PLN 2008-1314
Dove Creek Commercial Center Amendment
Santa Barbara Road & El Camino Real
(PMB Development Company)

(Approval would remove the restriction for indoor sales only for “farm equipment and supply uses” in the PD-12 overlay zone and would allow for the construction of a Tractor Supply Company store at the Dove Creek Commercial Center)

RECOMMENDATIONS:

Planning Commission recommends Council:

1. Introduce for first reading, by title only, Draft Ordinance A amending the zoning code text for Planned Development #12 (Zone Change 2008-0151) to allow outdoor sales for farm equipment and supply establishments based on findings; and,

2. Adopt Draft Resolution A approving amendments to CUP 2003-0099 related to the Commercial Center Master Plan of Development, based on findings and subject to Conditions of Approval.

REPORT-IN-BRIEF:

The proposed project consists of an amendment to the Dove Creek Commercial Center Master Plan of Development to allow Tractor Supply Company (TSC) to occupy Building A. The amendment includes a modification of the previously approved building footprint for building pads A and B and a Zone Text Change to the Planned Development 12 (PD-12) language to allow an outdoor sales component to the proposed use. As part of this amendment, the applicant has provided more detailed elevations for the commercial center consistent with the previously approved Master Plan of Development. The new elevations will be adopted as part of the Master Plan of Development.
DISCUSSION:

Situation and Facts:

1. Applicant / Representative: PMB Development Company, 765 Baywood Dr., #141, Petaluma, CA 94954

2. Project Address: Northwest Corner of El Camino Real & Santa Barbara Road (San Luis Obispo County) APN 045-331-014

3. General Plan Designation: (MU) Mixed Use

4. Zoning District: (CR) Commercial Retail / (PD-12) Planned Development #12

5. Site Area: 5.186 acres

6. Existing Use: Vacant Commercial Pads

7. Environmental Status: Certified Mitigated Negative Declaration 2004-0026

Background

On September 14, 2004, the City Council approved the Dove Creek development which consists of 279 residential units (attached multi-family, courtyard homes, and small lot single-family) and a 60,000 square-foot commercial center located on the corner of El Camino Real and Santa Barbara Road. As part of the project approval, the City imposed a condition on the Dove Creek Commercial Center to incentivize development of the center by requiring that the applicant pay the estimated sales tax revenue to the City for the portion of time that the commercial center remained undeveloped and that the commercial property be deeded to the City if in 10-years the center had not been developed.

CUP condition 10:

Prior to map recordation, the applicant shall deposit $400,000 to the City to be placed in an interest bearing account. If a building permit for a minimum of 45,000 square feet has not been issued by July 1, 2006, the City shall withdraw $40,000 from the account. If, in each successive year on July 1, 2007 through July 1, 2015, a building permit has not been issued for a minimum of 45,000 square feet, the City shall withdraw $40,000. At such time that the building permit is issued for a minimum of 45,000 square feet, the remaining balance shall be refunded to the applicant.

If a building permit has not been issued for a minimum of 45,000 square feet by July 1, 2016, the applicant shall convey the commercial site to the City. A memorandum of option or deed of trust shall be recorded concurrent with map recordation that assures the City that it can acquire the commercial site, subject to review and approval by the Community Development Department and City Attorney.

Tractor Supply Company (TSC) has expressed an interest in locating a retail store in the Dove Creek development. A City-sponsored neighborhood meeting was held on
January 28, 2009, to allow the residents an opportunity to discuss any issues and/or concerns with the proposed project. The Dove Creek Homeowner’s Association (HOA) letter listing the neighbors’ concerns and the applicant’s response is attached as Attachment 3. The following list summarizes the neighborhood concerns about the proposed project.

