

RESOLUTION NO.: 03-020

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 02-007
(PFEIL FUELING CENTER)
APN: 025-391-040

WHEREAS, Chapter 21.16 of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for a range of uses that includes gas stations and carwashes, and

WHEREAS, Resolution 96-35, as adopted by the City Council, requires the approval of a Conditional Use Permit for Highway Oriented Signs in the Golden Hill Road/Highway 46 East Sign District, and

WHEREAS, Pfeil Murrell Enterprises, Inc. has filed a Conditional Use Permit application to establish a gas station and convenience store complex with a highway oriented sign on approximately 1.7 acres located on the northwest corner of Golden Hill Road and Highway 46 East, and

WHEREAS, Planned Development PD 02-004 was filed and considered concurrently with this Conditional Use Permit request, and

WHEREAS, the project is located in Subarea E of the Borkey Area Specific Plan, and

WHEREAS, an Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a mitigated Negative Declaration was approved by the Planning Commission on February 11, 2003, and

WHEREAS, a public hearing was conducted by the Planning Commission on November 12, 2002, to open the public hearing and continue this application to the January 14, 2003 meeting in order to allow the Applicant additional time to resolve issues regarding the future median in Golden Hill Road, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 14, 2003, to open the continued public hearing and continue this application to the February 11, 2003 meeting in order to allow the Applicant additional time to resolve issues regarding a 60-foot wide, privately held easement, and

WHEREAS, a public hearing was conducted by the Planning Commission on February 11, 2003, to open the continued public hearing and continue this application to the February 11, 2003 meeting in order to allow the Applicant additional time to resolve issues regarding a 60 foot wide, privately held easement and to allow the Applicant time to respond to design issues raised at the February 11, 2003 meeting, and

WHEREAS, a public hearing was conducted by the Planning Commission on March 11, 2003 to continue the open public hearing and 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

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval in the Resolution approving Planned Development PD 02-004 and subject to the conditions of approval listed below, the Planning Commission finds that with the site plan modifications as required by the Resolution approving PD 02-004, the establishment, maintenance or operation of the requested uses applied for, 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 of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 02-007 subject to the following conditions:

STANDARD CONDITIONS

1. The applicant shall comply with all those standard and site specific conditions which are contained in the Resolution and its exhibits approving Planned Development 02-004.
2. The project shall be constructed so as to substantially conform to the following listed exhibit:

Exhibit A Pole Sign

SITE SPECIFIC CONDITIONS

3. This Conditional Use Permit (CUP 02-007) authorizes the following uses:
 - a. A gas station with 12 fueling dispensers
 - b. A carwash facility
 - c. A 30-foot tall highway oriented sign
4. Other uses approved with PD 02-004 include a convenience store, which is a permitted use in the C3 zoning district and a pad for future development.
5. The pad created for future development shall be maintained in a weed free manner and shall not be used as a parking area, nor shall it be used for storage of any equipment or materials. The area shall be secured in such a manner as to prevent illegal trash dumping and/or littering on the property.

6. Prior to any construction on the pad for future development, the Applicant shall apply for site plan review by the Development Review Committee, unless the requested development requires a higher level permit.
7. Any condition imposed by the Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Conditional Use Permit.
8. As to be shown on the revised site plan to be attached to the resolution approving PD 02-004, the Applicant shall provide the following parking facilities:
 - 14 spaces for the convenience store
 - 2 spaces for the gas station
 - 2 spaces for the carwash
9. All parking lots shall provide for handicapped parking as required by the Zoning Ordinance and as shown on the revised site plan. In addition, in all areas where five or more parking spaces are developed a minimum of eight square feet per parking space of irrigated landscaping shall be installed within the paved area. Emphasis shall be given to shade tree installation to inhibit heat buildup in parking areas. In all areas where 20 or more parking spaces are developed, the landscaping design shall demonstrate a minimum of twenty-five percent shade cover within 5 years.
10. At the time of development on the pad, additional parking facilities shall be provided to serve the requirements of the size and/or type of use proposed.
11. All signage shall be as shown in the Exhibits to be revised and attached to the resolution approving PD 02-004, as amended by the Development Review Committee (DRC) on October 28, 2002 and as revised in accordance with the Resolution approving PD02-004. Any deviation from this plan shall be subject to a separate sign permit with review and approval by the DRC.
12. All on-site operations shall be in conformance with the City's performance standards contained in Section 21.21.040 and as listed below:
 - a. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.

- b. Radioactivity or Electrical Disturbance. Devices that radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
- c. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
- d. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
- e. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- f. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
- g. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- h. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.
- i. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities.

Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.

- j. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review. (Ord. 665 N.S. § 28, 1993; (Ord. 405 N.S. § 2 (part), 1977)

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

AYES: STEINBECK, FERRAVANTI, KEMPER, WARNKE, JOHNSON
NOES: FLYNN
ABSENT: CALLOWAY
ABSTAIN: NONE

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

h/kmargason/planneddevelopments/PD 02-004 Pfiel/Mar 14 03 CUP Reso