



## Legislation Text

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**File #:** 12-0852, **Version:** 1

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Hearing to consider a request submitted by Lori Parlin appealing the approval of Special Use Permit Revision S07-0011-R/Planned Development Revision PD95-0016-R-4/Kniesel Auto Collision Center removing Condition 8 requiring curb, gutter, and sidewalk on Crosswood Drive by the Planning Commission on June 14, 2012 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) 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) Deny the appeal, thereby upholding the approval of Special Use Permit Revision S07-0011-R/Planned Development Revision PD95-0016-R-4 by the Planning Commission on June 14, 2012 based on the Findings and subject to the Conditions of Approval listed in Attachment 1.

(Supervisory District 4) (Est. Time: 1 Hr.)

### **Background**

This is a request submitted by Lori Parlin appealing the approval of Special Use Permit Revision S07-0011-R/Planned Development Revision PD95-0016-R-4/Kniesel Auto Collision Center removing Condition 8 requiring curb, gutter, and sidewalk on Crosswood Drive by the Planning Commission on June 14, 2012. 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, Supervisory District 4. [Project Planner: Aaron Mount] (Previous Negative Declaration prepared pursuant to Section 15162(b) of the CEQA Guidelines)

These applications were considered by the Planning Commission on June 14, 2012 and were approved by a vote of 4-0. The minutes from this meeting are attached.

Staff Analysis Summary: The details of the appeal are contained in the attached Appeal Form. The basic points of the appeal are:

1. The Planning Commission's removal of Condition of Approval 8 was arbitrary and capricious.
2. Condition 1 containing the hours of operation, 7:30 AM to 5:30 PM, needs to be corrected to include Monday through Friday.
3. Revision of Condition 1 removing the covered parts storage area needs clarification.
4. There are no conditions stating how to keep noise within the building.
5. There are no conditions stating how to keep parking lot noise within the specified guidelines of the General Plan.
6. There are no conditions stating how to keep odors from leaving the project site and going onto adjacent property.

The Planning Commission approved the applicant's request to remove Condition of Approval 8 based on the addition to the Findings and revised Conditions of Approval as follows:

### **FINDINGS**

## 2.0 General Plan Finding

2.1 The request to remove the condition to construct the sidewalk is consistent with General Plan policies 2.5.2.1 and TC-5b because the proposed sidewalk does not lead to a school, park, or other high pedestrian use areas, and because the sidewalk is not anticipated to connect to any other place in the future. Concerns the neighbors have expressed about the pedestrian safety are adequately addressed with the addition of additional signage to ensure that few cars as possible utilize the private road of Crosswood Drive.

### CONDITIONS OF APPROVAL Planned Development (PD95-0016)

10. County standard "No parking", "School Bus Stop", "Private Road", and "Not a Through Road" signs shall be installed on Crosswood Drive by July 31, 2012 to the satisfaction of the Department of Transportation.

Additionally, the applicant requested to modify Condition of Approval 1 as a covered outside parts storage area was proposed by the applicant and approved as part of the project, but is not currently required for the business. The Commercial zone district does not allow outside uncovered storage and the applicant intends to store all parts and materials in the structure for compliance with the zone district and for security reasons. The following addition to Condition of Approval 1 was approved as part of the project revision that is being appealed:

1. ...Outside storage of any parts or materials shall not be allowed....

The Planning Commission hearing being appealed was not a De Novo hearing (Considering the matter anew, the same as if it had not been heard before and as if no decision previously had been rendered). The project being revised was previously approved by the Board of Supervisors and days of operation, noise, and odors were not a part of the scope of the revision being appealed. The scope of the revision was removal of Condition of Approval 8 requiring curb, gutter, and sidewalk and revision of Condition of Approval 1 removing the covered parts storage on the east side of the building. Operation of the auto body shop must be consistent with the approved conditions and all applicable ordinances and policies or a revocation hearing may be scheduled.

### **Contact**

Roger Trout (5369)/Peter Maurer (5331)

### **Follow-up for COB**

Send Dept copies of correspondence.