

RESOLUTION NO.: 03-018

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 02-018
(COMMERCIAL RETAIL PROJECT – ELLIS PARTNERS)
APN: 009-841-020, 023, AND 024

WHEREAS, Table 21.16.200 (Permitted Land Uses For All Zoning Districts) of the Zoning Ordinance of the City of El Paso de Robles requires Planning Commission approval of a Conditional Use Permit for restaurants (walk up or sit down restaurants) in the C2 PD (Highway Commercial – Planned Development) Zoning District; and

WHEREAS, Mr. Stuart Rickard, Development Manager of Ellis Partners, LLC has filed a Conditional Use Permit Application to establish and operate up to 5,540 square feet of restaurant/food related land uses, including both walk up and sit down restaurants on Pad B of the Planned Development/Site Plan for the new Commercial Retail Project; and

WHEREAS, the Commercial Retail Project site is located at the southwest corner of Theatre Drive and Gahan Place in the Oak Tree Plaza/Target Center; and

WHEREAS, in conjunction with the Conditional Use Permit Application, Ellis Partners, LLC has filed another Application for concurrent processing, Amendment No. 1 of Planned Development 95-009 (Oak Tree Plaza/Target Center); and

WHEREAS, Amendment No. 1 of Planned Development 95-009 (Oak Tree Plaza/Target Center) is seeking to incorporate the 2.56-acre site of the new Commercial Retail Project into the Planned Development, and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 11, 2003 to accept public testimony on the Commercial Retail Project, including Conditional Use Permit 02-018 and Amendment No. 1 of Planned Development 95-009; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment;

WHEREAS, the Initial Study incorporates by reference the Environmental Impact Report (EIR) for the Oak Tree Plaza/Target Center (SCH#95121016), which EIR authorizes up to 300,000 square feet of regionally-oriented commercial retail land uses; and

WHEREAS, the Oak Tree Plaza/Target Center EIR includes a Mitigation Monitoring Program, which Program addresses and mitigates impacts related to traffic and circulation, biology, drainage, noise, air quality, historical resources, and light and glare; and

WHEREAS, if approved, the new Commercial Retail Project would be subject to the EIR mitigation monitoring program and compliance with the Conditions of Approval for PD 95-009, as amended; and,

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Commercial Retail Project qualifies for adoption of a Negative Declaration; and

WHEREAS, based upon the facts and analysis presented in the staff report and attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission finds that:

1. The establishment, maintenance, and operation of up to 5,540 square feet of walk up or sit down restaurants on Pad B of the Commercial Retail Project (which Project is to be incorporated into the Regional Commercial Oriented Oak Tree Plaza/Target Center), 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 setting.
2. The establishment, maintenance, and operation of up to 5,540 square feet of walk up or sit down restaurants on Pad B of the new Commercial Retail Project (which Project is to be incorporated into the Regional Oriented Oak Tree Plaza/Target Commercial Center) will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.
3. The establishment, maintenance, and operation of up to 5,540 square feet of walk up or sit down restaurants on Pad B of the new Commercial Retail Project (which Project is to be incorporated into the Regional Oriented Oak Tree Plaza/Target Commercial Center) will not be detrimental to the city's efforts to revitalize the downtown. The Regionally Oriented Commercial Center serves highway travelers and the regional commercial market.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 02-018 subject to the following conditions:

STANDARD CONDITIONS

1. The Conditional Use Permit for the Commercial Retail Project shall not be operative or vested until Amendment No. 1 of Planned Development 95-009 has been approved and put into effect.
2. The Commercial Retail Project with up to 5,540 square feet of walk up or sit down restaurants on Pad B of the Planned Development/Site Plan shall be established, maintained, and operated in compliance with Conditions of Approval No's. 3 through 10 of Resolution No. 96-101, which Resolution established the allowable land uses pursuant to Conditional Use Permit 96-003 for the Oak Tree Plaza/Target Center.
3. The Commercial Retail Project with up to 5,540 square feet of walk up or sit down restaurants (Pad B of the Planned Development/Site Plan) shall be established, maintained, and operated in compliance with Resolution No. 96-99, which Resolution certified the EIR and included findings of fact concerning mitigation measures, establishment of a Mitigation Monitoring Program, findings of fact concerning alternatives, and adoption of a Statement of Overriding Considerations as set forth therein.

SITE SPECIFIC CONDITIONS

4. This Conditional Use Permit, together with Amendment No. 1 of Planned Development No. 95-009, authorizes the operation of a regional commercial center of approximately 300,000 square feet,

including both walk up and sit down restaurants on Pad B of the Planned Development/Site Plan for the new Commercial Retail Project (see attached Planned Development/Site Plan on file in the Community Development Department).

5. This Conditional Use Permit only authorizes establishment and operation of up to 5,540 square feet of walk up or sit down restaurants within the building to be constructed on Pad B of the Planned Development/Site Plan.
6. The timeframe for implementation of this Conditional Use Permit shall run with the land. The approval of this Conditional Use Permit shall expire on March 11, 2005, unless a time extension request is filed with the Community Development Department prior to the expiration date or unless substantial construction has taken place.
7. All conditions contained within the Resolution granting approval to Amendment No 1 of Planned Development 95-009 (Oak Tree Plaza/Target Center) shall be complied with in a manner acceptable to the City.
8. Prior to the issuance of a grading permit, an on-site program for signage shall be submitted to the City for Development Review Committee review and approval. The on-site program shall address truck traffic movement, announcing the limitation on the hours within which truck deliveries can be made (truck deliveries are allowed to occur solely between the hours of 8:00 am to 6:00 pm), prohibiting truck idling, and indicating that the commercial center is located adjacent to a residential neighborhood.

PASSED AND ADOPTED THIS 11th day of March, 2003, by the following roll call vote:

AYES: FLYNN, WARNKE, FERRAVANTI, JOHNSON, STEINBECK, KEMPER

NOES:

ABSENT: CALLOWAY

ABSTAIN:

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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