



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Phone: (530) 621-5355 Fax: (530) 642-0508

Lou Rain, Chair, District I
Dave Pratt, First Vice-Chair, District II
Tom Heflin, Second Vice-Chair, District III
Walter Mathews, District IV
Alan Tolhurst, District V

Char TimClerk of the Planning Commission

MINUTES

Regular Meeting
January 13, 2011 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:42 a.m. Present: Commissioners Rain, Pratt, Heflin, and Tolhurst*; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.
*[*Arrived at 9:00 a.m. and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (3-0), to adopt the agenda as presented.

AYES: Heflin, Pratt, Rain
NOES: None
ABSENT: Mathews, Tolhurst

3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. Minutes: December 9, 2010

END OF CONSENT CALENDAR

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (3-0), to approve the Consent Calendar.

AYES: Pratt, Heflin, Rain
NOES: None
ABSENT: Mathews, Tolhurst

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**
(Development Services, Transportation, County Counsel)

Pierre Rivas said there was report for current planning.

Peter Maurer provided the following summary of events for long-range planning:

- EDAC presentation at Board of Supervisors' January 10, 2011 Special Meeting. The Board has determined to focus on several policies and staff will be returning back on February 15, 2011 for review and discussion. This review is combined with the Five-year Review Plan.
- INRMP. The final part of Phase 1 is coming to a close and the next step will be preparing the Scope of Work for Phase 2.
- Zoning Ordinance Update. It is anticipated that public meetings will begin in Spring 2011.
- TIM Fee for Age-restricted Housing. This is a Board-directed item and Planning staff is working with DOT on the presentation scheduled for the Board's January 25, 2011 meeting.

6. **COMMISSIONERS' REPORTS** – None

9:00 A.M.

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. **SPECIAL USE PERMIT REVISION**

S97-0008-R-2/Faith Episcopal Church Monument Sign submitted by FAITH EPISCOPAL CHURCH (Agent: Angelo Urbani) to revise Special Use Permit S97-0008 to construct two externally illuminated 96.43 square-foot monument signs, joined at one end to show two faces in a triangle design. The property, identified by Assessor's Parcel Number 119-280-08, consisting of 9.4 acres, is located on the southwest corner of Country Club Drive and Trinidad Drive, in the Cameron Park area, Supervisorial District I. [*Project Planner: Tom Dougherty*] (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)**

Tom Dougherty presented the item to the Commission with a recommendation of approval.

Angelo Urbani/applicant's agent provided the following comments in response to inquiries by the Commission:

- Trying to be good neighbors and the sign will be better than what is currently being used;
- New sign will better identify themselves to the public;
- Discussion had taken place on having signage on building, but there had not been a consensus on the design;
- Had not known that a sign was not allowed by right which is why they submitted the revision to the Special Use Permit; and
- Lighting on sign will be tied to the parking lot lighting.

Commissioner Pratt voiced concern on lighting at night, possible sign blight in that area, particularly with another church nearby, and the size of the proposed new sign.

Chair Rain stated that he did not want the lighting on all night long and that the sign was a little too large.

Commissioner Heflin felt that the sign was too big for only having three words on it.

Commissioner Tolhurst commented that the size of the sign is usually calculated by the speed of traffic going by. Since this is next to the highway, the sign would be bigger compared to a sign located on a rural road. He stated that the sign would be concrete block, so lighting projecting out would be needed.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner Pratt for discussion purposes, to take the following action: 1. Find the project is Exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and 2. Approve Special Use Permit Revision S97-0008-R-2 based on the Findings and subject to the Conditions of Approval as presented. Motion withdrawn by Commissioner Tolhurst.

Commissioner Heflin would like to see a smaller sign with the lighting on a timer.

Commissioner Tolhurst stated he would agree with the lighting except that this is on a highway.

Commissioner Pratt indicated that he would like to see this project come back to allow time for the applicant to determine if the sign can be made smaller or provide the Commission a basis for keeping it the proposed size. He stated he was fine with the design, but did have issues with the lighting.

Chair Rain concurred with the other Commissioners' concerns.

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (4-0), to continue the item off-calendar and direct staff to work with the applicant to reduce the size of the sign or provide justification for the requirement of a larger sign, and provide subdued lighting with a timer shutting it off by 10:00pm.

AYES: Tolhurst, Heflin, Pratt, Rain

NOES: None

ABSENT: Mathews

9. APPEAL

Request submitted by SYERS PROPERTIES III, LLC appealing the Development Services Director's Determination of Consistency/Determination of Similar Use (Pre-application PA09-

0011) of a retail drug store; including drive-up window, off-sale beer and wine sales, retail health center, and 24-hour operation; within the Town Center West Development Plan area (Planned Development PD95-0002) on September 28, 2009, on property identified by Assessor's Parcel Number 117-180-12, consisting of 2.04 acres, located at the southwest corner of the intersection of Latrobe Road and White Rock Road, in the El Dorado Hills area, Supervisorial District II.
[Project Planner: Gina Paolini]

County Counsel Paula Frantz stated that this item had been taken into consideration by the Board of Supervisors in Closed Session due to significant exposure to litigation. She recommended that the Commission adjourn to Closed Session due to significant exposure to litigation. Chair Rain adjourned the meeting into Closed Session.

County Counsel Frantz indicated that there was nothing to report out of Closed Session. She stated for the record and for members of the public that at the Board's Closed Session it was reported out that with a 3-2 vote, the Board had concluded that due to a lack of notice given and significant exposure to litigation, they waived the official 10-day appeal period and allowed the appeal to be heard on its merits today.

Gina Paolini presented the item to the Commission with a recommendation of denial of the appeal.

Todd Williams/appellant's agent made the following comments:

- Appeal is not a threat of litigation against the County;
- Town Centers West and East Planned Developments are distinct, but complimentary and Town Center East should have been considered during the review;
- Summarized each Center's allowed uses;
- Argued that the proposed use of a drug store is not an ancillary retail store, therefore, it is not one of the allowed uses and public hearing channels should have been used in this case;
- Proposed use would provide a conflict between the two Town Centers and bleed sales away from Town Center East;
- Approval of the proposed use sets a bad precedent and makes the allowed uses list invalid; and
- Recognized that Town Center West has lagged in development compared to Town Center East, but that doesn't justify the rules being bent.

Dr. Charles Syers stated he was there to represent his tenants, primarily the small business owners who rely heavily on foot traffic. In reference to the letter submitted by Doug Wiele, Dr. Syers responded that there is no landlord/tenant dispute and has in fact attempted to highlight CVS' presence in the Town Center. He stated that CVS holds an exclusive contract for Town Center East, thereby having the ability to control that space for long-term. Dr. Syers further said that CVS' options would be: (1) Have two stores within 35 seconds of each other; (2) Go dark in current location; or (3) Sublet the space to another store, possibly hurting the surrounding small businesses.

The applicant's agent, Bill McDermott/Armstrong Development, addressed the basis of the appeal and concurred with the Department's decision in December 2009 that the proposed use was consistent with Town Center West. He stated that CVS is a "stop-by" use and would be considered ancillary to the surrounding area. Mr. McDermott read the Planned Development into the record and felt that since the guidelines have been met, the appeal should be denied. He also stated that in regards to the existing lease, Syers Properties does have the ability to either release CVS from the lease or require them to continue to pay the lease while working with Syers Properties to fill the space.

Michelle Moore/applicant's agent stated that Town Center East is a thriving shopping center and the space would easily be re-rented and felt that the surrounding businesses would not be negatively affected. She also said that a determination of similar use does not require a review of the other Town Center's allowed uses.

Craig Sandberg, representing the Mansour Company, provided a background history on the creation of the Planned Development and the reasoning for identifying similar uses up front in order to avoid multiple hearings to determine consistency. He believed that the decision by the Development Services Director was appropriate as CVS is designed for convenience and this type of drug store being in existence was never anticipated in 1995 when the allowable uses were identified.

Robin Mizell, owner of Bark Avenue, stated that her store is directly across from CVS and was representing 10 business owners, 9 of which were small independent businesses, and wanted to provide the Commission with a merchant's perspective of the situation. Ms. Mizell stated that she chose this location for her store specifically on the strength of the anchors, CVS and Nugget Market.

Doug Wiele/Foothill Partners said that he had been interested in building a downtown and after meeting Tony Mansour was able to begin creating their grand vision. He stated that they have never distinguished between the two Town Centers except when dealing with government processes. He felt that this is a semantics issue and not a land use issue. Mr. Wiele stated that when the Planned Development was originally written, drug stores were very different from what they are now. The required store space needed for a drug store has decreased; they are now more of a convenience store than a regular store and are no longer considered a major tenant but instead as a pad tenant. He felt that CVS is no longer the appropriate business for the size of their current building and requested that the appeal be denied.

Commissioner Pratt made the following comments:

- Planned Development has been in place for over 15 years and understands that drug stores have changed into convenience stores;
- Availability of current CVS location will create another set of opportunities for shops; and
- Finds the proposed use is consistent.

Commissioner Heflin stated that rules allow for consistent use and finds that this proposed use is consistent with the intent and purpose of the Planned Development. He also felt that it would provide new economic opportunities.

Commissioner Tolhurst indicated that if the store went dark, it would be re-rented fairly quickly. He felt that in today's terms and reviewing the list of allowable uses, the proposed use is appropriate and concurs with the Development Services Department Director's decision.

Chair Rain stated that the Commission's first obligation is land use and they follow land use law. He made the following comments:

- This will help the community;
- Need to ensure there is no blight;
- Consistent with Planned Development; and
- Proper channels were used by the Development Services Department Director.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to 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.

AYES: Tolhurst, Pratt, Heflin, Rain

NOES: None

ABSENT: Mathews

This action can be appealed to the Board of Supervisors within 10 working days.

10. ZONING ORDINANCE UPDATE REVIEW

Review of Articles 1 and 2 of the Zoning Ordinance Update, Administrative Draft

Peter Maurer stated that this review would be conducted in a workshop setting and Lillian MacLeod was available for any questions as she was the primary author of the document. The purpose of the review is to familiarize the Commission with the document so when the public hearings begin, they will have a good understanding of the issues being raised. Mr. Maurer informed the Commission that if they are unable to get through the entirety of an Article, discussion on it would continue to the next meeting.

Staff discussed the various provisions with the Commission and some of the issues raised were:

- Zoning Ordinance maps need to be consistent with the General Plan;
- RA zoning located within an Ag District;
- Tourist-Residential – current conflict in Tahoe Basin due to vacation rentals located in residential areas; and

- Short-term temporary camping (i.e., tents) on vacant lands.

Valerie Zentner/El Dorado County Farm Bureau felt that this was a big improvement to the current Ordinance as it was more user-friendly. She voiced various concerns regarding Ag Districts and the elevation for Forest zone.

Next meeting will be continued discussion on Article 2, starting with Commercial.

No action taken.

11. ADJOURNMENT

Meeting adjourned at 12:33 p.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:



Lou Rain, Chair