



## AGENDA

### REGULAR PLANNING COMMISSION MEETING COUNCIL CHAMBERS, 380 CIVIC DRIVE, GALT THURSDAY, JULY 12, 2012, 6:30 P.M.

**NOTE:** Speaker Request Sheets are provided on the table inside the Council Chambers. If you wish to address the Commission during the meeting, please complete a Speaker Sheet and give to the Secretary of the Commission. A maximum of five minutes is allowed for each speaker.

**NOTE:** If you need disability-related modifications or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Community Development Dept., 209-366-7230, 495 Industrial Drive, at least two days prior to the meeting.

#### **CALL MEETING TO ORDER**

**ROLL CALL:** COMMISSIONERS: Dees, Morris, Pellandini, McFaddin, Rodriguez

**PUBLIC COMMENTS:** Under Government Code §54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item.

#### **INFORMATION/CONSENT CALENDAR**

(1)1. **SUBJECT:** Minutes of the June 14, 2012 regular meeting.

**RECOMMENDATION:** That the Planning Commission approve the minutes of the June 14, 2012 regular meeting.

#### **PUBLIC HEARING**

(5)1. **SUBJECT:** ARCHITECTURAL REVIEW MODIFICATION FOR CREEKSIDE 2 UNIT 2 RESIDENTIAL SUBDIVISION

##### **RECOMMENDATION**

That the Planning Commission Adopt Resolution 2012 - \_\_ (PC) modifying the approved Architectural Review Plan to include additional home plans (floor plans and elevations) to the range of approved home options in the Creekside 2 Unit 2 Subdivision (and changes to the plans will not become effective until July 19, 2012).

(15)2. **SUBJECT:** 1021 MEADOWVIEW DRIVE SETBACK VARIANCE FOR SIDE AND REAR YARD SETBACKS

##### **RECOMMENDATION**

That the Planning Commission adopt Resolution 2012-\_\_ (PC) denying a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from 5 feet to approximately 4.5 feet and in the rear yard from 10 feet to 4.5 feet.

**DEPARTMENT PRESENTATION – Tentative Map Information**

**ADJOURN**

**CATHY KULM, PLANNING COMMISSION SECRETARY:** Agenda Report. The agenda for this Galt Planning Commission Meeting was posted in the following listed sites before the close of business at 5:00 p.m. on the Monday preceding the meeting:

1. City Hall Lobby, 380 Civic Drive
2. U. S. Post Office, 600 N. Lincoln Way
3. Marian O. Lawrence Library, 1000 Caroline Avenue



## **MINUTES**

**Planning Commission Regular Meeting  
Council Chambers, 380 Civic Drive, Galt, California  
Thursday, June 14, 2012, 6:30 p.m.**

The meeting was called to order at 6:30 p.m. by Chairperson McFaddin. Commissioners present: Pellandini, Morris, McFaddin and Rodriguez.

Staff members present: Principal Planner Kiriu, Senior Planner Erias, City Attorney Rudolph, Development Services Engineer Forrest, City Manager Behrmann and PC Secretary Kulm.

**PUBLIC COMMENTS** – None.

### **INFORMATION/CONSENT CALENDAR**

1. **SUBJECT:** Minutes of the May 10, 2012 regular meeting.

**ACTION:** Morris moved to approve the consent calendar; second by Pellandini. Motion was unanimously carried by those Commissioners present. (Pellandini, McFaddin, Morris, Rodriguez)

### **PUBLIC HEARING:**

1. **SUBJECT:** **CONDITIONAL USE PERMIT FOR MATERIALS RECOVERY AND RECYCLING FACILITY AT 175 ENTERPRISE COURT**

#### **RECOMMENDATION**

That the Planning Commission adopt Resolution 2012-\_\_ (PC) approving the CEQA Negative Declaration and approving a Conditional Use Permit for a material recovery and recycling facility use at 175 Enterprise Court (California Waste Recovery Systems).

Erias gave a powerpoint presentation and then turned it over to the applicant, Rudy Vaccarezza from California Waste Recovery Systems. Mr. Vaccarezza also used a powerpoint presentation to present the company profiles, objectives of the recycling center and other general information.

Erias explained that several Conditions of Approval (COA) ensure a clean and safe environment, i.e., #5 states all transport trucks will be designated to an established truck route and all loads must be covered to prevent fugitive litter, COA #7 states that equipment repair and maintenance shall occur within the existing structure, COA #11 gives the city the right to inspect the facility at any reasonable time and review all records. COA #13 states the operator shall maintain the property and the facilities and equipment associated with the station in a safe, neat and clean and operable condition at all times. Erias noted that violation of any of these conditions can result in revoking of the Use Permit.

Chairperson McFaddin asked if the applicant agreed to all Conditions of Approval. Erias said yes.

Open Public Hearing.

Rick Walters, Galt citizen, asked if the facility would be on a water meter, would there be sewer improvements necessary to accommodate the water use and who pays for the road maintenance due to the truck traffic. Bill Forrest said the site is already on a water meter and there will be no upgrades made to the sewer system. Mr. Forrest also explained that the streets in the industrial area were designed for "industrial uses" such as truck traffic and maintenance would come from various sources, i.e., gas tax. Mr. Walters also expressed concern regarding the truck noise for the mobile home residents. Nick Pappani, Traffic Study Consultant, said that an analysis was completed and the noise level is within the City of Galt required threshold in the General Plan EIR.

Mark Robinson, representing the Savage Family who owns the parcel immediately south of the proposed project (United Rotary Brush), said they are not opposed to the recycling facility just the location. The biggest concern is the truck traffic on the shared driveway and the limited parking spaces. Mr. Robinson asked the Commission to include some additional conditions if the Use Permit is granted. For example, they should be restricted to using the right in and out shown on attachment 1, required to load and unload inside the building, required to keep records, required to remove the waste within 48 hours, and Mr. Robinson also recommended that the 24/7 hours be reduced to decrease the truck traffic.

Tracy Gross, Galt citizen, expressed a concern that the Recycling Center would turn into a Transfer Station. Ms. Gross asked the Commission to postpone the decision one month to allow additional community input.

Close Public Hearing.

Commissioner Morris explained that he met prior to tonight's meeting with Dave Vaccarezza. He also toured a similar facility with Mr. Vaccarezza in Tracy on May 14, 2012.

Commissioner Rodriguez explained that he met prior to tonight's meeting with Dave Vaccarezza. He also toured a similar facility with Mr. Vaccarezza in Tracy on May 26, 2012. The Tracy facility was not in operation at the time of the visit, but Mr. Vaccarezza explained the operation. Commissioner Rodriguez also visited the proposed site.

