

RESOLUTION NO.: 03-021  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING PLANNED DEVELOPMENT 02-004  
(PFEIL MURRELL ENTERPRISES, INC.)  
APN: 025-391-040

WHEREAS, Pfeil Murrell Enterprises, Inc. has filed an application for Planned Development Permit 02-004 to construct a highway oriented, commercial retail development on approximately 1.7 acres of land, located on the northwest corner of Golden Hill Road and Highway 46 East, and

WHEREAS, a public hearing was conducted by the Planning Commission on November 12, 2002, to open the public hearing and continue consideration of the subject application to the January 14, 2003 Planning Commission hearing in order to allow the Applicant additional time to resolve issues regarding the future median in Golden Hill Road, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 14, 2003 to continue the open public hearing and continue consideration of the subject application to the February 11, 2003 Planning Commission hearing in order to allow the Applicant additional time to resolve issues regarding the use of a private 60 foot wide easement along the southern boundary of the project site, and

WHEREAS, a public hearing was conducted by the Planning Commission on February 11, 2003, to continue the open public hearing and continue consideration of the subject application to the March 11, 2003 Planning Commission hearing in order to allow the Applicant additional time to resolve issues regarding the future median in Golden Hill Road and respond to design issues raised during the public hearing, and

WHEREAS, a public hearing was conducted by the Planning Commission on March 11, 2003, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed planned development, and

WHEREAS, the Borkey Area Specific Plan (BASP) requires Planning Commission approval of a Planned Development for all development projects within the BASP, and

WHEREAS, an Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was approved by the Planning Commission on February 11, 2003, and

WHEREAS, the Borkey Area Specific Plan ultimately envisions an interchange at the Highway 46 / Golden Hill Road intersection, however a plan line has not been established for this interchange, 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 makes the following findings:

1. The proposed Planned Development, with modifications as required by the conditions of approval of this Resolution, is consistent with the purpose, intent and regulations set forth in Chapter 21.16A.070 Required Findings of Approval as follows:
  - a. The granting of this permit, based on the required conditions of approval of this resolution, will not adversely affect the policies, spirit and intent of the general plan, applicable specific plans, the zoning code, policies and plans of the City;
  - b. The proposed project maintains and enhances significant natural resources on the site;
  - c. With implementation of the Conditions of Approval of this Resolution, the proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area;
  - d. With implementation of the Conditions of Approval of this Resolution, the proposed project's design and density of the developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area;
  - e. With implementation of the Conditions of Approval of this Resolution, the development would be consistent with the purpose and intent of the Zoning Code and would not be contrary to the public health, safety and welfare;
  - f. With implementation of the Conditions of Approval of this Resolution, the proposed development is consistent with the purpose and intent of the Borkey Area Specific Plan;
  - g. With implementation of the Conditions of Approval of this Resolution, the proposed development would meet the aesthetic requirements of projects located at or near an entrance to the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby approve Planned Development 02-004 subject to the following conditions:

**STANDARD CONDITIONS:**

1. This approval authorizes approximately 3,700 square feet of gas fueling canopy; 3,200 square feet of convenience store; 1,400 square feet of carwash facilities; associated hardscaping and landscaping; and a 16,500 square foot future building pad.
2. The Applicant shall comply with all those conditions indicated on "Exhibit A" to this Resolution.

3. The project shall be constructed so as to substantially conform to revised exhibits, as approved by the Development Review Committee (DRC), and the Conditions of Approval established by this resolution:

EXHIBIT	DESCRIPTION
B	Development Plan / Site Plan (To be revised and approved by the DRC)
C	Preliminary Grading and Drainage Plan (To be revised and approved by the DRC)
D	Landscape Plan (To be revised and approved by the DRC)
E	Convenience Store Floor Plan and Elevations
F	Canopy Floor Plan and Elevations
G	Carwash Floor Plan and Elevations
H	Signage and Site Details (To be revised and approved by the DRC)
I	Title 7, Chapter 7.30 – Underground Storage of Hazardous Substances
J	Required Landscaping In Area Outside of the Private Easement
K*	Colors and Materials

\*Note: Large scale copies of exhibits are on file in the Community Development Department.

**SITE SPECIFIC CONDITIONS:**

**COMMUNITY DEVELOPMENT**

4. This Planned Development shall also comply with all conditions of approval as stated in Conditional Use Permit 02-007.
5. Prior to issuance of building permits, the Property Owner shall offer an avigation easement, to the City of Paso Robles, for the airspace over the project site. The easement shall be recorded at the San Luis Obispo County Recorder’s Office.
6. Planning Commission approval of this Planned Development shall not be effective unless either (i) the Applicant reaches agreement with the easement holders in a manner to be approved by the City Attorney or (ii) the Applicant has entered into an “indemnification and hold harmless” agreement with the City in a form to be approved by the City Attorney, within sixty (60) days of the date of this approval by the Planning Commission. The “hold harmless” agreement, at a minimum, shall indemnify and hold harmless the City from any claims, lawsuits or any action challenging the approval of this Planned Development application, including, but not limited to, the installation of landscaping in the southernmost 30 feet of an existing 60 foot wide private access easement area parallel to Highway 46. The agreement, which shall be recorded, shall also provide notice to any successors in

interest that in the event of any court order to remove such landscaping in the easement area, the Applicant will continue to be responsible for providing a 30-foot landscaped buffer along Highway 46 East, which could result in the removal/relocation of the project's carwash facility as the project is currently designed, or any other improvements installed in that portion of the property.

7. If the Applicant and Easement Holder reach an agreement regarding the use of the easement area, the Applicant may relocate the required landscaping, subject to verification of the agreement by the Community Development Director and/or the City Attorney and review and approval of a landscaping plan by the Development Review Committee.
8. Prior to issuance of building permits, the Applicant shall demonstrate issuance of all required permits and approvals from the San Luis Obispo County Air Pollution Control District to the Community Development Director or his designee.
9. At least one bathroom for each sex, handicapped accessible, shall be provided and shall be available at all times to customers of the facility.
10. All on-site operations of this facility shall comply with Section 21.21.040 of the Zoning Code (General Performance Standards for all uses) in relation to noise, dust, odor, hazards, vibration, glare, etc.
11. Prior to certificate of occupancy and final acceptance of improvements, the Applicant shall provide for a Class II Bikeway on the west side of Golden Hill Road, in accordance with the City's Bikeway Master Plan.
12. The Applicant shall use non-reflective materials on rooftops and where reflection would cause a hazard to aircraft.
13. Electro-magnetic transmissions shall not be permitted which would interfere with operation of aircraft.
14. All lighting within the fueling station's canopy shall be recessed or flush with the interior of the canopy. Night lighting sources shall be restricted to fixtures which shall be focused and directed downward and shall be prevented from "spilling" onto adjacent properties. Direct views of light sources from adjacent or off-site properties shall be eliminated through direction and shielding. Cut-sheets for exterior lighting shall be reviewed and approved by Planning Staff, prior to, or concurrent with, the issuance of building permits.
15. Grading and/or construction shall be halted in the event that significant archaeological resources are discovered. Grading and/or construction may be resumed upon determination and implementation of appropriate mitigation measures as recommended by the archaeologist and approved by the City Engineer.
16. All fuel storage tanks shall be stored underground in compliance with Title 7, Chapter 7.30, Subsection 30 of the City of Paso Robles' Municipal Code, attached as Exhibit I to this Resolution.

17. Prior to issuance of building permits, the Applicant shall submit a final landscaping plan, to be reviewed and approved by the Development Review Committee. At a minimum, the landscaping plan shall show the irrigation plan, proposed plant size and a schematic of the effect of the landscaping after a one-year period. The final landscaping plan shall include berming along the southern elevation of the carwash facility.

