

RESOLUTION NO.: 03-079

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE PLANNED DEVELOPMENT 00-020
(MCDONALDS CORPORATION)

APN: 009-831-002
(LOTS 1 AND 2 OF PARCEL MAP 98-199)

WHEREAS, Section 21.23.B.030 of the Municipal Code of the City of El Paso de Robles requires approval of a development plan for subdivision and/or construction of buildings when located in the planned development overlay district, which is the case for this parcel, and

WHEREAS, on November 23, 1999 the Planning Commission approved Planned Development 99005 which was a conceptual development plan that established architectural and design guidelines for five parcels along Ramada Drive of which this project is proposing development of the two most southerly parcels, and

WHEREAS, McDonalds Corporation has filed Planned Development 00-020, which is a proposal to construct a combination drive-through restaurant and convenience store, with gasoline fueling stations, and automated drive-through carwash on an approximate 1.75 acre site located on the northwest corner of Highway 46 West and Ramada Drive, and

WHEREAS, Conditional Use Permit 00-021 has been filed in conjunction with this Planned Development application to request establishment of a freeway oriented pylon sign, and

WHEREAS, this project is located adjacent to Ramada Drive, a collector road, where public street improvements were recently completed in conjunction with Parcel Map PR 98-199, and

WHEREAS, the Development Review Committee (DRC) met on October 20, 2003 to review and comment on the project and concluded with a positive recommendation on the project's approval, and

WHEREAS, an environmental initial study was prepared for this development plan (and associated use permit) request, covering the physical site and design issues associated with the fast food, convenience, fueling and carwash uses, and

WHEREAS, public hearings were conducted and continued by the Planning Commission on the following dates: June 12, 2001, July 10, 2001, August 14, 2001, September 25, 2001, October 23,

2001, November 27, 2001 and finally to October 28, 2003 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination, and

WHEREAS, based on the length of time in the continued public hearings, the October 28, 2003 Planning Commission meeting was re-noticed in the Newspaper and through mailed written notice, and

WHEREAS, a resolution was adopted by the Planning Commission approving a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Planned Development and Conditional Use Permit applications in accordance with the California Environmental Quality Act, and

WHEREAS, based upon the facts and analysis presented in the staff reports, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following findings:

1. That the proposed Planned Development is consistent with the goals and policies established by the general plan;
2. That the proposed Planned Development is consistent with the zoning code;
3. That the proposed Planned Development will be consistent with all other adopted codes, policies, standards and plans of the city;
4. That the proposed Planned Development will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the person residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city;
5. That the proposed Planned Development accommodates the aesthetic quality of the city as a whole;
6. That the proposed Planned Development is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts;
7. That the proposed Planned Development contributes to the orderly development of the city as a whole;
8. That the proposed drive-through restaurant, convenience store, car wash and fueling facilities will provide for the convenience of the nearby industrial and commercial uses, as well as to serve the comfort and convenience of the traveling public.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 00-020 based upon the facts and analysis presented in the staff reports, public testimony received, and subject to the following conditions:

STANDARD CONDITIONS:

1. The applicant shall comply with all those conditions which are indicated on "Exhibit A" to this resolution.

SITE SPECIFIC CONDITIONS:

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard condition.

SITE SPECIFIC CONDITIONS:

2. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
B	Preliminary Site Plan
C	Preliminary Grading and Drainage Plan
D	Preliminary Landscaping Plan
E1-E2	Preliminary Elevations (Restaurant and Convenience Store)
F	Floor Plan (Restaurant and Convenience Store)
G	Preliminary Elevation (Fueling Stations and Canopy)
H	Preliminary Elevation (Carwash)
I	Preliminary Lighting Plan*
J	Elevation Sections & Roof Plans*
K	Site Line sections*-
L	Color and Material Board*
M	Sign package (conceptual until demonstrated compliance with CUP and Zoning standards)*

* Indicates that exhibit is on file in the Community Development Department.

COMMUNITY DEVELOPMENT:

3. This Planned Development authorizes the construction and operation of the following:
 - ◆ A 3,152 square foot combination drive-through and sit down restaurant
 - ◆ A 2,870 square foot convenience store operated under the same roof as the restaurant
 - ◆ Gas fueling facility with covered canopy (two fueling islands and six dispensers)
 - ◆ 1,000 square foot automated drive-through car wash
 - ◆ Pylon sign subject to conditions of CUP 00-021
4. The building architecture, use of color and materials shall be consistent with the exhibits contained in this resolution and PD 99005 (Hwy 101 Partners Master Development Plan).

