

RESOLUTION NO. 2207-08

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ESTABLISHING LAND USE AND APPLICATION POLICY FOR THE
DEVELOPMENT OF DRIVE-IN SALES, DRIVE-THROUGH SALES AND
GASOLINE SERVICE STATION FACILITIES WITHIN THE
TOWN OF WINDSOR (FILE NO. PPR 00-09)**

WHEREAS, the Town Council finds that to preserve the unique character of the Town, drive-through sales, drive-in sales, and gasoline service station facility applications should be considered initially by the Town Council; and

WHEREAS, the Town Council desires to conduct the initial application evaluation to assure that any application for drive-through sales, drive-in sales, and gasoline service station facilities is compatible with surrounding land use and that environmental protections are considered; and

WHEREAS, on September 20, 2000 the Town Council held a duly noticed public hearing on drive-through, drive-in sales and services and gasoline service stations land use policy;

WHEREAS, on October 4, 2000 the Town Council adopted Resolution No. 954-00 establishing land use and application policy for the development of drive-in sales, drive-through sales, and gasoline service stations facilities; and

WHEREAS, the decision by the Town to establish land use policy for drive-through sales, drive-in sales, and gasoline service station facilities is a Categorical Exemption under Section 15308 "Actions by Regulatory Agencies for Protection of the Environment" pursuant to the State CEQA Guidelines; and

WHEREAS, the policy expressed in this resolution is determined to be consistent with provisions of the Town of Windsor General Plan; and

WHEREAS, the Town Council will consider referring applications to the Planning Commission for further review to encourage new businesses and avoid the loss of revenues; and

WHEREAS, the Town Council will consider denying applications if they create significant air pollution, light or glare, and noise impacts.

THEREFORE BE IT RESOLVED that the Town Council hereby establishes the following land use application policies for all future drive-through sales and service facilities within the Town of Windsor:

1. All applications for drive-through sales and service facilities, as defined by the zoning ordinance, shall be first submitted to the Town Council for review on a case-by-case basis.
2. Town Council review shall require public hearing and the posting of the site with public hearing notice.
3. The Town Council has the discretion to deny the application or to refer it to the Planning Commission for further review.
4. The Town Council review of the applications shall be subject to environmental review under CEQA.
5. Applications for drive-through sales and service facilities will only be considered as conditional uses subject to the conditional use permit process only in Community Commercial and Gateway Commercial zoning districts.

BE IT FURTHER RESOLVED that the Town Council hereby establishes the following land use application policies for all future gasoline service station facilities within the Town of Windsor:

1. All applications for gasoline service station facilities, as defined by the zoning ordinance, shall be first submitted to the Town Council for review on a case-by-case basis.
2. Town Council review shall require public hearing and the posting of the site with public hearing notice.
3. The Town Council has the discretion to deny the application or to refer it to the Planning Commission for further review.
4. The Town Council review of the applications shall be subject to environmental review under CEQA.
5. Applications for gasoline service station facilities will only be considered as conditional uses subject to the conditional use permit process in the Community Commercial, Gateway Commercial, and Industrial Park zoning districts, and as a permitted use in the Light Industrial and Heavy Industrial zoning districts.

BE IT FURTHER RESOLVED that existing drive-through sales and gasoline service station facilities may continue as provided by and in conformance with the zoning ordinance.

BE IT FURTHER RESOLVED that no applications for gasoline service stations will be considered on property that has frontage on Old Redwood Highway except at the Arata Interchange with U.S. Highway 101.

BE IT FURTHER RESOLVED that gasoline service station applications will only be considered when the site is in close proximity to the two Windsor U.S. Highway 101 interchanges (Shiloh Road and Arata Lane).


PASSED, APPROVED AND ADOPTED this 9th day of January 2008 by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, SALMON AND
MAYOR FUDGE**

NOES: COUNCILMEMBER PARKER

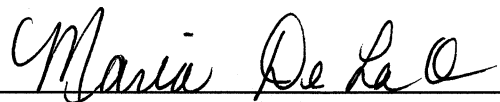
ABSTAIN: NONE

ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK