

RESOLUTION NO.: 04-028

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 03-017
(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, the Borkey Area Specific Plan (BASP) requires Planning Commission approval of a Planned Development for all development projects within the BASP, 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 Conditional Use Permit, 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 March 9, 2004, and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval in the Resolution approving Planned Development PD 03-013 and subject to the conditions of approval listed below, the Planning Commission finds that with the site plan modifications as required by the Resolution approving PD 03-013, the establishment, maintenance or operation of the requested uses 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 03-017 subject to the following conditions:

STANDARD CONDITIONS

1. The applicant shall comply with all those standard and site specific conditions which are contained in the Resolution and its exhibits approving Planned Development 03-013.
2. The project shall be constructed so as to substantially conform to the following listed exhibit:

Exhibit A Pole Sign

SITE SPECIFIC CONDITIONS

3. This Conditional Use Permit (CUP 03-017) authorizes the following uses:
 - a. Both card lock and commercial fueling dispensers
 - b. A drive through carwash facility
 - c. A 30-foot tall highway oriented sign
4. 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 Planning 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.

5. All on-site operations shall be in conformance with the City's performance standards contained in Section 21.21.040 and as listed below:
 - a. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.
 - b. Radioactivity or Electrical Disturbance. Devices that radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
 - c. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
 - d. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
 - e. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - f. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
 - g. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - h. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.
 - i. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have

jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.

- j. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review. (Ord. 665 N.S. § 28, 1993; (Ord. 405 N.S. § 2 (part), 1977)

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

darren/pd/PD 03-013 Eagle Energy/ CUP Reso