

RESOLUTION NO.: 04-027
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 03-012
(EAGLE ENERGY, INC.)

APN: 025-421-027

WHEREAS, Bob Fisher on behalf of Eagle Energy, Inc. has filed an application for Planned Development Permit 03-012 to reconstruct the existing fuel sales, mini-market and restaurant on the 2.2 acre site, located on the northeast corner of Golden Hill Road and Highway 46 East (2400 Golden Hill Road); and

WHEREAS, in conjunction with the development plan, the applicant has submitted an application for Conditional Use Permit 03-017 for the construction of a new drive through car wash and the replacement of the existing highway oriented sign with a new 30-foot tall highway oriented sign; and

WHEREAS, the new development would consist of constructing a new card lock and commercial fuel islands with new canopies, construction of a new 4500 square foot convenience store with drive through food sales, construction of a new drive through car wash, the construction of a 4,200 square foot bulk oil warehouse, constructing a new highway oriented sign, and constructing a new structure around the existing above ground fuel tank; and

WHEREAS, the project would be constructed in four phases; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 27, 2004, to open the public hearing and continue consideration of the subject application to the February 24, 2004 Planning Commission hearing in order to allow the Applicant additional time to provide the City with the necessary traffic study, and

WHEREAS, a public hearing was conducted by the Planning Commission on February 24, 2004 to continue the open public hearing and continue consideration of the subject application to the March 9, 2004 Planning Commission hearing in order to allow the Applicant additional time to provide the City with the necessary traffic study, and

WHEREAS, a public hearing was conducted by the Planning Commission on March 9, 2004, 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 03-012 subject to the following conditions:

STANDARD CONDITIONS:

- 1. The Applicant shall comply with all those conditions 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.

- 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>
A	Standard Conditions of Approval
B	Phasing Schedule
C	Preliminary Site, Grading and Utility Plan
D	Future Site, Grading and Utility Plan
E	Preliminary Architectural Site Plan with Project Phasing
F	Convenience Store and Quick Serve Restaurant Architectural Elevations
G	Canopy Elevations / Fuel Storage Tank Elevations
H	Carwash Elevations
I	Bulk Oil Storage Building Elevations
J	Highway Oriented Sign and Monument Sign Details
K	Phase I Preliminary Landscape Plan
L	Phase II Preliminary Landscape Plan
M*	Colors and Materials

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

SITE SPECIFIC CONDITIONS:

COMMUNITY DEVELOPMENT

- 3. This Planned Development shall also comply with all conditions of approval as stated in Conditional Use Permit 03-017.

4. 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.
5. 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.
6. At least one bathroom for each sex, handicapped accessible, shall be provided and shall be available at all times to customers of the facility.
7. 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.
8. The Applicant shall use non-reflective materials on rooftops and where reflection would cause a hazard to aircraft.
9. Electro-magnetic transmissions shall not be permitted which would interfere with operation of aircraft.
10. 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 including parking lot pole lights shall be reviewed and approved by Planning Staff, prior to, or concurrent with, the issuance of building permits.
11. 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.
12. 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.
13. The proposed monument sign shall be reduced in size to no larger than 32 square feet, to taller than 6-feet in height including the base.

14. As requested by Steve Alvarez, in his Arborist Report dated November 15, 2003, the project shall be redesigned to be out from under the trees drip line/target zone. The bulk oil storage building would also need to be reduced in size or moved to be out of the oak tree drip line.
15. The trash enclosure shall be constructed of decorative masonry block, such as split-face, stucco covered precision block, or slump stone. Metal view-obscuring gates shall be installed.
16. The highway oriented pole sign height shall be no taller than 30-feet to the top of the super-structure.
17. Building mounted signage shall comply with the Sign Ordinance and be submitted for review by the DRC as well as apply for the necessary building permits.

ENGINEERING

18. Prior to occupancy of Phase I, the applicant shall improve Golden Hill Road with City Arterial Standard A-1, half street width across the frontage of the property.
19. Prior to issuance of building permits, the applicant shall enter into an agreement to pay their share of the cost of the construction of the median in Golden Hill Road from Highway 46 to Dallons Drive.
20. Prior to occupancy of Phase I, the applicant shall construct a 24-inch water main in Golden Hill Road from Highway 46 to the north boundary of the property. The applicant may apply to the City Council for total reimbursement of the cost for this construction.
21. Prior to occupancy in any phase, 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.
22. Prior to occupancy of Phase I, the applicant shall connect to City water and sewer facilities and abandon any onsite facilities (wells and/or septic systems) in accordance with applicable codes.
23. Prior to 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 line and Golden Hill Road sewer reimbursement agreements and all development fees as required by the Borkey Area Specific Plan.
24. The proposed project is 1,500 feet upstream of 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 ensure 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.

25. Prior to issuance of a grading permit, the applicant shall submit drainage calculations and a storm water detention plan to the City Engineer for review and approval. All water shall be filtered for petroleum products prior to entering the storm water basin.

AIR POLLUTION CONTROL DISTRICT CONDITIONS

26. Apply for a District permit for the gasoline dispensing facility.
27. Prior to the issuance of a Building Permit, the applicant shall receive approval by the APCD/EHS of a Combined Authority to Construct.
28. The Applicant shall provide 1 bicycle parking space for every 10-car parking spaces.
29. The Applicant shall provide onsite eating, refrigeration and food vending facilities to reduce lunchtime trips.
30. All glazing to be dual pane.
31. 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.
32. Increase wall and attic insulation beyond Title 24 requirements and orient buildings to maximize natural heating and cooling.

- 33. Plant shade trees along southern exposures of buildings to reduce summer cooling needs.
- 34. Use built-in energy efficient appliances, where applicable and use double paned windows.
- 35. Use low energy parking lot and street lights and use energy efficient interior lighting.

PASSED AND ADOPTED THIS 9th day of March, 2004 by the following Roll Call Vote:

AYES: Ferravanti, Flynn, Hamon, Johnson, Kemper, Mattke, Steinbeck

NOES: None

ABSENT: None

ABSTAIN: None

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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