5. Prior to the issuance of building permits for any buildings, the applicant shall record the necessary legal documents to effectively merge the two legal parcels as one.
6. Prior to the issuance of building permits for any building, the developer shall submit detailed plans for review and approval by the Development Review Committee (DRC) as described in the standard conditions (Exhibit A) and shall also include:
 - a. Detail on retaining walls, cap finishes on walls, fencing/screening of service areas, trash enclosures, on-site directional signs, location and screening methods for electrical transformer vaults and back flow valves and related details.
 - b. Final details for all building mounted signage including colors, size and materials.
 - c. Modified landscaping plans to include planting materials in the detention basin located at the southern portion of the project site. This shall mean landscaping materials in addition to the perimeter planting shown, with the intent being to avoid that area looking like it is not maintained during off-season use as a drainage basin.
7. The proposed pylon sign shall obtain a building permit prior to installation. Prior to issuance of a building permit, the applicant shall demonstrate compliance with conditions of CUP 00-021.
8. All building mounted signs shall be subject to independent review and approval by the DRC, consistent with City zoning code. The combined permissible building mounted signage for the restaurant, carwash and fueling canopy shall be 154 square feet (the combination of linear feet of the restaurant and carwash building facing Ramada Drive street frontage). The applicant can propose to distribute the square footage between the buildings as approved by the DRC.
9. A freestanding monument sign may be proposed for consideration by the DRC, but shall comply with zoning standards (32 square foot maximum area and 6 foot maximum height).
10. Exterior light fixtures including parking lot pole lights and building mounted lights shall be designed to be fully shielded and subject to planning staff review prior to issuance of construction permits. No light fixtures shall extend below the soffit line of the fueling canopy.
11. The carwash buildings shall be setback from the Caltrans right of way / property line as shown on the site plan and landscaping plans with landscaping placed in that setback as shown on the landscaping exhibit.
12. Prior to building permit, the applicant shall demonstrate that the automated carwash recycles its water in accordance with the applicant's project description.
13. The applicant shall implement all mitigation measures contained in the Project Mitigation Table of the Project's Environmental Initial Study. These mitigation measures have been incorporated as project conditions in this resolution.

ENVIRONMENTAL

Air Quality

14. The applicant shall incorporate the following design and operational measures to minimize short term air emissions:

- Reduce the amount of disturbed areas where possible;
- 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 exceeds 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt stock-pile should b sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grasses seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the local agency (who may consult with APCD);
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, san, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer);
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent road. Water sweepers with reclaimed water should be used where feasible.

15. The applicant shall design and provide for the following long term air emission mitigations as part of the project design as follows:

- When feasible, orient buildings to maximize natural heating and cooling;
- Provide for street tree planting and landscaping as shown;
- When feasible, use of built-in energy efficient appliances, double-paned windows, and energy efficient interior lighting.

16. 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, vibrations, glare, etc.

Traffic and Circulation

17. The applicant shall enter into an Agreement to not protest the formation of an Assessment District to construct any future improvements at the intersections of Highway 46 West and 101 for the area served by Theatre Drive, Ramada Drive and South Vine Street. The agreement shall be in a form approved by the City Attorney. The applicant shall pay his pro-rata share based on the benefit to the project. The agreement shall be fully executed prior to the issuance of a Certificate of Occupancy.
18. No Certificates of Occupancy or use of any building or structure will be issued until such time as Caltrans has accepted the Interim Improvements and has approved public use of these facilities.
19. All development impact fees, including signalization and bridge impact fees that are in effect at the time of building permit issuance, shall be paid in conjunction with the issuance of the building permit.
20. All public improvements, including installation of landscaping, shall be completed to the satisfaction of City staff prior to issuance of certificates of occupancy.
21. Prior to any grading or encroachment occurring with the Caltrans right of way, the applicant shall show evidence that he has obtained an encroachment permit from Caltrans to allow such work on their property.

Cultural/Archaeological

22. Archaeological monitoring is not deemed necessary. However, in the event that during site construction there are archaeological or historical resources unearthed, work shall stop and the developer and/or his contractor shall contact the Community Development Department so that appropriate mitigation measures can be identified and implemented per CEQA requirements.

Sewer

23. The applicant shall pay all sewer connection fees in affect at the time of building permit issuance, including any reimbursement for city funded capital projects in that area.

EMERGENCY SERVICES

- 24. The applicant shall comply with required fire-flow requirements and on-site hydrant spacing as required by the Fire Chief. No buildings shall be occupied until fire suppression measures are adequately demonstrated.
- 25. An approved fire alarm system shall be installed per the UBC/UFC prior to occupancy.
- 26. Appropriate provisions shall be made to update the Fire Department Run Books.
- 27. The entire project shall be protected by an automatic fire sprinkler system, as required by Municipal Code Section 17.04030 (Changes or Additions to the Uniform Fire Code), as adopted by Ordinance 706 N.S.. Plans for the automatic fire sprinkler system shall be submitted to the Building Division of the of the Community Development Department.

ENGINEERING SITE SPECIFIC CONDITIONS

- 28. In conjunction with final improvements drawings the applicant shall submit a detailed striping plan that shall be subject to approval by the City Engineer. This striping plan shall demonstrate the proposed turning movements of vehicles on Ramada Drive will not conflict with turning movements from other driveways or queuing for the Ramada/Highway 46 intersection..
- 29. Prior to the issuance of a Grading Permit, the applicant shall complete and file an Industrial Waste Discharge Permit with the Public Works Department.
- 30. Prior to the issuance of a Certificate of Occupancy, the applicant shall install a backflow prevention device at its domestic, landscape, and fireline services.
- 31. The developer shall replace all damaged sidewalk abutting the property.

PASSED AND ADOPTED THIS 28th day of October, 2003, by the following Roll Call Vote:

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

CHAIRMAN, RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY h:\darren\pd\McDonalds\pd reso