



Legislation Text

File #: 08-0101, **Version:** 4

HEARING: Consider a request submitted by Rich Solis appealing the Planning Commission's approval of Special Use Permit S07-0011/Planned Development Revision PD95-0016-R-3/ Kniessel's Auto Collision Center on property identified by APN 070-280-64, consisting of 3 acres, in the Shingle Springs area; and Planning Services recommending the Board take the following actions:

- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
- 2) Deny the appeal, thereby upholding the approval of S07-0011/PD95-0016-R-3 by the Planning Commission based on the findings listed in Attachment 1, subject to the conditions listed in Attachment 2. (Supervisory District IV) (Cont'd 8/25/09, Item 5) (Est. Time: 1 hr.)

Background: On January 29, 2008, the Board voted to uphold the the appeal of the Planning Commission's approval of Special Use Permit S07-0011/Planned Development Revision PD95-0016-R-3/Kniessel's Auto Collision Center, Inc. On April 22, 2008, the Board approved Resolution #113-2008 adopting findings on the appeal of Application #S07-0011/PD-0016-R-3 denying the permit. The applicant, Richard Kniessel, filed a lawsuit with the Superior Court of the State of California, which was heard on March 20, 2009. The Court Judgment, filed August 3, 2009, ordered the County to: (1) set aside its decision of January 29, 2008, and Resolution 113-2008 dated April 22, 2008, in the administrative proceedings entitled Appeal of Application #S07-0011/PD95-0016-R-3; and (2) reconsider its action in light of the court's statement of decision. To comply with the Court Judgment, these actions were approved by the Board on August 25, 2009, and the re-hearing of the appeal was set for September 15, 2009.

This is a request submitted by RICH SOLIS appealing the Planning Commission's approval of Special Use Permit S07-0011/Planned Development Revision PD95-0016-R-3/Kniessel's Auto Collision Center which would allow the conversion of an existing sports complex into an automobile body shop with 16 service bays and a maximum of 25 to 30 employees. Hours of operation are proposed to be 7:30 AM to 5:30 PM. A free standing sign 94.5 square feet in size is proposed. 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-quarter mile west of the intersection with Ponderosa Road in the Shingle Springs area, Supervisory District IV. [Project Planner: Aaron Mount] (Negative declaration prepared)

These applications were first considered by the Planning Commission on November 8, 2007, and continued to December 13, 2007, to allow the applicant time to submit a revised site plan. On December 13, 2007, only three Commissioners were present and unanimously voted to conditionally approve the applications.

Specific reasons for appeal:

1. Economic impact to existing auto collision repair facilities.

Response: Findings for approval were made that the project is consistent with the General Plan and

Zoning Ordinance. Further, CEQA section 15382 states, "An economic or social change by itself shall not be considered a significant effect on the environment."

2. Only three out of five Planning Commissioners were in attendance to vote on the special use permit.

Response: The agent for the project agreed to proceed with three Planning Commissioners in attendance and the decision to approve the project was unanimous. Even if the other two Commissioners were present and voted against the project, it still would have been approved.

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