## ENGINEERING

18. Prior to issuance of building permits, the Applicant shall enter into an agreement to pay their share of the cost of the construction of a median in Golden Hill Road from Highway 46 to Dallons Drive. A break within the median to allow for left turning movements for northbound Golden Hill Road into the project may be provided under the condition that the design of the median provides adequate depth of a left turn pocket (or two left turn lanes) to accommodate projected traffic southbound on Golden Hill Road turning east onto Highway 46. If the turn pockets necessary for Highway 46 dictate that a break in the median is not feasible, the project must provide internal access to "A" Street.
19. Prior to issuance of Certificates of Occupancy, the Applicant shall construct full improvements on Golden Hill Road in accordance with City Standard A-1 along the frontage of the property, with the exception of the center median as noted in Item 1 above.
20. Prior to issuance of Certificates of Occupancy, the Applicant shall construct a 24-inch water main in Golden Hill Road from Highway 46 to "Future Road." The Applicant may apply to the City Council for total reimbursement of the cost for this construction.
21. Prior to issuance of Certificates of Occupancy, the Applicant shall construct half-width improvements, plus a west-bound travel lane, on "Future Road" from Golden Hill Road to the west boundary of the property.
22. Prior to issuance of a grading permit, the Applicant shall demonstrate to the satisfaction of the City Engineer and the Planning Division, potential access along the west boundary of the property, from the fueling center to "A" Street, in the event that a break in the future median is not feasible.
23. Prior to the issuance of Certificates of Occupancy, the Applicant shall extend eight-inch sewer and water lines in "Future Street" to the west boundary of the project.
24. Prior to the issuance of Certificates of Occupancy, the Applicant shall comply with all requirements of the City Fire Department. Locations of the fire hydrants shall be reviewed and approved by the Fire Marshall and the City Engineer.
25. The Applicant shall connect to City Water and Sewer facilities and abandon any onsite facilities in accordance with applicable codes.
26. Concurrent with the issuance of a building permit, in addition to standard water and sewer connection fees, the Applicant shall pay the pro-rata share of the Airport Trunk and Golden

Hill Sewer Reimbursement Agreement and all development fees as required by the Borkey Area Specific Plan.

27. Prior to the issuance of certificates of occupancy, landscaping along Golden Hill Road and Highway 46 (outside the 60 foot private easement area) shall be completed and accepted by the City Engineer.
28. The proposed project is 1,500 feet upstream from the City's existing water well, Butterfield No. 12. The Department of Health Services considers gas stations to be a high risk of contamination to the city's well. Prior to issuance of a grading permit, the Applicant shall submit the site plan to the Public Works Department for review and approval. The Applicant shall design facilities to insure that spillage from the gasoline tanks, sewage system or car wash does not drain into the proposed retention basin or other pervious areas of the project site. The Applicant shall have adequate facilities such that spillage from these sources will be to an approved disposal site, i.e., no surface run-off.
29. Prior to issuance of a grading permit, the Applicant shall submit drainage calculations and a drainage / stormwater retention plan to the City Engineer for review and approval. All water shall be filtered for petroleum products prior to entering the stormwater basin.

#### EMERGENCY SERVICES

30. Fire hydrants shall be located on and off site as required by City Standards and the City Fire Department with Hydrants installed at the intersection of Golden Hill Road and "Future Road" and along Golden Hill Road, approximately 95 feet north of the northeast corner of the property.
31. Application shall be made to the City Fire Department and the Community Development Department for the review and approval of a street name for "Future Road" as shown on the project exhibits.

#### AIR POLLUTION CONTROL DISTRICT CONDITONS

32. Apply for a District permit for the gasoline dispensing facility.
33. The Applicant shall provide 1 bicycle parking space for every 10-car parking spaces.
34. The Applicant shall provide onsite eating, refrigeration and food vending facilities to reduce lunchtime trips.
35. All glazing to be dual pane.
36. The Applicant shall incorporate the following design and operational measures to minimize short-term air emissions (items a-c shall be printed on the project construction plans):
  - a. Reduce the amount of disturbed areas where possible;

- b. During construction, use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
  - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
37. Increase wall and attic insulation beyond Title 24 requirements and orient buildings to maximize natural heating and cooling.
38. Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
39. Use built-in energy efficient appliances, where applicable and use double paned windows.
40. Use low energy parking lot and street lights and use energy efficient interior lighting.

PASSED AND ADOPTED THIS 11<sup>th</sup> day of March, 2003 by the following Roll Call Vote:

AYES: STEINBECK, FERRAVANTI, KEMPER, WARNKE

NOES: FLYNN

ABSENT: CALLOWAY

ABSTAIN: NONE

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CHAIRMAN RON JOHNSON

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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