Chairman McFaddin explained that she met prior to tonight's meeting with Dave Vaccarezza, but did not visit the Tracy facility. McFaddin noted that she was not in favor of the previous transfer station project due to the location; however, this recycling facility is in a good location.

Commissioner Pellandini spoke briefly with Mr. Vaccarezza via telephone prior to the meeting and made a trip to the Tracy facility on his own time without Mr. Vaccarezza. He noted that the facility was very clean.

Commissioner Morris asked if the City would receive any revenue from the recyclables. Applicant indicated that the current rate structure between Cal Waste and the City is not structured so that the City receives revenues.

Principal Planner Kiriu responded in more depth to a question regarding noise asked earlier by Mr. Walters. Kiriu explained that the noise study measured existing noise levels and determined that the day/night average was 59 dbl at the intersection of Enterprise and Industrial. The predicted traffic levels would be 62 dbl. The General Plan states that noise up to 75 dbl is acceptable in an industrial park for transportation purposes and 65 dbl for mobile or stationary sources between 10 p.m. and 7 a.m. So the 62 dbl is beneath both the operational and the transportation limit.

**ACTION:** Morris moved to approve staff's recommendation as presented for the Recycling Center at 175 Enterprise Court; second by Pellandini. A roll call vote was taken by those commissioners present: Pellandini – Yes; McFaddin – Yes; Morris – Yes; Rodriguez - Yes. **Motion was unanimously carried.**

2. **SUBJECT: ARCHITECTURAL REVIEW MODIFICATION FOR CREEKSIDE 2 UNIT 2 RESIDENTIAL SUBDIVISION — This item to be continued to the July 12, 2012 regular meeting.**

Kiriú explained that this item will need to be continued to the July 12, 2012 regular meeting because we do not have the required 3/5 vote present at the tonight meeting.

3. **SUBJECT: SET A SPECIAL PLANNING COMMISSION PUBLIC HEARING DATE FOR AUGUST 23, 2012 AND CANCEL THE REGULAR AUGUST 9, 2012 MEETING**

**RECOMMENDATION**

That the Planning Commission changes the August 2012 public meeting/hearing date from August 9, 2012 to August 23, 2012 and confirm planned attendance.

Kiriú explained that due to a tentative subdivision map coming forward, the August 9, 2012 public meeting/hearing date needs to be changed to August 23, 2012. Erias explained that the project includes a rezone, EIR certification, review of ARC submittal and approval of the Tentative Map. Also on the August 23<sup>rd</sup> agenda, there may be a specific plan amendment, rezone and general plan amendment for a property in the Downtown area, as well as a variance application.

**DEPARTMENT REPORTS** – Kiriú gave a report back on City Council's action on the Architectural Review Amendments that the Planning Commission recommended at the June 14, 2012 meeting. City Council elected not to change the code to allow a simple majority vote on the ARC, they wanted to leave it at the 3/5 vote. Kiriú explained that because of the 3/5 requirement, we will be starting a new procedure. PC Secretary Kulm will email the commissioners a couple of weeks in advance regarding upcoming agenda items (location, applicant names, etc.) in order to ensure that a 3/5 vote can be taken on the proposed agenda items. City Council also requested that staff begin work on the design guidelines and the definition of insubstantial modifications as soon as possible. Staff will be bringing something back at a later meeting.

Meeting adjourned at 7:20 p.m.

Respectfully submitted by:  
Cathy Kulm, Planning Commission Secretary

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## PLANNING COMMISSION AGENDA REPORT

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Meeting Date: July 12, 2012

**Prepared by:** Chris Erias, Senior Planner

**Reviewed by:**

**SUBJECT** ARCHITECTURAL REVIEW MODIFICATION FOR CREEKSIDE 2 UNIT 2  
RESIDENTIAL SUBDIVISION

### RECOMMENDATION

That the Planning Commission Adopt Resolution 2012 - \_\_\_\_ (PC) modifying the approved Architectural Review Plan to include additional home plans (floor plans and elevations) to the range of approved home options in the Creekside 2 Unit 2 Subdivision (and changes to the plans will not become effective until July 19, 2012).

### LOCATION

The project is 14+ acres and is generally bounded to the north by the first unit of Creekside 2, residential lots (approximately Ranch Road). Dry Creek and the County of San Joaquin border the site on the south. The Creekside Unit 1 subdivision (approximately Bonanza Drive) forms the western boundary and a vacant residentially zoned lot borders the eastern edge where Ranch Road and Trade Post Trail currently terminate.

**OWNER/APPLICANT** 4 G's Development L.P.  
P.O. Box 550  
Elk Grove, CA 95759  
209-745-2945

**EXISTING ZONING** R1B-PD, Intermediate-Density Single-Family Residential-Planned  
Development (minimum 8,000 square foot lots)

**PROPOSED ZONING** There is no rezone as part of this request.

**EXISTING USE** Vacant and single family residential

**SURROUNDING LAND USE** North: Creekside 2, Unit 1 single family homes  
South: Dry Creek/San Joaquin County  
East: Vacant residentially zoned land  
West: Creekside Unit 1 single family homes

### SUMMARY

The project applicant is seeking approval to add three (3) home options to the approved Creekside 2 Unit 2 subdivision architectural package. The main difference between this request and the approved homes, is that the additional homes are slightly smaller (10-15%) than the existing homes plans and rather than approving a specific floor plan model the applicant is requesting the approval of a base model allowing changes to floor plans based on customer choices as long as the change does not go below the minimum square foot allowed. The elevations or exterior design of the homes is similar to the approved homes. If approved, the architectural package will far exceed the minimum requirements for diversity for the subdivision and provide it with a custom look. See remaining staff report for specific detail.

## **ENVIRONMENTAL STATUS**

The project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), General Rule Exemption, which states that CEQA is not required when there is no possibility that the action under consideration could have a significant effect on the environment. The addition of the proposed plans for Creekside 2 Unit 2 subdivision has been determined to have no potential to significantly adversely impact the physical environment. Additional floor plans with elevations are being added to the approved plans. The design of the floor plans and elevations is consistent with the approved plans and the same general construction materials and color scheme are proposed. In addition, the greater design flexibility is consistent with the subdivision's custom home theme. There are no changes to the approved plans. No other changes are proposed to the previously approved rezone, subdivision map, or certified EIR Addendum and Monitoring Plan for Creekside 2, Unit 2. Consequently, there will be no significant impact on the environment.

