

ATTACHMENT A

***DRAFT* RESOLUTION NO. PC2025-07**

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 25-03 FOR THE OPERATION OF A
DRIVE-THRU AT A JACK IN THE BOX RESTAURANT LOCATED AT
304 S. IMPERIAL AVENUE (APN 064-106-006)**

WHEREAS, Steve Schneider submitted an application to operate a drive-thru at a Jack in the Box restaurant located at 304 S Imperial Avenue; and

WHEREAS, the subject site is located within the Village Commercial (VC) Zone where the inclusion of a drive-thru at a restaurant is a conditionally allowed use within that zone; and

WHEREAS, a duly notified public hearing was published on April 10, 2025, in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 25-03, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on April 23, 2025, to hear testimony for and against the proposed Conditional Use Permit;

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

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 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 Section 15332-Infill Development Projects, of the California Environmental Quality Act and is exempt from further environmental review requirements; and
- E) That allowing the operation of a drive-thru restaurant at the project site is consistent with the land uses allowed within the Village Commercial (VC) Zone; and

F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 25-03**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, the 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.**

The subject site is within the Village Commercial (VC) Zone, intended as the social and civic heart of the City compatible with commercial and residential environments. The proposed restaurant will provide patrons of the surrounding commercial businesses and residents in proximity to the project site with an enjoyable meeting place. Its operation is consistent with the objectives of the Village Commercial Zone and the City's development goals.

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 location is ideal for a Jack in the Box restaurant. Its use would be consistent with the General Plan and would offer an additional eating establishment for Downtown Imperial and neighboring communities. The restaurant does not appear to be detrimental to adjacent uses, residents, or buildings.

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.**

With the established Conditions of Approval and traffic mitigation measures, the proposed project will not negatively impact public health, safety, or welfare, or be materially injurious to properties in the vicinity.

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 project complies with all applicable provisions of the City of Imperial's Zoning Ordinance. There are no variances requested or required for this project, and all zoning regulations and requirements will be fully adhered to. By meeting these conditions, the project ensures alignment with the City's zoning standards and regulations.

G) The City Attorney is authorized to make minor typographical changes to this Resolution that do not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 23rd day of April, 2025.

Ruben Rivera
Planning Commission Chairman

ATTEST:

Kristina Shields
City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL
Conditional Use Permit 25-03 for Jack in the Box
304 S. Imperial Ave. (APN 064-106-006)

1. The 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.
2. The Applicant shall pay all applicable permit and development impact fees.
3. 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.
4. The Applicant shall agree to defend, indemnify and hold harmless the City of Imperial and its agents, including consultants, officers and employees from any claim, action or proceeding against the City or its agents, including consultants, officers and employees to attack, set aside, void, or annul the approval of the Conditional Use Permit. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including the Property Owner/Applicant arising out of or in connection with the approval of the Conditional Use Permit, including any claim for private attorney general fees claimed by, or awarded to any party from the City.
5. The provisions of the 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.
6. 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 conditional use permit, 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 conditional use permit, then the matter shall be referred to the Planning Commission for a permit modification, suspension, or termination, or to the appropriate enforcement authority.
7. 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.
8. 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 re-located business.

9. The project shall comply with all applicable fire codes, including the California Fire Code Chapter 3 (General Requirements), Chapter 5 (Fire Service Features), Chapter 9 (Fire Protection and Life Safety Systems), Chapter 10 (Means of Egress), NFPA standards and any other regulations that pertain to the project.
10. A landscape buffer with drought-tolerant screening vegetation to reduce noise, light and visual impacts shall be installed along the project site's perimeter. The Community Development Department shall review and approve the design before building permit issuance.
11. All exterior lighting fixtures, including parking lot and pedestrian pathway lighting, shall emulate the style, color, and design of the existing Downtown Imperial street lighting standards to maintain architectural consistency and community character.
12. The trash and recycling enclosure shall be constructed of durable materials and architectural finishes that are consistent with the main building design and color palette. The enclosure shall include a roof or overhead covering to reduce odors and prevent exposure to rain, and be fully screened from public view and adjacent properties. Gates shall be self-closing and animal-proof to deter illegal dumping and pest intrusion. The Community Development Department shall review and approve the design before building permit issuance.
13. In the event that the facility operations result in excessive queues, including queues extending into Imperial Avenue's right-of-way, blocking traffic and creating the potential for safety concerns, even on an intermittent basis, access through the Imperial Avenue entrance shall be closed with traffic control devices approved by the City and directional signage to route customers to the 6th Street entrance shall be installed at the owner's expense.
14. The Conditional Use Permit shall be null and void if a building permit is not obtained within a year.