

Attachment 2

Resolution A

RESOLUTION 23-XXX(A)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING THE REQUEST TO OMIT ROAD MAINTENANCE AGREEMENT CONDITION
NO. 16 OF RESOLUTION 21-0145 FOR ABI INDUSTRIAL PLANNED DEVELOPMENT 20-07
AND CONDITIONAL USE PERMIT 21-21
70 NUTWOOD CIRCLE / APN: 009-851-016**

Removal of ABI Road Maintenance Agreement Condition of Approval

WHEREAS, the project site is located on a 2-acre parcel on the north side of Nutwood Circle, west of Theatre Drive, at 70 Nutwood Circle; and

WHEREAS, the project consists of developing the site with a new 6,200 square foot industrial building for ABI Construction that would include a maintenance shop and office. Accessory to the ABI building would be an outdoor area for parking of construction equipment and materials; and

WHEREAS, the City Council, after getting recommendation from the Planning Commission, approved Resolution No. 21-0145 on October 5, 2021; and

WHEREAS, condition No. 16 of Resolution No. 21-0145 requires the applicant to work with the owner of APN 009-851-022 (proposed Peterbilt site) and APN 009-851-023 (proposed Ayres Mini-storage site), which are also located on Nutwood Circle within City limits, to develop a collective road maintenance agreement for the portion of Nutwood Circle within City limits; and

WHEREAS, on behalf of Mr. Brown, Attorney Thomas J. Madden has provided a letter requesting that condition No. 16 be removed from the project; and

WHEREAS, the Planning Commission held a public hearing for the project on February 14, 2023, and by a vote of 4-3 recommended the City Council approve the applicant's request to omit Condition #16 of Resolution 21-0145, requiring a shared maintenance agreement, based on the inability of the property owners to agree on the terms of the maintenance agreement.

WHEREAS, a duly noticed public hearing was conducted by the City Council on March 7, 2023, to consider the facts as presented in the staff report prepared for this project, to take in consideration the Planning Commission's recommendation, and to accept public testimony regarding this request to amend a condition of approval for PD 20-07 & CUP 21-21 (Res. 21-145); and

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby approve the applicant's request to omit Condition No. 16 of Resolution 21-0145, requiring a shared maintenance agreement, based on the inability of the property owners to agree on the terms of the maintenance agreement.

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Approved this 7th day of March 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Steve Martin

ATTEST:

Melissa Boyer, City Clerk