



PLANNING COMMISSION

Charles Lucas, Chair
Geoffrey Holbrook, Vice Chair
Andie Guillen, Commissioner
Kris Haugh, Commissioner
Robert McDade, Commissioner

CITY HALL 420 South Imperial Avenue, Imperial, California 92251
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AGENDA

PLANNING AND TRAFFIC COMMISSION REGULAR MEETING

200 West 9th Street
IMPERIAL, CA 92251

WEDNESDAY, November 13, 2019
6:30PM

Members of the audience are invited to speak on any item on or off the agenda. If the item is an agenda item, you will be permitted the opportunity to address the Planning Commission when the matter is considered. If you wish to speak on a matter which is not on the agenda, you will be given the opportunity to do so at the Public Comment section. When wishing to address the Planning Commission, please rise and state your name and address for the record. The Chairman reserves the right to place a time limit on each person's presentation of five (5) minutes.

A. PLANNING COMMISSION CALL TO ORDER:

ROLL CALL
PLEDGE OF ALLEGIANCE

B. RE-ORGANIZATION OF THE PLANNING COMMISSION:

- B-1 Selection of Chairman
- B-2 Selection of Vice-Chairman

C. PUBLIC APPEARANCES

D. CONSENT CALENDAR

- D-1. Approve Planning Commission Meeting Minutes for August 28, 2019 and October 9, 2019.

E. NEW BUSINESS: (DISCUSSION/ACTION –RECOMMEND/DENY)

- E-1 Public Hearing, Discussion/Action: Conditional Use Permit (19-07) to allow for the use and operation of a Gas Station Convenience Store and Gas Station Facility on the following assessor parcel numbers: 063-040-035 and 063-040-036; Imperial, CA 92251 and adoption of a Class 32 Categorical Exemption per the California Environmental Quality Act.

1. Open Public Hearing
2. Staff Report
3. Public Testimony
4. Commission Discussion

5. Recommended Action: Approve **RESO No. PC 2019-17**, granting a Conditional Use Permit and Conditions of Approval to adopt a Class 32 Categorical Exemption and allow for the use and operation of a Gas Station Convenience Store and Drive-through restaurant and/or uses in a C-2 (Commercial General) Zone.

F. TRAFFIC COMMISSION:

F-1. Discussion /Action: Placement of new Stop Signs at Cedro Avenue and De Paoli Street.

1. Staff Report.
2. Commission Discussion.
3. Commission Action.

G. REPORTS:

G-1. Commissioners Report

G-2. Staff Report

ADJOURN PLANNING COMMISSION MEETING UNTIL NEXT REGULARLY SCHEDULED MEETING.

NOTE: Any documents produced by the City and distributed to a majority of the Planning Commission regarding any item on this agenda will be made available at the front counter at City Hall, located at 420 South Imperial Avenue, during normal businesshours.



Staff Report

Agenda Item No.

E-1

To City of Imperial Planning Commission
From Lisa Tylenda, Planner
Date November 7, 2019
Subject **Conditional Use Permit Request-CUP (19-07)**
Commercial Retail Development Project along Highway 86

Summary:

Applicant:	5 th Street Development, LLC
Project Location:	APN#'s 063-040-036 and 063-040-035
Zoning:	C-2 (Commercial General)
General Plan:	Commercial
Environmental:	Categorically Exempt; Class 32 In-Fill Project
Recommendation:	Approve Conditional Use Permit

Background

The applicant is requesting a Conditional Use Permit (CUP) to construct commercial uses with the operation of a gas station convenience store and a tentative drive-through restaurant use, of up-to two; on a currently vacant parcel that runs along Highway 86 within the City of Imperial, CA.



Discussion/Analysis

The project is a proposed phased commercial retail development along Highway 86 that is tentatively to consist of 3 building on 2 parcels that combined are approximately 3.3 acres in size.

The subject site is currently zoned Commercial General (C-2). The land uses to the east of the site are Public Facilities and Residential uses; to the west of the project site is immediately highway 86 and then residential uses and a gas station. The C-2 Commercial General Zoning designation is intended for the location of highway oriented retail service and wholesale commercial activities. Section 24.05.120.B.20.d of the Imperial Zoning Ordinance lists drive-through restaurants and gas stations as uses that are subject to obtaining a Conditional Use Permit.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a CUP. The required findings are listed below in ***bold italics***, followed by an evaluation.

- 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The subject site is located within C-2 Commercial General Zoning. The proposed operation of a gas station and tentative drive-through restaurant uses will not interfere or conflict with the purposes of the zone.

- 2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.***

The proposed location is ideal for facilities of this sort as it is abuts the Highway 86 corridor as it is surrounded by similar land uses. The project will be compatible with the adjacent land uses and will not adversely affect residents.

- 3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.***

The project is very limited in nature, and as such, will not be detrimental to the public health, safety, or welfare. Cars waiting at drive through locations can sometimes cause traffic issues within parking lots and roadways. The proposed project will provide sufficient queueing space for cars as per California State Building Code Law and will comply with City ordinances. The Gas Station Convenience Store will abide by all City, County, and State Requirements regarding operations of facilities of this nature.

- 4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.***

The proposed operation and use of a gas station and drive-through/restaurant uses will comply with all provisions of the Zoning Ordinance.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under the Class 32 Section for In-Fill Developments.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution No. PC2019-17** approving a conditional use permit for a drive-through uses located at the following APN#'s:063-040-036 and 063-040-035 that are subject to the following conditions on Exhibit A Conditions of Approval.

Attachments: Resolution No. PC2019-17 with Conditions of Approval



Staff Report

Agenda Item No. F-1

To: City of Imperial Traffic Commission

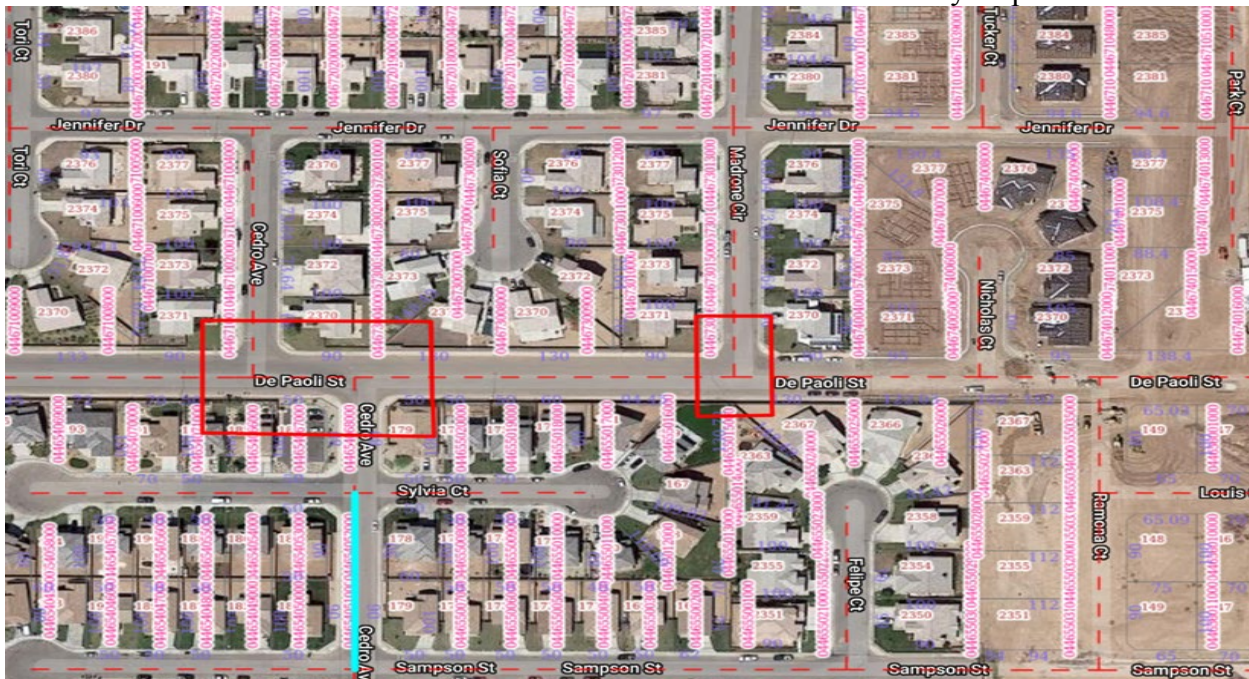
From: Lisa Tylanda, Planner

Date: November 7, 2019

Subject: Proposed placement of new Stop Signs @ intersection of Cedro Avenue & De Paoli Street; Imperial, CA 92251.

Background

City Council directed staff review the possible placement of Stop Signs in the area of Cedro Avenue and De Paoli Street in efforts to increase safety and reduce speeding in the area. The item has been reviewed by the Development Review Committee (DRC). After reviewing the direction given by council, staff found that it would be suited for the area, to add Stop Signs at the intersection of De Paoli Street and Madrone Circle creating a three-way Stop. Cedro Avenue and De Paoli are off center and would not be an area suited for a three-way stop.





Placing new stops signs at the east, west, and north intersections of Madrone Circle and De Paoli Street, not only would meet the vision of safety on the council's behalf, but could potentially meet and influence some of the goals within our Land Use and Circulation Element:

- **Circulation Element Goal #1 Circulation & Land Use :** Plan land uses in conjunction with the circulation system to encourage future growth in areas of higher density on transportation nodes, which will better allocate City resources and limit vehicle miles traveled.

Circulation Element Goal #2 Safe & Complete Streets : Develop a multi-modal network and balanced transportation system that safely accommodates all modes of travel.

- **Circulation Element Goal #3 Circulation Efficiency:** Provide for safe and efficient movement for all modes of transportation throughout the City.
- **Circulation Element Goal #4 System Sustainability:** Attain a sustainable transportation system that can be built, operated, and maintained, within the City's existing and future resources.

Staff Recommendation:

Staff recommends this item to the Traffic Commission for discussion and action.

RESOLUTION PC2019-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT (CUP 19-07) FOR OPERATION OF A GAS STATION CONVENIENCE STORE AND DRIVE-THROUGH USES LOCATED ON THE FOLLOWING ASSESSOR PARCEL NUMBERS: 063-040-036 AND 063-040-035

(5TH STREET DEVELOPMENT, LLC– CONDITIONAL USE PERMIT FOR THE OPERATION OF A GAS STATION CONVENIENCE STORE AND DRIVE-THROUGH USES)

WHEREAS, 5TH Street Development, LLC submitted a Conditional Use Permit application to allow the operation of a gas station convenience store and drive-throughs at the following Assessor Parcel Numbers: 063-040-035 and 063-040-036 ; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on November 13, 2019; and

WHEREAS, upon hearing and considering all testimony and arguments, analyzing the information submitted by staff and considering any written comment received, the Planning Commission considered all facts relating to the request for a Conditional Use Permit.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Imperial as follows:

- A) That the foregoing recitations are true and correct; and
- B) The project has been reviewed in accordance with the requirements set forth by the City of Imperial for implementation of the California Environmental Quality Act; and
- C) There are no sensitive resources located within the area of the project or adjacent to the area of the project so as to be significantly impacted by the project; and
- D) That based on the evidence presented at the public hearing, the Planning Commission hereby determines that the project is Categorically Exempt under Class 32 In-Fill Development Categorical Exemption of the California Environmental Quality Act; and
- E) That the utilization of drive-through is consistent with those uses allowed in the C-2 Commercial General Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit CUP (19-07) for a drive-through usage at the following assessor parcel numbers: 063-040-035 and 063-040-036 conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.

2. That the location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures, or natural resources with consideration given to those items listed in Section 24.19.340.B of the Imperial Zoning Ordinance.
3. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for an approved Variance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of November 2019.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION PC2019-17**

CONDITIONS OF APPROVAL

For

Conditional Use Permit 19-07

**5th Street Development, LLC
Assessor Parcel Numbers: 063-040-035 and 063-040-036
Imperial, CA 92251**

1. This Conditional Use Permit is granted for the operation of a gas station convenience store and drive-through restaurant and/or use at assessor parcel numbers: 063-040-035 and 063-040-036, Imperial, CA 92251;
2. This conditional use permit shall be null and void if a building permit is not obtained within a year;
3. The parking lot shall be paved and must be ADA compliant with the State of California American Disabilities Act Standards.
4. Internal Fire Hydrants may be required for the project and that determination will be made during the Building Permit Process.
5. The drive-through shall be paved with room for cars stacking;
6. Desert landscape shall be installed in the required setbacks before a certificate of occupancy is issued.
7. A Right-in and Right-out turn on 15th street is required, with no left turn out on 15th Street.
8. On-site Retention Basin is required and will be reviewed and approved by the Community Development Department during the Building Permit Process.
9. Underground storage tanks CUPA/above ground will require review and approval by the Imperial County Fire Department during the Building Permit Process Phase.
10. Proprietor/owner shall maintain a paved walking path at all times;
11. Landscaping in the form of trees, hedges, and low-laying vegetation shall be installed along the street frontage;
12. Decorative architectural treatments shall be provided on all sides of the building;
13. The developer shall be responsible for the installation of one (1) master sign displaying all lessees at the location. The master sign shall conform to zoning code 24.16;
14. The provisions of this Conditional Use Permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project. This Conditional Use Permit is only valid for assessor parcel numbers 063-040-035 and 063-040-036;

15. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property;
16. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times;
17. Applicant shall comply with all local, State and Federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply;
18. The conditional approval of the Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver;
19. Applicant must implement sound maintenance and housekeeping procedures;
20. The Applicant shall pay all impact and capacity fees as required by the city;
21. All applicable Conditions of Approval shall be completed prior to opening for business;
22. If the Community Development Department finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority;
23. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party;
24. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.