

RESOLUTION NO.: 01-007

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING WAIVER 00-004
(BELL / WORTHINGTON)
APN: 008-272-07 & 12

WHEREAS, Waiver 00-004 has been filed by Nanci Bell and Paul Worthington for the waiver of curb, gutter and sidewalk improvements for approximately 280 feet of combined property frontage on Filbert and 17th Streets, in conjunction with the future construction of a swimming pool on APN 008-272-12 which fronts on Filbert Street, and

WHEREAS, Section 11.12.030.D of the Municipal Code, states that, in the event the construction of sidewalk is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors, the planning commission, after hearing the recommendation of the city engineer, may waive, or modify the provisions of the chapters that apply to sidewalks, curb, gutters and driveway aprons, upon applications of the owner of the property or other persons to whom this chapter may apply, and

WHEREAS, at the location of where the street improvements would be installed, the topography is rolling in nature and the existing neighborhood pattern consists of either no curb, gutter and sidewalk to curb and gutter only (no sidewalk), and

WHEREAS, there are several mature oak trees located adjacent to these properties which would necessitate altered sidewalk design in order to assure their protection if sidewalks were installed, and

WHEREAS, curb and gutter improvements would be keeping with the improvement pattern established for this neighborhood, and could be designed to protect to the existing oak trees, and

WHEREAS, a public hearing was conducted by the Planning Commission January 9, 2001, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver, and

WHEREAS, the proposed development of a swimming pool on these two legal parcels will not generate the intensity of pedestrian or vehicular traffic that would warrant the installation of full curb, gutter and sidewalk improvements along this particular stretch of public street frontage at this time, and

WHEREAS, the waiver of public street improvements is directly related to this swimming pool construction proposal only, and

WHEREAS, if in the future the land use intensity for this parcel is increased through a proposed parcel split or additional single family residential proposal, the City will retain the ability to independently evaluate the public infrastructure needs created by such development, and

NOW, THEREFORE, BE IT RESOLVED, that based upon the facts and analysis presented in the staff report, and the provisions for waivers set out in Section 11.12.030.D of the Municipal Code, the Planning Commission of the City of El Paso de Robles does hereby partially approve Waiver 00-004, waiving the requirement for sidewalk improvements for the subject sites due to the existing neighborhood pattern of improvements and benefit to protection of oak trees in the immediate area.

PASSED AND ADOPTED THIS 9th day of January 2001, by the following Roll Call Vote:

AYES: JOHNSON, MCCARTHY, STEINBECK, TASCONA, WARNKE

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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