1. Site Lighting and Glare – (especially associated with the outdoor sales area)
2. Provision of Additional “Pull-Through” Parking Spaces (allows larger vehicle(s) with trailers)
3. Screening of Outdoor Sales Area
4. Larger Patron Vehicles than Originally Anticipated
5. Type of Products to be Displayed in Front of the Store
6. Shared Road Maintenance with the HOA

On March 3, 2009, the Planning Commission held a public hearing for the proposed project and recommended approval for the Zone Text Change to PD-12 and the CUP amendment on a 7-0 vote, with the following modifications included:

1. Add a condition requiring vines be planted along the trellis where planter areas are provided to provide additional screening. (Added to condition 9)
2. Add a condition that staff and the applicant work together to provide better screening of the outdoor sales area from the adjacent residential uses. (Condition 16)
3. Add to the conditions that landscaping include mature plants to provide better immediate screening and allow for the faster growth of screening materials. (Added to condition 9)
4. Add a condition that the Tractor Supply signs facing the Dove Creek residences be turned off or dimmed in the evening. (Condition 17) (this does not include the tower sign facing El Camino Real)
5. Add a condition limiting delivery time to between 8am and 5pm Monday through Friday. (Condition 18)
6. Require that a deed notification be recorded against the property outlining the owners’ property maintenance requirements. (Condition 19)
The proposed amendments include modifications to the footprint of Buildings A and B and revisions to the adopted PD-12 zone text. The proposed Use includes a 19,100 square-foot TSC store with a 20,800 square-foot outdoor storage and sales area. The proposed Master Plan of Development amendment will affect the portion of the site plan shown below:
In addition to the site plan change, the PD 12 language currently restricts the sales of farm equipment and supplies to indoor sales only. The proposed zone text amendment would eliminate the “indoor only” restriction allowing for the proposed outdoor sales area.

TSC sells lawn and garden materials, ride-on lawn mowers, tractor parts, farm supplies, clothing, and similar goods to the public. Their company fact sheet has been provided as Attachment 4.

**Surrounding Land Use and Setting:**

North: Dove Creek Residences  
South: Commercial  
East: Public  
West: Dove Creek Residences

**ANALYSIS:**

**Economic Impact Analysis**

The proposed commercial use is consistent with the City’s economic development goals and allows for the development of a currently vacant commercial site. As the previously imposed condition of approval requires development of a minimum of 45,000 square-feet by 2016 to avoid deeding the land over to the City, it is expected that once building permits are obtained for the major commercial tenant, the remainder of the center will be constructed.

While the City is withdrawing $40,000 per year until the minimum of 45,000 square-feet is constructed and thus, sales tax impacts of the vacant center at this time are minimized, construction of the center will provide long-term sales tax revenue and provide jobs and salaries that circulate back into the local economy. Staff expects the store’s sales tax to be a positive revenue generator for the City of Atascadero.

The current City Council has identified economic development as its number one priority. The City Council is very interested in increasing the City’s tax base and
expanding business within the City of Atascadero. It appears the construction of a TSC store and the adjacent commercial buildings are consistent with the City Council’s economic development goals.

**Appearance Review**

The approval of the Dove Creek Master Plan included concept architecture for the commercial center consistent with the residential project themes. The current applicants have retained the architect who originally designed the Commercial Center and the architecture for TSC and the other minor tenant buildings has been refined to provide greater specificity regarding architectural style and detailing.

The proposed TSC building, consistent with the minor tenant buildings, includes the following architectural features:

- Combination of stucco and wood siding elements
- Double post columns consistent with the rest of the center
- Architectural trellis features
- Stylized brackets at the gable ends

The outdoor sales area was designed to incorporate architectural features and provide screening from the adjacent residential uses. The outdoor area is proposed to be enclosed by a decorative trellis which includes a solid lower wall and decorative pilasters, wrought iron fencing, and a trellis structure for added screen height. Landscaping is also provided between the parking lot and the outdoor sales area. These screen features will face the residences, El Camino Real, and the minor commercial tenants.