## **BACKGROUND**

The Creekside 2 Unit 2 rezone with architectural design (3 floor plans) was approved by the City Council on April 5, 2005. Minor modifications to the architectural plans and the addition of two (2) new floor plans were approved by the Planning Commission on October 12, 2006. The developer then added another two (2) new floor plans which were approved by the Planning Commission on October 9, 2008. This resulted in seven (7) production home options with 7 different elevations and 3 variations each for a possible 21 elevations from which to choose.

The approval of the 4 G's Development L.P. current plans noted that "additional production homes will be required to gain approval from the Planning Commission at a noticed public hearing prior to building permit issuance". In addition, the City also recently approved other changes to the Architectural Review procedures and previously imposed conditions for the Creekside 2, Unit 2 subdivision, as well as other previously approved subdivisions in the City. These changes maintained a requirement for public notice and hearing to consider substantial modifications to an approved Architectural Review approval, but streamlined the process and eliminated certain previously imposed "blanket" conditions like a minimum house size as long as the house size is approved by the Planning Commission at a duly noticed public hearing.

## **DISCUSSION**

4 G's Development L.P. now wishes to add to its seven (7) approved production home plans. Rather than specific floor plan layouts, the purpose is to request a basic building footprint as the required floor plan. The size can be changed as long they are no less than 1,700 square feet and match one of the approved elevation options. This would allow homebuyers flexibility to customize to some extent within the parameters of the ARC submittal. These modifications will be considered as part of the overall ARC approval and not "insubstantial modifications" as that term is used in Section 18.24.030 of the Galt Municipal Code (see new ARC ordinance just approved by the City Council). Each of the previously approved floor plans had three (3), for a total a 21, elevation variations but the additional 3 floor plans will have 4 elevations which will bring the total number of elevation options to thirty (33).

### Proposed Creekside 2 Unit 2 Additions:

The project is a proposal to add floor plans and elevations for the subdivision. The zoning will not change. As mentioned, the project will have a total of ten floor plans and 33 elevations which remains consistent with and far exceeds the diversity requirements of the Galt Municipal Code (GMC). The requirement for the Creekside 2 Unit 2 subdivision is 3 floor plans and elevation with 3 variations of each elevation for a total of 9. Each of the home floor plans represents the minimum or "base" model home with the selection of one of the elevations.

The additional elevations and floor plans offer the same basic ranch style home but are slightly smaller with varied elevation features.

The proposed additional floor plans range from 1,700 square feet to 1,840 square feet. If approved, the square foot range in the subdivision will be from a low of 1,700 to a high of 3,089. Past approvals were for a specific floor plan for each model. Shown below is a summary of the approved plans.

#### Approved floor plans

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Plan 08-6	2,147 Square Feet, Single Story, 4 Bedrooms, 3 Baths, 3-Car Front Entry Garage
Plan 08-7	2,129 Square Feet, Single Story, 3 Bedrooms/Den, 3 Baths, 3-Car Front Entry Garage
Plan 06-1	3089 Square Feet, Single Story, 4 Bedrooms, 3 Baths, 3-Car Front Entry Garage
Plan 06-2	2880 Square Feet, Single Story, 4-5 Bedrooms, 4 Baths, 3-Car Split Garage
Plan 06-3	2772 Square Feet, Single Story, 4 Bedrooms, 3 Baths, 3-Car Front Entry Garage
Plan 06-4	2622 Square Feet, Single Story, 4 Bedrooms, 3 Baths, 3-Car Front Entry Garage
Plan 06-5	2324 Square Feet, Single Story, 4 Bedrooms, 3 Baths, 2-Car Front (1 tandem) Entry Garage

The applicant is seeking to have flexibility in the floor plans of each of the homes. This will offer home buyers the opportunity to plan the layout of each of the homes. So rather than approving a specific floor plan, this request is for the Planning Commission to approve a range of building footprints, 1,700 square feet to 1,840, and front building elevation. For example, home model 2012-2 is 1,700 square feet. A buyer could not request less than this square foot requirement but could relocate the kitchen, bedroom, or amenities in the bathroom, if desired. The buyer could also request a slightly larger master bedroom that would modify the rear elevation but not affect the front which is visible from the public way. If that approach is not acceptable to the Planning Commission, then a more restrictive approval

#### Proposed floor plans

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Plan 2012-2	1,700 Square Feet, Single Story
Plan 2012-3	1,744 Square Feet, Single Story
Plan 2012-1	1,840 Square Feet, Single Story
Plan 08-6	2,147 Square Feet, Single Story
Plan 08-7	2,129 Square Feet, Single Story
Plan 06-1	3089 Square Feet, Single Story
Plan 06-2	2880 Square Feet, Single Story
Plan 06-3	2772 Square Feet, Single Story
Plan 06-4	2622 Square Feet, Single Story
Plan 06-5	2324 Square Feet, Single Story

**The following provisions will remain and are applicable to all homes in Creekside 2 Unit 2 to include production homes and custom homes:**

Roofing: The applicant has proposed to roof all homes with flat concrete tile in various tones. The applicant has chosen a different roofing manufacturer. However, the homes will still be provided with the flat concrete tiles in various tones but the new source provides better options for energy efficiency.

Exterior Wall Treatments: The applicant is proposing a combination of stucco, hardi-board siding and stone veneer treatments for the exterior of the homes. There are a variety of paint schemes with numerous trim options for the homeowner to select. The applicant has chosen a different paint manufacturer; the color palette is consistent with the approved color/material board for the rest of the project.

### Architectural Diversity

In order to ensure a reasonable distribution of the various floor plans and elevations within the subdivision, a condition will be imposed that requires this subdivision not to place, or cause to be placed, two substantially similar production home elevations adjacent to, nor directly across from, one another, nor shall any substantially similar floor plan comprise more than 40% (15 homes out of 38 total lots) of the lots in this subdivision. Custom home elevations will be assessed individually in determining placement in the subdivision. Additional production homes will be required to gain approval from the Planning Commission at a public hearing prior to building permit issuance.

### General Plan Consistency

The proposed project is consistent with the General Plan's Community Character Element Policy CC-1.1, "The City should promote high quality design and building materials for all new development." The addition of more home plans encourages diversity in the subdivision's architectural style creating a more vibrant and visually pleasing neighborhood.

