



Staff Report

Agenda Item No.

E-1

To City of Imperial Planning Commission
From Lisa Tylanda, 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