

RESOLUTION NO: 96-101

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES DENYING THE APPEAL
AND UPHOLDING THE PLANNING COMMISSION APPROVAL OF
CONDITIONAL USE PERMIT 96003
OAK TREE PLAZA/TARGET PROJECT
(APPLICANT: ELLIS PARTNERS INC.)

WHEREAS, Ellis Partners Inc. has filed an application to construct an approximate 300,000 square foot commercial center and construct one (1) highway oriented sign, located at the southwest corner of Theater Drive and Gahan Place, and

WHEREAS, this Conditional Use Permit has been filed in conjunction with Planned Development 95009 and Lot Line Adjustment 96066, and

WHEREAS, an Environmental Impact Report (EIR) was prepared for this project and a Final EIR was certified for the project in accordance with the California Environmental Quality Act (CEQA) by the Planning Commission on July 22, 1996, and

WHEREAS, a public hearing was conducted by the Planning Commission on July 22, 1996, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit, and

WHEREAS, on July 22, 1996, the Planning Commission certified the Final EIR and approved the project applications on 6-1 vote; and

WHEREAS, appeals were filed by Geneen Whitaker et al and the Halferty Development Company; and

WHEREAS, a public hearing was held by the City Council to consider the appeals on Planned Development 95009, Conditional Use Permit 96003 and Lot Line Adjustment 96066 and the Final EIR relating thereto, following notice duly and regularly given as required by law, and all interested persons expressing a desire to comment thereon or object thereto having been heard, and said Final EIR and all comments and responses thereto having been considered; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received, and subject to the conditions of approval listed below, the City Council makes the following findings:

1. The proposed project is consistent with the purpose and intent of the adopted General Plan for the City of El Paso de Robles;

2. The establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
3. The proposed project is defined as a regional commercial use.
4. The sign height of 36 feet at this location is in proper size, scale and proportion to the shopping center buildings and an appropriate height to properly identify the regional commercial center.
5. The highway oriented sign has been design to emulate the quality architectural features of the project buildings which integrates the sign into the project theme, thereby aesthetically blending the sign into the project design.
6. The sign as designed and situated would not have a significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso De Robles does hereby deny the appeal and upholds the Planning Commission approval of Conditional Use Permit 96003 subject to the following conditions:

CONDITIONS TO BE IN COMPLIANCE AT ALL TIMES:

1. This use permit authorizes the operation of a commercial center of approximately 300,000 square feet and construction of a 36 foot tall freeway oriented sign consistent with the attached Exhibit A. All uses requiring a conditional use permit shall be applied for under a separate application. All aspects of on site businesses shall take place within a building, with the exception of outdoor plant nurseries and outdoor display permissible by City Ordinance. Outside storage of materials shall not be permitted under this Conditional Use Permit.
2. The approval of this use permit shall expire on **July 22, 1998** unless a time extension request is filed with the Community Development Department prior to expiration.
3. All uses shall abide by the general performance standards for all uses required by Municipal Code Section 21.21.040 (Noise, Vibration, Odors, Glare).
4. Any condition imposed by the Planning Commission in granting this conditional use permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring

properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.

5. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in healthy and thriving condition.
6. Truck deliveries shall occur between the hours of 8:00 AM and 6:00 PM Monday through Saturday. Deliveries shall be prohibited during all other times.
7. Parking lot sweeping and the use of motorized or gasoline powered equipment shall be prohibited between the hours of 8:00 PM and 7:00 AM.
8. The use of exterior loud speaker/announcement systems shall be prohibited within the shopping center.
9. Building tenants for all phases shall be responsible for keeping the rear loading/delivery areas free of trash and debris. The items acceptable to be stored at backs of buildings would be compacted cardboard boxes and related delivery items on a temporary basis until they are disposed of. All temporarily stored items must be neatly stacked.
10. All conditions contained within the resolution granting approval to Planned Development 95009 and Lot Line Adjustment 96066 shall be complied with in a manner acceptable to the City of Paso Robles.

PASSED AND ADOPTED this 20th day of August 1996, by the following roll call vote:

AYES: HEGGARTY, MARTIN, MACKLIN

NOES: PICANCO

ABSENT: IVERSEN



Walter J. Macklin, Mayor

ATTEST:



Richard J. Ramirez, City Manager/City Clerk