The project is also consistent with Community Character Element Policy CC-1.4, and "The City should require new neighborhoods to have a unique sense of place (i.e. entry designs, architecture, design features) that sets them apart from existing neighborhoods." The home plans and elevations as requested by this project will promote a custom subdivision appearance that will help Creekside 2 Unit 2 avoid the monotonous repetition of similar homes in a single subdivision.

In addition, the project is consistent with Community Character Element Policy CC-1.8, "The City shall require that all exterior elevations have structural architectural treatments to alleviate long surfaces...." The proposed additional home elevations have no long surfaces without architectural interest and curb appeal.

The project is consistent with, and exceeds, the Galt Municipal Code (GMC) requirements for floor plans and elevations in a subdivision. According to Section 18.24.035 B, Table 1 of the GMC, the Creekside 2 Unit 2 thirty eight (38) unit subdivision requires three (3) floor plans and nine (9) elevations. With this project, the total number of plans available in the Creekside 2 Unit 2 subdivision will be ten (10) home plans and 33 (elevations) which far exceeds the City requirement for a 38 unit subdivision.

## **ATTACHMENTS**

Resolution 2012-\_\_\_\_ (PC), modifying the approved Architectural Review Plan to include additional home plans (floor plans and elevations) to the range of approved home options in the Creekside 2 Unit 2 Subdivision.

Exhibit A: Proposed additional home options and elevations for 4 G's Development L.P.

**RESOLUTION NO.2012\_\_\_\_(PC)**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF GALT, CALIFORNIA,  
APPROVING ADDITIONAL PRODUCTION HOME OPTIONS  
(FLOOR PLANS AND ELEVATIONS) FOR THE  
CREEKSIDE 2, UNIT 2 RESIDENTIAL SUBDIVISION**

**WHEREAS**, the applicant, 4 G’s Development L.P., received approval from the Galt City Council for a rezone and architectural plans (floor plans and exterior elevations) on April 5, 2005 for the Creekside 2 Unit 2 residential subdivision project; and

**WHEREAS**, the applicant, 4 G’s Development L.P., received approval from the Galt Planning Commission for minor revisions and additions to the architectural plans (floor plans and exterior elevations) on October 12, 2006 for the Creekside 2 Unit 2 residential subdivision project; and

**WHEREAS**, the applicant, 4 G’s Development L.P., received additional approval from the Galt Planning Commission for more additions to the architectural plans (floor plans and exterior elevations) on October 9, 2008 for the Creekside 2 Unit 2 residential subdivision project; and

**WHEREAS**, the applicant, 4 G’s Development L.P., requests approval to add three (3) additional production home options for the Creekside 2 Unit 2 Project (Project) ranging in size from 1,700 square feet to 1,840 each providing a base option for home design; and

**WHEREAS**, Resolutions 2005-45, 2006-05, and 2008-06 approving the original project and revisions and additions, stated that any revisions to floor plans or addition of new production homes requires Planning Commission approval at a noticed public hearing; and

**WHEREAS**, the Planning Commission of the City of Galt held a duly noticed public hearing on July 12, 2012; and

**WHEREAS**, the Planning Commission has reviewed all evidence in the record including the staff report and oral and written testimony.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Galt, California, using their independent judgment, hereby approves the Project and makes the following findings:

A. A legally noticed public hearing was held for input and testimony by the Planning Commission on July 12, 2012; and

B. The Planning Commission determines that additional production home options are being added to the architectural plans and that there are no other changes being requested to the previously approved rezone, subdivision map, or the certified EIR Addendum and Monitoring Plan for Creekside 2 Unit 2 such that such documents remain in full effect governing any portion outside the scope of this Rezone for Architectural Review purposes; and

C. The Planning Commission determines that the request for modifications to the architectural package is consistent with the General Plan and place no further burden on the City’s services as determined on April 5, 2005 when the rezone and architectural review was approved by the City Council; and

D. This project’s architectural floor plans and elevations shall be in substantial compliance with the architectural floor plans, elevations & color and materials board per Resolution 2005 – 03, Resolution

# PC 10

No 2006 – 05, Resolution No 2008 – 06 and as amended by the City of Galt Planning Commission on June to include the additional production home options attached hereto as Exhibit A and on file in the official file for the project at the City Clerk’s Office. Any significant changes to the building elevations will require subsequent approval by the Planning Commission at a duly noted public hearing; and

E. The Planning Commission requires this subdivision to not place, or cause to be placed, two substantially similar production home elevations adjacent to, nor directly across from, one another, nor shall any substantially similar floor plan comprise more than 40% (15 Homes) of the lots in this subdivision. Custom home elevations will be assessed individually in determining placement in the subdivision. Each proposed custom home or additional production homes will be required to gain approval from the Planning Commission at a public hearing prior to building permit issuance; and

The Planning Commission Secretary shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Planning Commission of the City of Galt, California, this 15th day of July 2012, upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, by the following vote, to wit:

**AYES:** Commission members:  
**NOES:** Commission members:  
**ABSTAIN:** Commission members:  
**ABSENT:** Commission members:

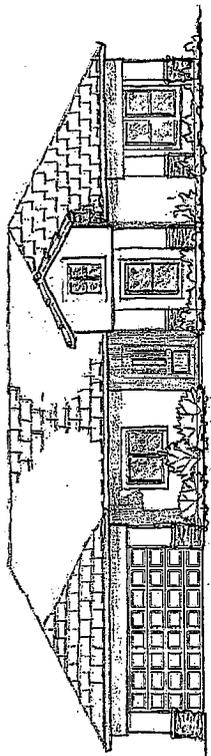
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Planning Commission Chair, City of Galt

ATTEST:

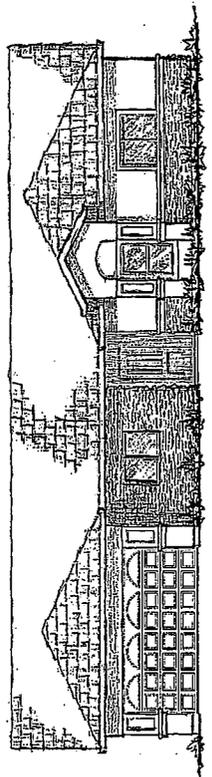
\_\_\_\_\_  
Planning Commission Secretary, City of Galt

 <p>ARCHITECTURE AND PLANNING RICKY LEE YOUNG 1001 W. GARDNER AVENUE TAMPA, FLORIDA 33606-3923 TEL: 813-973-9933</p>										

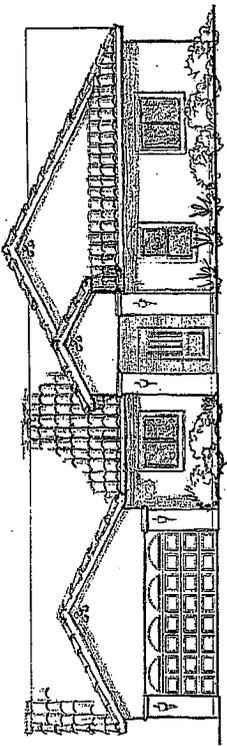
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 MODEL HOMES  
**PLAN 2012-2**  
 AREA: 1,709 S.F.



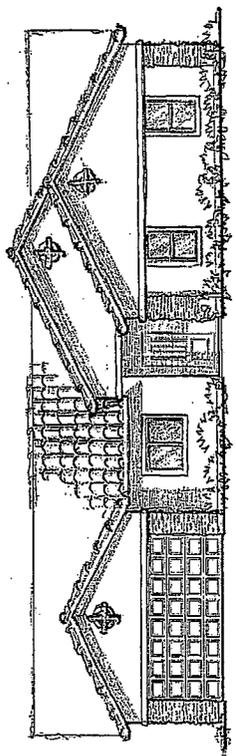
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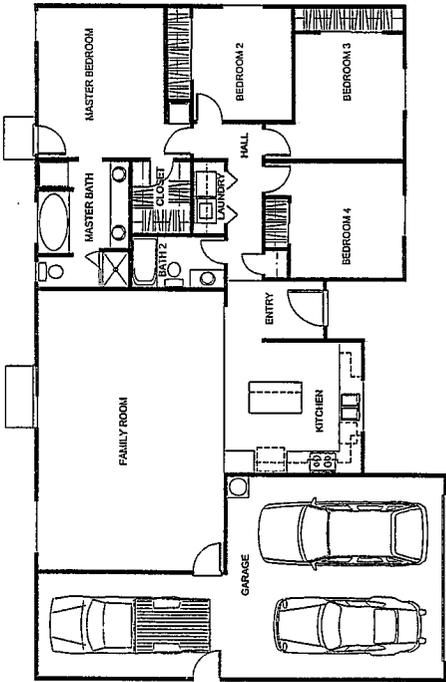
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ELEVATION C  
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ELEVATION D  
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FLOOR PLAN  
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EMERALD PARK COMPANY  
200 S. GARDNER AVENUE  
MAYFIELD HEIGHTS, OHIO 44130  
ARCHITECTURE AND PLANNING  
RICKY LEE YOUNT



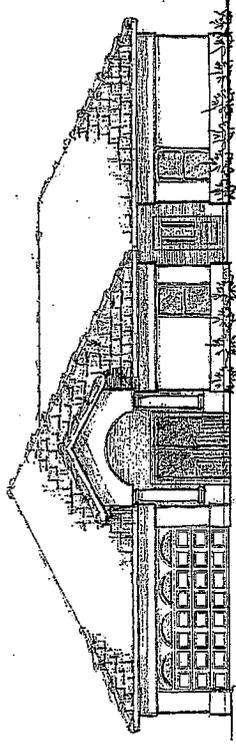
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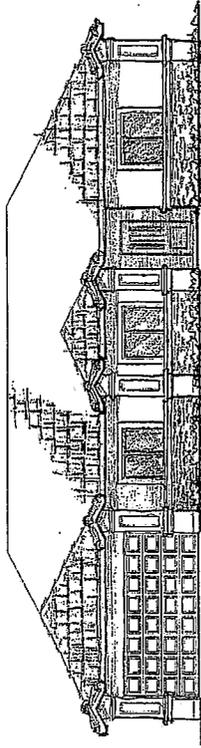
Emerald Park Company  
MODEL HOMES  
DATE: May 21, 2012  
PAGE: 3

# EMERALD PARK COMPANY MODEL HOMES PLAN 2012-3

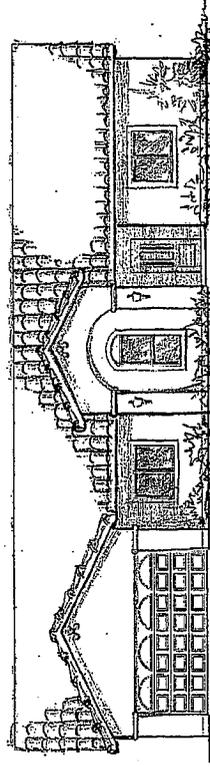
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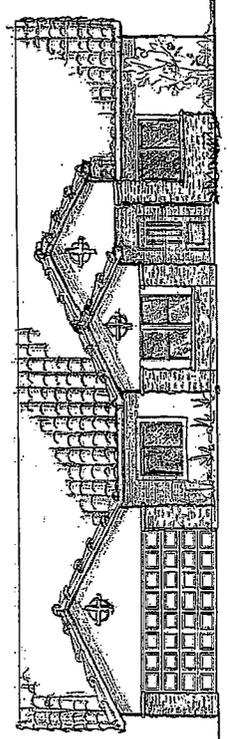
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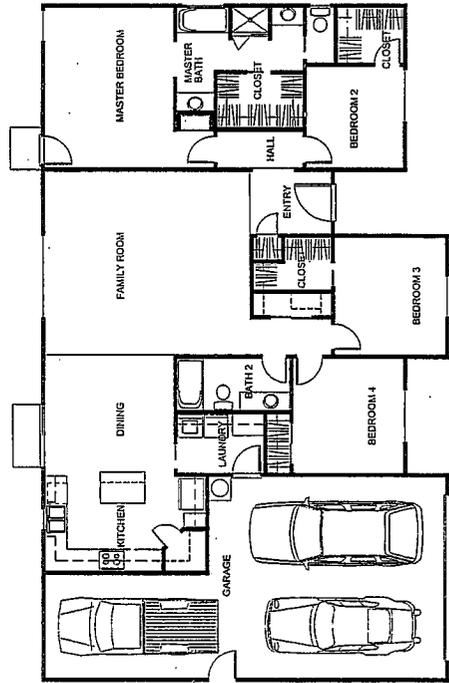
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ELEVATION C  
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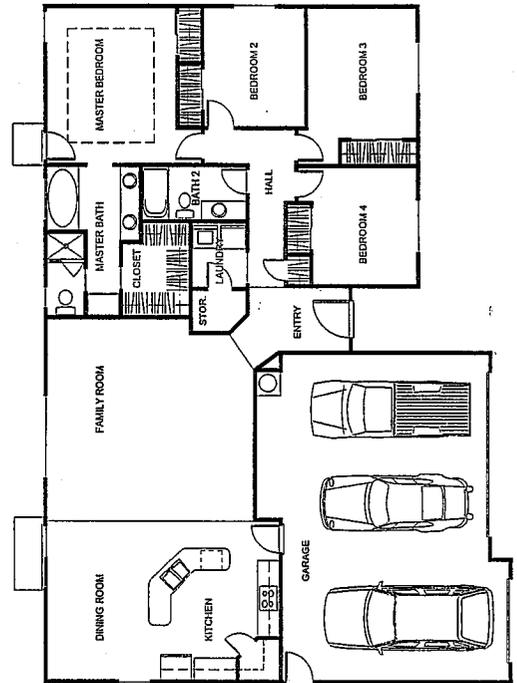
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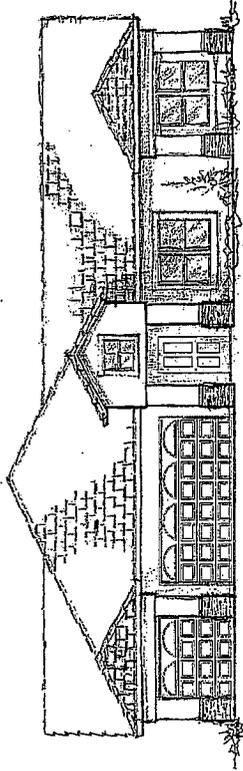
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# EMERALD PARK COMPANY MODEL HOMES PLAN 2012-1

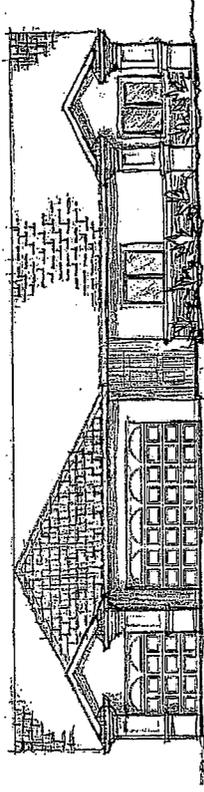
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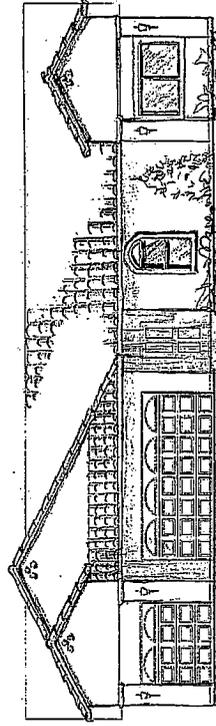
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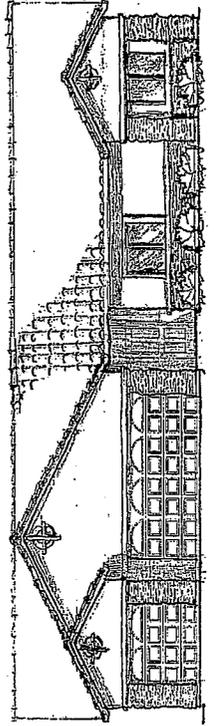
ELEVATION A  
SCALE: 3/16"=1'-0"



ELEVATION B  
SCALE: 3/16"=1'-0"



ELEVATION C  
SCALE: 3/16"=1'-0"



ELEVATION D  
SCALE: 3/16"=1'-0"



ARCHITECTURE AND PLANNING  
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INC.  
1000 W. 10TH AVE.  
DENVER, CO 80202  
TEL: 303.733.1414  
FAX: 303.733.1415



EMERALD PARK COMPANY  
MODEL HOMES  
PLAN 2012-1

Emerald Park Company  
MODEL HOMES  
July 21, 2012  
DWG NO. 1

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## PLANNING COMMISSION AGENDA REPORT

Meeting Date: July 12, 2012

**Prepared by:** Chris Erias, Senior Planner  
**Reviewed by:**

**SUBJECT** 1021 Meadowview Drive Setback Variance for side and rear yard setbacks.

### RECOMMENDATION

That the Planning Commission adopt Resolution 2012-\_\_ (PC) denying a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from 5 feet to approximately 4.5 feet and in the rear yard from 10 feet to 4.5 feet.

**LOCATION** 1021 Meadowview Drive in Galt, California. The site is particularly identified as Assessor Parcel Number 148-0280-025.



**ZONING** R1C, Single-Family Residential, Maximum-Density (6,500 s.f. minimum lot size)

**OWNER** Herb Hobbs  
218 Quail Hollow Drive  
Galt, CA 95632  
209-745-6145

### BACKGROUND

The property located at 1021 Meadowview Drive has an illegal structure located in the rear of the property and an illegal attached patio cover. The patio cover and structure were built without required building permits and do not conform to required setbacks.

The variance request is for the illegal structure in the rear of the property. The date of its construction is not known. However, it existed as a storage shed prior to current ownership. At some point which is not clear, the shed was modified into a second residential unit. It contains a bathroom, kitchen, and heating and air conditioning system. The unit was occupied until the City received a complaint about the structure. Once the City became aware of the illegal structure or second unit, code enforcement action ensued. Since the building was constructed without a building permit, it was unknown if the structure is safe for human occupancy. It was not known if it meets all building code requirements. Consequently, the property owner was informed on or around April 30, 2012 that the tenant in the building must vacate by May 15, 2012. Staff has been informed

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that the unit is now vacant.

Since the structure does not conform to current setbacks and was constructed without a permit, the property owner had the choice to either move the building so that it conformed with setbacks, remove the building entirely, or receive a variance for the setbacks. If the building is to remain, it will require a building permit. In addition, the structure has a covered walkway with a zero setback essentially connecting to the property line on the side (north) and rear (east). A 2 foot overhang is permissible as long as there is a minimum 3 foot airspace clearance. The applicant has chosen to seek a variance for the structure as a storage shed and not a second residential unit. If the variance is granted, the covered walkway or canopy must be removed or modified to ensure a 3 foot air space between the structure and the property line.



**Rear Structure**

The patio cover requires a 5' setback to the side (north) property line. The setback is measured from foundation, or post, to the property line. A 2 foot overhang is allowed as long as there is a 3 foot air space between structures. The structure has a zero setback and is directly on the property line. It is not a part of the variance request. If the structure is to remain, it must conform to the minimum setback and the property owner must obtain a building permit.

