

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TIME EXTENSION - PLANNED DEVELOPMENT 94003 & CONDITIONAL USE PERMIT 94005 (THE LINKS GOLF COURSE)

DATE: JUNE 25, 2013

Needs: For the Planning Commission to consider a request from Brandon Hinrichs on behalf of 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 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 (see Attachments, 3 & 4). Condition No. 40 of Res. 94-036 outlines the project Phasing. Phases 1&2 have been completed; they consist of the improvements and amenities that are currently in place and in operation since the opening of the Links Course in 1996. Phases 3 & 4 have never been completed, and consist 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 undergrounding of existing overhead utilities.
3. Since 1994 the Planning Commission has allowed deferral of the requirement to comply with Phase 3 and 4 improvements, with the most recent deferral on May 10, 2011, where the Commission approved

Resolution 11-011 approving a two-year time extension, with the expiration date of May 11, 2013 (see attachment 5).

4. Prior to the May 10th deadline Brandon Hinrichs submitted a request for a two year time extension, along with a letter providing the background of the current situation of the Links Course (see Attachment 2).
5. Also provided is a letter from Gibson & Lowry who is the attorney for Harold A. Corzin who has been appointed by the United States Trustee's Office as the trustee in the bankruptcy case of Kelly V. Gearhart, see Attachment 6.
6. Additional letters provided include a letter from Gerald C. Weaver who represents Joe Scolari, the owner of Lot 37 (APN: 025-442-021) see Attachment 7, and a letter from JLP Enterprises, owners of the largest of the three commercial buildings (buildings have not been finished) and the 33 lots that were created within the golf course site with the Vista Del Hombre subdivision, see Attachment 8.
7. All of the attached letters support continued operation of the golf course.
8. The DRC reviewed the request for the extension of the entitlements for the Links Course with Brandon Hinrichs at their meeting on May 13, 2013. The DRC recommended that the Planning Commission approve the 2-year extension, with the requirement that the issue be brought back to the DRC in 1-year for an update on the situation.

Analysis and

Conclusions: Brandon Hinrich's letter along with the letter from Gibson & Lowry, indicate that while there is agreement from the bankruptcy court that allows BIH Management (BIH) to operate the Links Course, there is no formal lease or guarantee of any specific time or duration for BIH to manage and operate the course.

Based on there being no established time guarantee, BIH does not have the ability to make arrangements to complete the CUP improvements, and continues to operate the course until such time the bankruptcy court makes a determination on the title issues that will allow the future sale of the property. The request by BIH at this time is to allow for a 2 year extension allowing the operation of the course without completing the conditions of approval.

As mentioned above, the DRC discussed the matter concluding that since it is not costing the City any money for the course to operate, and since it would be better for the surrounding neighborhood that the course be open and maintained, rather than closed, recommended that the Planning Commission approve the 2-year extension, with the requirement that the issue be brought back to the DRC in 1-year for an update on the situation.

Policy

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

Fiscal

Impact: None

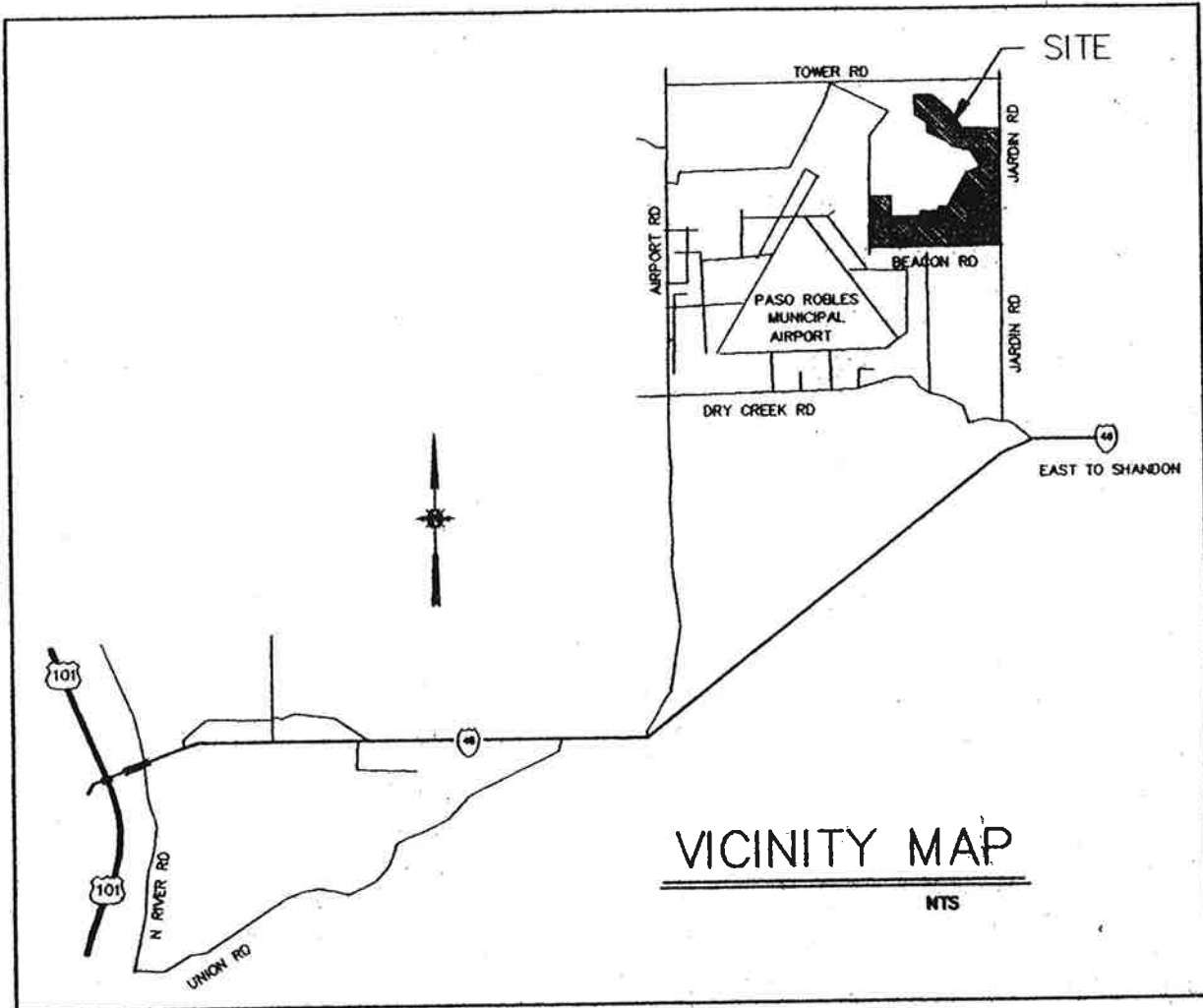
Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a. Adopt the attached Resolution 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 10, 2015, with the requirement to update the DRC by May 10, 2014, on the ownership situation.
- b. Amend, modify or alter the above noted options.

Attachments:

1. Vicinity Map
2. Applicant's Letter requesting Time Extension
3. Resolution 94-036
4. Resolution 94-037
5. Resolution 11-011, 2011 Time Extension
6. Gibson & Lowry Letter
7. Gerald C. Weaver Letter
8. JLP Enterprises Letter
9. Draft Resolution approving 2-year extension of PD 94003 & CUP 94005
10. Newspaper notice and mail affidavits

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



The Links Golf Course Plan

The current objective of my company is to operate, maintain and keep the option of a golf course open. Since the current land ownership is tied up in bankruptcy under numerous counts of controversy, the trustee of the bankruptcy who controls the land must receive an order from the courts to compromise the controversy before he can market and sell the property. Therefore, my company has zero power or control to complete the current conditions. Our main focus is to keep the golf course alive and running until a new landowner is obtained that way there is still the option of keeping it a golf course.

Current Plan

- Ask for extension
- Plan on staying in our current clubhouse until the land is settled
- Plan to move into part of the adjacent maintenance/cart storage building once it is completed. The building is owned by Larry Price and I've spoken with him about this being an option.

Future objectives of my company, once a new landowner is obtained, are meeting the final objectives of the conditional use permit, which include a new permanent club house, maintenance building, on course restrooms and moving the overhead utilities underground. Not only will meeting these conditions satisfy what the city wants but they will improve the quality and conditions of the golf course. They will also allow us to grow the business by giving us the opportunity to sell more merchandise, have the ability to host more events and be able to furnish more amenities such as food and beverage services. We have a couple different options available to meet these requirements. Option number one will be to work out a long term lease with the adjacent building owners once those adjacent buildings are complete. I've spoken with both building owners and they are willing to cooperate in leasing those building to the golf course once they've been completed and we've secured some longevity with the new land owner. Option number two would be for the future landowner to build new buildings on the golf course property. It is my prediction that any new landowner purchasing the land as a golf course and continuing to operate the land as a golf course will be willing to improve the golf course by obtaining or building new facilities.

Future Plan

- Work with new land owner to meet the conditions of the CUP by completing tenant improvement, signing a long term lease and moving into the adjacent buildings or building new buildings on the golf course property.
- The overhead utilities that need to be moved underground now sit on two separate projects and would make sense to move them underground all at one time once the land ownership is settled.

Another option for the planning commission to think about would be to remove the conditions all together. The removal of the conditions might make it easier for the land to be sold and kept a golf course. In my opinion, anyone purchasing the land as a golf course and wanting to keep it a golf course will improve it and complete new facilities on their own.

There is always the option that the new land owner will not want to keep the land operating as a golf course and choose to do something else with it.

Attachment 2 Applicant's Letter

CUP 94-005 & PD 94-037 Time Ext.
(Links Course) No. 3 Page 5 of 34



RESOLUTION NO. 94-036

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE PLANNED DEVELOPMENT 94003
(COASTAL GOLF COMPANY/ERIC TARR)
APN: 25-441-13, 15-23, 29-30, 39

WHEREAS, Planned Development 94003 has been filed by Coastal Golf Company to construct and 18-hole golf course with driving range, a clubhouse with pro-shop and coffee shop (approximately 3500 square feet), a maintenance building (approximately 6000 square feet), and a cart storage building (approximately 8100 square feet) and mid-course restrooms on 210 acres, located at the northwest corner of Beacon and Jardine Roads, and

WHEREAS, in conjunction with Planned Development 94003, the applicant has filed Conditional Use Permit 94005, and

WHEREAS, Section 21.16A.050 of the Municipal Code requires adoption of a development plan in conjunction with the development of any property within a Planned Development Overlay District, and

WHEREAS, an Expanded Initial Study was prepared for this project (See Expanded Initial Study - Exhibit A), and

WHEREAS, as part of the Expanded Initial Study, a traffic study and hydrology study were prepared for the project, and

WHEREAS, the proposed project is at the downstream end of a watershed that encompasses over 1000 acres, and

WHEREAS, the areas east of Jardine Road and south of Beacon Road, adjacent to the proposed golf course, have historically been subject to flooding because of a large watershed and topographic circumstances, and

WHEREAS, the flooding has been exacerbated over the years by development in the County of elevated roads and single family residences without properly designed drainage facilities, and

WHEREAS, with the annexation of Beacon and Jardine Roads, the City has inherited these drainage problems created by development in the County of San Luis Obispo, and

WHEREAS, development of the proposed golf course would not impact the upstream properties so long as the project does not hinder the existing potential volume of storm water from flowing through the golf course site, and

Attachment 3

Res. 94-036 - PD

CUP 94-005 & PD 94-037 Time Ext.

(Links Course)

WHEREAS, the proposed mitigation measures (conditions 34-37) for creating on-site drainage channels to accommodate the 100 year flow and the removal of all debris from existing culverts would improve, but not eliminate, the existing up-stream, off-site drainage problems, and

WHEREAS, a public hearing was conducted by the Planning Commission on October 10, 1994, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed development plan, and

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

1. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations) as follows:
 - a. The granting of this permit will not adversely affect the policies, spirit and intent on the general plan, applicable specific plans, the zoning code, policies and plans of the City;
 - b. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area;
 - c. The proposed project's design and density of developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area;
 - d. The development would be consistent with the purpose and intent of this chapter and would not be contrary to the public health, safety and welfare;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso De Robles, does hereby approve Planned Development 94003 subject to the following conditions:

ENGINEERING DIVISION STANDARD CONDITIONS:

1. The applicant shall pay for the following fees prior to final project approval: Plan Checking, Inspection and Permit.
2. All improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for approval. The improvements shall be designed and placed to City of Paso Robles Standards and Specifications.

3. A Preliminary Soils Report shall be prepared for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site. A final soils report shall be submitted to the City prior to the final inspection and shall certify that all grading was inspected and approved, and that all work has been done in accordance with the plans, preliminary report, and Chapter 70 of the Uniform Building Code.
4. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV, and telephone) underground.
5. Building permits shall not be issued until the water system has been completed and approved, and a based access road installed sufficient to support the City's fire trucks.
6. All underground construction shall be completed and approved by the City and the public utility companies, and the subgrade shall be scarified and compacted before paving the streets.
7. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City Engineer. Boring and jacking instead of trenching may be required on newly constructed or heavily traveled City streets.
8. A complete grading and drainage plan by a civil engineer shall be included with the improvement plans. Drainage calculations shall be submitted, with provisions made for on-site retention if adequate disposal facilities are not available.
9. The proposed structures and grading shall not encroach into the 100-year floodway as specified in Municipal Code Chapter 21.14 "Flood Damage Prevention Regulations".
10. All top soil removed shall be stockpiled and evenly distributed over the slopes and lots upon completion of rough grading to support hydroseeding and landscaping. All slope areas shall be protected by hydroseeding or landscaping.
11. Any grading during the rainy season will require the approval of a construction zone drainage and erosion control plan to prevent damage to adjacent property.
12. No buildings will be occupied until all public improvements have been completed and approved by the City Engineer, and accepted by the City Council for maintenance.
13. Any construction within an existing street shall require a traffic control plan. The plan shall include any necessary detours, flagging, signing, or road closures requested.
14. The applicant shall install all street name, traffic signs and traffic striping.

15. A Mylar copy and a blueline print of as-builts improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection.
16. When retaining walls are shown on the grading plan, all such walls shall be completed before approval of the rough grade, and prior to issuance of any building permits, unless waived by the Building Official and the City Engineer.

COMMUNITY DEVELOPMENT STANDARD CONDITIONS:

17. The site shall be developed and maintained in accordance with the approved plans unless specifically provided through the Planned Development process shall not waive compliance with any sections of the Zoning Code and all other applicable City Ordinances.
18. Occupancy of the facility shall not commence until such time all Uniform Building Code and State Fire Marshall's regulations have been complied with. The building shall be inspected for compliance by the appropriate department prior to occupancy.
19. Prior to any use of the project site or business activity being commenced thereon, all conditions of approval shall be completed to the satisfaction of the Community Development Director or his designee.
20. All site, grading, landscape, irrigation, and street improvement plans shall be coordinated for consistency prior to issuance of any permits, or prior to final map approval in case of custom lot subdivision, or the approved use has commenced, whichever comes first.
21. All ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices, etc., shall be screened from public view through the use through the use of decorative walls and/or landscaping to the satisfaction of the Community Development Director or his designee.
22. All roof-mounted appurtenances shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee.
23. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
24. All trash enclosures shall be constructed of decorative masonry block compatible with the main building. Gates shall

be view obscuring and constructed of durable materials such as painted metal or chain link with plastic slatting.

25. All lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and subject to the approval by the Community Development Department.
26. The site shall be kept in a neat manner at all times, and landscaping shall be continuously maintained in a healthy and thriving condition.
27. All landscaping shall be installed with automatic irrigation systems (does not include native landscaping).
28. All masonry walls and exposed retaining walls shall be constructed of decorative masonry block.
29. All paved parking areas shall be separated from landscaping by a six-inch concrete curb.
30. All on-site operations shall comply with the general performance standards for all uses required by Municipal Code Section 21.21.040.
31. All proposed signs shall be reviewed and approved by the Development Review Committee, prior to installation.

ENGINEERING SITE SPECIFIC CONDITIONS:

32. Applicant shall dedicate seven (7) feet of right-of-way along Jardine Road project frontage and fourteen (14) feet of right-of-way along Beacon Road project frontage.
33. Applicant shall dedicate a 100 foot wide right-of-way for a future arterial north of Beacon Road approximately 2600 feet west of Jardine.
34. Applicant shall improve existing drainage ways on the proposed golf course as part of Phase 1 development. Further, the applicant shall submit drainage calculations to the proposed drainage ways to insure that these proposed channels shall contain the 100 year storm or that the 100 year storm will be contained within the golf course property without impacting the upstream properties. The City Engineer shall review and approve these drainage calculations.
35. Applicant shall clean all existing culverts in Jardine and Beacon and shall remove all vegetation and/or debris to allow water to flow through these existing pipes. This shall be completed as part of Phase 1 development.

36. Applicant shall install drainage structures in Jardine Road to convey the 100 year storm water flow without inundating the road as part of Phase 2 development.
37. Applicant shall sign a drainage acceptance agreement acknowledging that the golf course will be receiving storm water flow and that they will not block the 100 year flow from passing through their property. Said agreement shall be in a form approved by the City Engineer.
38. As part of Phase 2 development, Jardine Road shall be improved for one-half pavement plus 12 feet to a modified rural collector standard. In addition, the existing utility pole on the east side of Jardine Road (which connects to the existing on-site utility poles) shall be undergrounded.
39. Applicant must obtain approval from the City Council and/or the California Regional Water Quality Control Board, as necessary, in the use of a private septic tank.

COMMUNITY DEVELOPMENT DEPARTMENT SITE SPECIFIC CONDITIONS:

40. This Planned Development authorizes 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. The project shall be constructed in four (4) phases as follows:

Phase 1 - Improve existing on-site drainage swales, remove and clean debris from existing culverts under Beacon and Jardine Roads and seed the area with rye grass for dust and erosion control.

Phase 2 - Grade and construct the 18-hole golf course, driving range, parking lot, entry road, temporary clubhouse (approximately 1500 square feet), temporary maintenance tent and temporary restrooms on the course.

Phase 3 - Construct permanent maintenance building, cart barn and on-course restrooms.

Phase 4 - Construct permanent clubhouse and underground existing on-site overhead utilities. In order to insure that undergrounding of utilities is completed, Phase 4 shall be completed by October 10, 1999 or prior to occupancy of Phase 4 (permanent clubhouse building), whichever occurs first.

41. Approval of Planned Development 94003 is valid for two years from the date of approval and shall expire on October 10, 1996 unless a time extension request is filed with the Community Development Department prior to expiration.

42. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

EXHIBIT	DESCRIPTION
A1-A2	Site Plan/Preliminary Grading Plan
B1-B4	Building Elevations

- 43. All conditions contained in the resolutions granting approval to Conditional Use Permit 94005 shall be complied with in a manner acceptable to the City of Paso Robles.
- 44. The phasing of the project shall either comply with the approved phasing plan (As indicated in the Revised Applicant's Statement) or the applicant may in the future submit phasing revisions which shall be subject to City staff review. Staff determination on the appropriateness of the phasing revisions shall be based on the ability for that particular phase to "stand alone" and/or contribute as necessary to orderly development of this project and the surrounding area.
- 45. The applicant shall record avigation easements (easements which grant the right of air travel above the property) prior to occupancy, in a form to be approved by the City Attorney.
- 46. The property owner(s) shall agree, in a form acceptable by the City Attorney, to pay all future Airport Specific Plan fees as adopted by the City Council, in effect at the time as building permits are issued.
- 47. This site shall comply with all future policies and regulations of the Airport Specific Plan as adopted by the City Council in effect at the time a building permit is issued.
- 48. A detailed site, grading and landscape plan (as applicable) shall be submitted for each phase to the Development Review Committee (DRC) for review and approval, prior to issuance of a grading/building permit for that phase. Phase 2 shall include the landscaping for the parking lot, entrance to the site and areas adjacent to buildings.
- 49. The parking lot shall be developed with a minimum of 130 parking spaces.
- 50. A material board and color samples shall be submitted to the Development Review Committee for review and approval prior to the issuance of building permits.

FIRE DEPARTMENT SITE SPECIFIC CONDITIONS:

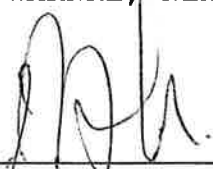
51. Prior to issuance of building permits, the Fire Department shall require a Fire Protection Plan for the proposed development. The Plan shall indicate the location of all on-site hydrants, size and location of water storage tank(s) and any pumps and other appurtenances that will be a part of the system.
52. Fire protection shall be in place prior to any combustible construction materials being placed on-site.
53. The Fire Protection Plan shall comply with the 1991 Uniform Fire Code and the National Fire Protection Association Codes and Standards for private fire protection systems.
54. All fire access roads shall comply with the 1991 Uniform Fire Code as amended by Municipal Code Section 17.04.030.

PASSED AND ADOPTED THIS 10th day of October, 1994, by the following Roll Call Vote:

AYES: BANAKIS, CRAWFORD, JOHNSON, FERRAVANTI, DAKIN

NOES: NONE

ABSENT: WARNKE, NEMETH



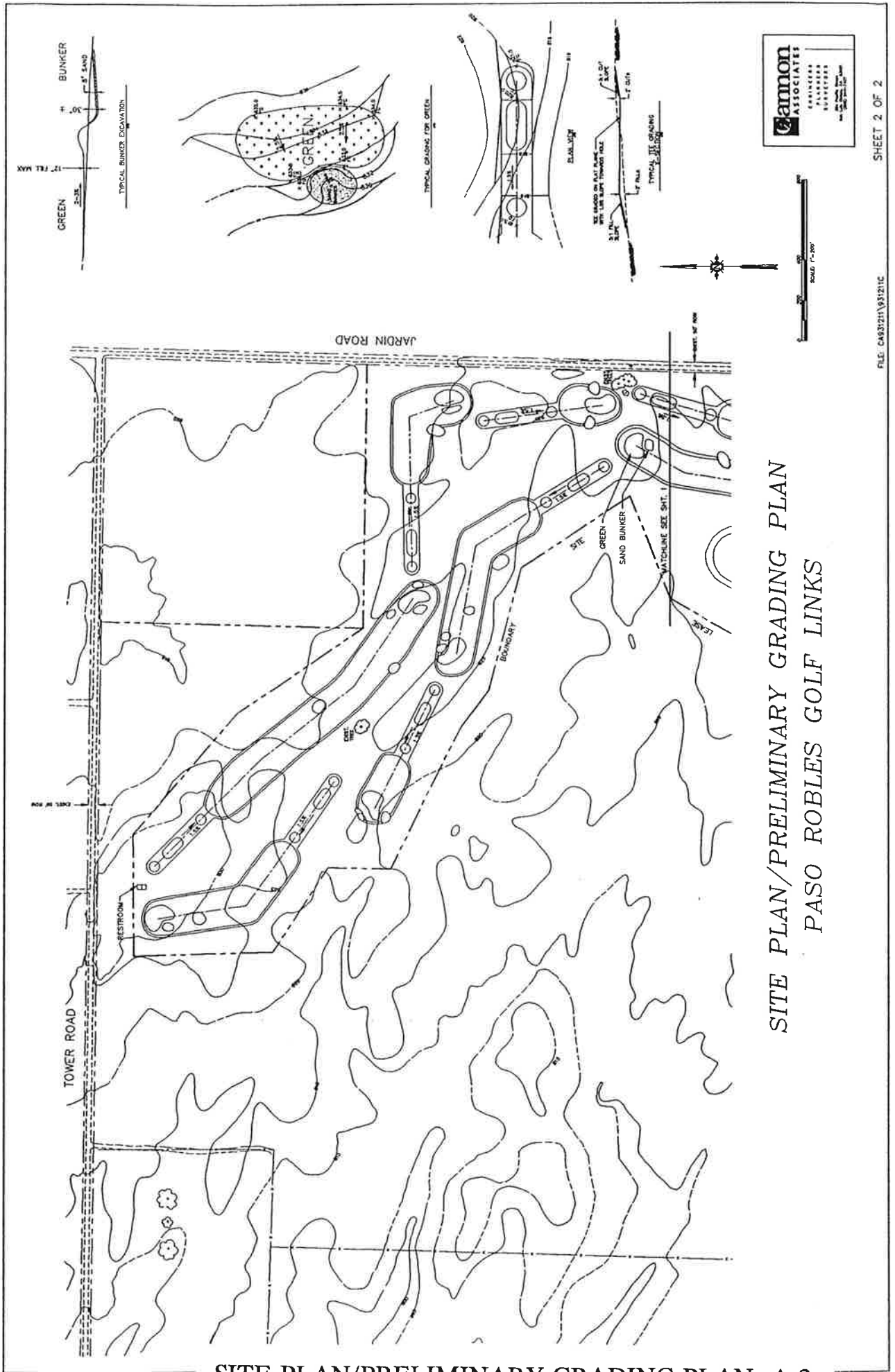
CHAIRMAN PETE DAKIN

ATTEST:



ROBERT A. LATA, PLANNING COMMISSION SECRETARY

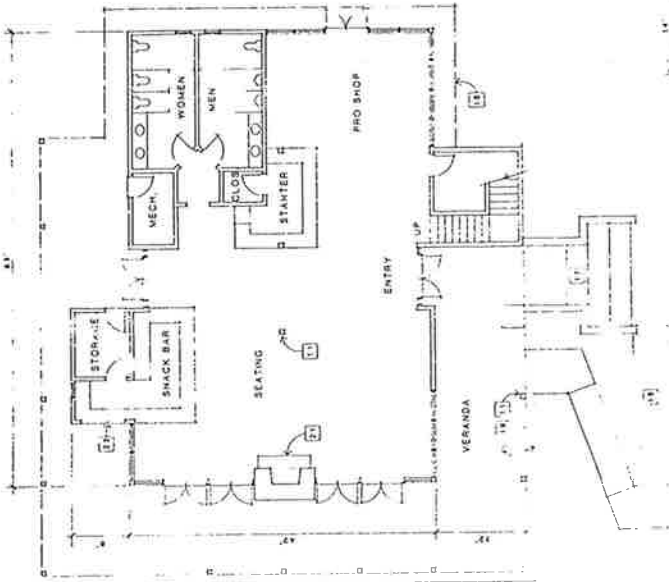
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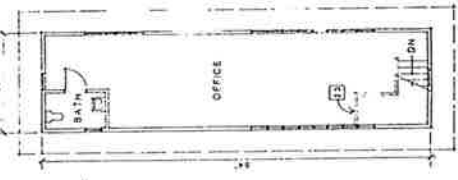
SITE PLAN/PRELIMINARY GRADING PLAN
PASO ROBLES GOLF LINKS



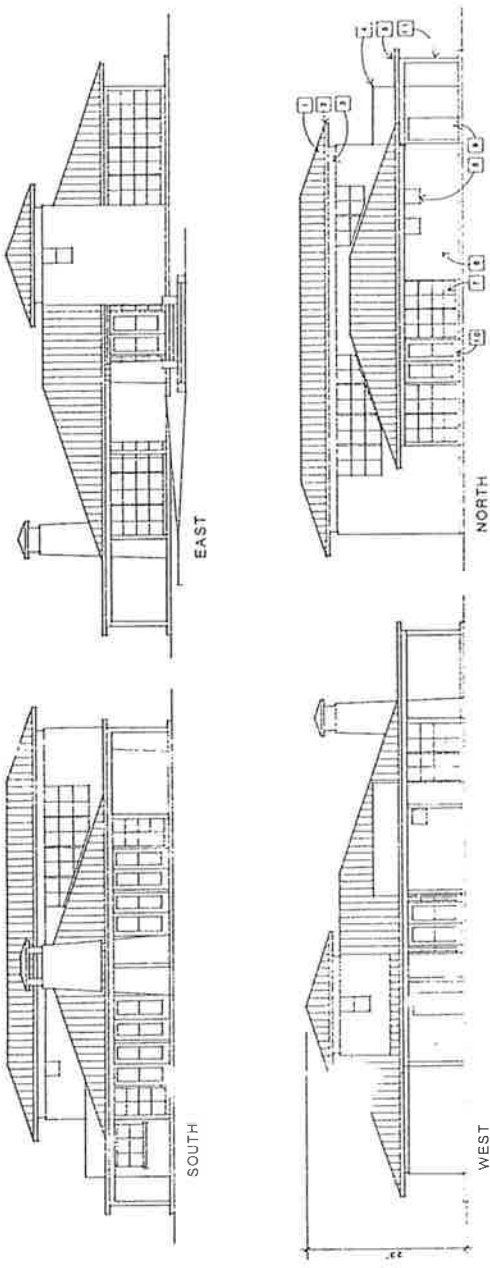
SITE PLAN/PRELIMINARY GRADING PLAN A-2



CLUBHOUSE FIRST FLOOR PLAN
1/8" = 1'-0"



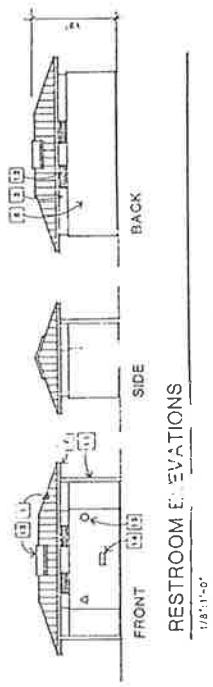
CLUBHOUSE SECOND FLOOR PLAN
1/8" = 1'-0"



CLUBHOUSE ELEVATIONS
1/8" = 1'-0"



RESTROOM PLAN
1/8" = 1'-0"



RESTROOM ELEVATIONS
1/8" = 1'-0"

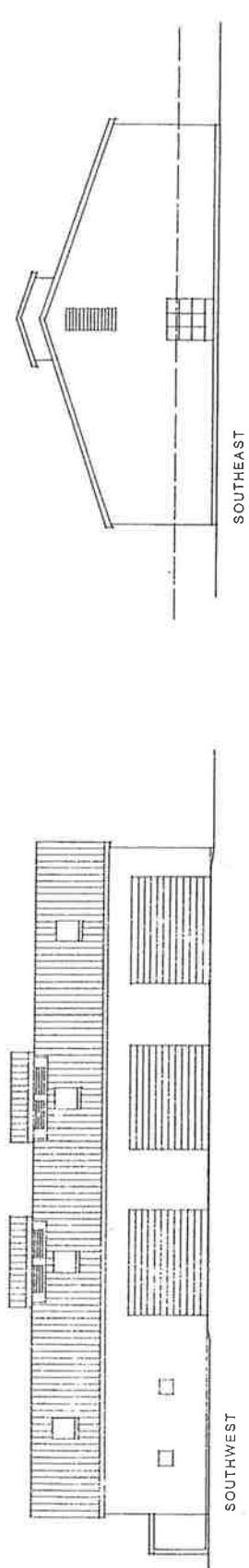
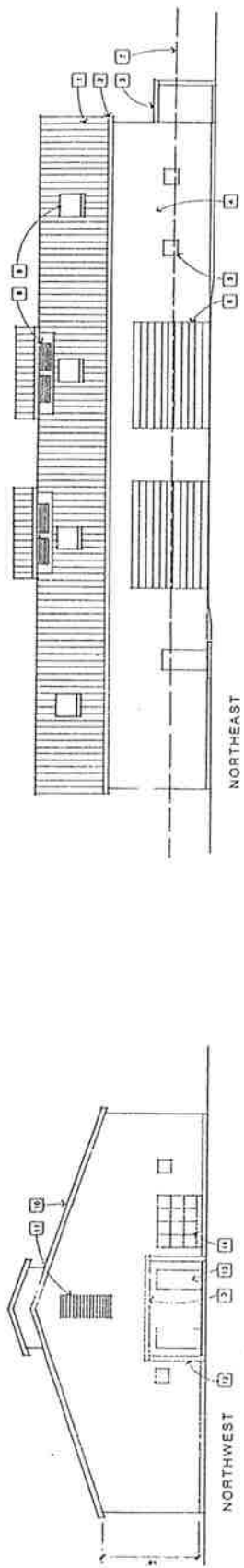
CLUBHOUSE, RESTROOM KEYNOTES

1. Day entrance door
2. Entry
3. Front porch
4. Front porch roof
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STRUCTURES FOR
PASO ROBLES
GOLF LINKS

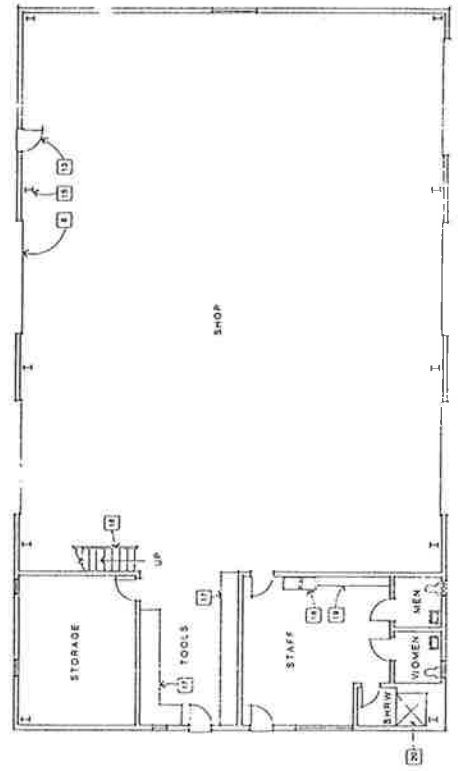
The
Architectural
Office of
James Douglas Architects, P.A.

BUILDING ELEVATIONS B-1



MAINTENANCE / EQUIPMENT BUILDING ELEVATIONS

1/8" = 1'-0"



MAINTENANCE / EQUIPMENT BUILDING PLAN

1/8" = 1'-0"

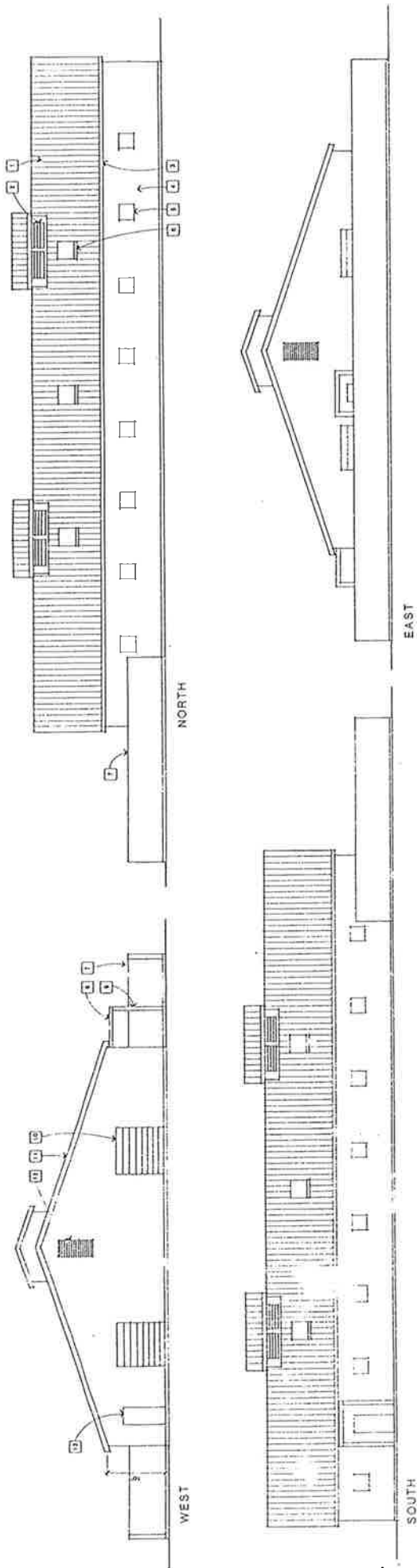
MAINTENANCE/EQUIPMENT BUILDING KEYNOTES

1. Prefinished metal siding
2. Prefinished metal gutters
3. Prefinished wood trim
4. Prefinished aluminum window
5. Prefinished aluminum door
6. Prefinished metal roof
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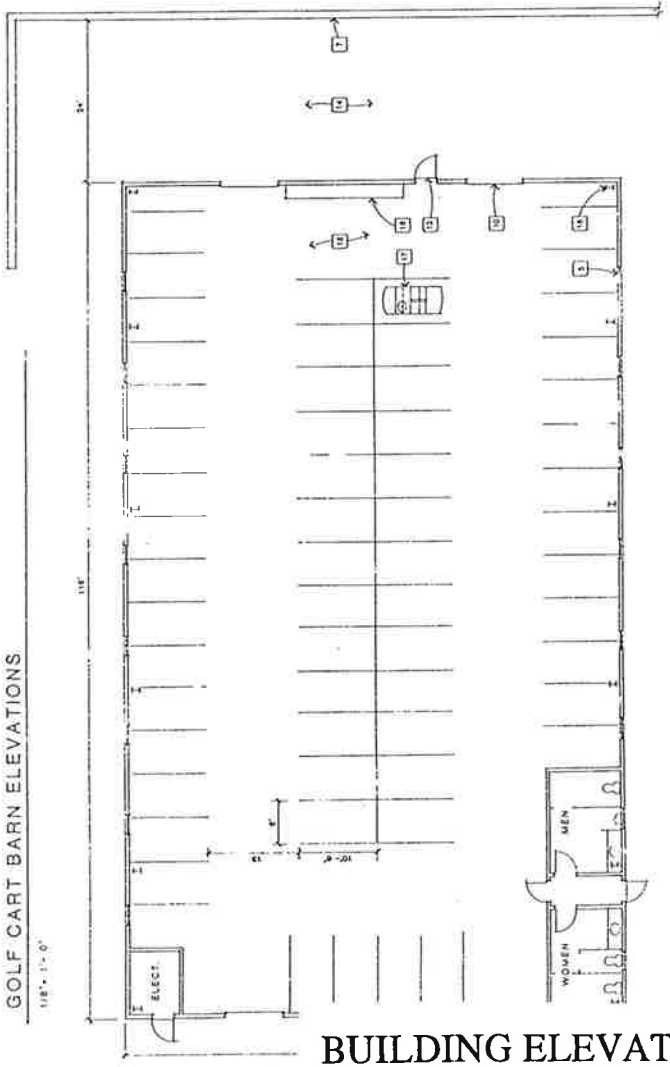
STRUCTURES FOR
PASO ROBLES
GOLF LINKS

THE
ARCHITECTS
OF
COLORADO
James Oberholser Architects, P.A.

SHEET 2 OF 4



- GOLF CART BARN KEYNOTES**
1. Prefinished metal roofing, 24 ga.
 2. Prefinished metal gutters
 3. Smooth steel finished flange
 4. 1/2\"/>
 - 5. 2\"/>
 - 6. 3\"/>
 - 7. 4\"/>
 - 8. High pressure polyethylene sheet, 60 mil
 - 9. Prefinished metal
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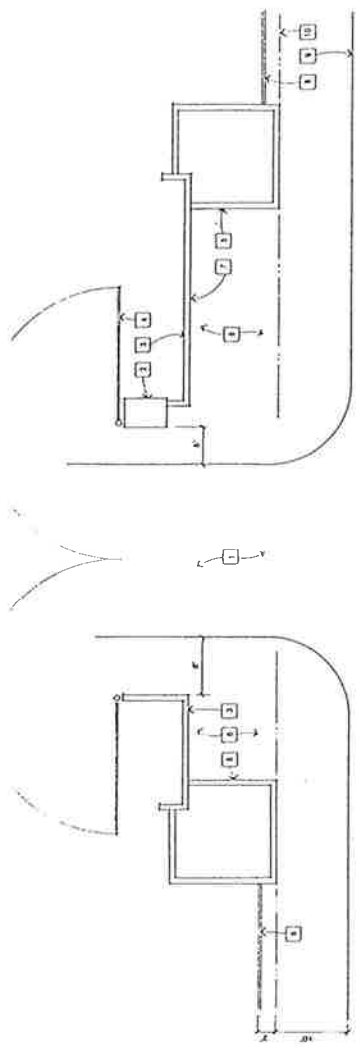
STRUCTURES FOR
PASO ROBLES
GOLF LINKS

THE ARCHITECTURE
 GROUP

ARCHITECTURE
 GROUP

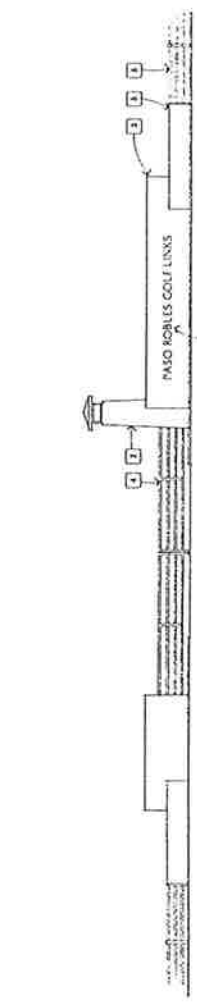
SHEET 3 OF 4

BUILDING ELEVATIONS B-3

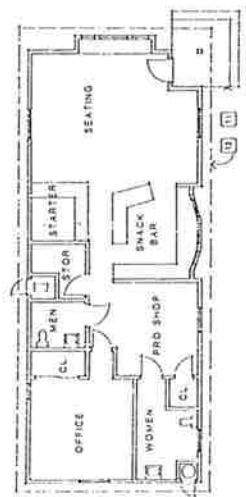


JARDINE ROAD

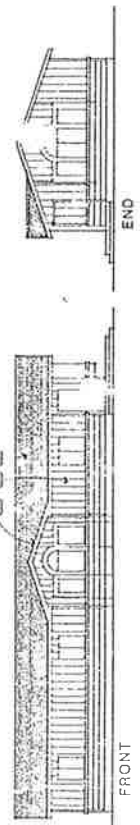
MAIN ENTRANCE PLAN
1/8" = 1' - 0"



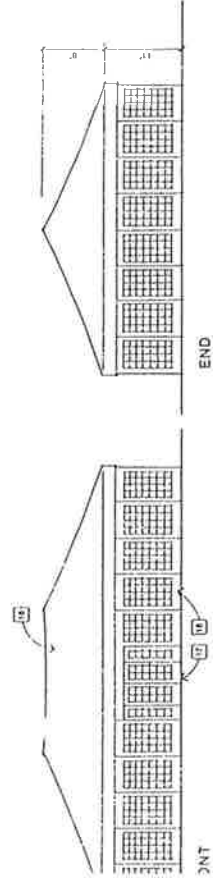
MAIN ENTRANCE EAST ELEVATION
1/8" = 1' - 0"



TEMP. CLUBHOUSE PLAN
1/8" = 1' - 0"



TEMP. CLUBHOUSE TYPICAL ELEVATIONS
1/8" = 1' - 0"



TEMP. MAINTENANCE/EQUIPMENT BUILDING TYPICAL ELEVATIONS
1/8" = 1' - 0"

