

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.edcgov.us/devservices>



PLACERVILLE OFFICE:
2850 FAIRLANE COURT PLACERVILLE, CA 95667
BUILDING (530) 621-5315 / (530) 622-1708 FAX
bdgdept@edcgov.us
PLANNING (530) 621-5355 / (530) 642-0508 FAX
planning@edcgov.us

LAKE TAHOE OFFICE:
3368 LAKE TAHOE BLVD. SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 FAX
tahoebuild@edcgov.us

TO: Planning Commission Agenda of: January 13, 2011

FROM: Gina Paolini, Senior Planner Item No.: 9

DATE: December 21, 2010

RE: Appeal of Development Services Director's Determination of Consistency/Determination of Similar Use with the Town Center West Development Plan (Planned Development PD95-0002) to allow a Drug Store use within the Plan Area as determined by Pre-application PA09-0011 / APN 117-180-12

BACKGROUND

On July 13, 2009, El Dorado Hills Investors submitted a pre-application request to Development Services to review a development proposal for Planning Area E of the El Dorado Hills Town Center West Planned Development (PD95-0002). Planning Area E of the El Dorado Hills Town Center West is located on the southwest side of White Rock Road southwest of the intersection with Latrobe Road. The purpose of the request was to determine whether the proposal was consistent with the Development Plan prior to securing users for the site.

On August 27, 2009, Development Services staff held a pre-application meeting with the property owner. The summary report of the pre-application is attached (Exhibit A). It was determined that Planning Area E of the Development Plan was allocated by the approved Development Plan for up to 35,000 square feet of commercial service and retail uses, as defined as Category C uses within the Development Plan's Design Guidelines and Development Standards. Staff concluded that although a retail drug store use had not been a use specified within the Development Plan, it was similar in nature to other uses established within the Development Plan. The proposed 14,900 square foot retail drug store; including a drive-up window, off-site beer and wine sales, retail health center, and 24-hour operation would be permitted within Planning Area E.

Building Permit No. 197682 and Grading Permit No. 197684 were submitted for a 14,550 square foot drug store on June 30, 2010. A hold was placed on these permits on December 15, 2010 pending the subject appeal.

DISCUSSION

On December 15, 2010, an appeal of staff's Determination of Consistency was submitted by Morgan Miller Blair, on behalf of Syers Properties III, LLC. The appellant's letter dated December 14, 2010 states that they believe staff's determination was unreasonable, constituted an abuse of discretion and was not supported by substantial evidence (Exhibit B). In particular, the appellant does not believe that a drug store use is "similar in nature to other Category C uses" listed within the Town Center West Development Plan or its Design Guidelines and Development Standards.

The Town Center West Development Plan was approved by the Board of Supervisors on May 23, 1995. The Development Plan for Town Center West included uses consistent with the El Dorado Hills Specific Plan and the General Commercial (CG) zone district. It was recognized at the time of approval that not all appropriate and viable uses could be listed. "*Within the regulatory framework of the Design Guidelines and Development Standards, additional uses may from time to time be found to be consistent with the intent and purpose of the Town Center West Planned Development*" (page 3 of the Design Guidelines and Development Standards). The Development Plan categorized the site uses into four distinct land use categories: Light Manufacturing (LM), Research and Development (RD), Business and Professional (BPO) and Commercial Service and Retail (C).

Section 1.4 of the Design Guidelines and Development Standards stated that uses of a service and retail nature would be limited to those which are ancillary to and in support of the primary uses within the development and would not exceed 60,000 square feet. Permitted uses would include:

Barber Shop	Newsstand	Boxing/Shipping Service
Office Supplies	Delicatessen	Restaurant
Dry Cleaner	Service Station	Fast Food Restaurant
Shoe Repair	Florist	Stationers
Hair Salon	Copy Printing Service	Hotel

Staff determined that although a drug store use was not a use specified within the Development Plan, it provided many of the services and goods listed as permitted. In addition, the retail use would be ancillary and supportive to primary uses within the Town Center West Development. Staff also determined that the maximum Category C uses within Planning Area E would be 35,000 square feet, and the proposal was for a 14,900 square foot drug store. The proposal complied with the planned square footage requirements.

Staff issued a letter dated September 28, 2009, stating that a retail drug store business, including a drive-up window, off-sale beer and wine sales, retail health center and 24-hour operation while not a use specifically listed in the Development Plan, would be similar in nature to other Category C uses and could be established within Planning Area E.

RECOMMENDATION

Planning Services recommends the Planning Commission take the following action:

1. Deny the appeal thereby upholding the Development Services Director's Determination of Consistency with the Town Center West Development Plan (PD95-0002) and allow Building Permit No. 197682 and Grading Permit No. 197684 to be issued by Building Services.

SUPPORT INFORMATION

Attachments:

Exhibit A.....Pre-application Worksheet/PA09-0011
Exhibit BAppeal Form