Due to the elevation of the adjacent Santa Barbara / El Camino Real intersection, the Dove Creek Commercial Center is depressed below grade level where the proposed
TSC building is proposed. As such, the applicant is proposing an architectural tower element at this location which exceeds the maximum commercial height of 35-feet by 5-feet (for a total tower height of 40-feet). However, the tower element measures approximately 25-feet above the adjacent grade level at the intersection. A finding is included to allow this code exception based on the unique site characteristics.

**Site Design**

The site plan for the commercial center has minor changes including modifications to the footprint of Building A and slight modifications to the parking lot to allow for three (3) pull through parking spaces designed to provide for trucks with trailers. In addition, the outdoor areas surrounding the minor tenant buildings has been refined to show areas for outdoor dining and other pedestrian oriented features.

Staff has conditioned that all parking lot landscaping be installed with the construction of the parking lot and that entry feature and screening landscaping along the street frontages be installed with the first phase of the development as feasible (construction of the first building) (Condition 9). This will ensure that the landscaping will provide maximum screening of the commercial center even without full development of the site as part of the first phase.

**Neighborhood concerns**

The following analysis addresses issues and concerns cited by neighborhood residents and the HOA regarding the proposed project amendments. These issues were identified as a result of the January 28, 2009, neighborhood hosted by the City and the applicant.

1. **Site Lighting and Glare** – (especially associated with the outdoor sales area)

   The Atascadero Municipal Code contains standards for lighting throughout the City and lists particular glare reduction and lighting standards for commercial centers adjacent to residential uses. In addition, the certified environmental document for the project contained additional lighting standards as mitigation measures for the project.

   The Dove Creek Development includes a number of street lights similar to the Downtown Atascadero streetlights. These lights can provide for dark sky shielding however, they cannot be focused and shielded as effectively as standard parking lot lights in regards to ground illumination.

   Staff has conditioned that more standard shielded “shoebox” parking lot lights be utilized to eliminate glare and maximize ground illumination control (Condition 7). The condition requires that all parking lot lighting will be required to be fully shielded and directed so that only the parking lot is illuminated. Off-site (onto adjacent streets) light spillage will be minimized by the shielding.
The neighborhood residents raised concerns about additional security lighting for the requested outdoor sales area. The same municipal code standard for light shielding applies to all building mounted and security lighting. In addition, there is a parking area between the proposed outdoor sales area and the adjacent private street (Cashin St). This parking area will be illuminated by pole lighting and can be used to provide spill-over lighting to the outdoor sales area thus minimizing the need for additional security lighting. Staff has added conditions of approval to ensure that all site lighting, including security lighting, complies with the municipal code standards and project mitigation measures (Condition 7).

2. **Provision of Additional “Pull-Through” Parking Spaces** (allows for larger vehicle(s) with trailers)

The proposed site plan provides three (3), pull-through spaces adjacent to the outdoor sales area. TSC has stated that this is a standard number that they use for other store locations and they believe that this number is adequate. Project residents believe that additional spaces need to be provided to ensure that larger vehicles and vehicles with trailers can be accommodated on site.

![Diagram showing pull-through spaces](image)

The proposed site plan does include an aisle of parking where no wheelstops are proposed and could allow for larger vehicles with trailers however; these spaces are not specifically designed as pull through spaces as there is a line delineating space for two (2) cars to park. In addition, the spaces are currently designed as compact spaces. Staff has conditioned that the spaces be redesigned as regular spaces to allow for pull-through overflow parking (Condition 8). Staff believes that there are sufficient opportunities for parking of various sizes of vehicles as conditioned.

3. **Screening of Outdoor Sales Area**
Residents adjacent to the outdoor sales area expressed concerns regarding the appearance of the outdoor area and the visual impact from their homes. The applicant has provided a decorative screen wall and trellis feature around the entirety of the outdoor sales area which features a split face concrete block base and column pilasters, wrought iron fencing, and wood trellis above. The applicant has also provided a line of sight analysis depicting the visual impact from adjacent residences as shown below (additional sections show in resolution exhibits).

