

RESOLUTION NO.: 02-063
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING WAIVER 02-008
(Davis-Stevens)

APN: 009-641-012

WHEREAS, Waiver 02-004 has been filed by Tamera Davis-Stevens for the waiver of curb, gutter and sidewalk improvements for approximately 62 feet of street frontage at 711 Rolling Hills Road, 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 topographical conditions at 711 Rolling Hills Road, including location of an existing oak tree and existing drainage patterns along the right-of-way, create design issues that extend beyond the scope of the applicant's project and parcel, and

WHEREAS, the adjacent property to the south and west is undeveloped at this time and would normally be required to provide curb, gutter, and sidewalk from the corner of Creston Road to the subject property at the time of development, and

WHEREAS, the City Engineer has inspected 711 Rolling Hills Road and recommends that the Planning Commission modify the provisions of Section 11.12.030, based on topographical and physical factors inherent to this particular property, and allow the applicant to defer the installation of required curb, gutter, and sidewalk, and

WHEREAS, a public hearing was conducted by the Planning Commission on September 24, 2002, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver/modification, and

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 02-008,

modifying the requirement for public improvements for the subject site due to the topographical constraints of the site subject to the following conditions:

1. Prior to issuance of a certificate of occupancy, the property owner shall post a bond in the amount of \$7,500.00.

PASSED AND ADOPTED THIS 24th day of September, 2002, by the following Roll Call Vote:

AYES: Calloway, Johnson, Kemper, McCarthy, Warnke

NOES: None

ABSENT: Ferravanti, Steinbeck

ABSTAIN: None

CHAIRMAN PRO TEM RALPH McCARTHY

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY