

RESOLUTION NO. 2002-28

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LA QUINTA, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT TO ALLOW A
GASOLINE SERVICE STATION AND CAR WASH
WITHIN A NEIGHBORHOOD SHOPPING CENTER**

**CASE NO.: CONDITIONAL USE PERMIT 2001-066
APPLICANT: RLF DEVELOPMENT**

WHEREAS, the City Council of the City of La Quinta, California, did on the 15th day of January, 2002, 5th day of February, 2002, and 19th day of February, 2002 hold duly noticed Public Hearings to consider the request of RLF Development to allow a gasoline service station within a planned commercial center; and

WHEREAS, the Planning Commission of the City of La Quinta, California did on the 11th day of December 2001, hold a duly noticed Public Hearing to consider the request of RLF Development to allow a gasoline service station within a planned commercial center; and

WHEREAS, said Conditional Use Permit request has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended by Resolution 83-68, in that Environmental Assessment 2001-433 has been recommended with mitigation measures for certification; and,

WHEREAS, upon hearing and considering all testimony and arguments of all interested persons desiring to be heard, said City Council did find the following facts, findings, and reasons to justify a recommendation for approval of said Conditional Use Permit:

1. The Conditional Use Permit is consistent with the City's General Plan in that the proposed project furthers the City's General Plan goals for a full service community. The use is consistent with the goals and policies and intent of the General Plan Land Use Element (Chapter 2).
2. The approval of this Conditional Use Permit is consistent with the Zoning Ordinance in that the project will conform to development standards and the standards included in Specific Plan 2001-054.
3. The proposed land use will not create conditions materially detrimental to the public health, safety and general welfare or injurious to, or incompatible with other land uses in that the project will integrate into the existing neighborhood

4. An Environmental Assessment has been prepared in accordance with CEQA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

1. That the above recitations are true and constitute the findings of the City Council in this case;
2. That the City Council does hereby approve Conditional Use Permit 2001-066 to allow a gasoline service station in a planned neighborhood shopping center subject to the Conditions of Approval, attached hereto and made a part of as Exhibit "A".

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council, held on this 19th day of February, 2002, by the following vote, to wit:

AYES: Council Members Henderson, Perkins, Sniff, Mayor Peña

NOES: Council Member Adolph

ABSENT: None

ABSTAIN: None

JOHN J. PEÑA, Mayor
City of La Quinta, California

ATTEST:

JUNE S. GREEK, CMC, City Clerk
City of La Quinta, California
(City Seal)

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APPROVED AS TO FORM:

M. KATHERINE JENSON, City Attorney
City of La Quinta, California

**CITY COUNCIL RESOLUTION NO. 2002-28
CONDITIONS OF APPROVAL - FINAL
CONDITIONAL USE PERMIT 2001-058 - RLF DEVELOPMENT
FEBRUARY 19, 2002**

1. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative map amendment or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

2. The development shall comply with Site Development Permit 2001-711, and all applicable Conditions of Approval.