

RESOLUTION NO: 06-0070
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING WAIVER 06-001
FOR 365 HILLTOP DRIVE
(Congdon) APN: 009-131-040

WHEREAS, Waiver 06-001 has been filed by Taylor Congdon for the waiver of curb, gutter and sidewalk improvements for street frontage at 365 Hilltop 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 365 Hilltop Drive are such that curb, gutter and sidewalk installations are precluded; and

WHEREAS, the City Engineer has inspected 365 Hilltop 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 365 Hilltop Drive, and allow the applicant to forgo the installation of required City standard curb, gutter and sidewalk; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 12, 2006, 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 06-001, at 365 Hilltop Drive with the following provisions:

SECTION 1: Approval of the waiver of the requirement for installation of curb, gutter and sidewalk adjacent to 365 Hilltop Drive is due to the topography of the property frontage and is subject to the applicant's deposit of in-lieu fees as determined by the City Engineer.

PASSED AND ADOPTED THIS 12th day of September, 2006, by the following Roll Call Vote:

AYES:	Johnson, Menath, Withers, Steinbeck, Hamon
NOES:	Flynn
ABSTAIN:	Holstine
ABSENT:	None

CHAIRMAN JOHN HAMON

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY