

## FROM THE PLANNING COMMISSION MINUTES OF MAY 14, 2009

### **8. DESIGN REVIEW**

**DR00-0011/76 Gas Station/Circle K Mini Mart** submitted by CONOCOPHILLIPS (Agent: Griffin Williamson) for a Design Review for a proposed 2,976 square foot Circle K mini-mart and a 76 gas station, with 6 fuel stations, for a total of 12 fueling positions, under a 4,000 square foot canopy. The property, identified by Assessor's Parcel Number 090-430-42, consisting of 0.64 acres, is located on the south side of U.S. Highway 50 at the southeast corner of the intersection of Mother Lode Drive and South Shingle Road in the Shingle Springs area, Supervisorial District II. (Environmental Impact Report (EIR) prepared)

Lillian MacLeod presented the item to the Commission with a recommendation of approval. She summarized the project's history which has spanned over 9 years and is detailed in the Staff Report. Three letters received late by staff were provided to the Commission for their review (Smith Engineering & Management [dated 5/11/09]; and 2 letters from Alfa Omega Associates [dated 5/12/09])

Chair Mathews made some general inquiries on the project (i.e., who was the appellant of original application; EIR; grading) and stated that there have been a number of "delay tactics" conducted by opponents of the project and after reading their letters, would like to know what the main concerns are besides traffic.

Laurie D'Alessandro representative of Convenience Retailers, LLC, indicated that they were the new property owners of the project and had purchased the property at the end of January 2009. It is their intention to continue moving forward where the project was left off and have retained the same consultants.

Griffin Williamson, applicant's agent, provided a brief description on the project design and indicated that they will provide tax-based revenue for the County.

In response to Commissioner Tolhurst's inquiry on the Staff Report stating that the project's colors had changed, Ahmad Ghaderi, applicant's agent, confirmed that during this long process, the colors had, in fact, changed to more beige-like colors. Commissioner Tolhurst requested that the color changes be reflected in the Staff Report and the conditions of approval.

Wanda Fulkerson voiced concerns over traffic; slope; necessity for more gas stations; and the potential for gas run-off contaminating well water. She asked that the request be denied and the project be moved to the other side of the freeway.

Dr. Dale Smith, representing the Friends of Shingle Springs Interchange, Inc., provided the following comments: (1) Request should not have been sent back to the Planning Commission; (2) Lodged formal protest on meeting notification—should have been a 30 day notice, but was only 15 days; (3) Not notified of change in ownership; (4) Recirculation is required; (5) Traffic study is required; (6) They are not waiving their opposition to CEQA; (7) The span of 9 years for

this project was not the fault of the Friends of Shingle Springs Interchange, Inc.; (8) This project will be appealed to the Board of Supervisors; and (9) Cannot trade public safety for money. *[Clerk's Note: Dr. Smith provided a script of his presentation for the file as he was unable to present it in its entirety due to time limitations.]*

Commissioner Tolhurst referenced Daniel. Smith's letter regarding Caltrans' standards and County Standards on distance from ramp intersections and requested clarification as to what distance is required. Eileen Crawford/DOT referenced the January 5, 2009 Caltrans letter (provided as an attachment to Mr. Smith's letter) which showed Caltrans commenting that the advisory standard of 100 feet beyond the ramp intersection is acceptable and Ms. Crawford indicated that the project meets those standards. In addition, the County engineer can waive the County standards and she referenced condition #10 which requires a deceleration lane improvement for the project.

Mr. Griffin and Mr. Ghaderi responded to comments brought forth by Dr. Smith, Ms. Fulkerson and the letters recently received from the public.

Commissioner Rain requested clarification on Dr. Smith's comment that this item required a 30 day notice that was not provided. County Counsel Paula Frantz stated that a 10 day notice is required for hearing notices. A 30 day notice is provided for the public comment period on CEQA documents. This particular project had already provided the 30 day public comment period and today's meeting only required the 10 day notice.

Patrick Angell/PMC informed the Commission that a clerical error (i.e., four figures missing) was discovered in the Environmental Impact Report (EIR). Although the error of not including these figures does not change the final analysis of the document, for purposes of public disclosure, he would like the opportunity to provide them in an errata sheet to the EIR. County Counsel Frantz suggested a continuance for 30 days.

No further discussion was presented.

**Motion: Commissioner Tolhurst moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to continue the item to the June 25, 2009, meeting.**

**AYES: Rain, Pratt, Heflin, Tolhurst, Mathews**  
**NOES: None**