

ORDINANCE NO. 860 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE BORKEY AREA SPECIFIC PLAN
TO ACCOMMODATE PLANNED DEVELOPMENT 02-005
(APPLICANT – MR. DICK WILLHOIT OF ESTRELLA ASSOCIATES)
SPECIFIC PLAN AMENDMENT 03-002

WHEREAS, the Land Use Element of the City's General Plan establishes the need for preparation of Specific Plans for certain geographic areas of the City, including, but not limited to, the properties located at the northwest corner of Buena Vista Drive and Experimental Station Road; and

WHEREAS, pursuant to Ordinance 588 N.S., the Borkey Area Specific Plan (BASP) text, plan diagrams, and fee schedule were established on January 8, 1990 for the areas north of Highway 46 East and east of the Salinas River to the east of North River Road; and

WHEREAS, the BASP established the allowable land uses, design standards, development standards, infrastructure requirements, and landscape plans for those properties located within the Specific Plan area, including Subarea B located at the northwest corner of Buena Vista Drive and Buena Vista Drive and Experimental Station Road; and

WHEREAS, Mr. Dick Willhoit of Estrella Associates on behalf of Estrella Communities, LLC has filed an application to amend the Borkey Area Specific Plan (BASP) to accommodate Planned Development 02-005, The MarketPlace at River Oaks, a Neighborhood Commercial Center; and

WHEREAS, the BASP Amendment 03-002 would authorize a 10-foot building setback along Buena Vista Drive instead of 30-feet; and

WHEREAS, at its May 13, 2003 meeting, the Planning Commission conducted a duly noticed public hearing making a recommendation on the proposed BASP Amendment 03-002 and took the following action regarding this Ordinance:

- a. Considered the facts and analysis, as presented in the staff report and attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Negative Declaration and Ordinance amending the BASP.
- c. Determined that the proposed Ordinance amending the BASP could be recommended for approval based on the following findings:
 1. That adherence to the basic design and development standards of the River Oaks Mixed-Use community, including the reduced Buena Vista Drive setback, combined with the project Conditions of Approval would appear to be consistent with the purpose and intent of the BASP to create a neighborhood oriented commercial center of an appropriate scale.
 2. That the layout of the neighborhood commercial center together with its architecture and landscaping create visual interest and is of a scale and character that is appropriate for the River Oaks Mixed-Use community.
- d. Recommended that the City Council approve an Ordinance amending the Borkey Area Specific Plan and related document as shown on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, at its meeting of June 3, 2003, the City Council held a public hearing on the proposed Borkey Area Specific Plan Amendments as set forth in this Ordinance and took the following actions:

- a. Considered the facts and analysis, as presented in the staff report and attachments thereto.
- b. Conducted a public hearing to obtain public testimony on the proposed Negative Declaration and Ordinance amending the Borkey Area Specific Plan SPA 03-002.
- c. Considered the recommendation of the Planning Commission.
- d. Introduced the Ordinance for first reading and set June 17, 2003 as the date for a second reading and adoption of said Ordinance; and

WHEREAS, at its meeting of June 17, 2003, the City Council held a second reading of said Ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain that the text of the Borkey Area Specific Plan is amended as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 1. Publication. The City Clerk shall cause this Ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on June 3, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of June 2003 by the following roll call vote, to wit:

AYES: Councilmembers: Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk