

RESOLUTION NO.: 05-0081  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO AMEND PLANNED DEVELOPMENT 04-003  
(BIG BRAND TIRE / MAJCO, INC.)

APN: 009-813-009

WHEREAS, North Coast Engineering on behalf of Majco, Inc. has submitted a request to amend PD 04-003 to omit condition No. 14 of Resolution 04-098; and

WHEREAS, the Big Brand Tire project is currently under construction and located on the 1.4 acre site located between Old South River Road and South River Road, just north of the PG&E substation; and

WHEREAS, condition No. 14 requires that the adjacent overhead utility lines be placed underground; and

WHEREAS, it appears that the request to omit the requirement is based on a benefit versus cost argument; and

WHEREAS, it has been the consistent policy of the Planning Commission and the City Council to require the underground relocation of overhead utilities with land development projects such as the recent requirement for Jiffy Lube and Kennedy Fitness of the same utility line; and

WHEREAS, although omitting condition No. 14 would not be appropriate, it would seem appropriate to amend the condition to allow a joint effort of Big Brand Tire and the residentially zoned property directly to the east participate equally in an effort to underground the lines along their shared frontage; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 13, 2005, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby amend Planned Development 04-003 by amending Condition No. 14 of Resolution 04-098 to the following language:

*Prior to occupancy, the applicant shall relocate all overhead utility lines adjacent to the property on both sides of Old South River Road underground (with the exception of 70kv transmission lines). The applicant will be provided a reimbursement agreement such that reimbursement for half of the cost of this work will be made by the developer of the*

*residential property (APN 009-813-011) located east and directly across Old South River Road from PD 04-003.*

*Or the applicant shall enter into an agreement in a form to be approved by the City Attorney, to either (a) cooperate with the adjacent property owners to relocate the line at one time which shall occur before the issuance of a Certificate of Occupancy for the residential property (APN 009-813-011) located along the property frontage of PD 04-003.*

PASSED AND ADOPTED THIS 13th day of September, 2005, by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN ED STEINBECK

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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