

FROM THE MINUTES OF OCTOBER 25, 2007

12. REZONE/SPECIAL USE PERMIT (Public Hearing)

a. **Z06-0038/S98-0013R** submitted by LIGHT OF THE HILLS LUTHERAN CHURCH (Agent: Brian Morris) to rezone Assessor's Parcel Number 109-161-01 from Limited Multifamily Residential-Planned Development (R2-PD) to Estate Residential Five-acre (RE-5), and revision to a special use permit to allow construction of one additional building and expansion of the permit to allow the development of a multi-purpose ball field on an adjacent 5.069 acre parcel (Assessor's Parcel Number 109-161-31). The proposed Sunday school building would be located directly behind the current church facility and would be a two-story building. The original use permit allowed for two additional buildings that would include a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet). The applicant has requested that the plan for two additional buildings be abandoned and replaced with a single building of reduced size (13,720 square feet). The properties, identified by Assessor's Parcel Numbers 109-161-01 (5.015 acres) and 109-161-31 (5.069 acres), are located on the south side of Rodeo Road, at the intersection with Coach Lane, in the **Cameron Park area**, Supervisorial District IV. (Mitigated negative declaration prepared)

Staff: Pat Kelly recommended approval. This item was considered prior to Item 11.b.

Commissioner Machado said if nothing is done today the church can still build their 18,000 square feet. Mrs. Kelly replied in the affirmative. That is what was approved with the original use permit. Comments to her have been about the ball field, not the church.

Commissioner Machado commented there will be no lights. Mrs. Kelly said that is correct. Condition 30 prohibits lighting and sound systems. Commissioner Machado asked if the ball field can be used by the public. Mrs. Kelly referred the Commission to Condition 33.

Commissioner Mathews asked if a traffic study was done in connection with the ball field. Mrs. Kelly replied no. Eileen Crawford, Department of Transportation, said the traffic study was part of the original approval. The use of the revised permit was considered less intense than the original approval, so a second traffic study was not required.

Mark Gerback, representing the church, went over some background information on the church and this site and briefly explained their proposal.

Commissioner Mac Cready asked about landscaping. Mr. Gerback explained the landscaping they will be installing.

Commissioner Machado asked if they would object to a condition prohibiting commercial activities. Mr. Gerback would object to such a condition.

Commissioner Machado asked if they are planning to allow any organized sports leagues use the ball field. Mr. Gerback hopes that the field would be open to local groups during the seasons. Commissioner Machado would like to limit it to church use only. Mr. Gerback would like to be able to let the local leagues use the field.

Commissioner Mathews asked for clarification on the location of the open areas. Mr. Gerback said it is closer to the street, the ground is the flattest, and that is where the least amount of oak trees are located.

Danica Olivo said they are opposed to the ball field. It is not compatible to their community. The church provides a buffer between commercial and residential.

Tom Yancy read a letter from ACCORD which was in opposition to the ball field. Mr. Yancy also read and presented a letter on his own behalf which was also in opposition to the ball field.

Nancy Lee Getman, resident of Cameron Estates, read her letter into the record which was in opposition to the ball field.

A resident in the area said the traffic has increased tremendously since the traffic study was done eight years ago. He believes the Department of Transportation is doing something with the road into Cameron Estates next year. He feels a new traffic study is important for something like this.

Steven Jones spoke about the impacts the ball field would have on his family. It does not fit with what a majority of the neighbors want.

Mr. Givens said the ball field was an afterthought. The property was purchased about four years ago. There have been many accidents at Coach Lane and Country Club Drive. There are many liquor stores in the immediate area. This is not a good area for a ball field.

Angela Johnson, member of ACCORD for many years, said the church is a good thing. They do much good for the community. Most property owners in Cameron Estates do not have a problem with the church and its buildings, but they are opposed to the ball park. Traffic is a serious issue. She does not believe a ball park is a proper use in this area.

Sam Teresi believes the church is a great addition. He is opposed to the ball field. There will still be a traffic issue. This is not a good use of the land.

Kathie Evans read her comments into the record. She is opposed to the ball fields.

Mr. Gerback said it seems traffic and noise are the main issues. They did a traffic study in April 2004. The ball field was included in the study and indicated the use would not increase the traffic. The noise study indicated there would not be an increase from the traffic on Highway 50 and surrounding area. The ball fields are across from Burke's Junction and Safeway. He does not know where the comments about lights came from. They are not going to have any lights. With the fencing of the ball fields they believe there will be less foot traffic across their property. They are not asking for a rezone to commercial. He feels a ball field would be a good transition from commercial to residential.

Commissioner Mac Cready asked if they will be paid for the use of the ball fields. Mr. Gerback said they would not be paid. There are some groups that give donations to the church and other that help with maintenance, but they do not charge for the use.

Commissioner Machado asked the use of the current buildings. Mr. Gerback explained. Commissioner Machado asked if they have daily school at the church. Mr. Gerback said they do not. Commissioner Machado asked about the fencing. Mr. Gerback said they have not thought about the type of fencing but believes it would be six feet tall. Mr. Gerback referred to Section 2.2.5.17 of the General Plan where it states this use would be consistent.

Ms. Crawford explained traffic credits and traffic studies.

Commissioner Tolhurst asked the number of multifamily units that would be allowed on the property. Chair Knight replied 40 units.

Ms. Frantz said under the current zoning the ball fields could be constructed by right.

Ms. Hunter commented that in the traffic study they did analyze 220 students with the ball fields.

Commissioner Mathews would not want a ball field next to his property but understands why the church would like to put it in. He feels it is not an appropriate use in this area. If it gets approved with the church only using the fields, why would they build it? Commissioner Tolhurst said they have the right to put in a ball field. The public use is the question.

Commissioner Mac Cready would like to see the use restricted to church uses or uses other than sport leagues.

Commissioner Machado suggested the addition of several conditions, i.e., that the multi-purpose ball field shall not be used by organized sport leagues for practice or games; there is to be no commercial use of the field whatsoever; the hours of use will be from 9:00 AM to 6:00 PM; a six-foot cyclone fence shall surround the entire field property,

with gates; and signage shall be installed around the perimeter of the field stating "This field for church use only. No organized sport leagues allowed."

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONCEPTUALLY APPROVE Z06-0038 AND S98-0013R BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED AND CONTINUE THESE APPLICATIONS TO THE CONSENT CALENDAR ON NOVEMBER 8, 2007, TO ALLOW STAFF TIME TO MODIFY THE CONDITIONS..