezone better;
- Traffic will need to be addressed for any project that goes in that area; and
- Prefers to have a project associated with a request and based on that aspect, would be opposed to this application.

County Counsel Frantz stated that CPO does allow the mixed-use development, which always requires a Planned Development overlay. She suggested that if the Commission chose to recommend the CPO zoning, then staff should be directed to review the CEQA document to ensure it is still adequate. She also listed the uses allowed under the CPO zoning and stated that it had much more limited uses than Commercial and has no retail.

Commissioner Mathews commented that the CPO zoning would be similar to a mitigation measure and makes more sense for a transitional area.

Commissioner Pratt made the following comments:

- CPO is more consistent as a transitional piece, has the ability for mixed-use development, offers some protection to the neighborhood as it has a lower impact, and helps balance out the area;
- When commercial business was placed in that area, this property was the next phase and has been the buffer between commercial and residential for the last 20 years;
- Greenleaf Drive will eventually need to be re-aligned;
- Many drivers are unaware that the road by the restaurant is not a service road and signage should be placed to identify that there is cross-traffic.

Mr. Thorne indicated that they were not opposed to going to a CPO zone as the parcel has high-intensive commercial on one side and long-time residents on the other and they want to be as less intrusive as possible.

Commissioner Heflin was concerned on requiring a project be attached to the request as he recognizes private property rights and the need to allow flexibility. He stated that he had conducted a site visit and had met with several of the neighbors. Commissioner Heflin agreed

that it is a transitional area and should be a commercial zone. He thought that the CPO zone was more appropriate but did want to ensure that mixed-use development could be on that property. He also felt that the Planned Development overlay could be utilized to make mitigations.

Chair Rain stated that the item was brought back for discussion because there had been some concern that the decision may have been too hasty. He was in favor of the CPO zone.

Mr. Hade said that the environmental document for the Commercial zone is a more intensive analysis than what would be required for CPO zone and would be adequate.

County Counsel Frantz suggested that since this was a recommendation to the Board, action could be taken today to forward it to the Board with a caveat that staff ensures that the environmental document addresses all of the issues for CPO. She recommended that staff be directed to extend the normal turnaround time to the Board to allow adequate time for staff review of the environmental document and the ability to revise and recirculate it if needed. In addition, it would allow adequate time for proper noticing of the recommended change to the rezone request.

Mr. Rivas stated that the item could be included in the September General Plan Window.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-1), to recommend the Board of Supervisors take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; 2. Approve General Plan amendment application A09-0006 based on the Findings presented; and 3. Approve Rezone application Z09-0012 based on the Findings as modified: (a) Amend Findings to reflect the new zoning of Professional Office Commercial-Planned Development (CPO-PD); and (b) Direct staff to provide proper noticing for the new zoning change and to review, and revise if needed, the environmental document to ensure that it is still appropriate for the new zoning.**

**AYES: Heflin, Pratt, Rain**  
**NOES: Mathews**  
**ABSENT: Tolhurst**