

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PLANNED DEVELOPMENT 94003 & CONDITIONAL USE PERMIT 94005
(THE LINKS GOLF COURSE)

DATE: MAY 10, 2011

Needs: For the Planning Commission to consider a request by BIH Management LLC, requesting that the entitlements for the Links Course be extended and that the requirement to complete Phase 3 and 4 improvements be continued for two years.

Facts:

1. The Links Course is located at 5151 Jardine Road, See Vicinity Map, Attachment 1. APNs: 025-422-(021-024), 025-443-(002-023), 025-444-(010-014).
2. On February 7, 2011, Staff sent Brandon Hinrichs of BIH Management LLC, a letter indicating that the Links Course was operating out of compliance with the Development Plan (PD) and Conditional Use Permit (CUP) as a result of the conditions of approval not being completed.
3. The letter included the following chronology of entitlements and extension requests granted by the Planning Commission since the original project approvals in 1994:
 - On October 10, 1994, the Planning Commission adopted Resolutions 94-036 & 94-037 approving PD 94003 & CUP 94005, which authorized the construction of an 18-hole golf course with driving range, clubhouse with pro-shop and coffee shop, maintenance building, cart storage building and mid-course restrooms. Condition No. 40 of Res. 94-036 outlines the project Phasing. Phase 1&2 has been completed and consists of the improvements and amenities that are currently in place and in operation since the opening of the Links Course in 1996. Phase 3 & 4 has never been completed, and consists of the following:

Phase 3: construction of the permanent maintenance building, cart barn and on-course rest rooms.

Phase 4: construction of the permanent clubhouse, installation of the entry wall/gate and landscaping treatments and to underground existing overhead utilities.
 - On November 23, 1999, the Planning Commission approved a five year time extension for the completion of Phase 3 & 4.

- On January 2005 the Planning Commission allowed a 1-year time extension for the completion of Phase 3 and 4 to be completed by October 10, 2005.
 - In 2005, the course was purchased by Kelly Gearhart, in an effort to satisfy Phase 3 and 4, plans were submitted to the City for the construction of three buildings which including the permanent clubhouse, new cart storage building and new maintenance building (B06-0073, B06-0074 & B06-0075). Those permits were issued and construction began in 2006.
 - Once the permits were submitted to Building Department, the time line for completion of the buildings (Phase 3 & 4) shifted to the timelines established by the Building Department associated with the valid building permit/construction time line.
4. As a result of not receiving an approved or final inspection for the three buildings that began construction in 2006, the Building Department expired the permits in 2007/2008. Since Phase 3 & 4 has never been completed, conditions within PD 94003 & CUP 94005 have not been complied with; therefore the Links Course is operating in violation with the CUP/PD.
 5. The City Attorney has reviewed the situation and has directed staff to schedule Planned Development 94003 and Conditional Use Permit 94005 for a Planning Commission hearing to consider revocation of the entitlements.

Analysis
and

Conclusions: As indicated above, on multiple occasions over the past 15 years, the Planning Commission has granted the Links Course postponement of constructing the Phase 3 and 4 improvements. BIH Management LLC is requesting that the Commission allow another 2 year postponement.

Currently the three uncompleted buildings are under separate ownership from the Links Course. Therefore, in order for the Links to satisfy Phase 3 & 4 they would need to purchase/lease the buildings and finish them as required by the Building Department, or build new buildings elsewhere on the Links property.

It is evident that the Links Course does not have the means to complete Phases 3 and 4 in the next two years and more than likely beyond then. A few options the Planning Commission may consider, include:

- Option A: Revoke the entitlements for the PD/CUP based on the Planning Commission allowing over 15 years of extensions for Phases 3 and 4 and the Links Course not being able to complete the requirements within the agreed time frame;

- Option B: Amend the PD/CUP to permanently remove the requirements to construct Phase 3 & 4 improvements which would bring the Links Course as currently operating with the modular office/pro shop building, the storage of carts outdoors, and the use of portable on-course restrooms.
- Option C: Allow a 2-year time extension for the Phase 3 and 4 improvements and allow the course to continue operation, with the requirement that Phase 3 and 4 be completed to the satisfaction of the City by May 24, 2013.

