

RESOLUTION NO: 03-037

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 03-004 FOR A NEIGHBORHOOD COMMERCIAL
CENTER – MR. DICK WILLHOIT, ESTRELLA COMMUNITIES LLC
APNs: 025-393-026, -049, & -050

WHEREAS, the Borkey Area Specific Plan requires Planning Commission approval of the commercial land uses to be located in the Neighborhood Commercial Center; and

WHEREAS, the Planning Commission is empowered to grant a Conditional Use Permit for the proposed land uses of the Neighborhood Commercial Center (service station, retail/office space, and gourmet market) subject to the following findings:

1. That the commercial activities proposed are appropriate in their scale for the proposed function and location” (BASP General Policy G-16, Page III-15); and
2. That the developer has demonstrated the project’s site planning and architectural character is of an appropriate neighborhood scale” (BASP Standard SB-30, Pages III-50 and III-51).

WHEREAS, Mr. Dick Willhoit on behalf of the property-owner, Estrella Communities LLC has filed a Conditional Use Permit seeking authorization to establish, operate, and maintain a service station, retail uses, office uses, and a gourmet market on the approximately 5.45-acre site at the northwest corner of Buena Vista Drive and Experimental Station Road; and

WHEREAS, in addition to the Conditional Use Permit application, the Neighborhood Commercial Center Project includes the following applications: Borkey Area Specific Plan Amendment 03-002, Planned Development 02-005, and Lot Line Adjustment PRAL 02-133, which applications were filed and considered concurrently with this Conditional Use Permit request, and

WHEREAS, at its May 13, 203e meeting, the Planning Commission held a duly noticed public hearing on the Neighborhood Commercial Center Project, to accept public testimony on the proposal, including Conditional Use Permit 03-004 and related applications; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City’s Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Neighborhood Commercial Center Project qualifies for adoption of a Negative Declaration; and

WHEREAS, based upon the facts and analysis presented in the staff report and attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission finds that:

- a. The establishment, maintenance, and operation of the requested land uses included as part of the Neighborhood Commercial Center Project, 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 setting.

- b. The establishment, maintenance, and operation of the requested land uses included as part of the Neighborhood Commercial Center Project will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
- c. The commercial activities proposed for the Neighborhood Commercial Center are appropriate in scale and character for the location, and are neighborhood serving.
- d. The site plan layout and architectural character of the Neighborhood Commercial Center is of an appropriate neighborhood scale.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 03-004 subject to the following conditions:

STANDARD CONDITIONS

- 1. The Conditional Use Permit for the Neighborhood Commercial Center Project shall not be operative or vested until the Borkey Area Specific Plan Amendment 03-002 has been approved and put into effect.
- 2. The Neighborhood Commercial Center Project shall comply with all Conditions of Approval and Exhibits contained in this Resolution and the associated Resolution for the Planned Development and Lot Line Adjustment.

SITE SPECIFIC CONDITIONS

- 3. This Conditional Use Permit, together with the amended Borkey Area Specific Plan, authorizes the following land uses to be developed, maintained, and operated on the project site:
 - Service Station 2,180 square feet
 - Retail/Office Uses 27,655 square feet
 - Gourmet Market 18,809 square feet
- 4. All outdoor activity and eating areas shall be as shown on the Site Plan attached to the Resolution approving the PD 02-005.
- 5. The timeframe for implementation of this Conditional Use Permit shall run concurrently with the time frame for PD 02-005.
- 6. Any condition imposed by the Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. 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 under the Conditional Use Permit.
- 7. All parking areas that are visible from public streets and from residential areas shall be landscaped with an emphasis on screening the parking areas from view.

8. Prior to installation/construction of any of the facilities for the Neighborhood Commercial Center Project, the Development Review Committee shall review and approve a Final Development Plan and associated detailed plans.
9. All on-site operations shall be in conformance with the City's performance standards as set forth in Section 21.21.040 of the Zoning Ordinance.
10. Use of the outdoor activity and eating areas shall be consistent with all conditions relating to the mitigation of noise.
11. The hours of operation of the commercial center shall be from 6:00 a.m. through 10:00 p.m.
12. The use of power cleaning tools shall be limited to the hours of 7:00 a.m. to 7:00 p.m.

PASSED AND ADOPTED THIS 13th day of May, 2003, by the following roll call vote:

AYES: Ferravanti, Calloway, Flynn, Kemper, Warnke, and Johnson
NOES: None
ABSTAIN: None
ABSENT: Steinbeck

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY