Agenda Item No. F-2

DATE SUBMITTED	1/25/2017	COUNCIL ACTION	(X)
	PLANNING	PUBLIC HEARING REQUIRED	(X)
SUBMITTED BY	DIRECTOR	RESOLUTION	( )
		ORDINANCE 1ST READING	( )
DATE ACTION REQUIRED	2/8/2017	ORDINANCE 2ND READING	( )
		CITY CLERK'S INITIALS	( )

IMPERIAL CITY COUNCIL
AGENDA ITEM

SUBJECT: DISCUSSION/ACTION:

1. Conditional Use Permit #17C01 to allow the construction of a 3,200 square foot metal building and yard for construction.

DEPARTMENT INVOLVED: PLANNING

BACKGROUND/SUMMARY:

The applicant is requesting a Conditional Use Permit to allow the construction of a 3,200 square foot metal building, and yard for construction storage at 360 Ritter Court. The subject site is located on 2.78 acres at the cul-de-sac (north side) on Ritter Court. The subject site is zoned I-2 Rail-Served Industrial where office contractors storage yards are conditionally permitted. The applicant is proposing to construct a metal building for storage and office space. The applicant is also proposing a storage yard to store various heavy equipment, bob cats, paving machines, rollers, skip loaders, road construction equipment, construction materials, aggregate stock pile, small dump trucks, work trucks, and flat-bed trucks.

FISCAL IMPACT: none F.O. INITIALS: _____

STAFF RECOMMENDATION:

Approve CUP #17C01 to allow the construction of a 3,200 square foot metal building and yard for construction.

MANAGER'S RECOMMENDATION: MANAGER'S INITIALS

MOTION:

SECONDED:
AYES:
NAYES:
ABSENT:

APPROVED ( ) REJECTED ( )
DISAPPROVED ( ) DEFERRED ( )

REFERRED TO:

Staff Report

Agenda Item No. **F-2**

To: City of Imperial Planning Commission

From: Isabel Alvarez, Administrative Analyst

Date: February 8, 2017

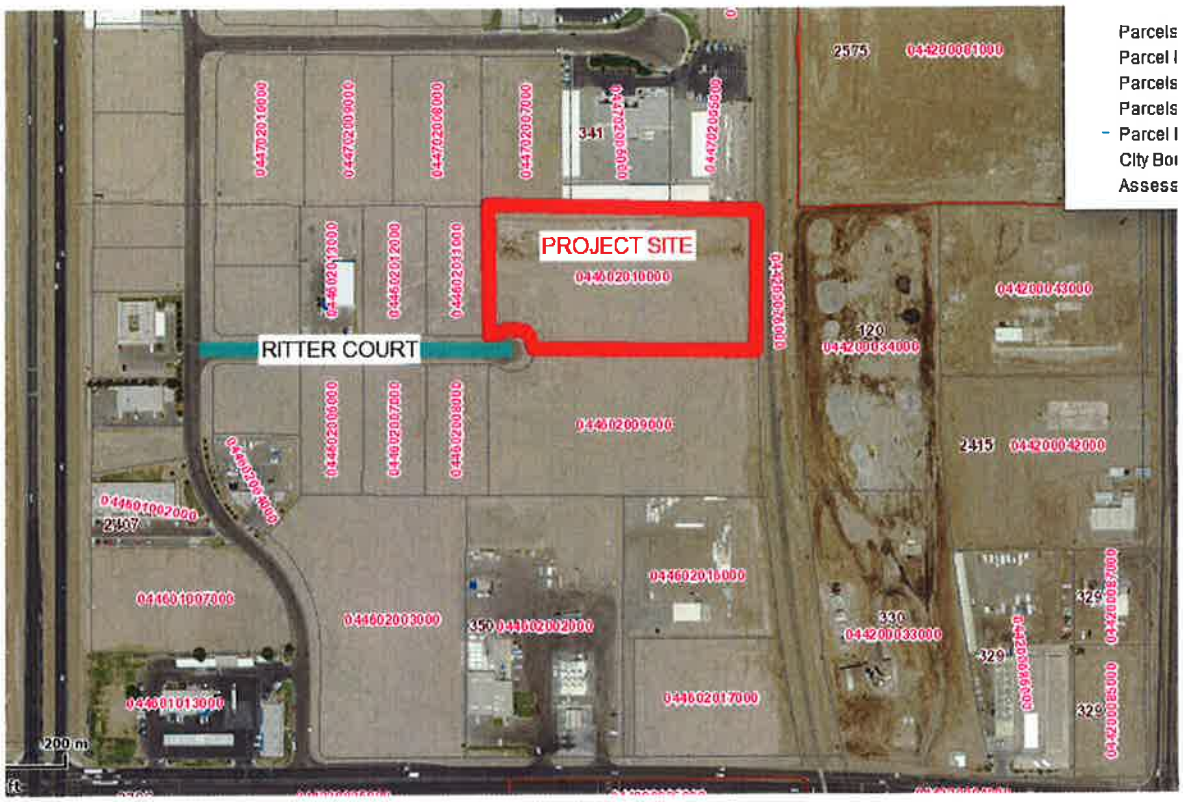
Subject: **Conditional Use Permit Request #17C01**
Castillo Construction
360 Ritter Court