The applicant believes that the decorative screen wall, in addition to the Commercial Center landscaping provided between the residences and the outdoor sales area mitigates the visual impacts of the outdoor sales component.

4. Larger Patron Vehicles than Originally Anticipated

The Commercial Center was designed as a neighborhood commercial center providing retail and office uses. The neighborhood residents believe that the outdoor component added to the farm equipment and supply use will attract larger patron vehicles than originally anticipated when the project was approved. As this use was allowed as part of the PD-12 (restricted to indoor only) staff believes that similar business patrons would visit the store.

The proposed TSC business will require delivery trucks to enter and exit the site. The commercial center was designed to accommodate large delivery trucks and the delivery trucks used by TSC are the same size or smaller, and deliver less frequently than those for a grocery store for example. As the Dove Creek
Commercial Center was designed to accommodate a variety of commercial uses, staff believes that vehicle usage associated with TSC is consistent with the original intent of the commercial center.

5. **Type of Products Displayed in Front of the Store**
   Can include the following on a seasonal basis:
   - Riding lawn mowers
   - Push lawn mowers
   - Garden carts
   - Mow-N-Vacs
   - Wheelbarrows
   - Chippers and shredders
   - Log splitters
   - Go Karts
   - ATV’s and UTV’s
   - Bagged fertilizers
   - Bagged grass seed
   - Bagged pine shavings
   - Windmills
   - Dog houses
   - Dog pens
   - Rubber stall mats
   - Assorted bale feeders
   - Assorted 3-point equipment
   - Mineral block feeders

   Staff has added a condition restricting the display of large vehicles/items to the display area adjacent to both the retail building and outdoor sales area as shown above (Condition 14).

6. **Shared Road Maintenance**

   The Dove Creek Development was approved with the Dove Creek Commercial Center as part of the Master Plan of Development. Access to the center was approved as part of the original project and has not been modified with this proposal. The driveways cannot be relocated off of ECR and/or Santa Barbara Rd. due to traffic, grading, and public works safety standard impacts. The original Commercial Center ingress and egress locations were based on the traffic analysis that was part of the original Master Plan of Development Mitigated Negative Declaration. Staff has received and reviewed the maintenance and association documents from the County Recorder's office and the Commercial Center does not currently participate in the maintenance of the roads. Staff has included a condition requiring the commercial owner to enter into a maintenance
agreement with the appropriate entity to cover impacts and maintenance to the adjacent streets (Condition 15).

**Proposed Planned Development Overlay Zone #12 Text Change**

As previously mentioned, the proposed project requires a change in the existing PD-12 Overlay District Text of the project site. The revised text will allow the outdoor sales component of TSC within the Dove Creek Commercial Center. While this text change applies to the entire site and not just the proposed tenant, any other changes to the Master Plan of Development to provide for additional outdoor sales areas associated with a farm equipment and supply business would require a similar amendment to the approved CUP and would require Planning Commission approval. The current list of allowed uses is as follows showing the proposed text amendment:

(a) Broadcast studios;
(b) Building materials and hardware (indoor only)
(c) Food and beverage retail sales;
(b) Furniture, home furnishings and equipment;
(c) General merchandise stores;
(d) Mail order and vending;
(e) Temporary or seasonal sales
(f) Financial services;
(g) Health care services;
(h) Offices;
(i) Small scale manufacturing;
(j) Temporary offices
(k) Personal services;
(l) Light repair services;
(m) Eating and drinking places;
(n) Membership organizations;
(o) Horticultural specialties
(p) Schools--business and vocational
(q) Business support services, where all areas of use are located within a building;
(r) Farm equipment and supplies (indoor only);
(s) Fuel and ice dealers
(t) Hotels and motels;
(u) Skilled nursing facility
(v) Bed and breakfast;
(w) Funeral services;
(x) Schools
(y) Utility service center;
(z) Libraries and museums;
(aa) Temporary events

The neighborhood residents have expressed concerns regarding the compatibility of the outdoor sales area component with the Dove Creek development. The applicant has designed the project to be sensitive to neighborhood compatibility issues adding architectural features and high quality screening to the outdoor sales area. The applicant believes that the architectural design and added screening of the outdoor sales area create a compatible business.
Findings

As specified in the City’s General Plan and Zoning Ordinance, the following findings for the proposed Zone Text Change and Master Plan of Development Amendment must be made in order to recommend approval of the proposed project.

