

DEPARTMENT: Planning

By: Jean Clark, Assistant Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes X No)

- 1) Adopt a Resolution adopting a Mitigated Negative Declaration for General Plan/Zoning Amendment No. 95-38 and Development Agreement No. 96-1; Mack and Pam Toney, Applicants;
- 2) Waive the first reading and introduce an ordinance approving a change in the Official County Zoning Map (changing the zoning on APN 015-060-025 from Mountain Home to Neighborhood Commercial-2), with the recommended findings and condition;
- 3) Waive the first reading and introduce an ordinance approving Development Agreement No. 96-1, with the recommended findings; and
- 4) Schedule the second reading for the zone change and Development Agreement, and adoption of General Plan designation amendment, following the signing of the Development Agreement by the applicants.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See attached memorandum.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Approve both applications as provided for in the project staff report, or 2) modify conditions or terms of Development Agreement.

NEGATIVE ACTION, or denying the General Plan/Zoning Amendment No. 95-38 and Development Agreement No. 96-1, would result in no change to the zoning designation for the parcel. The restaurant would be illegal, unless the business operator or owner moved on site. The beauty salon would be illegal, unless the business owner moved on site.

<p>COSTS: <input checked="" type="checkbox"/> Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated Costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p>COSTS: <input type="checkbox"/> 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p><u>Memorandum to Board with Attachments:</u></p> <p><u>1. July 1998 Recommended Conditions of Approval</u></p> <p><u>2. July 1998 Development Agreement</u></p> <p><u>3. Draft Ordinances</u></p> <p><u>4. Board Packet for Agenda of May 14, 1996</u></p>
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<p>CLERK'S USE ONLY</p> <p>Res. No.: <u>98-285</u> Ord. No.: _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p><input checked="" type="checkbox"/> Minute Order Attached <input type="checkbox"/> No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office.</p> <p>Date: _____</p> <p>ATTEST: _____</p> <p style="padding-left: 40px;">MARGIE WILLIAMS, Clerk of the Board</p> <p>By: _____</p> <p style="padding-left: 40px;">Deputy</p>	<p>ADMINISTRATIVE OFFICER'S RECOMMENDATION: This item on agenda as:</p> <p>_____ Recommended</p> <p>_____ Not Recommended</p> <p><input checked="" type="checkbox"/> For Policy Determination</p> <p>_____ Submitted for Comment</p> <p>_____ Returned for Further Action</p> <p>Comment: _____</p> <p>_____</p> <p>A.O. Initials: <u>Jh</u></p>
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: General Plan/Zoning Amendment No. 95-38; Res. 98-285

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on July 14, 1998

ACTION AND VOTE:

- 2:07 p.m.** Ed Johnson, Planning and Building Director;
PUBLIC HEARING to Consider General Plan/Zoning Amendment No. 95-38 and
Development Agreement No. 96-1; Mack and Pam Toney, Applicants:
- Resolution Adopting a Mitigated Negative Declaration
 - Waive the First Reading and Introduce an Ordinance Changing the Zoning from Mountain Home to Neighborhood Commercial-2
 - Waive First Reading and Introduce an Ordinance Approving Development Agreement No. 96-1, with the Recommended Findings
 - Schedule the Second Reading for the Zone Change and Development Agreement, and Adoption of General Plan Designation Amendment, Following the Signing of the Development Agreement by the Applicants
 - **BOARD ACTION:** Ed Johnson and Sarah Williams/Planning Manager, presented staff report, advised of revisions to the Development Agreement, and responded to questions from the Board relative to the Development Agreement. Public portion of the hearing was opened. Pam Toney, applicant, stated they were happy to be able to reach an agreement with their neighbors that they could live with. Public portion of the hearing was closed and Board commenced with deliberations. Mike Edwards, Public Works Director, responded to questions from the Board relative to the traffic count and future relocation of the encroachment. (M)Pickard, (S)Parker, Res. 98-285 adopted approving the mitigated Negative Declaration and Development Agreement/Ayes: Unanimous. (M)Pickard, (S)Parker, first reading was waived and an Ordinance introduced approving a change in the Official County Zoning Map from Mountain Home to Neighborhood Commercial-2, with the recommended findings and conditions/Ayes: Unanimous. (M)Pickard, (S)Parker, first reading was waived and an Ordinance introduced approving Development Agreement No. 96-1, with the recommended findings, and as revised this date/Ayes: Unanimous. Hearing was closed.

cc: File