



Staff Report

Agenda Item No. D-2

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: September 18, 2024

Applicant:	Jerry Tucker
Project Location:	431 W. Aten Road
Project Description:	Conditional Use Permit 24-06 to allow a drive-thru at a proposed coffee shop
Zoning:	Neighborhood Commercial (C-1)
Environmental:	Categorically Exempt
Recommendation:	Approve, subject to Conditions of Approval

Background

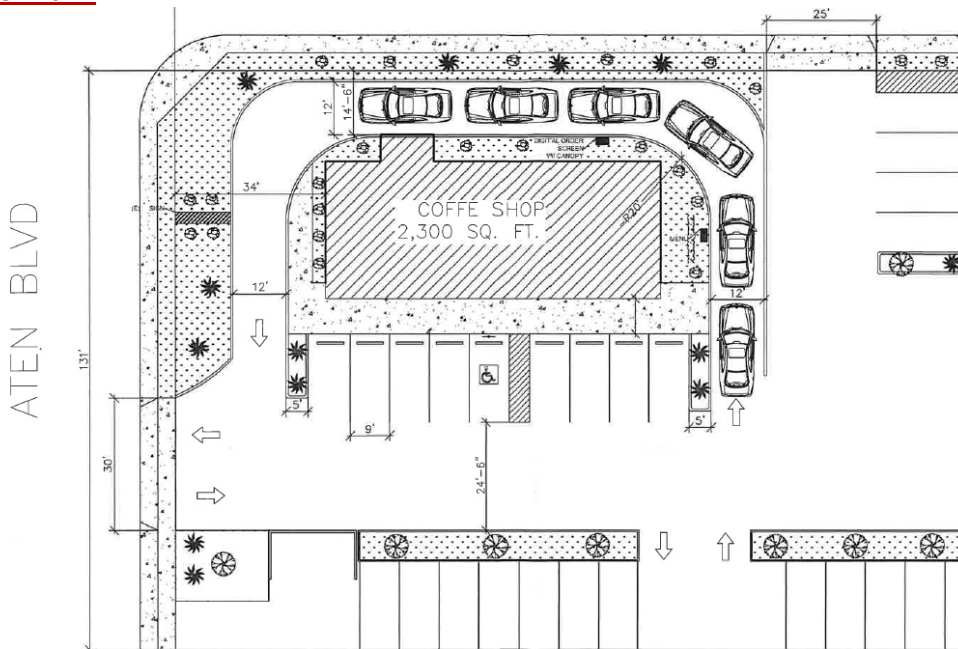
Jerry Tucker is proposing to construct a 2,300-square-foot coffee shop with a drive-thru at 431 W. Aten Road. The proposed project is in the inception phase, and details for the building or future business are not readily available, but the applicant wants to ensure the Conditional Use Permit for a drive-thru is approved before solidifying any future business plans.

The proposed coffee shop is anticipated to bring significant community benefits to the City of Imperial. Job creation is a primary advantage, as the new establishment will offer employment opportunities during both the construction phase and the operational period. Positions ranging from management to baristas and customer service staff will be available, providing work for local residents and stimulating the local economy. The coffee shop will also contribute to increased tax revenue through sales and property taxes. This additional revenue can support vital public services, infrastructure improvements, and community programs, enhancing the overall well-being of the city. Furthermore, the coffee shop will offer enhanced services for residents by providing a convenient and accessible location for quality food and beverages. The inclusion of a drive-thru facility caters to the needs of busy community members seeking quick and efficient service without leaving their vehicles. This aligns with Mr. Tucker's history of developing popular establishments that not only serve local patrons but also attract visitors from across the Imperial Valley, thereby promoting economic growth and elevating the city's profile as a regional destination.

The City of Imperial's Commercial Zoning Code details that eating and drinking establishments, such as fast food restaurants with a drive-thru, require a Conditional Use Permit. The Conditional Use Permit process allows staff to place conditions on a project upon review. The probable

increase in traffic the proposed coffee shop may generate presented concerns to the Development Review Committee and traffic mitigation measures for the drive-thru were incorporated into the Conditions of Approval within Resolution PC2024-09 (Attachment A). To eliminate traffic obstructions on Aten Road, Mr. Tucker has agreed to the conditions, which include monitoring the drive-thru queues, installing traffic control devices, rerouting traffic to the Myrtle Road entrance, and expediting the ordering process by placing an employee outside taking orders, when weather permits.

Site Plan:



 SITE PLAN 304

Project Location



Discussion/Analysis

Land Use - The subject site is zoned within the Neighborhood Commercial (C-1) Zone. This zone is intended for professional offices, restaurants, health clubs and neighborhood shopping centers which provide limited retail business service and office facilities for the convenience of residents of the surrounding neighborhoods and are intended to be compatible with residential environments. The surrounding designated land uses are as follows:

Direction	Land Use	Zoning
North	Vacant Building	General Industrial (I-1)
South	Retail Shops (Lisa Tucker Shopping Center) and Imperial Gardens Senior Apartments	Neighborhood Commercial (C-1) Residential Apartments (RA)
East	Ahumada's Outlet and Kameleon Monkey Auto Body Shop	General Commercial (C-2)
West	Retail Shops (Lisa Tucker Shopping Center)	Neighborhood Commercial (C-1)

The land use and zoning compatibility relationship within the Imperial General is important for orderly development. Land uses must be arranged for compatibility with abutting land uses and properties should be zoned to be consistent with the land use policy map. Using the General Plan's Land Use Compatibility Matrix, the abutting land uses of General Industrial, General Commercial, and (high density) Residential Apartments are all compatible land uses.