PD-12 Overlay Zone Text Change Amendment

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

Conditional Use Permit (Master Plan of Development) Amendment

The City Council must make the following five findings to recommend approval of the proposed Master Plan of Development:

1. The proposed project or use is consistent with the General Plan and the City’s Appearance Review Manual.

   **Staff Comment:** The proposed project amendments are consistent with the General Plan, Zoning Ordinance, and Appearance Review Manual. The project has been designed to be consistent with the previously approved architecture for the Dove Creek Commercial Center.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the Planned Development Ordinance.

   **Staff Comment:** As amended and conditioned, the project satisfies all conditional use permit and planned development zoning code provisions.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

   **Staff Comment:** The proposed amendment to building pad A and B and the addition of an outdoor sales component will not be detrimental to the general public or working persons health, safety, or welfare.
4. That the proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.

**Staff Comment:** The proposed project is consistent with the intent to provide commercial services at the Dove Creek Commercial Center. The project has been architecturally designed to be consistent with the approved Master Plan of Development. The proposed project provides a commercial development at a currently vacant commercial location. Staff believes that the proposed amendments are consistent with the intent of the Dove Creek Commercial Center concept and is consistent with the surrounding master planned community.

5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.

**Staff Comment:** The proposed project and use will not generate traffic volumes in excess of generation estimates for the approved Commercial Center. The proposed amendments remain consistent with the previous traffic analysis for the commercial Center and the certified Mitigated Negative Declaration. All improvements from that document and as listed in the previous conditions of approval for the project, including acceleration and deceleration lanes, have been constructed.

Based on staff's analysis in the preceding sections, it appears that all of the required findings for approval of the proposed amendments to the Dove Creek Master Plan of Development (Conditional Use Permit) can be made. As conditioned, changes to the Master Plan of Development can be made by the Planning Commission in the future without Council action.

**Proposed Environmental Determination**

The proposed amendments to the Commercial Center are consistent with the previously certified Mitigated Negative Declaration for the Dove Creek development.

**CONCLUSION**

The proposed amendments to the Dove Creek development would allow for the construction of a Tractor Supply Company store with an outdoor sales area at pad "A" of the Dove Creek Commercial Center master plan. The proposed amendment modifies the footprint area for pad “A” and requests a Zone Text Amendment to the PD-12 Overlay Zone to allow for the outdoor component of the business. The project architecture has been designed to be compatible with the previously approved Dove Creek master plan and the outdoor area includes features designed to screen the outdoor use area from adjacent residences. The project provides a construction
opportunity for an existing vacant site within the City. Staff believes that the proposed amendments, with conditions, meet the required findings for approval.

**FISCAL IMPACT**

The proposed amendments would permit the construction of a retail TSC store as an anchor for the Dove Creek Shopping Center. The City Council has identified economic development as the City’s highest priority. Retail commercial stores are typically one of the City’s best sources of revenue which is generated through sales tax. Due to economic conditions, the City’s overall sales tax revenues have been in decline. The proposed project would have a positive fiscal impact on the City by increasing sales tax revenues. The store would also serve as an anchor for the Dove Creek Shopping Center and is expected to attract additional retail stores in the future.

**ALTERNATIVES**

1. The Council may make modifications of the proposed text amendments.

2. The Council may determine that more information is needed on some aspect of the project and may refer the item back to the applicant, staff or the Planning Commission to develop the additional information. The Council should clearly state the type of information that is required and move to continue the item to a future date.

