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**DATE:** NOVEMBER 17, 2005

**TO:** PLANNING COMMISSION

**FROM:** VALERIE DARBOUZE, ASSOCIATE PLANNER

**SUBJECT:** CONDITIONAL USE PERMIT – CASE NO. 03-CUP-001,  
OAK TREE PERMIT – CASE NO. 03-OTP-001 AND  
VARIANCE REQUEST 03-VAR-001

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### **I. Background**

On November 3, 2005, the Planning Commission conducted a public hearing for the Conditional Use Permit Case No. 03-CUP-001, Oak Tree Permit Case No. 03-OTP-001 and Variance Request Case No. 03-VAR-001 to consider Glen Benton's request to construct a new single family residence on a hillside lot. The applicant's parcel is located immediately east of 28191 Laura La Plante Drive in the Indian Hills area. The Planning Commission requested staff to revise the Oak Tree mitigation conditions and bring back the revised Conditions of Approval with the Draft Resolution as a Consent Item at the scheduled November 17, 2005 meeting.

Based on the Planning Commission's direction, staff has amended Condition Nos. 43 and 44 of the Conditional Use Permit. A copy of the revised Conditions of Approval is attached to the draft Resolution.

### **II. Recommendation**

Based on the staff report analysis and the proposed revised conditions, staff recommends that the Planning Commission adopt a motion to approve Conditional Use Permit Case No. 03-CUP-001 and Oak Tree Permit Case No. 03-OTP-001 and Variance Request Case No. 03-VAR-001, subject to Conditions, based on the findings of the attached Draft Resolution.

### **III. Attachments**

- Conditional Use Permit and Oak Tree Permit Draft Resolution and Conditions
- Variance Draft Resolution and Conditions
- November 3, 2005 Meeting Planning Commission Meeting Minutes
- November 3, 2005 Meeting Staff Report