

RESOLUTION PC2016-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL APPROVING A CONDITIONAL USE PERMIT (16C04) FOR THE COFFEESHOP AT 447 W. ATEN ROAD

(ANNA THELEN – DRIVE-THROUGH COFFEE SHOP)

WHEREAS, Anna Thelen submitted a Conditional Use Permit application to operate a small, drive-through coffee shop at 447 W. Aten Road; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on December 14, 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 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 drive-through coffee shop is consistent with those uses allowed in the C-1 Commercial Neighborhood Zone.
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** Conditional Use Permit #16C04 for a drive-through coffee shop at 447 W. Aten Road, 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 14th day of December 2016.

Planning Commission Chairman

ATTEST:

Planning Secretary

**EXHIBIT A
RESOLUTION PC2016-08**

CONDITIONS OF APPROVAL

For

Conditional Use Permit #16C04

**The Coffeeshop
447 W. Aten Road
Imperial, CA 92251**

1. This Conditional Use Permit is granted for a drive-through restaurant/coffee shop at 447 W. Aten Road, Imperial, CA 92251;
2. This conditional use permit shall be null and void if a building permit is not obtained within a year;
3. The parking lot shall be paved and must be ADA compliant with the State of California American Disabilities Act Standards.
4. The drive-through shall be paved with room for four (4) cars stacking;
5. Proprietor/owner shall maintain a paved walking path at all times;
6. Landscaping in the form of trees, hedges, and low-laying vegetation shall be installed along the street frontage;
7. Decorative architectural treatments shall be provided on all sides of the building;
8. The provisions of this 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. This Conditional Use Permit is only valid for 447 W Aten Road;
9. The proprietor/owner shall be responsible for the removal of all graffiti from the walls, fences, pavement, or buildings within 72 hours of its appearance on the property;
10. The proprietor/owner shall be responsible for maintaining the parking lot and adjacent areas free of litter at all times;
11. 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;
12. 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;
13. Applicant must implement sound maintenance and housekeeping procedures;
14. The Applicant shall pay all impact and capacity fees as required by the city;
15. All applicable Conditions of Approval shall be completed prior to opening for business;

16. 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;
17. 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;
18. 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.