3. The Council may deny the project. The Council should specify the reasons for denial of the project and make an associated finding with such action. The parcel would retain its current PD-12 and commercial zoning with mixed-use land use designation. Commercial development that is consistent with the approved PD-12 Text and Master Plan of Development would only require a building permit to proceed.

**ATTACHMENTS:**

Attachment 1: Location Map, Zoning and General Plan
Attachment 2: Aerial Site Photograph
Attachment 3: HOA Letter Following Neighborhood Meeting and Applicant Response
Attachment 4: Tractor Supply Fact Sheet
Attachment 5: Draft Ordinance A
Attachment 6: Draft Resolution A
Attachment 1: Location Map, Zoning and General Plan

Existing Designations:
- General Plan: Mixed-Use
- Zoning District: Commercial Retail / PD-12

Proposed Designations:
- General Plan: Mixed-Use
- Zoning District: Commercial Retail – PD-12
Attachment 2: Aerial Photo

Dove Creek Project

Dove Creek Commercial Project Site
Attachment 3: HOA letter following neighborhood meeting and applicant response

See Following
Attachment 4: Tractor Supply Fact Sheet

See Following
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, APPROVING A ZONE TEXT
AMENDMENT TO AN EXISTING PLANNED DEVELOPMENT
OVERLAY-12 TO ELIMINATE THE “INDOOR ONLY” RESTRICTION
FROM THE FARM EQUIPMENT AND SUPPLIES USE ON
APN 045-331-014:
SANTA BARBARA & EL CAMINO REAL
(PMB Development Co)

WHEREAS, an application has been received from PMB Development Company, 765
Baywood Drive #141, Petaluma, CA, 94954, (Applicant), to consider a project consisting of
amendments to the Dove Creek Commercial Center Master Plan of Development and PD-12
Overlay Zone Text (APN 045-331-014); and,

WHEREAS, the site’s General Plan Designation is (MU) Mixed-Use; and,

WHEREAS, the site’s current zoning district is CR (Commercial Retail)/PD-12 (Planned
Development Overlay #12); and,

WHEREAS, Mitigated Negative Declaration 2004-0026 was certified but he City Council during the project approval in 2004 and the proposed amendments are consistent with this certified document; and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the
City to enact this amendment to the Code Text to protect the health, safety and welfare of its
citizens by applying orderly development; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of
environmental documents, as set forth in the State and local guidelines for implementation of the
California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing
held on March 3, 2009, studied and considered Zone Text Amendments to the PD-12 Overlay Zone, and,
WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on March 24, 2009, studied and considered Zone Text Amendments to the PD-12 Overlay Zone, and,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Zone Change Amending Planned Development Overlay Zone-12 Code Text. The City Council finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on March 24, 2009 resolved to introduce for first reading, by title only, an ordinance that would amend the City Zoning ordinance with the following:

9-3.657 Establishment of Planned Development Overlay Zone No. 12 (PD12).

Planned Development Overlay Zone No. 12 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 12 is established on parcels APNs 045-342-003, 045-381-010, 045-381-007, 045-381-009, 045-331-002, 045-331-004, 045-331-008, 045-331-001, 045-342-005, 045-342-004, 045-342-013, 045-342-001, 045-342-008, 045-342-002, 045-352-005 with a combined gross acreage of 63.3 acres. The maximum residential density within the planned development shall not exceed two hundred seventy-nine (279) residential units. A minimum of 6.31 acres of commercial retail use and 27.7 acres of common and natural open space on the 63.3-acre project site shall be provided. The development standards contained within the master plan of development document (CUP 2003-0099), as conditioned shall be applied to all future development within the project area, and as follows:

(a) The Vesting Tentative Tract Map (TTM 2003-0033) and any subsequent amendments for the site shall be consistent with CUP 2003-0099. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.

(c) The commercial area, residential dwelling units, landscaping, walls and fencing shall be subject to review under the City’s Appearance Review requirements consistent with the approved master plan of development.

