

RESOLUTION NO. PC2016-04

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE PAINT AND BODY
AND REPAIR FACILITY FOR B&L TOWING AND AUTO BODY AT 2413 CLARK ROAD
SUBJECT TO THE ATTACHED CONDITIONS**

WHEREAS, B&L Towing and Auto Body submitted an application for an automotive paint and body and repair facility at 2413 Clark Road; and

WHEREAS, the subject site is located within an I-2 Rail Served Industrial Zone and automotive repair facilities are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on October 26, 2016, to hear testimony for and against the proposed Conditional Use Permit; and

WHEREAS, upon hearing and considering all testimony and arguments, examining the environmental study, analyzing the information submitted by staff and considering any written and oral comments received, the Planning Commission considered all facts relating to the project; 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) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit #16C03** subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 - 1. 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.
 - 2. The initial environmental assessment shows that there is no substantial evidence that the proposed land use will have a significant impact on the environment.
 - 3. The project meets all the requirements per section 24.19.340 of the Imperial Zoning Ordinance for granting said conditional use permit as follows:
 - a) 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 the I-2 Rail Served Industrial zone and abutting I-2 Rail Served Industrial zones. The automotive paint and body repair facility will not interfere or conflict with the purposes of the zone.

- b) 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 the facility as it is surrounded by similar land uses. To the north and west of the project site are General Industrial land uses, to the east and south are Rail Served Industrial land uses.

- c) 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.

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

The proposed vehicle and storage facility will comply with all provisions of the Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 26th day of October 2016.

Planning Commission Chairman

ATTEST:

City Clerk

**RESOLUTION PC2010-03
EXHIBIT A**

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT #16C03

**B&L Towing and Auto Body
2413 Clark Road**

1. Conditional Use Permit #16C03 is valid for the operation of an automotive paint and body repair facility to be located at 2413 Clark Road in Imperial, California and the installation of landscaping on the site.
2. The project is approved as shown on the "Conceptual Site Plan" dated, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Planning and Development if found to be in substantial conformance to this development plan.
3. The improvements associated with the automotive paint and body repair facility, including landscaping and fencing shall be properly maintained at all times and all outdoor storage areas shall be screened from public view utilizing mesh screening along the project's perimeter.
4. All vehicles store on the premises shall be maintained at all times so that fire, health, law enforcement and building officials have access to and can inspect any motor vehicles in the yard for the proper removal and disposal thereof.
5. The Applicant shall maintain a perimeter fencing at least six feet in height that adequately screens the vehicle storage area from public view. Hedge link fencing is desired and recommended.
6. The access gates for the vehicle storage yard shall open inwardly and the gates shall be kept closed when the yard is not open for business.
7. No junk, wrecked or inoperative motor vehicles shall be piled or permitted to be piled in excess of the height of the enclosing perimeter fencing or wall or be closer than three feet from an enclosing fence or wall.
8. As required by all properties located within the I-2 zone, the property's setbacks shall be landscaped. Landscaping shall consist predominantly of drought tolerant, low maintenance plant material and shall be irrigated by automatic sprinklers. All landscaping shall be permanently maintained in a clean and healthy thriving condition, free of weeds, trash and debris.
9. All lighting installed shall be shielded and directed so as to minimize significant off-site glare or adverse light intrusion onto neighboring properties.
10. All signs advertising the vehicle storage and towing facility shall be reviewed and subject to approval by the City of Imperial Planning Department.

11. The Applicant shall place a solid waste receptacle and a recycling receptacle within the project site within a six (6) foot masonry enclosure. The walls shall be coated with an anti-graffiti treatment.
12. The installation of the paint booth shall be subject to the requirements of the Imperial County Air Pollution Control District and other applicable State and Federal requirements. The paint booth may only be installed in the location shown on the approved site plan.
13. The Developer/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.
14. The Developer/Applicant shall pay all applicable impact and capacity fees.
15. 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.
16. 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.
17. All conditions of approval for this Conditional Use Permit shall be reprinted and included as a plan sheet(s) with the building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading, landscaping, and construction plans kept on the project site. It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Department must be received before any changes are constituted in site design, grading, building design, building colors or materials, landscape material, etc.
- 18.
19. 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.
20. 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.
21. 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.

22. 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.