Traffic and Circulation - the project site is fronting and accessed directly from Aten Road. Aten Road is designated as one of the City's major arterials that move traffic through a City from one point to another. Mitigating the potential for excessive drive-thru queues extending out to Aten Road was a main concern for this project.

Traffic mitigation measures include:

- 1) Aten Road traffic routed to Myrtle Road entrance with directional signage.
- 2) Installation of traffic control devices, such as cones, and directional signage.
- 3) Placing an employee expediting drive-thru orders with a headset (weather permitting).
- 4) Adding equipment and shift employees to maximize productivity.
- 5) Modification of business operations to include curbside pick-up.

Staff and the Applicant agree that the recommended traffic mitigation measures are sufficient to prevent any potential traffic safety issues. Monitoring and execution of the traffic mitigation measures will be addressed by the Applicant and the City of Imperial.

Parking - Parking requirements were reviewed during the Site Plan Review process and parking requirements were met. The Applicant executed the recorded Reciprocal Ingress/Egress and Parking Easement provided in Attachment B.

Environmental Compliance

The operation of an existing private structure involving no expansion of the existing use categorizes this project to be categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303-New Construction of Small Structures. The drive-thru component of the project is designed to minimize traffic impacts, and adequate parking will be provided on-site. Traffic generation is expected to be typical for a small coffee shop and will not exceed the capacity of the surrounding roadways. Furthermore, the project is excluded from Vehicle Miles Traveled (VMT) analysis under the Retail Nature exemption in the City of Imperial's VMT guidelines, as it is presumed

to have a less than significant impact on transportation. Any potential traffic or parking concerns will be addressed through compliance with local traffic ordinances and regulations.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings when reviewing a Conditional Use Permit. The required findings are listed below in ***bold italics***, followed by an evaluation:

- 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 Neighborhood Commercial (C-1) Zone, intended as community-serving commercial uses compatible with residential environments. The proposed coffee shop will provide patrons of the surrounding commercial businesses and residents in proximity of the project site an enjoyable meeting place and a quick place to stop for a treat. Its operation is consistent with the objectives of the Neighborhood 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 idyllic for a drive-thru coffee shop. The use would be consistent with the General Plan and would provide an additional eating establishment for the neighboring communities. The coffee shop does not present to be detrimental to adjacent uses, residents, or buildings. Hours of operation will be primarily daytime hours, very similar to existing surrounding retail shops' hours of operation currently are.

- 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 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.

Public Notification

The public hearing scheduled for September 25, 2024, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on September 12, 2024. A Notice of Public Hearing was mailed to all property owners within 300 feet of the property. The City of Imperial has not received any public comments for or against this project as of the date of this report's publication.

Recommendation

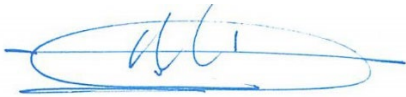
Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends that the Planning Commission approve Conditional Use Permit 24-06 to allow a drive-thru at the proposed coffee shop.

Attachments

- Attachment A – Resolution PC2024-08 with Conditions of Approval
- Attachment B – Reciprocal Ingress/Egress and Parking Easement

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,



Othon Mora, MCM, CBO
Community Development Director

RECORDED

MAR 02 2023

CHUCK STOREY
Imperial County Clerk-Recorder

RECORDING REQUESTED BY:

Jerry L. Tucker and Susan K. Tucker

WHEN RECORDED MAIL TO:

Jerry L. Tucker and Susan K. Tucker, Trustees
2961 Lenrey Court
El Centro, CA 92243

Recorded in Official Records,
IMPERIAL COUNTY
Doc#: 2023003042
03/02/2023 11:12 AM

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Reciprocal Ingress/Egress and Parking Easement

DOCUMENTARY TRANSFER TAX IS \$ RT11911

_____ Computed on full value of property conveyed, or

_____ Computed on full value less liens and encumbrances remaining at time of sale.

Property is located in the City of Imperial

Jerry L. Tucker and Susan K. Tucker, Trustees of The Tucker Revocable Family Trust

dated February 19, 1988 and amended July 21, 2004

Do, hereby grant to, ^{City of Imperial} his, (their) successors and assigns, a reciprocal right of ingress/egress and parking at all time easement for purposes and incidents thereto, over and across the adjoining parking lots in those certain real properties in the City of Imperial, County of Imperial, State of California, described as:

Parcel 1:

That portion of Lots 2 and 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County, shown and designated as Parcel 1 of Parcel Map No. 44-92 in Book 9, Pages 47 & 48 of Parcel Maps on file in the office of the County Recorder of Imperial County.

APN 064-351-026-000

Parcel 2:

That portion of Lot 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County, shown and designated as Parcel 2 of Parcel Map No. 44-92 in Book 9, Pages 47 & 48 of Parcel Maps on file in the office of the County Recorder of Imperial County.

APN 064-351-027-000

Parcel 3:

That portion of Lots 2 and 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County, shown and designated as Parcel 3 of Parcel Map No. 44-92 in Book 9, Pages 47 & 48 of Parcel Maps on file in the office of the County Recorder of Imperial County.

APN 064-351-028-000

Parcel 4:

The East 121.75 feet of the West 362.19 feet of Lots 2 and 3, Davis Subdivision, in the City of Imperial, County of Imperial, State of California, as per Map recorded in Book 10, Page 31 of Official Maps in the office of the County Recorder of said County. Said land is also shown on Assessor's Map No. 373, on file in the office of the County Recorder of Imperial County.

APN 064-351-004-000

Parcel 5:

The West 240.44 feet of Lots 2 and 3 of Davis Subdivision, in the City of Imperial, County of Imperial, State of California, according to Map No. 373 on file in the Office of the County Recorder of Imperial County.

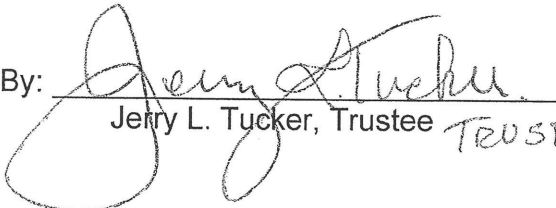
APN 064-351-003-000

(SEE EXHIBIT "A" ATTACHED HEREWITH)

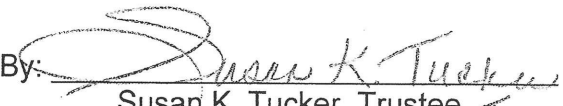
The grantor(s), for himself (themselves), his (their) successors and assigns hereby waive(s) any claim for any and all damages to the grantors remaining property contiguous to the right of way hereby conveyed by reason of the location, construction, landscaping or maintenance of said driveway.

IN WITNESS WHEREOF, said Grantor has caused _____ name to be hereunto subscribed this 3rd day of February, 2023.

The Tucker Revocable Family Trust dated February 19, 1988, and amended on July 21, 2004

By: 
Jerry L. Tucker, Trustee TRUSTEE

The Tucker Revocable Family Trust dated February 19, 1988, and amended on July 21, 2004

By: 
Susan K. Tucker, Trustee Trustee

ACKNOWLEDGMENT

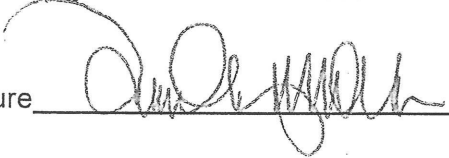
A notary public or other officer completing this certificate verifies only the identity of the individuals who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)SS.
COUNTY OF IMPERIAL)

On February 3, 2023 before me, Marcella M. Zamora, Notary Public, personally appeared Jerry L. Tucker and Susan K. Tucker, who proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

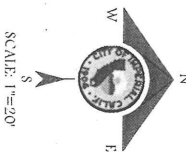
Signature 



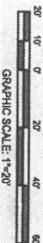
SHILOH WAY

ATEN BLVD

MYRTLE ROAD



SCALE: 1"=20'



PARCEL 5
APN 064-351-003
Jerry & Susan Tucker
Trust

PARCEL 4
APN 064-351-004
Jerry & Susan Tucker
Trust

PARCEL 3
APN 064-351-028
Jerry & Susan Tucker
Trust

PARCEL 2
APN 064-351-027
Jerry & Susan Tucker
Trust

PARCEL 1
APN 064-351-026
Jerry & Susan Tucker
Trust

NOTE:
PHOTOGRAPHIC BACKGROUND
IS FOR REFERENCE ONLY.
SCALE IS PHOTOGRAPHIC.



400 South Imperial Avenue, Suite 101
Imperial, CA 92251
Ph: (760) 355-3840 • Fax: (760) 355-4718

EXHIBIT A

Reciprocal Ingress/Egress
& Parking Easement

COMPLAINT DEVELOPMENT DEPARTMENT

TUCKER
COMMERCIAL
CENTER

DATE: 01/21/2023

SHEET
1
of **1** SHEETS

CHUCK STOREY
IMPERIAL
CLERK-RECORDER
940 MAIN STREET, SUITE 202
EL CENTRO, CA 92243-2839
(442) 265-1076

VITALCHEK

Receipt No.: RPT20230004446
Finalization No.: 2023004252
Cashier: IV

Register: CC1-REC-UKS006
Date/Time: 03/02/2023 11:12 AM

Description	Fee
EASEMENT - BY GRANT	
Document No.:	2023003042
Recording Time:	11:12 AM
Recording Totals:	\$100.00
Recording Fee:	\$23.00
SB 2 Fee:	\$75.00
Real Estate Fraud:	\$10.00

Total Amount Due:
Total Paid
House Charge: \$100.00
Amount Due: \$0.00

THANK YOU
PLEASE KEEP FOR REFERENCE