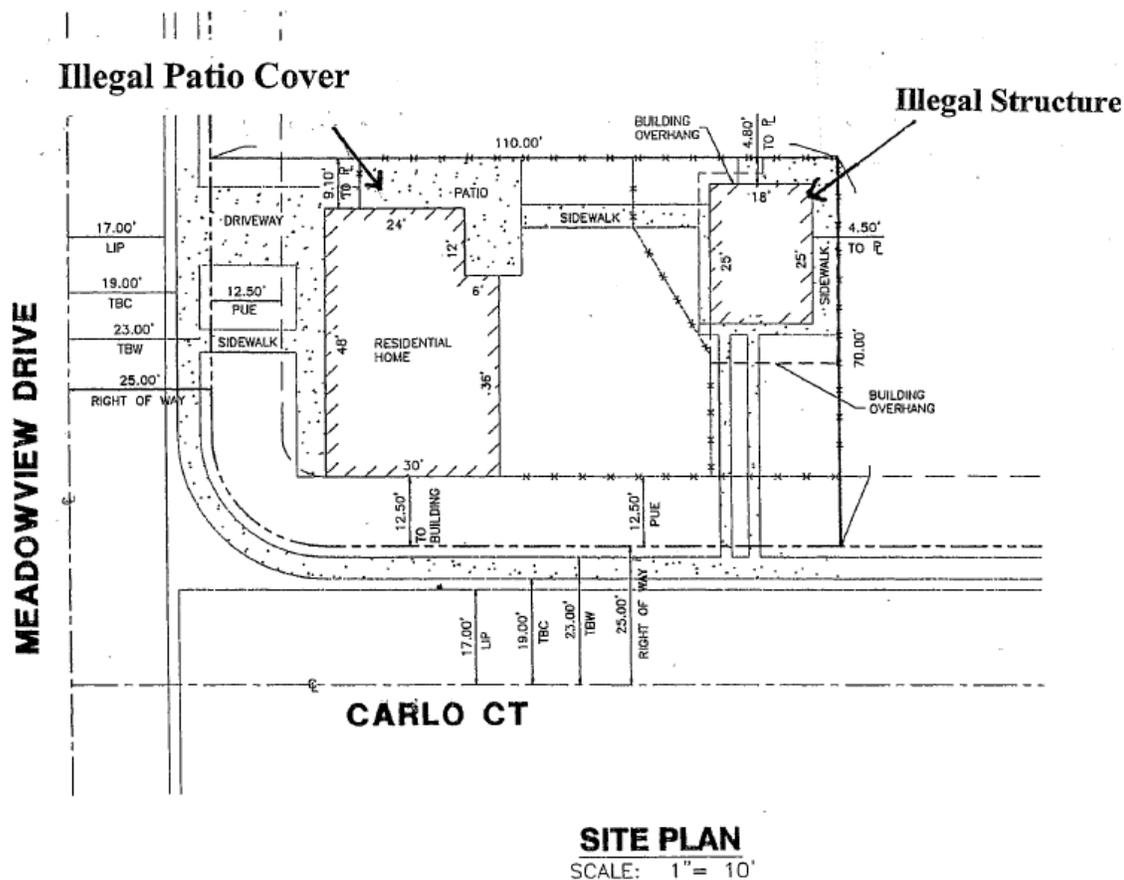


**Patio Cover**

**VARIANCE REQUEST**

The applicant has requested a variance, under Chapter 18.84 of the Galt Municipal Code, from Section 18.20.020 of the Galt Municipal Code Table 18.20-1 of the Galt Municipal Code which requires a minimum side yard setback of not less than five (5) feet and a rear yard setback of not less than ten (10) feet in the R1C Zone. The variance request is for the illegal structure in the rear of the property. It has a 4.8' side yard setback and a 4.5' rear yard setback (see site plan below). If the applicant receives a variance for the setbacks they must obtain a building permit and the covered walkway or canopy must be removed or modified to ensure a 3' air space between the structure and the property line.

**SITE PLAN EXHIBIT FOR:  
1021 MEADOWVIEW DRIVE  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA  
APN: 148-0280-025**



1021 Meadowview Drive Site Plan

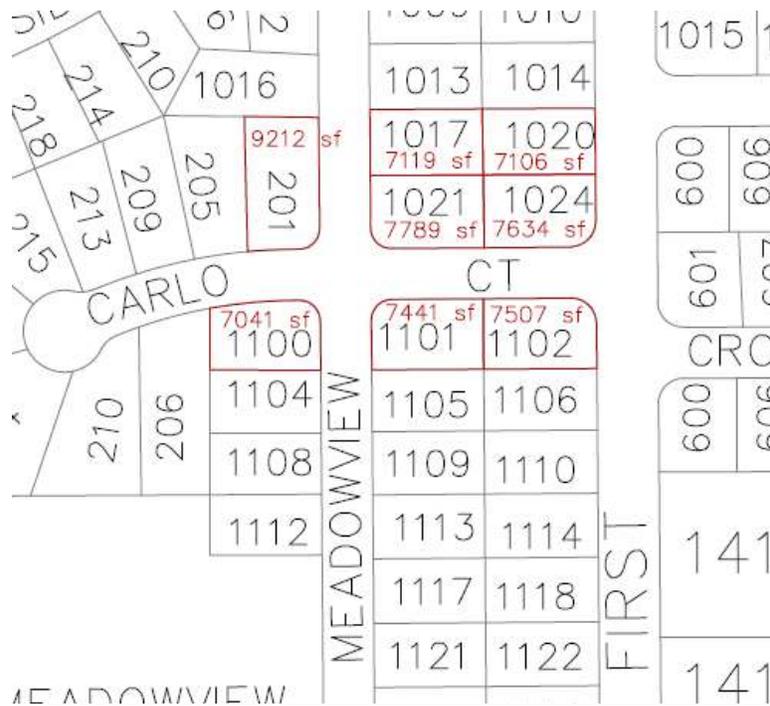
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## VARIANCE FINDINGS AND ANALYSIS

In considering a variance, the Planning Commission may approve or conditionally approve the application request for a variance if it finds all of the following under Section 18.84.030 of the Galt Municipal Code:

**FINDING:** There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of requirements of this title would deprive the property owner of privileges generally enjoyed by other property owners in the vicinity and under identical zoning classification.

