

RESOLUTION NO: 05-0005
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING WAIVER 04-005
FOR 107 CAPITOL HILL DRIVE
(Clark) APN: 009-523-004

WHEREAS, Waiver 04-005 has been filed by Richard and Gretchen Clark for the waiver of curb, gutter and sidewalk improvements for street frontage at 107 Capitol Hill Drive; and

WHEREAS, Section 11.12.030.D of the Municipal Code, states that, in the event the construction of sidewalk is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors, the Planning Commission, after hearing the recommendation of the City Engineer, may waive, or modify the provisions of the chapters that apply to sidewalks, curb, gutters and driveway aprons, upon applications of the owner of the property or other persons to whom this chapter may apply; and

WHEREAS, the topographic conditions along Capitol Hill Drive are such that sidewalk installations precluded; and

WHEREAS, the City Engineer has inspected 107 Capitol Hill Drive and recommends that the Planning Commission waive the provisions of Section 11.12.030, based upon the topography of land adjacent to properties along Capitol Hill Drive, and allow the applicant to forgo the installation of required City standard sidewalk; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 11, 2005, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver.

NOW, THEREFORE, BE IT RESOLVED, That based upon the facts and analysis presented in the staff report, and the provisions for waivers set out in Section 11.12.030.D of the Municipal Code, the Planning Commission of the City of El Paso de Robles does hereby approve Waiver 04-005 with the following provisions:

SECTION 1: Approve waiving the requirement for installation of sidewalk adjacent to the subject site due to the topography of properties along Capitol Hill Drive and subject to the applicant's deposit of in-lieu fees as determined by the City Engineer.

PASSED AND ADOPTED THIS 11th day of January, 2005, by the following Roll Call Vote:

AYES: Steinbeck; Hamon; Johnson; Menath; Holstine; Mattke; Flynn

NOES:

ABSTAIN:

ABSENT:

CHAIRMAN ED STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY