

## **FROM THE MINUTES OF NOVEMBER 8, 2007**

### **7. ZONE CHANGE/PLANNED DEVELOPMENT (Public Hearing)**

**Z06-0043/PD06-0029** submitted by TROY BURKHART (Agent: Jeff Crovitz) to rezone from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and development plan for a vehicle storage facility. The property, identified by Assessor's Parcel Number 325-230-27, consisting of 1.7 acres, is located on the north side of Headington Road, approximately 850 feet east of the intersection with Missouri Flat Road, in the Placerville Periphery area, Supervisorial District III. (Negative declaration prepared)

Staff: Michael Baron recommended approval. Commissioner Machado stated there are no hours of operation stated. Mr. Baron said there were no hours stated because individuals will be picking up recreational vehicles, cars, at all time. It is a card-lock operation. Safeway is located just across the street which has truck deliveries all night.

Jeff Crovitz thanked staff for their help with this application. This property is not visible from the highway. It sits lower than the Department of Transportation yard. He asked that Condition 8 be modified. Paving the shoulder will encourage parking in that area. They would like to construct an 8 to 12 inch gravel base area rather than the paved area.

Commissioner Machado asked the applicant's representative about the hours of operation. Mr. Crovitz stated they will have someone on site from 7:00 AM to 7:00 PM. As it is a card lock facility the applicant is considering 24 hours which is consistent with the Department of Transportation and Safeway. The yard is for recreational vehicles. It is not for junk cars.

Adolph Zerke, owner of a business in the area, stated he works early and late hours in his business, and this is a noisy area. He feels this area should be changed to commercial. He feels this is a positive use for the area.

There was no further input.

Eileen Crawford, Department of Transportation, stated her department still supports the original recommendation for a paved shoulder. No parking signs could be posted in that area. Commissioner Machado said it is not right-of-way that is needed. Ms. Crawford explained the improvement that is required. Commissioner Machado said the gate is 50 to 60 feet within the parcel. Ms. Crawford said the paving on the parcel is to allow vehicles to turn around. Commissioner Machado has no problem with the use. Commissioner Tolhurst said these are very large vehicles. There will be a problem even with 12 inches of gravel.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0043/PD06-0029 REZONING ASSESSOR'S PARCEL NUMBER 325-230-27 FROM ONE-ACRE RESIDENTIAL (R1A) TO GENERAL COMMERCIAL-PLANNED DEVELOPMENT (CG-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

### **Findings**

#### **1.0 CEQA FINDING**

- 1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a negative declaration has been filed. Any impacts from the project on biological resources, traffic, and mineral resources will be less than significant due to existing standards and requirements imposed in the conditioning of the project.
- 1.2 The project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game.
- 1.3 The documents and other materials which constitute the record of the proceedings upon which this decision is based are in the custody of the Development Services Department Planning Services at 2850 Fairlane Ct, Placerville, CA 95667.

#### **2.0 ADMINISTRATIVE FINDINGS**

##### **2.1 General Plan**

The proposal is consistent with General Plan Policies 2.2.1.2, 2.2.5.3, 2.2.3.1, 2.8.1.1, 5.1.2.1, 7.3.5.1, 7.3.5.2, 7.4.4.2, TC-Xe, TC-Xf and 7.4.4.4. The project has been designed in a manner to provide adequate access, site design, minimal traffic impacts, and has been conditioned to fit within the context of the surrounding land uses, it is found to be consistent with the General Plan policies identified above.

##### **2.2 Zoning Code**

Rezoning the project site from One Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) is consistent with the 2004 General Plan Table 2-4 Consistency Matrix and the addition of the Planned Development Overlay ensures Consistency with all applicable policies related to noise, smoke, dust, light, and glare. As proposed, the project meets all applicable development standards contained within §17.32.040 of the *El Dorado County Zoning Ordinance*.

## **2.3 Planned Development**

The proposed vehicle storage lot has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development) and verified conformance to applicable standards of the Zoning Code and General Plan policies. In accordance with Section 17.04.030 of the County Code, a Development Plan cannot be approved unless the Planning Commission can make the following findings:

### **2.3.1 The Planned Development request is consistent with the General Plan.**

As required by the planned development process, staff has reviewed the submitted development plan (project plans, site, preliminary grading, elevation, and sign) and verified conformance to the standards of the Zoning Code. Additionally, the General Plan contains several policies pertinent to the project whose consistency is discussed under the General Plan section of these Findings.

### **2.3.2 The proposed development is so designed to provide a desirable environment within its own boundaries.**

The project involves minimal construction due to the existing condition of the site, the conversion of a garage into a small office connected to an existing single family dwelling, minimal grading, fence mounted sign, security light, and security gate.

### **2.3.3 The exceptions to the standard requirements of the zone regulations are justified by the design and existing topography.**

The project does not require exceptions to the County Code.

### **2.3.4 The site is physically suited for the proposed uses.**

Grading for construction of the proposed vehicle storage facility will be minimal due to the flat topography, existing tree canopy is retained, and existing fencing surrounding the property will remain.

### **2.3.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.**

The project site is adequately served by existing EID public water and sewer and local fire protection and emergency services.

**2.3.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.**

The project is commercial in nature within close proximity to an existing commercial/light industrial area and would not impact any natural land or scenic values of the site.

**Conditions**

1. This zone change and development plan approval is based upon and limited to compliance with the project description, dated December 20, 2006, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

**The project description is as follows:**

A request to rezone a 1.7 acre site from One Acre Residential to General Commercial-Planned Development and a development plan application for a vehicle storage facility of up to 76 vehicles, trailers, boats and RV's up to sixty feet long within a fenced lot. Improvements include an electronic security gate, office, unlighted fence mounted sign, and security lighting.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Final Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. All site improvements shall conform to Exhibits E, F, G, H, I, J, and K
3. Prior to issuance of building permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
4. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.

5. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require additional Planning Services review and approval.
6. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, prior to issuance of a building permit. Applicant shall install landscaping in accordance with the approved final landscaping plan and maintain in perpetuity or unless otherwise modified through any future permit.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The developer shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a development, which action is brought within the time period provided for in Section 66499.37.

County shall notify the developer of any claim, action, or proceeding and County will cooperate fully in the defense.

#### **Department of Transportation**

8. The applicant shall construct a twelve-foot wide paved shoulder (3 inches AC over 8 inches AB) according to El Dorado County Design and Improvement Standards Manual Standard Plan 101A along the frontage of Headington Road from the existing encroachment to the existing fence along the eastern boundary of this project. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans and construction shall be substantially complete, as determined by the Department of Transportation, prior to the issuance of any building permit for this commercial development.
9. The applicant shall secure an encroachment permit and improve said access to Headington Road to Design and Improvement Standards Manual Standard Plan 103C, and shall be accomplished prior to occupancy of this commercial development.

10. The applicant shall submit an improvement plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.
11. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading, with CEQA compliance.
12. The applicant shall provide a grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
13. Upon completion of the public improvements required, and prior to acceptance of the improvements by the County, the developer shall provide a CD to the Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
14. The applicant shall pay the traffic fees at the time a building permit is deemed complete.