(d) Building setbacks lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

(e) Alterations or additions to established dwelling units shall be subject to the density and development standards of the master plan of development.
(f) Subsequent amendments to the master plan of development shall be approved by Planning Commission Resolution.

(g) The commercial center will retain the Commercial Retail zoning district designation. The following allowable uses are proposed for this district within the PD12 overlay zone:

1. Broadcast studios;
2. Building materials and hardware (indoor only);
3. Food and beverage retail sales;
4. Furniture, home furnishings and equipment;
5. General merchandise stores;
6. Mail order and vending;
7. Temporary or seasonal sales;
8. Financial services;
9. Health care services;
10. Offices;
11. Small scale manufacturing;
12. Temporary offices;
13. Personal services;
14. Light repair services;
15. Eating and drinking places;
16. Membership organizations;
17. Horticultural specialties;
18. Schools—business and vocational;
19. Business support services, where all areas of use are located within a building;
20. **Farm equipment and supplies (indoor only)**;
21. Fuel and ice dealers;
22. Hotels and motels;
23. Skilled nursing facility;
24. Bed and breakfast;
25. Funeral services;
26. Schools;
27. Utility service center;
28. Libraries and museums;
29. Temporary events.

All residential and open space use shall be consistent with the requirements of the underlying zoning district except as allowed by the master plan of development.

**SECTION 3.** A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.
INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by the following roll call vote:

AYES: (   )
NOES: (   )
ABSENT: (   )
ABSTAIN: (   )
ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Ellen Beraud, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING AN
AMENDMENT TO THE COMMERCIAL PORTION OF CONDITIONAL
USE PERMIT 2003-0099 (MASTER PLAN OF DEVELOPMENT) FOR
APN 045-331-014:
SANTA BARBARA & EL CAMINO REAL
(PMB Development Company)

WHEREAS, an application has been received from PMB Development Company, 765 Baywood Drive #141, Petaluma, California, 94954, (Applicant), to consider a project consisting of amendments to the Dove Creek Commercial Center Master Plan of Development and PD-12 Overlay Zone Text (APN 045-331-014); and,

WHEREAS, the site’s General Plan Designation is (MU) Mixed-Use; and,

WHEREAS, the site’s current zoning district is CR (Commercial Retail); and,

WHEREAS, the City Council introduced an ordinance for first reading, by title only, that would amend PD-12 Overlay Zone Text to allow for an outdoor sales component for farm equipment and supply uses; and,

WHEREAS, A Master Plan of Development was adopted for the Dove Creek development site in 2004 setting development standards for the construction of the residential and commercial portions of the project; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Conditional Use Permit amendment application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on March 3, 2009, studied and considered the proposed project; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on March 24, 2009, studied and considered the proposed project; and,
NOW, THEREFORE, the City Council of the City of Atascadero, California takes the following actions:

SECTION 1. Findings for Approval of the Conditional Use Permit. The City Council finds as follows:

1. The proposed project or use is consistent with the General Plan; and,
2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the PD-12 Ordinance; and,
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and,
4. The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development; and,
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.
6. That the higher tower element will not result in substantial detrimental effects on the enjoyment and use of adjoining properties and that the modified height will not exceed the lifesaving equipment capabilities of the Fire Department.

SECTION 2. Approval. The City Council of the City of Atascadero, California, in a regular session assembled on March 24, 2009, resolved to approve proposed commercial center amendments to Conditional Use Permit 2003-0099 (Dove Creek Master Plan of Development) subject to the following:

EXHIBIT A: Conditions of Approval / Mitigation Monitoring
EXHIBIT B: Master Plan of Development
EXHIBIT C: Conceptual Grading and Drainage Plan
EXHIBIT D: Landscape Plan
EXHIBIT E: Elevations
EXHIBIT F: Preliminary Floor Plans
EXHIBIT G: Line of Sight Diagrams
On motion by Council Member ________________ and seconded by Council Member ________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: (  )

NOES: (  )

ABSENT: (  )

ABSTAIN: (  )

ADOPTED:

CITY OF ATASCADERO, CA

Ellen Beraud, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney
EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
Dove Creek (ZCH 2003-0049, ZCH 2004-0085)

Conditions of Approval / Mitigation Monitoring Program

Dove Creek Master Plan
PD-12

Planning Services

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WW: Wastewater
CA: City Attorney

Mitigation Measure:

1. The approval of this Master Plan of Development Amendment shall become final and effective following City Council approval.

