

FROM THE PLANNING COMMISSION MINUTES OF JUNE 14, 2012

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission, although they did have a quorum to make decisions. He stated that Commissioner Tolhurst would not be present for today's hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds of not having a full Commission. At this time, it is unknown when there may be a full Commission.

10. SPECIAL USE PERMIT REVISION/PLANNED DEVELOPMENT REVISION

S07-0011-R/PD95-0016-R-4/Kniesel Auto Collision Center submitted by KНИЕSEL'S AUTO COLLISION CENTERS, INC. for a revision to approved Special Use Permit and Development Plan to remove Condition 8 requiring curb, gutter, and sidewalk on Crosswood Drive. The property, identified by Assessor's Parcel Number 070-280-64, consisting of 3 acres, is located on the north side of Wild Chaparral Drive, approximately one-fourth mile west of the intersection with Ponderosa Road, in the Shingle Springs area, Supervisorial District 4. [*Project Planner: Aaron Mount*] (Previous Negative Declaration prepared pursuant to Section 15162(b) of the CEQA Guidelines)

Aaron Mount presented the item to the Commission with a recommendation for denial.

Commissioner Heflin inquired on when the sidewalks on Crosswood Drive were constructed.

Bob Laurie/applicant's agent made the following remarks:

- Building was built under the Planned Development for the Sports Central business and believes that is when the sidewalk were put in;
- There is confusion on the location of the applicant's boundary line and for today's discussion, it will be assumed that it is at the center of the road;
- When applicant took over that location, they were required to revise the existing Planned Development;
- Building fronts Wild Chaparral Drive and although it is located on a corner lot, you can't access the building from Crosswood Drive, which is the location of the sidewalk requirement;
- Disagrees with staff's estimate of sidewalk construction as they have received two bids and both are approximately \$38,000;
- Requests the removal of the sidewalk condition; and
- No objection of the deletion of the side storage condition.

Leslie Davis, a resident that lives three houses from project, distributed site photos to the Commission and made the following comments:

- Business is part of the neighborhood and participates in their road maintenance agreement;
- Business impacts neighborhood as customers use Crosswood Drive and their driveways to turnaround when they miss the entrance;
- Residents and children use Crosswood Drive to go to the mailbox and the adjacent school bus stop; and
- Business has been open since April 20, 2012 and the sidewalk condition was a requirement prior to opening.

Lori Parlin, adjacent neighbor, was in agreement with Ms. Davis' remarks and also made the following comments:

- Distributed a log that she has been keeping since the business opened, per the suggestion of the Sheriff's Department;
- Cars are regularly using Crosswood Drive as a turnaround;
- Cars are being dropped off in the business' parking lot after-hours, including weekends and would like this practice to be stopped; and
- Conditions of approval do not list the days of operation, just the hours, and the expectation was that this was a Monday-Friday business.

Jesse Davis/resident indicated that the neighborhood is being inundated with commercial businesses and felt that since the County directed the applicant to build sidewalks then that is what should still be required.

In response to Commissioner Rain's inquiry on DOT's estimate of \$17,000 for the sidewalk construction, Eileen Crawford/DOT explained that she reviewed the most recent bids to DOT and took the average cost for sidewalks and curbs/gutters. Commissioner Rain suggested that she share that information with Mr. Laurie since their quotes were so much higher.

Mr. Laurie made the following rebuttal comments:

- Bidders on their project told them that the County's cost estimates were incorrect; and
- Applicant is voluntarily participating in the road maintenance agreement although they have zero relation to Crosswood Drive.

Chair Pratt closed Public Comment.

County Counsel Paula Frantz commented on the nexus issue by stating that this project was litigated and approved and the nexus issue was never raised. She also stated that a "frontage road" is considered both roads of a corner lot.

Commissioner Rain made the following comments:

- Concerned after reviewing Ms. Parlin's log regarding the noise and smells she has to endure from this business;
- Sidewalks going to nowhere does not make sense; and
- Not in favor of sidewalks.

Commissioner Heflin felt the argument on frontage vs access was not relevant.

Commissioner Mathews made the following comments:

- Confirmed that the covered side storage area had been just for materials;
- Understands neighbors concerns regarding the turnarounds;
- Sidewalk requirement was there from the beginning;
- Doesn't like sidewalks in a rural environment or placing a burden of cost on applicant as a punishment when not wanted in the neighborhood;
- Has consistently voted against sidewalks in County; and
- Wants keep traffic off of Crosswood Drive and notify public that there is a school bus stop in the area.

Chair Pratt made the following comments:

- Constructing a sidewalk will not stop cars from turning around on Crosswood Drive and unclear if this business is the primary cause;
- Sidewalk issue is problematic as it would be the 2nd sidewalk in that area leading into a residential area that doesn't have sidewalks and although the permit requires them, he doesn't want to keep adding concrete at every opportunity;
- Business attracts attention since it front Hwy 50 and perhaps additional signage is needed on the road;
- Questioned any future need for this sidewalk since the frontage road has a sidewalk going to nowhere and currently there is a sidewalk on Crosswood Drive on the other side of the road and that goes to nowhere;
- Issue is rate of speed on Wild Chaparral Drive as there is no posted speed limit which means it's 55mph;
- Prefer adding "No Parking" and "Private Road" signs; and
- Not in favor of signs but this would protect the residents and educate the public.

County Counsel Frantz made the following remarks:

- Due to public testimony and in order to make the roads safer, there is enough of a connection that in lieu of sidewalks to either have smaller sidewalks constructed or place signs on the applicant's property since the project brings traffic down the road; and
- In regards to days of operation, the Commission cannot amend the permit unless they are out of compliance or in a revocation proceeding but staff can be directed to review what was approved for business operation days/hours.

Peter Maurer stated that in the Conditions of Approval, under the subtitle “Planned Development”, there is Condition #10 that states “No Parking” signs shall be installed on Crosswood Drive.

County Counsel Frantz stated that since staff was recommending denial of this application and the Commission was in favor of adding signs in lieu of the sidewalk, then a Finding for General Plan Consistency would need to be added. She read into the record suggested language.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to take the following actions: 1. Find the project revision is covered by the scope of the previous Negative Declaration and pursuant to Section 15162(b) of the CEQA Guidelines, no further documentation is necessary; and 2. Approve the request to remove Condition 8 and approve the modified Conditions of Approval for Special Use Permit S07-0011-R and Development Plan PD95-0016-R-4 as revised by staff based on the Findings and subject to the Conditions of Approval as amended: (a) Add new General Plan Finding using language stated by County Counsel; and (b) Amend Condition #10 to include the installation of a “School Bus Stop” sign, a “Private Road” sign and a “No Through Access” sign to the satisfaction of DOT by July 31, 2012.

AYES: Heflin, Rain, Mathews, Pratt

NOES: None

ABSENT: Tolhurst

This action can be appealed to the Board of Supervisors within 10 working days.