



## Legislation Text

**File #:** 07-1737, **Version:** 1

Hearing to consider rezone (Z07-0019) of 3.62 acres (APN 329-162-69) from One-family Residential (R1) to One-family Residential-Planned Development (R1-PD); development plan (PD07-0014) and tentative subdivision map (TM06-1417) to create and construct 18 single-family detached homes on lots ranging in size between 2,470 and 3,611 square feet, creation of a 43,500 square foot open space parcel, and creation and construction of a 3,812 square foot tot lot in the Diamond Springs/El Dorado Community Region; and adoption of Ordinance **4748** for said rezone; Applicant: Panorama View, LLC. (District 3).

**RECOMMENDED ACTION:** Planning Commission recommending the Board take the following action: 1. Adopt the negative declaration, as prepared; 2. Approve Z07-0019/PD07-0014 rezoning Assessor's Parcel Number 329-162-69 from One-family Residential (R1) to One-family Residential-Planned Development (R1-PD), adopting the development plan as the official development plan, subject to the conditions and based on the findings listed on Attachment 1; and 3. Approve TM06-1417 subject to the conditions and based on the findings listed on Attachment 1.

Background: These applications were considered by the Planning Commission on October 11, 2007, and recommended for approval on a 3-1-1 vote, with Commissioner Mac Cready voting no and Commissioner Mathews absent. Nelson Dawson asked what happened to his requested down-zoning. This is high density. Another property owner said his land was rezoned without notice. He does not want to look into six backyards. Lisa Reyes represented her parents. They are concerned about noise, traffic congestion, the visual effect of having sheds in the backyards, parking, and residents in this project not being about to park in their driveways. Two-story residences will also restrict their view. Vivian Parker, biologist, stated we have a General Plan. You cannot keep changing the zoning every time you want to. The acorns the applicant is required to plant will not survive. She does not believe it is legal to put off the mitigation on the homeowners association. Michael Reyes said the project may technically fit, but where is the benefit to surrounding property owners? Robert Sanders asked what is going to separate this property from the existing parcels. The culvert in the area is year-round.

Commissioner Mac Cready was concerned about the size of the proposed lots and does not believe the acorns or saplings will survive. He was also concerned about who is going to have to pay for monitoring of the trees. Commissioners Knight and Machado agreed the project complies with the General Plan and that the change to Planned Development zoning is a benefit.

One letter was received after the hearing from Larry and Reba Schirle addressing concerns regarding the size of the proposed lots instead of the present one-acre lots; six backyards facing their property; cutting of oak trees; traffic; and parking problems. (See Attachment 3/2 pages).

There was no further input. No new significant issues were discussed other than those in the staff report.

Contact: Gregory L. Fuz (5445)/Lawrence W. Appel (7698)/Pierre Rivas (5841)