ENTRANCE, TEMPORARY BUILDINGS KEYNOTES

1. 24" wide gal. coated steel
2. 15" high pilon with 3/4" x 1/2" hole
3. 6" high perimeter concrete base
4. 2" x 4" gal. steel
5. 2" x 4" gal. steel
6. Structural foam plate
7. Dimensional metal mesh on wall
8. Edge of perimeter of concrete floor
9. Joints floor light of 1/4" hole
10. Edge of concrete base
11. Edge of concrete base
12. Perimeter metal mesh
13. Perimeter metal mesh
14. Perimeter metal mesh
15. Perimeter metal mesh
16. Perimeter metal mesh
17. Perimeter metal mesh
18. 5" x 5" gal. steel plate with clear plastic glazing

STRUCTURES FOR
PASO ROBLES
GOLF LINKS

For
ARCHITECTURAL
DRAWINGS
ARCHITECTURAL DESIGN CENTER

SHEET 4 OF 4

RESOLUTION NO: 94-037

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 94005
(COASTAL GOLF COMPANY/ERIC TARR)
APN: 25-441-13, 15-23, 29-30, 39

WHEREAS, Conditional Use Permit 94005 has been filed by Coastal Golf Company to construct and 18-hole golf course with driving range, a clubhouse with pro-shop and coffee shop (approximately 3500 square feet), a maintenance building (approximately 6000 square feet), and a cart storage building (approximately 8100 square feet) and mid-course restrooms on 210 acres, located at the northwest corner of Beacon and Jardine Roads, and

WHEREAS, in conjunction with Conditional Use Permit 94005, the applicant has filed Planned Development 94003, and

WHEREAS, a public hearing was conducted by the Planning Commission on October 10, 1994, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed conditional use permit, and

WHEREAS, the Planning Commission finds that the proposed use is consistent with the City's General Plan and Zoning Code, 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 Planning Commission finds that 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso De Robles does hereby approve Conditional Use Permit 94005 subject to the following conditions listed below:

1. This conditional use permit authorizes the establishment 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. The project shall be constructed in four (4) phases as follows:

Phase 1 - Improve existing on-site drainage swales, remove and clean debris from existing culverts under Beacon and Jardine Roads and seed the area with rye grass for dust and erosion control.

Phase 2 - Grade and construct the 18-hole golf course, driving range, parking lot, entry road, temporary clubhouse (approximately 1500 square feet), temporary maintenance tent and temporary restrooms on the course.

Phase 3 - Construct permanent maintenance building, cart barn and on-course restrooms.

Phase 4 - Construct permanent clubhouse and underground existing on-site overhead utilities. In order to insure that undergrounding of utilities is completed, Phase 4 shall be completed by October 10, 1999 or prior to occupancy of Phase 4 (permanent clubhouse building), whichever occurs first.

Failure to underground on-site utilities in the prescribed timeline, could result in a public hearing to consider revocation for failure to comply with conditions of approval.

2. The applicant shall comply with all conditions of approval of Planned Development 94003 in a manner acceptable to the City of Paso Robles.
3. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
4. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for this approval.
5. All parkways, open areas, and landscaping shall be permanently maintained by the property owner, or other means acceptable to the City.
6. The golf course operations shall comply at all times with the

City's performance standards.

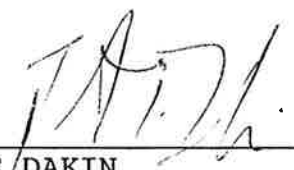
7. This conditional use permit shall expire on April 10, 1995 unless a time extension is submitted to the Community Development Department prior to expiration.

PASSED AND ADOPTED THIS 10th day of October, 1994, by the following Roll Call Vote:

AYES: BANAKIS, CRAWFORD, JOHNSON, FERRAVANTI, DAKIN

NOES: NONE

ABSENT: WARNKE, NEMETH



CHAIRMAN PETE DAKIN

ATTEST:



ROBERT A. LATA, PLANNING COMMISSION SECRETARY

bb\pd\94005\cupres10.oct

RESOLUTION NO. 11-011

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO ALLOW A MODIFICATION FOR A 2-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 recognizes that keeping the business in operation benefits the community, and the Commission also supports implementation of Phases 3 & 4 to complete permanent facilities at the Links Golf Course; and

WHEREAS, the Planning Commission supports the 2 year Time Extension to allow additional time for the property owners and business operator to complete the required improvements, however if the improvements are not complete at the conclusion of the 2-year time extension, the owners and operators shall present a business plan to the Planning Commission detailing a program demonstrating how they will achieve completion of the required improvements, or be scheduled for a public hearing to either revoke Conditional Use Permit 94005 or eliminate the requirements for phases 3 & 4 from the project; 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 two year time extension request, and to accept public testimony regarding the revocation; and

PD 94-003 CUP 94-005 Reso/Links Golf Course

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 2-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, 2013. If the required improvements are not completed by May 11, 2013 then the property owners and business operators shall be scheduled for a public hearing for the Planning Commission to consider a business plan demonstrating how the applicants shall achieve the required improvements and comply with the CUP conditions. If the improvements are not complete or if the applicants do not present a business plan demonstrating how the improvements will be completed, then the Planning Commission shall schedule a public hearing to consider revocation of Conditional Use Permit 94005.

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

AYES: Commissioners Barth, Treatch, Garcia, Peterson, Holstein, Vanderlip and Chair Gregory

NOES: None


ABSENT: None

ABSTAIN: None



STEVE GREGORY, CHAIRMAN

ATTEST:



RON WHISENAND, PLANNING COMMISSION SECRETARY

LAW OFFICES
GIBSON & LOWRY LLC
234 PORTAGE TRAIL, CUYAHOGA FALLS, OHIO 44221

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 535, CUYAHOGA FALLS, OHIO 44222
(330) 929-0507

FAX: (330) 929-6605 or (330) 916-6434

RANDAL A. LOWRY
MICHAEL A. WEINBERGER
JEROME G. REIDY
MICHAEL J. MORAN*
KENNETH L. GIBSON

MARK S. WEINBERGER*
SHARYL W. GINTHER
MORA LOWRY
MARISA A. LOWRY
ADAM MORRIS

WARREN W. GIBSON
(1927 - 2005)

*ALSO ADMITTED TO
PRACTICE IN FLORIDA

April 9, 2013

City of Paso Robles
Community Development Dept.
Planning Division
1000 Spring Street
Paso Robles, CA 93446

Re: Application of BIH Management LLC dba The Links

Dear Sirs:

Please be advised that I am the attorney for Harold A. Corzin who has been appointed by the United States Trustee's Office as the trustee in the bankruptcy case of Kelly V. Gearhart. Mr. Gearhart was the sole remaining member of Vista Del Hombre LLC at the time of the filing of his bankruptcy and the Trustee is now the sole member.

Vista Del Hombre LLC has entered into an agreement which was approved by the bankruptcy court permitting BIH Management LLC to operate the golf course. This agreement does not involve a formal lease nor guarantee any specific term or duration. However, pending the resolution of title issues and the ultimate sale of the property we believe that it is in the best interests of all concerned to permit BIH Management to continue to operate. Therefore we provide our consent to the Application. To the best of our knowledge the representations contained in the application are true. BIH Management has our permission to allow representatives of the City to inspect the property. We acknowledge that it is ultimately the property owner's responsibility to ensure compliance with zoning conditions and other legal requirements. You have our permission to duplicate

Attachment 6
Gibson & Lowry Letter
CUP 94-005 & PD 94-037 Time Ext.
(Links Course)

Agenda Item No. 3 Page 25 of 34



any plans or other documents and to circulate them appropriately in connection with the request for extension of conditional zoning.

We do anticipate that the property will be placed on the market in the near future. It will not necessarily be sold as a golf course.

If you have any questions, please feel free to contact me.

Sincerely,



Kenneth L. Gibson
Attorney for Trustee Harold A.
Corzin, sole member of Vista
Del Hombre, LLC

cc: client

LAW OFFICES
GIBSON & LOWRY LLC
234 PORTAGE TRAIL, CUYAHOGA FALLS, OHIO 44221

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(330) 929-0507

FAX: (330) 929-8605 or (330) 916-6434

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SHARYL W. GINTHER
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MARISA A. LOWRY
ADAM MORRIS

WARREN W. GIBSON
(1927 - 2005)

*ALSO ADMITTED TO
PRACTICE IN FLORIDA

April 9, 2013

BIH Management LLC d.b.a. The Links
5151 Jardine Rd.
Paso Robles, CA 93446

Dear Brandon:

Enclosed you will find the Trustee's renewed approval letter for your extension of the conditional zoning certificate. Please advise if there is any further requirements.

Sincerely,



Kenneth L. Gibson
Attorney for Trustee
Harold A. Corzin

GERALD C. WEAVER

A LAW CORPORATION

GERALD C. WEAVER

1220 Marsh St
San Luis Obispo, CA 93401
Telephone: (805) 781-0788
Fax: (805) 781-0828

March 31, 2013

City of Paso Robles
Community Development Department
Planning Division
1000 Spring Street
Paso Robles, CA 93446

RE: Application of BIH Management LLC dba The Links

Dear Sirs:

Please be advised that I am the attorney for Joseph G. Scolari, the owner of lot 37, tract 2716, City of Paso Robles, APN 025-442-021

By Mr. Scolari's signature to this letter, our client consents to the application, and approval thereof by your City, by BIH Management, LLC dba the Links to extend the CUP as applied for. This agreement does not involve a formal lease nor guarantee any specific term or duration. However, we believe that it is in the best interests of all concerned to permit BIH Management to continue to operate. To the best of our knowledge the representations contained in the application are true. BIH Management has our permission to allow representatives of the City to inspect the property. We acknowledge that it is ultimately the property owner's responsibility to ensure compliance with zoning conditions and other legal requirements. You have our client's permission to duplicate any plans or other documents and to circulate them appropriately in connection with the request for extension of conditional zoning.

If you have any questions, please feel free to contact me.

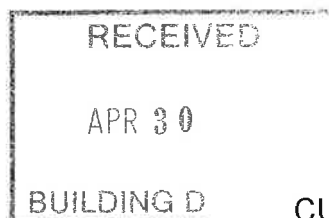
Very Truly Yours,

Gerald Weaver

Gerald C. Weaver

*Signed for by
Jackie Romig*

GCW:jer

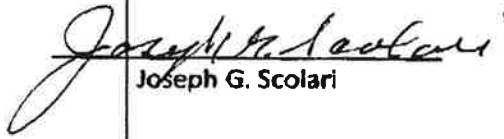


Attachment 7
Gerald Weaver Letter
CUP 94-005 & PD 94-037 Time Ext.
(Links Course)

CONSENT BY LANDOWNER

The undersigned, Joseph G. Scolari, hereby consents and agrees to the foregoing.

Date: 4-18-13


Joseph G. Scolari

JLP ENTERPRISES, LLC

8930 San Gabriel Rd
Atascadero, CA 93422
805-466-4195
Cell: 805-286-6907
Cell: 805-286-6067

April 26, 2013

City of Paso Robles
Community Development Department
Planning Division
1000 Spring Street
Paso Robles, CA 93446

Dear,

Please be advised that Larry and Janet Price are the owners of the lot and largest commercial/industrial building at 5151 Jardine Rd (sometimes shown as 5151 Beacon Rd) in Paso Robles. We also own 33 ea. additional commercial/industrial lots at the same location, a number of which are on the playing area of the golf course.

We consent to the application and approval thereof by the City of Paso Robles and by BIH Management, LLC dba the Links, to extend the CUP as applied for. This agreement does not involve a formal lease at this time nor guarantee any specific term or duration.

We believe that it is the best interest of all concerned to permit BIH Management to continue to operate. BIH Management has our permission to allow representatives of the City of Paso Robles to inspect the property. You have our permission to duplicate any plans or documents and to circulate them appropriately in connection with the request for extension of conditional zoning.

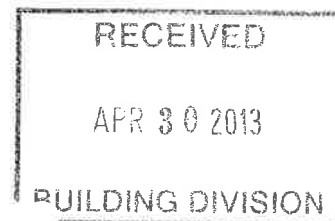
APN numbers for all of these properties can be supplied if requested. Please feel free to contact us regarding any questions.

Sincerely,

Larry Price

Larry Price

Janet Price



Attachment 8
JLP Enterprises, Letter
CUP 94-005 & PD 94-037 Time Ext.
(Links Course)
Agenda Item No. 3 Page 30 of 34

RESOLUTION NO. 11-011

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO ALLOW A 2-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, Phase 3 & 4 improvements 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, since 1994 the Planning Commission has allowed the deferral of Phase 3 and 4 improvements, with the most recent deferral being the adoption of Resolution 11-011, approving a 2 year time extension with the expiration date of May 11, 2013; and

WHEREAS, prior to the May 11th deadline Brandon Hinrichs submitted a request for a two year time extension, along with a letter providing the background of the current situation of the Links Course; and

WHEREAS, the Planning Commission recognizes that keeping the business in operation benefits the community without cost to the City, and the Commission also supports implementation of Phases 3 & 4 to complete permanent facilities at the Links Golf Course; and

WHEREAS, the Planning Commission on June 25, 2013 conducted a public hearing, to consider facts as presented in the staff report prepared for this request to allow for a two 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 allow a 2-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, 2015, with a one-year review by the Development Review Committee by May 11, 2014.

PASSED AND ADOPTED THIS 25th day of June, 2013 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

VINCE VANDERLIP, CHAIRMAN

ATTEST:

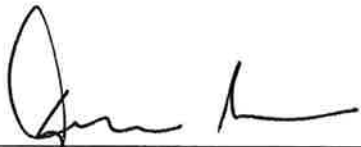
ED GALLAGHER, PLANNING COMMISSION SECRETARY

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Darren Nash, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for CUP 94-005 & PD 94-003 Time Extension on this 11th day of June, 2013.

City of El Paso de Robles
Community Development Department
Planning Division

Signed:  _____
Darren Nash

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: June 14, 2013

Meeting Date: June 25, 2013
(Planning Commission)

Project: CUP 94-005 & PD 94-003 Time Extension
(Links Course)

I, Darren Nash, 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: 
Darren Nash

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 a request for a two-year time extension of the entitlements associated with Planned Development 94003 & Conditional Use Permit 94005. The time extension request 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 (5151 Jardine Road).

The meeting will begin at the hour of 7:30 pm on June 25, 2013, in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearing.

If you challenge this time extension request 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
June 14, 2013 7023759