Summary:

Applicant:	Castillo Construction
Project Location:	360 Ritter Court; Imperial, CA 92251
Zoning:	I-2 Rail-Served Industrial
General Plan:	Industrial
Environmental:	Categorically Exempt
Recommendation:	Approve Conditional Use Permit

Background

The applicant is requesting a Conditional Use Permit to allow the construction of a 3,200 square foot metal building, and yard for construction storage at 360 Ritter Court. The subject site is located on 2.78 acres at the cul-de-sac (north side) on Ritter Court. The subject site is zoned I-2 Rail-Served Industrial where office contractors storage yards are conditionally permitted. The applicant is proposing to construct a metal building for storage and office space. The applicant is also proposing a storage yard to store various heavy equipment, bob cats, paving machines, rollers, skip loaders, road construction equipment, construction materials, aggregate stock pile, small dump trucks, work trucks, and flat-bed trucks. (An aerial photo of the project site is shown below.)



Discussion/Analysis

Vehicular access to the site is via a paved driveway. Section 24.07.140.M. of the Zoning Ordinance requires that all outdoor storage areas be enclosed by solid masonry walls not less than six (6) feet in height. The Zoning Ordinance further requires that all required setbacks be landscaped.

Recommendation

Upon receiving testimonies for and against the project during the public hearing, Staff recommends that the Planning Commission **APPROVE** the Conditional Use Permit 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 standards of the City.**

   The proposed project site is in character with the I-2 zone in which it is located. With the recommended Conditions of Approval, the project will be compatible with the surrounding industrial uses.

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 subject site is located in the middle of an industrially zoned area. The surrounding area consists of existing industrial uses and vacant land. The proposed storage yard is compatible with the surrounding uses.

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 will be required to adhere to the Uniform Building Code for seismic zone four and all applicable Federal, State and local laws. It will not be detrimental to the public health, safety or welfare of materially injurious to properties or improvements within 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.**

   The proposed project will be in compliance with all aspects of the Zoning Ordinance for the I-2 Rail-Served Industrial zone with respect to setbacks, lot coverage, and parking.

Respectfully Submitted,

Jorge Galvan, AICP
City Planner

RESOLUTION PC2017-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT #17C01 TO CONSTRUCT A 3,200 SQUARE FOOT METAL BUILDING AND YARD FOR CONSTRUCTION STORAGE AT 360 RITTER COURT

WHEREAS, Castillo Construction has submitted a Conditional Use Permit application to construct a 3,200 square foot metal building and yard for construction storage at 360 Ritter Court; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on February 8, 2017; 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 Section 15303 of the California Environmental Quality Act; and

E) That the contractor's storage yard is consistent with those uses allowed in the I-2 Rail-Served Industrial Zone.

F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit #17C01 for a contractor's storage yard at 360 Ritter Court, subject to 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.

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 8th day of February 2017.

_____
Planning Commission Chairman

ATTEST:

_____
Planning Secretary

EXHIBIT A
RESOLUTION PC2017-03

CONDITIONS OF APPROVAL
for
Castillo Construction
360 Ritter Court

1. The approved project shall consist of a contractor's storage yard for the storage of to store various heavy equipment, bob cats, paving machines, rollers, skip loaders, road construction equipment, construction materials, aggregate stock pile, small dump trucks, work trucks, and flat-bed trucks.

2. 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.

3. 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.

4. The Applicant shall pay all impact and capacity fees as required by the city.

5. The Developer shall place a solid waste receptacle and a recycling receptacle within the project site.

6. If lighting is to be installed on the project site, the Applicant shall submit a lighting plan prior to any construction activity. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion into neighboring properties. The lighting plan shall be reviewed and approved by the City of Imperial Planning Department and Building Department.

7. Landscaping shall be provided in all setback areas and shall be irrigated with an automatic system. Landscaping shall consist of trees, shrubs and groundcover.

8. All construction materials such as lumber, rebar, etc. shall be stored within a screened area.

9. The site shall control dust (PM-10) generation through daily watering in accordance with a dust control plan submitted to and approved by the Air Pollution Control District as required by Imperial APCD Rule 800.

10. The development shall utilize building construction techniques such as equipment muffles, and noise insulation to reduce the noise impacts to Normally Acceptable Levels as outlined in Figure N-1 of the City of Imperial General Plan Noise Element

11. All mechanical equipment such as HVAC equipment shall be screened for visual and noise attenuation.

12. All applicable Conditions of Approval shall be completed prior to opening for business.

13. The provisions of the 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.

14. 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.

15. 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.

16. 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.

END OF EXHIBIT A