

**RESOLUTION NO. 2001-132
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 96-028, AMENDMENT #2 - BART RINKER
OCTOBER 16, 2001**

EXHIBIT AA@

All recommended changes/additions/deletions in ***bold italics*** and ~~strikeout~~

GENERAL CONDITIONS OF APPROVAL

1. Specific Plan 96-028 (SP 96-028) shall be developed in compliance with these conditions, the specific plan document as amended, and all approved site plan, elevation, color, materials and other approved exhibits submitted for this application and any subsequent amendment(s). ~~In the event of any conflicts between these conditions and the provisions of SP 96-028, the conditions shall take precedence.~~
2. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the ~~City~~^{City@}, its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Specific Plan or any application thereunder. The City shall have sole discretion in selecting its defense counsel.
3. SP 96-028 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - C Environmental Assessment 96-328
 - C Site Development Permit 96-590, Amendment #1
 - C Conditional Use Permit 96-029
 - C Tentative Parcel Map 28422
 - C Specific Plan 96-028, Amendment #1

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall determine precedence.

3. The specific plan document for SP 96-028 shall be revised in conformance with the following:
 - A. Section 2.4.6 - The document shall incorporate language to allow unenclosed shade and/or screen structures to locate within the 10 foot building setback, which is behind the 20 foot landscape setback. In general, the document shall reflect reductions in building setbacks for the mini-mart parcel (Parcel 1), ~~the auto retail parcel (Parcel 2)~~, and the storage parcel (Parcel 3) as shown on the approved site plan.
 - B. Section 2.4.8 - The parking table shall be revised to separate the building area for ~~the tube and retail uses~~ **Parcel 2**, and to refer to the correct parking requirement of 1 space/300 square feet, and revise the number of spaces required. ~~Revise the number of RV spaces as reflected the approval for SP 96-028, Amendment #1.~~ Parcel 1 shall

show the ~~pizza~~ restaurant use at 500 square feet and its required parking. ~~Total number of spaces required shall be 88;~~ The document table shall contain all correct footage and include all correct number totals.

- C. Section 2.5.4 - This section shall discuss the actual distance from the Dune Palms Road/Highway 111 intersection to the Highway 111 access drive, as well as identify potential for permitting shared access with the easterly property, either via the Lapis access or another mutually agreeable alternative. Eliminate the discussion of the second Dune Palms access point in regard to full turn signalization; revise as right-in/right-out only.
 - D. The Specific Plan shall reference that deviations from the Zoning Code include the allowance of tandem parking for the auto retail use, location of parking spaces on or within three feet of any property line, potential reduction or elimination of requirement for 5% minimum interior landscaping for Parcel 3, and allowance for a reduction in parking requirements on Parcel 3.
 - E. All revisions related to Amendment #1 for SP 96-028 shall be incorporated, pertaining to landscaping, berming, siting and building area of the self storage (Parcel 3), the CNG fueling facilities for Desert Sands (Parcel 4) and architectural, material and color changes as necessary for the specific plan. Parcel 2 development shall incorporate all design-related items associated with ~~Amendment #1 for SP 96-028, as amended.~~
4. Minor changes, as determined by the Community Development Director to be consistent with the intent and purpose of the Specific Plan, may be approved. Examples include modifications to landscaping materials and/or design, parking and circulation arrangements not involving reductions in required standards beyond those identified in the Specific Plan, minor site, building area or other revisions necessary due to changes in technical plan aspects such as drainage, street improvements, grading, etc. Such changes may be approved on a staff-level basis and shall not constitute a requirement to amend the Specific Plan.
- Consideration for any modifications shall be requested in writing to the Director and submitted with appropriate graphic and/or textual documentation in order to make a determination on the request.
- 5. All aspects of this project (plan preparation, all construction phases, operations, etc.) shall be subject to and comply with the adopted Mitigation Monitoring Program and Negative Declaration (EA 96-328), as certified by the La Quinta City Council.
 - 6. All applicable conditions of approval for SDP 96-590 and any subsequent amendment(s)

shall be incorporated into the revised text for Specific Plan 96-028 in the appropriate sections. The revised Specific Plan document shall be submitted to the Community Development Department for compliance review ~~at the time of initial building permit submittal~~ **prior to issuance of a building permit for Parcel 2.**

7. Developer agrees to indemnify, defend, and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.
7. The retention area adjacent to Highway 111 shall be modified and or relocated, to be in conformance with the Highway 111 Design Theme. Specifically, the front setback shall only be used for some storm water retention falling within the setback and adjacent right of way designed per the guideline criteria ~~prior to issuance of a building permit for the Parcel 1 fueling facility.~~