

RESOLUTION NO.: 02-037

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING WAIVER 02-004  
(Dan & Karen Jones)

APN: 009-011-013

WHEREAS, Waiver 02-004 has been filed by Dan and Karen Jones for the waiver of curb, gutter and sidewalk improvements for approximately 25 feet of property frontage on Greenwood Drive. The property is approximately .65 acres in size and located at 1402 Greenwood Drive, 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, the topographical conditions at 1402 Greenwood Drive would result in required street improvements that would rise approximately 12 to 14 inches above the driveway cut, causing a health and safety issues for pedestrians, and

WHEREAS, installation of the required street improvements would interfere with drainage facilities at this location, impacting neighboring properties, and

WHEREAS, the City Engineer has inspected 1402 Greenwood Drive and recommends that the Planning Commission modify the provisions of Section 11.12.030, based on topographical and physical factors inherent to this particular property, and require that the installation of the necessary improvements conform to City Standard A-7 for Local Rural streets as shown in the attached Exhibit A, and

WHEREAS, a public hearing was conducted by the Planning Commission July 9, 2002, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver/modification, 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 approve Waiver 02-004, modifying the requirement for public improvements for the subject site due to the topographical constraints of the site subject to the following conditions:

1. Prior to issuance of a certificate of occupancy, the property owner shall construct street improvements consistent with City Standard A-7, attached hereto as Exhibit A.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of July 2002, by the following Roll Call Vote:

AYES: CALLOWAY, FERRVANTI, JOHNSON, KEMPER, McCARTHY,  
STEINBECK, WARNKE

NOES:

ABSENT:

ABSTAIN:

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CHAIRMAN ED STEINBECK

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY