

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 14-012 (MARK'S TIRE SERVICE)

DATE: OCTOBER 14, 2014

Needs: For the Planning Commission to consider an application filed by Mark R. Jennings to establish a commercial tire business within existing buildings. (APN: 025-403-036)

- Facts:
1. The site is located at 2905 Union Road, see attached Vicinity Map.
 2. The General Plan designation for this location is Commercial Service (CS) with a Zoning Designation of Commercial/Light Industrial (C-3).
 3. The Zoning Code allows vehicle repair and parts installation in the C-3 district, subject to the approval of a Conditional Use Permit (CUP).
 4. Mark's Tire Service specializes in commercial truck and farm equipment tire repair. A majority of the work is done by mobile service truck, out in the field at a construction site, or in an agricultural area.
 5. The Zoning Code requires 9 parking spaces, based on there being 3 vehicle service bays. 9 spaces are provided for on-site which complies with the zoning code.
 6. The City Engineer has indicated that as part of a City public works project, that new curb & gutter, along with an asphalt sidewalk, is scheduled to be completed for this sites frontage on Union Road, in the Summer of 2016. The improvements are considered interim, and it is anticipated that more substantial improvements would be completed in the future at some point when the site is further developed. See City Engineer Memo, Attachment 3.
 7. This project was reviewed by the Development Review Commission (DRC) on September 29th, 2014. The DRC recommended the Planning Commission approve the CUP, with a condition to provide landscaping. See further discussion in the Analysis and Conclusion section of this report.
 8. This application is categorically exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement CEQA.

Analysis
and

Conclusion: The DRC discussed landscaping improvements as a condition to the approval of the CUP. Staff indicated that there may be an opportunity to upgrade the existing chain-link fencing and provide landscaping between the fence and Union Road. The timing of the installation of the landscaping was discussed. The DRC recommended that the applicant landscape the area between the back of the future sidewalk and the fence, after the street improvements are installed in the Summer of 2016.

The issue of fencing was also discussed. The DRC did not recommend replacing the existing chain link fencing, since the proposed use will not have outdoor storage. Since this CUP request is not related to an outdoor storage use, and the fence is for security purposes, the DRC did not feel it was necessary to require the construction of a new fence. The property owner, Mitch Culver, did agree that the fence does need some attention and repair and would look into making the necessary repairs.

As mentioned above, the Zoning Code allows for the tire repair shop with the approval of a CUP. This facility is determined as appropriate for this use by the DRC as it would seem to be compatible with other light-industrial activities along the Union Road corridor.

Policy

Reference: CEQA, The City of Paso Robles Zoning Code

Fiscal

Impact: None identified at this time.

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

- a). Adopt the attached resolution approving the proposed Conditional Use Permit 14-012, subject to standard and site specific conditions of approval;
- b). Amend, modify or reject the above noted options.

Attachments:

1. Vicinity map
2. Site Plan
3. City Engineer Memo
4. Resolution Approving CUP 14-012
5. Newspaper notice and mail affidavits

Attachment 1
Vicinity Map



Attachment 2
Site Plan



MEMORANDUM

TO: Darren Nash
FROM: John Falkenstien
SUBJECT: CUP 14-012 Building Occupancy for Tire Sales, Union Road
DATE: October 2, 2014

The subject property is underdeveloped with older metal buildings and paving. Union Road improvements are partially complete including a driveway approach. Since no building permits are associated with this application it appears that any further street improvements would be premature until more substantial improvements to the property are contemplated.

In the summer of 2016, Union Road is on the list of streets to be improved with the sales tax program. Improvements along the frontage on this parcel will include connection of the curb and gutter to the east and an asphalt walking path.

Attachment 3

City Engineer Memo

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 14-012
(MARK'S TIRE SERVICE)
APN: 025-403-036

WHEREAS, Table 21.16.200 Permitted Land Uses For All Zoning Districts within the General Plan, requires approval of a Conditional Use Permit (CUP) for vehicle repair and parts installation in the C-3 (Commercial/Light Industrial) zoning district; and

WHEREAS, Mark R. Jennings has filed a CUP application to establish and operate a commercial tire service business within the existing buildings, at the site located at 2905 Union Road; and

WHEREAS, there is no outdoor storage proposed with this CUP request; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 14, 2014, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation for the requested use and building would be consistent with the General Plan and not 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; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 14-012, subject to the following conditions:

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

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
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A	Vicinity Map / Site Plan
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2. This Conditional Use Permit (CUP) authorizes the establishment and operation of commercial tire service located within the existing buildings on the site located at 2905 Union Road.
3. The business owner shall obtain any necessary permits and the work completed to the satisfaction of the Building Department, prior to commencing commercial tire service activities.
4. Prior to the issuance of a business license, the property owner shall provide a landscape plan for the area between the fence and the road for staff review.

5. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process, shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
6. 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.
7. All signage shall comply with the City's Sign Ordinance.
8. The daily operations of this facility shall comply with Section 21.21.040 of the Municipal Code, Performance Standards:
 - A. Fire and Explosion Hazards. All activities involving and all storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.
 - B. Radioactivity or Electrical Disturbance. Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
 - C. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
 - D. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
 - E. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - F. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
 - G. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetation or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).

- H. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.

- I. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.

- J. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review.

PASSED AND ADOPTED THIS 14th day of October, 2014 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHAIRMAN

ATTEST:

ED GALLAGHER, SECRETARY OF THE PLANNING COMMISSION

Exhibit A
Vicinity Map



Exhibit B
Site Plan



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION
PROJECT NOTICING

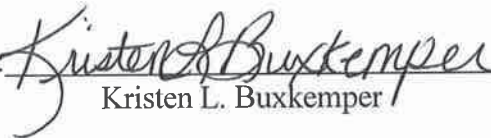
Newspaper: The Tribune

Date of Publication: 10/03/2014

Meeting Date: 10/14/2014
Planning Commission

Project: Conditional Use Permit 14-012 –
Mark's Tire Service

I, Kristen L. Buxkemper, employee of the Community Development Department, Engineering 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: 
Kristen L. Buxkemper

CITY OF EL PASO DE ROBLES

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 on Tuesday, October 14, 2014, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

Conditional Use Permit (CUP 14-012), a request filed by Mark R. Jennings to establish a commercial tire service within the existing buildings located at 2905 Union Road.

This application is Categorically Exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

The application and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970 or by email at dnash@prcity.com.

If you challenge the project 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
October 3, 2014

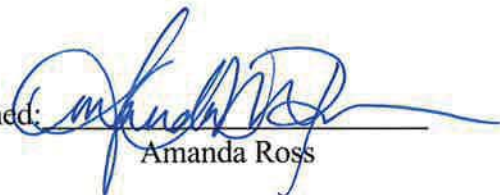
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**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Amanda Ross, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for CUP 14-012 to request the establishment of a commercial tire service within existing buildings located at 2905 Union Road on this the 2nd day of October, 2014.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Amanda Ross