

FROM THE MINUTES OF SEPTEMBER 11, 2008

9. SPECIAL USE PERMIT

b. **S07-0021/Cozzi Landscaping** submitted by GUY and CYNTHIA COZZI (Agent: Robert A. Laurie) to allow a landscaping business to operate as an expanded home occupation. The property, identified by Assessor's Parcel Number 102-540-09, consisting of 5 acres, is located on the south side of Fria Springs Road, approximately 2.9 miles north of the intersection with Green Valley Road and Deer Valley Road, in the **Rescue area**, Supervisorial District IV. (Statutorily exempt pursuant to section 15270(a) of the CEQA Guidelines)**

Aaron Mount presented the item to the Commission with a recommendation of denial. Staff explained that the current business license states no employees, when in fact there are, so the business is in violation. In addition, the business should be moved from the residential area into a more compatible area.

A letter from the applicants' agent, Bob Laurie, dated September 9, 2008, was distributed to the Commission. Mr. Laurie re-reiterated many of the discussion points listed in his letter (i.e. traffic and aesthetics). He explained to the Commission that the neighborhood has anxiety over the proposed use, which is a small landscaping business. Mr. Laurie stated that the applicants live at the end of the subdivision next to an accessible gate to Jurgens Road. If the employees were allowed access through this gate, there would be no traffic impact to the neighborhood. As to the aesthetics issue, the applicants would provide full and complete screening. Mr. Laurie addressed a diagram, that was placed on the wall and had not been presented to staff, that indicated how the vehicles would be additionally screened from view.

Guy Cozzi, applicant, provided photographs of his property to the Commission.

Dianne Guynn, neighbor that lives directly across from the applicants, is in support of the Special Use Permit and feels that if anyone should be complaining about this, it should be her.

Bob Barrett, president of the Home Owner's Association, addressed a letter that he had previously sent the Commission which spoke in opposition of the project. He stated that the gate in question is a locked gate for emergency access only. The residents are not in favor of keeping the gate open as it would be used as a shortcut for motorists. Mr. Barrett informed the Commission that out of the 10 parcels in the subdivision, the owners of 8 of them are opposed to the Special Use Permit. A commercial enterprise in a residential area is not compatible and he does not want to be placed in a position to have to monitor the conditions of the Special Use Permit.

Ken Eldridge, resident, stated that the way of life is a pivotal point of this issue and the emotional factor is a part of this. Mr. Eldridge said that prior to purchasing his property and putting everything he owned into it, he did due diligence of the neighborhood. The character of the neighborhood is not commercial or light industrial and if the applicants sell the property, the Special Use Permit will stay with it. Mr. Eldridge also felt that trying to enforce the conditions of the permit would be a nightmare.

Cynthia Cozzi, applicant, expressed that it has been very emotional due to the neighbor's letters and comments and felt that the issue was much more than running a small business out of the home.

Mr. Laurie reiterated that two employees entering/exiting the neighborhood two times a day is not a significant impact and did agree that this is very emotional for both sides.

Commissioner Knight stated that he is a proponent of home-based businesses but there needs to be controls so as not to infringe on others.

Commissioner Machado said that when employees are arriving in private vehicles to switch to company vehicles, it is no longer home-based. He felt that there should be no employees, no employee vehicles, no storage of materials, and that it is the Commission's job to protect the neighborhood.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MACCREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CERTIFY THAT THE PROJECT IS STATUTORILY EXEMPT FROM CEQA PURSUANT TO SECTION 15270(A) OF THE CEQA GUIDELINES; AND DENY SPECIAL USE PERMIT S07-0021 AS THE REQUIRED FINDINGS CANNOT BE MADE BASED ON THE ANALYSIS IN THE STAFF REPORT AND AS NOTED IN ATTACHMENT 1.

This action can be appealed to the Board of Supervisors within ten working days.