Policy

Reference: City of Paso Robles Zoning Code and Land Use Element of the General Plan, Economic Strategy.

Fiscal

Impact: None

Options:

After consideration of any public testimony, the Planning Commission should consider the following options:

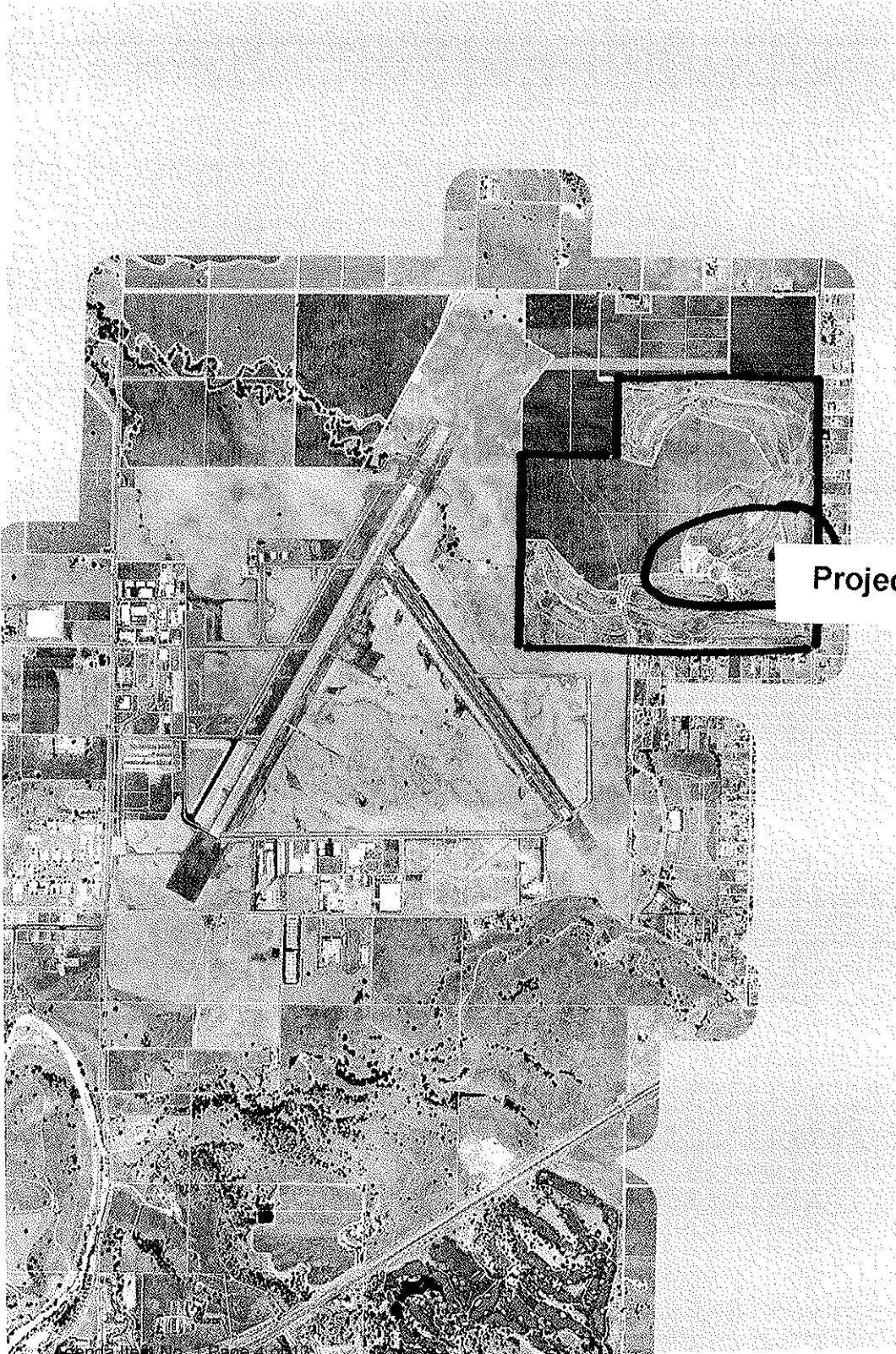
- a. Adopt the attached Resolution revoking the entitlements for the PD/CUP based on the Planning Commission allowing over 15 years of extensions for Phases 3 and 4 and the Links Course not being able to complete the requirements;
- b. Adopt the attached Resolution amending PD/CUP to permanently remove the requirements to construct Phase 3 & 4 improvements which would bring the Links Course as currently operating, with the modular office/pro shop building, the storage of carts outdoors, and use of portable on-course restrooms;
- c. Adopt the attached Resolution allowing a 2-year time extension to continue operation of the Links Course and require that Phase 3 & 4 improvements be completed to the satisfaction of the City by May 24, 2013;
- d. Amend, modify or alter the above noted options.

