



staff report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Jorge Galvan, AICP, Interim City Manager

Date: April 13, 2016

**Subject: Variance #V1604
Rogers and Rogers Kia
2335 and 2337 Hwy 86
Side Yard Requirement**

Background

The applicant is proposing an expansion of an already existing car dealership at 2335 and 2337 Highway 86. This expansion is planned to include a covered structure in the center of the north side of the dealership. The covered structure will encroach into a portion of the side yard requirement. Subject site is zone C-2 General Commercial and the Zoning Code requires a minimum side yard of 12'.



Recommendation

Staff recommends that the Planning Commission conduct a public hearing as required by Section 24.19.425 of the Imperial Zoning Ordinance. Upon receiving testimonies for and against the project during the public hearing, Staff recommends that the Planning Commission make the following findings based on testimonies received.

- A. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.**

One of the purposes of a side yard setback is to allow sufficient room for vehicles to see around corners. Since the area in question is placed within the middle of a street it does not cause any blockage of view thus negating any possibility of hazard.

- B. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

This Variance is not a special privilege is otherwise consistent with other provisions of the Imperial Zoning Ordinance.

- C. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.**

The proposed variance complies with all other provisions of the Imperial Zoning Ordinance.

- D. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.**

This proposed variance does not conflict with the goals, policies and objectives of the Imperial General Plan.

Respectfully Submitted,

Jorge Galvan, AICP
Interim City Manager

RESOLUTION PC2016-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A VARIANCE FROM THE SETBACK REQUIREMENTS FOR A PROPOSED AUTOMOBILE SALES LOT AT 2335 AND 2337 HWY 86

WHEREAS, Rogers and Rogers submitted a request for a Variance from side yard setback requirements for proposed Automobile Sales Lot at 2335 and 2337 Highway 86; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on April 13, 2016; 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 Variance.

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) The project is exempt from further review under the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code; and
- D) 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
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Variance #2016-05 for 2335 and 2337 Highway 86, subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. That granting the Variance of its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located.
 - 2. The granting of this Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
 - 3. The granting of this Variance does not allow a use or activity which not otherwise expressly authorized by the zoning regulation governing the parcel of property.

4. That granting the Variance or its modification will not be incompatible with the City of Imperial General Plan.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 13th day of April 2016.

Planning Commission Chairman

ATTEST:

Planning Secretary