**DISCUSSION:** The strict application of the setback requirements in the zoning code does not deprive the property owner of 1021 Meadowview Drive the privileges generally enjoyed by others in the vicinity under identical zoning classification. The property does not have special circumstances in regard to size, shape, topography, location, or surroundings. 1021 Meadowview Drive is located in the R1-C zoning district. The minimum lot size for this zone is 6,500 square feet. All homes near 1021 Meadowview Drive are also in the R1-C zoning district and exceed the minimum lot size requirement. The applicant's parcel is 7,789± square feet which is slightly larger than most other adjacent properties, see diagram below. The parcel size provides ample space for adhering to all code setback requirements. The building could easily meet setback requirements and still provide ample space between structures. The main home is small to average size, 1,100± square feet, and does not create any burdens for additional structures meeting setback requirements. Nor are there any specific features, like oak trees or other peculiar items, which create space issues on the lot. The lot is a basic rectangle shape like most others in the neighborhood. As a result, the variance request does not meet this finding.



**Lot Sizes - 1021 Meadowview Drive and Surrounding Properties**

**FINDING:** The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

**DISCUSSION:** Allowing the requested variance for the setbacks at 1021 Meadowview Drive constitutes a granting of special privileges to the property owner that are inconsistent with the limitations upon other properties in the vicinity and in the same zoning district. Since the property does not have special characteristics distinguishing it from others in the neighborhood, if granted the variance, it would have special setback privileges that other nearby properties do not have. No other properties in the immediate area, in same zoning district, have sought relief from the zoning code for setbacks. Therefore, the variance request does not meet this finding.

**FINDING:** The variance does not authorize a use that is not otherwise allowed in the zoning district.

**DISCUSSION:** This variance request will not authorize a use that is not otherwise allowed in the R1C zoning district. The variance request meets this finding.

**FINDING:** The variance may not be granted if it will adversely affect the interests of the public or the interests of other residents and property owners within the vicinity of the premises in question.

**DISCUSSION:** The modified setbacks do not encroach on any easements or on any other private property. However, in general, setbacks have a number of purposes:

1. They provide uniformity to a neighborhood and determine the relationships and placement between structures.
2. Setbacks allow a certain measure of privacy between neighbors, provide space for light and air circulation, and provide open space for landscaping and recreational use. They also provide distance between neighbors to mitigate noise and odors.
3. Setbacks also ensure that there is adequate room for emergency vehicles or equipment between and around the properties and access for utility workers who need to deal with power, water, and gas lines. It also provides space for maintenance on the home.
4. It provides places for cars to park in front of their garages without having to overhang and block a sidewalk.
5. Setbacks also improve street visibility.

A building setback is an important part of zoning regulation and one that not only preserves a neighbor's privacy and light, but also provides protection from potential nuisances like noise and odor. The reduced setbacks requested by the property owner at 1021 Meadowview Drive could directly impact the adjacent side (north) and rear (east) properties. These adjacent neighbors could be subject to increased noise and odor, and have reduced privacy due the decreased setbacks of the illegal structure at 1021 Meadowview Drive. Consequently, the requested variance does not meet this finding.

**FINDING:** A variance can be approved only if all the applicable legislative requirements of Government Code Section 65906 are met.

**DISCUSSION:** All requirements of Government Code Section 65906 are not met. As mentioned above, there are no special circumstances applicable to the property, including size, shape, topography, location or surroundings, and because of such circumstances, the strict application of requirements of this title would deprive the property owner of privileges generally enjoyed by other property owners in the vicinity and under identical zoning classification, and if the variance is authorized it will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

## **AGENCY COMMENTS**

Planning staff circulated a project description and a plot plan to various departments and agencies for comment. The CSD Fire District preferred that a 3 foot minimum clearance was maintained between all structures and the property lines.

## **APPEAL**

An applicant, or any other person aggrieved by the decision, may appeal the Planning Commission's decision, under Section 18.52.050.A.6 of the Galt Municipal Code within ten (10) days after the mailing of the notice of decision by filing a written notice of appeal with the city clerk.

## **PUBLIC NOTICE**

The project was advertised for public hearing in the Galt Herald on June 27, 2012 and notice was mailed to all property owners within 500 feet of the property boundary.

## **ATTACHMENTS**

Resolution 2012-\_\_\_\_(PC) denying a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from 5 feet to approximately 4.5 feet and in the rear yard from 10 feet to 4.5 feet.

Exhibit A:                      Site Plan

**RESOLUTION NO. 2012 (PC)****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GALT, CALIFORNIA DENYING A VARIANCE AT 1021 MEADOWVIEW DRIVE MODIFYING THE REQUIRED SETBACKS IN THE SIDE YARD FROM 5 FEET TO APPROXIMATELY 4.5 FEET AND IN THE REAR YARD FROM 10 FEET TO 4.5 FEET**

**WHEREAS**, the applicant requests a variance at 1021 Meadowview Drive modifying the required setbacks in the side yard from five (5) feet to four and one-half (4.5) feet and in the rear yard from ten (10) feet to four and one-half (4.5) feet as shown on the site plan Exhibit A; and

**WHEREAS**, the Planning Commission of the City of Galt held a public hearing on July 12, 2012 and reviewed all evidence in the record including the staff report and oral and written testimony and using their independent judgment denies the variance request at 1021 Meadowview Drive.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Galt, California that the following findings have been made on the variance at 1021 Meadowview Drive:

A. A legally noticed public hearing was held for input and testimony by the Planning Commission on July 12, 2012; and

B. The strict application of requirements of the title would not deprive the property owner of privileges generally enjoyed by other property owners in the vicinity and under identical zoning classification; and

C. The variance, if authorized would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zoning district; and

D. The variance does not authorize a use that is not otherwise allowed in the zoning district; and

E. The variance could adversely affect the interests of the public or the interests of other residents and property owners within the vicinity of the premises in question; and

F. The City of Galt Planning Commission finds that the variance does not meet all the applicable legislative requirements of Government Code Section 65906; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Planning Commission of the City of Galt, California that based on the findings the variance request for 1021 Meadowview Drive is denied.

The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

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**PASSED AND ADOPTED** by the Planning Commission of the City of Galt, California, this 12th day of July, 2012, upon motion by Planning Commissioner \_\_\_\_\_, seconded by Planning Commissioner \_\_\_\_\_ by the following vote, to wit:

**AYES:** Planning Commissioners:

**NOES:** Planning Commissioners:

**ABSTAIN:** Planning Commissioners:

**ABSENT:** Planning Commissioners:

\_\_\_\_\_  
Chair, City of Galt Planning Commission

ATTEST:

\_\_\_\_\_  
Planning Commission Secretary, City of Galt