Attachments:

1. Vicinity Map
2. Applicant's Letter requesting Time Extension
3. Draft Resolution revoking PD 94003 & CUP 94005
4. Draft Resolution amending PD 94003 & CUP 94005
5. Draft Resolution approving extension of PD 94003 & CUP 94005
6. Newspaper notice and mail affidavits

H:/Darren/time ext/ Links/2011 Review

**Attachment 1
Vicinity Map**



Project Location

**Attachment 2
Time Extension
Request Letter**

Subject: Revocation of Planned Development 94-003 and Conditional Use Permit
94-005 – The Links Golf Course

To Whom It May Concern:

I am responding to the letter I received regarding the Revocation of Planned Development 94-003 and Conditional Use Permit 94-005 – The Links Golf Course.

As stated in the letter, I would like to pursue option number 1, which is to submit an application requesting that the Planning Commission renew PD94003 & CUP 94005, with a request that Phases 3 and 4 be postponed for two years so that they may be completed once the current situation with the land owner is settled.

My company is operating the golf course and keeping it maintained while the legal proceedings for the current land owner are settled. The current land owner has filed for bankruptcy and the bankruptcy trustee is currently sorting everything out in regards to liens with multiple investors, banks and title issues. Our goals are to keep the golf course operating and maintained so that the future land owner will be able to finish out the clubhouse, cart barn and maintenance building. We are also keeping 13 people employed and creating a great environment for the citizens and tourists of Paso Robles to enjoy. The Links Course provides a facility, free of charge, to the First Tee Junior Golf Program, Templeton High School Golf Team and Cal Poly Golf Team. My company does not currently have the means to finish the buildings because of our lack of control in regards to the land ownership and ownership of the unfinished buildings. We are willing to cooperate in anyway to keep the golf course from closing down. If the golf course were to close down even for a short time, it would be nearly impossible to revive it at a later time leaving the buildings permanently unfinished and vacant.

Sincerely,



Brandon Hinrichs

Owner – BIH Management LLC d.b.a. The Links

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO REVOKE PLANNED DEVELOPMENT 94003 &
CONDITIONAL USE PERMIT 94005
(LINKS GOLF COURSE)

WHEREAS, PD 94003 & CUP 94005 were approved by Resolutions 94-036 & 94-037 on October 10, 1994, which authorized the construction of an 18-hole golf course with driving range, clubhouse with pro-shop and coffee shop, maintenance building, cart storage building and mid-course restrooms, and

WHEREAS, Condition No. 40 of Res. 94-036 outlines the project Phasing, Phase 1&2 has been completed and consists of the improvements and amenities that are currently in place and in operation since the opening of the Links Course in 1996; and

WHEREAS, Phase 3 & 4 has never been completed, and consists of the following:

Phase 3: construction of the permanent maintenance building, cart barn and on-course rest rooms;

Phase 4: construction of the permanent clubhouse, installation of the entry wall/gate and landscaping treatments and to underground existing overhead utilities;

and;

WHEREAS, beginning with the original project approval in 1994 until 2006, the Planning Commission approved multiple time extensions for a total of over 15 years, allowing the postponement of the completion of Phase 3 & 4 improvements; and

WHEREAS, in 2005, the course was purchased by Kelly Gearhart, in an effort to satisfy Phase 3 and 4, plans were submitted to the City for the construction of three buildings which including the permanent clubhouse, new cart storage building and new maintenance building (B06-0073, B06-0074 & B06-0075), those permits were issued and construction began in 2006: and

WHEREAS, once the permits were submitted to Building Department, the time line for completion of the buildings (Phase 3 & 4) shifted to the timelines established by the Building Department associated with the valid building permit/construction time line; and

WHEREAS, as a result of not receiving an approved or final inspection for the three buildings that began construction in 2006, the Building Department expired the permits in 2007/2008; and

WHEREAS, since Phase 3 & 4 have never been completed, conditions within PD 94003 & CUP 94005 have not been complied with, therefore the Links Course is operating in violation with the CUP/PD; and

WHEREAS, the City Attorney advised staff that it would be appropriate to schedule the project for a Planning Commission hearing to consider modification or revocation of entitlements; and

WHEREAS, the Planning Commission on May 10, 2011 conducted a public hearing, to consider facts as presented in the staff report prepared for this revocation request, and to accept public testimony regarding the revocation.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby revoke PD 94003 & CUP 94005, as a result of not completing the necessary conditions of approval in a timely manner, thereby requiring the closure of the Links Golf Course by June 10, 2011.

PASSED AND ADOPTED THIS 10th day of May 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STEVE GREGORY, CHAIRMAN

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

H:\darren\time ext.\LINKS \reso

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE AN AMENDMENT TO
PLANNED DEVELOPMENT 94003 & CONDITIONAL USE PERMIT 94005
(LINKS GOLF COURSE)

WHEREAS, PD 94003 & CUP 94005 were approved via Resolutions 94-036 & 94-037 on October 10, 1994, which authorized the construction of an 18-hole golf course with driving range, clubhouse with pro-shop and coffee shop, maintenance building, cart storage building and mid-course restrooms, and

WHEREAS, Condition No. 40 of Res. 94-036 outlines the project Phasing, Phase 1&2 has been completed and consists of the improvements and amenities that are currently in place and in operation since the opening of the Links Course in 1996; and

WHEREAS, Phase 3 & 4 has never been completed, and consists of the following:

Phase 3: construction of the permanent maintenance building, cart barn and on-course rest rooms;

Phase 4: construction of the permanent clubhouse, installation of the entry wall/gate and landscaping treatments and to underground existing overhead utilities;

and;

WHEREAS, beginning with the original project approval in 1994 until 2006, the Planning Commission approved multiple time extensions for a total of over 15 years, allowing the postponement of the completion of Phase 3 & 4 improvements; and

WHEREAS, in 2005, the course was purchased by Kelly Gearhart, in an effort to satisfy Phase 3 and 4, plans were submitted to the City for the construction of three buildings which including the permanent clubhouse, new cart storage building and new maintenance building (B06-0073, B06-0074 & B06-0075), those permits were issued and construction began in 2006: and

WHEREAS, once the permits were submitted to Building Department, the time line for completion of the buildings (Phase 3 & 4) shifted to the timelines established by the Building Department associated with the valid building permit/construction time line; and

WHEREAS, as a result of not receiving an approved or final inspection for the three buildings that began construction in 2006, the Building Department expired the permits in 2007/2008; and

WHEREAS, since Phase 3 & 4 has never been completed, conditions within PD 94003 & CUP 94005 have not been complied with, therefore the Links Course is operating in violation with the CUP/PD; and

WHEREAS, the City Attorney advised staff that it would be appropriate to schedule the project for a Planning Commission hearing to consider modification or revocation of entitlements; and

WHEREAS, the Planning Commission on May 10, 2011 conducted a public hearing, to consider facts as presented in the staff report prepared for this revocation request, and to accept public testimony regarding the revocation.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby amend PD 94003 & CUP 94005, omitting Condition No. 1 of Res. 94-036 and Condition No. 40 of Res. 94-037, thereby eliminating the requirement to construct Phase 3 & 4 and allow the operation of the Links Course as currently operating, with the use of the modular office/club house, outdoor storage of carts and the use of portable restrooms on the course, and allow the overhead utilities to remain "as is", subject to the following condition of approval:

1. All conditions within Resolutions 94-035, 94-036 & 94-037 shall remain in effect, except for condition No. 1 of Resolution 94-036 and condition No. 40 of Resolution 94-037 shall be eliminated.

PASSED AND ADOPTED THIS 10th day of May 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STEVE GREGORY, CHAIRMAN

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

H:\darren\time ext.\LINKS \reso

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO ALLOW A MODIFICATION FOR A 1-YEAR EXTENSION OF PLANNED
DEVELOPMENT 94003 & CONDITIONAL USE PERMIT 94005
(LINKS GOLF COURSE)

WHEREAS, PD 94003 & CUP 94005 were approved via Resolutions 94-036 & 94-037 on October 10, 1994, which authorized the construction of an 18-hole golf course with driving range, clubhouse with pro-shop and coffee shop, maintenance building, cart storage building and mid-course restrooms; and

WHEREAS, on November 23, 1999, the Planning Commission approved a three year time extension for the undergrounding of utilities and a five year time extension on the completion of Phase 3 & 4; and

WHEREAS, on December 10, 2002, the Planning Commission via Resolution 02-083, granted a two year time extension for the undergrounding of utilities to be completed in conjunction with Phase 3 & 4, where the work was to be completed by October 10, 2004; and

WHEREAS, a letter requesting further time extension was not received prior to the October 10, 2004 deadline and no extension was approved by the Planning Commission, use of the subject property at this time is in violation of the project approvals; and

WHEREAS, the City Attorney advised staff that it would be appropriate to schedule the project for a Planning Commission hearing to consider modification and/or revocation of entitlements; and

WHEREAS, the Planning Commission on May 10, 2011 conducted a public hearing, to consider facts as presented in the staff report prepared for this request to allow for a one year time extension request, and to accept public testimony regarding the revocation; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby modify PD 94003 & CUP 94005, allowing a 1-year time extension for the completion of Phase 3 and 4 including the undergrounding of the existing above ground utilities to be completed by May 11, 2012.

PASSED AND ADOPTED THIS 10th day of May, 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STEVE GREGORY, CHAIRMAN

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

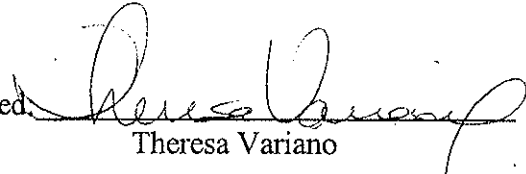
Newspaper: Tribune

Date of
Publication: April 29, 2011

Hearing
Date: May 10, 2011
(Planning Commission)

Project: Modification/Revocation of PD 94-003 and
Conditional Use Permit 94-005
(The Links Golf Course)

I, Theresa Variano, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Theresa Variano

forms\newsaffi.691

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider modification and/or revocation of the entitlements associated with Planned Development 94003 & Conditional Use Permit 94005. The modification and/or revocation of the entitlements is necessary, since outstanding conditions of approval related to the Links Golf Course were not completed in a timely manner. The Golf Course is located on the southwest corner of Beacon and Jardine Roads (6151 Jardine Road).

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30PM on Tuesday, May 10, 2011, at which time all interested parties may appear and be heard.

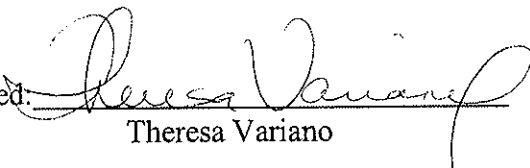
If you challenge this modification/revocation in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Darren Nash, Associate Planner
April 29, 2011 6940088

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Theresa Variano, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Modification/Revocation of Planned Development 94-003 and Conditional Use Permit 94-005 (The Links Golf Course) on this 27th day of April, 2011.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Theresa Variano

forms\mailaffi.691