2. Precise design standards and guidelines for the development of land are contained within the Dove Creek Master Plan of Development and supersede the City’s existing zoning code, public works standards, and other regulations, with Conditions of Approval as listed. Where this plan is silent, City codes effective upon the date of adoption of the Master Plan of Development shall apply.

3. Approval of this Master Plan shall be valid for twenty-four (24) months from the date of City Council approval.

4. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan. The Planning Commission shall have the final authority to approve any other changes to the Master Plan and any associated Tentative Maps.

5. All subsequent Tentative Tract Map and construction permits shall be consistent with the Master Plan of Development contained herein.

6. All conditions of the previous Master Plan of Development approval shall remain in full effect unless specifically amended by this resolution. Conditions contained in this resolution shall supersede any conflicting conditions in the original Master Plan of Development approval. This resolution of approval applies only to the commercial portion of the Dove Creek development.

7. Parking lot lighting shall consist of shielded “shoebox” style lighting. No light source shall be visible from the adjacent residences. Security lighting shall be fully
### Conditions of Approval / Mitigation Monitoring Program  

**Dove Creek Master Plan**  
PD-12  

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8. All commercial site work, grading and site improvements shall be consistent with the amended commercial Master Plan of Development and as shown in the site amenities plan (EXHIBIT B, C, and D), subject to the following:  
- The parking aisle without wheelstops shall be redesigned to allow for regular car parking, providing overflow “pull-through” spaces as necessary.

9. A final landscape, irrigation plan, and native tree replacement plan shall be approved as part of the commercial building permit process.  
- All trash and recycling bins, exterior meters, and mechanical equipment shall be screened with landscape material.
- Shade trees shall be provided throughout the parking lot and shall be installed prior to final of the 1st commercial building.
- All perimeter landscaping not located on the individual building pads shall be installed prior to final of the 1st commercial building, unless infeasible due to construction requirements of the subsequent commercial buildings.
- Landscape utilized to screen the outdoor sales area shall consist of evergreen trees and shrubs.
- Vines shall be planted along the screen wall where planters are provided for additional screening of the outdoor sales area.
- Landscaping shall include mature plants to provide better immediate screening opportunities and allow for faster growth of screening materials.

10. All exterior elevations and materials shall be consistent with EXHIBIT E1, E2, and E3, subject to the following:  
- Signage shall be permitted on the parking lot, El Camino Real, and Santa Barbara facing facades only.
- Signage shall be located below the rooftop – no roof mounted signage will be permitted.
- All signage sizes shall comply with the Atascadero
### Conditions of Approval / Mitigation Monitoring Program

**Dove Creek Master Plan**
**PD-12**

- Signage locations shall be architecturally compatible with the buildings and scaled appropriately to the architectural building features.
- Stucco shall be sand finish or smoother.
- Columns on building “C”, “F”, and “G” shall incorporate double post columns consistent with buildings “D” and “E”.
- Windows, false or real, shall be incorporated into Elevations #7, 14, and 15, subject to staff approval.
- Wood siding and/or additional brickwork shall be incorporated into the design of building “C” and the plaza facing facades of buildings “F” and “G”.

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<td>19. A deed notification shall be recorded against the</td>
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<td>property outlining the property maintenance requirements for the commercial center.</td>
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THE VILLAGES OF DOVE CREEK :: ATASCADERO, CA
A COMMERCIAL RETAIL CENTER

ITEM NUMBER: B - 1
DATE: 03/24/09
EXHIBIT G: Line of Sight Diagrams