

RESOLUTION NO.: 02-045

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 02-009
(Food 4 Less)

APN: 009-571-020

WHEREAS, Planned Development 02-003 has been filed by SKW & Associates on behalf of Food 4 Less (Milt Souza), to construct an approximate 52,400 square foot Food 4 Less grocery store, an approximate 18,400 square foot Drug Store and approximately 20,000 square feet of other retail uses including fuel sales with the possibility of a accessory car wash, and

WHEREAS, the project would be located on the existing vacant 9-acre site on the northeast corner of Creston Road and Sherwood Road, and

WHEREAS, Conditional Use Permit 02-009 has also been submitted to ensure that land uses will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S. and,

WHEREAS, a public hearing was conducted by the Planning Commission on August 13, 2002, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this project proposal, and

WHEREAS, the Planning Commission on August 13, 2002, made the finding that the proposed land uses will not have a significant adverse effect on the economic vitality of the downtown as required by 568 N.S. and,

WHEREAS, based upon the facts and analysis presented, and public testimony received, the Planning Commission finds that, subject to the conditions of approval listed below, that the establishment, maintenance and operation for the requested use 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, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 02-009 subject to the following conditions:

SITE SPECIFIC CONDITIONS

1. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 02-003 and its exhibits.
2. This Conditional Use Permit (CUP 02-009) in conjunction with the Development Plan application (PD 02-003) would allow the construction of an approximate 52,400 square foot Food 4 Less grocery store, an approximate 18,400 square foot Drug Store and approximately 20,000 square feet of other retail uses including fuel sales with the possibility of a accessory car wash.
3. 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.

The following site-specific conditions are mitigation measures as required by the Noise Study performed by Gordon Bricken & Associates dated March 7, 2002:

4. Mechanical rooftop equipment, condensers, refrigeration equipment, and air conditioners should be designed to incorporate low profile units with noise ratings of 8.5 Bels or less (alternatively expressed as 65 dBA at ten feet) and should be located no closer that 50 feet from the east roof edge of the grocery store building. Exhaust fans shall not exceed the rating of ten sones. Alternately, submit roof top plans and equipment for supplemental review.
5. Prohibit any external equipment mounting on the east side of the building.
6. Prohibit use of the east driveway of the grocery store between 10:00PM and 7:00AM, and prohibit pickups and deliveries to the loading dock area in the same hours. This includes trash trucks.
7. Construct an eight-foot wall on the east side of the Grocery Store and Drug Store loading docks.
8. Construct a thirteen-foot high wall relative to the driveway grade at the east side of the property line.
9. Post signs at the vicinity of the loading doors reading: "No Horn Blowing" or "Ring Bell For Service".

10. Keep all loading doors closed unless loading or unloading is in progress.
11. No overnight storage of refrigerated trailers in the loading docks with compressors operating.
12. No building vents on the east side of the grocery building.
13. Specify some means for trucks to signal tenants to open and close dock doors to minimize the potential for horn blowing.
14. Post internally on the docks that radio use and paging are curtailed while the dock doors are open.
15. Post internally that the east driveway is not to be used as a break area and excessive talking in the driveway is discouraged.

PASSED AND ADOPTED THIS 13th day of August, 2002 by the following roll call vote:

AYES: Ferravanti, Warnke, Steinbeck, Johnson, Kemper

NOES: Calloway

ABSENT: McCarthy

ABSTAIN: None

CHAIRMAN ED STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

darren/pd/Food4Less/CUP Res