



Staff Report

Agenda Item No. D-1

To: City of Imperial Planning Commission

From: Othon Mora, Community Development Director

Date: December 5, 2022

Subject: Amendment to Conditional Use Permit 20-05 to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles

Summary:

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| Applicant: | Robert Sawyer- Dunes 2 Dezert |
| Project Location: | 408 E 2 nd street |
| Project Description: | Amendment to Conditional Use Permit 20-05 to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles |
| Zoning: | I-2 Rail Served Industrial |
| General Plan: | Rail Served Industrial |
| Environmental: | Categorically Exempt |
| Recommendation: | Approve, Subject to Conditions |

Background

Dunes 2 Dezert RV Storage obtained Conditional Use Permit 20-05 to operate an RV Storage in November 2021. In addition to their storage facility, Dunes 2 Dezert sells off-road parts and accessories via e-commerce, trade shows and various off-road events. Because of the increased demand for products, Dunes 2 Dezert is proposing to expand and incorporate retail sales of off-road parts and accessories and bolt-on parts installation services. No fabrication or welding will take place on sight.

Mr. Sawyer has been working towards meeting the conditions of approval set forth for CUP 20-05, but has conditions pending completion. The COVID-19 shut down stalled his progress due to businesses being closed and he was unable to obtain quotes and services. In addition, the City of Imperial's 2nd Street rehabilitation project resulted in delays to his project. The decorative fencing and driveway extending to the property have been installed. Mr. Sawyer is currently installing the privacy fence material and has the west side of the property completed. Irrigation and desert landscaping are being installed in the near future and he is negotiating with engineering firms for the grading and elevation plan costs.

The project building site is a 5,600 square foot building that is now partitioned off with an auto body shop, VelRom Collision. Dunes 2 Dezert will occupy 2,400 square feet of the of the existing building for their retail and parts installation space. The facility will continue to be accessible for RV storage 24 hours a day, seven days a week, via gates located at the East end of the property. The gates are controlled via a padlock and rolling gate, but they will be upgraded to electronic gates. The retail and sales portion of the business will primarily open Monday through Friday between 7:00 a.m. and 8:00 p.m., but is dependent on seasonal and operational needs. Saturday hours are tentatively scheduled for 8:00 a.m. to 3:30 p.m.

Vicinity Map



Discussion/Analysis

The subject site is zoned I-2 Rail-Served Industrial, which is intended as an area for uses that can avail themselves of the railroad line in the area. This zone also permits many general Industrial uses such as; building equipment storage, sales and rentals, automobile fleet storage, and, truck and bus terminals. RV storage facilities are conditionally permitted in this zone.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 of the Guidelines.

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 be made when reviewing a CUP. 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 located within an I-2 Rail Served Industrial zone. RV storage, sales and service facility will not interfere or conflict with the purposes of the zone.

- 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 proposed location is ideal for the facility as it is surrounded by similar land uses, is compatible to adjacent land uses and will not adversely affect or be materially detrimental to adjacent uses, residents, building structures, or natural resources.

- 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 put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

The RV storage facility with the additional land uses of retail sales and service complies with all provisions of the Zoning Ordinance.

Public Notification

The public hearing scheduled for December 14, 2022 was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation on December 1, 2022 and a Notice of Public Hearing was sent to all property owners within 300-feet of the property.

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, and the Conditions of Approval are imposed, staff recommends that the Planning Commission approve the amendment to Conditional Use Permit 20-05, to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles.

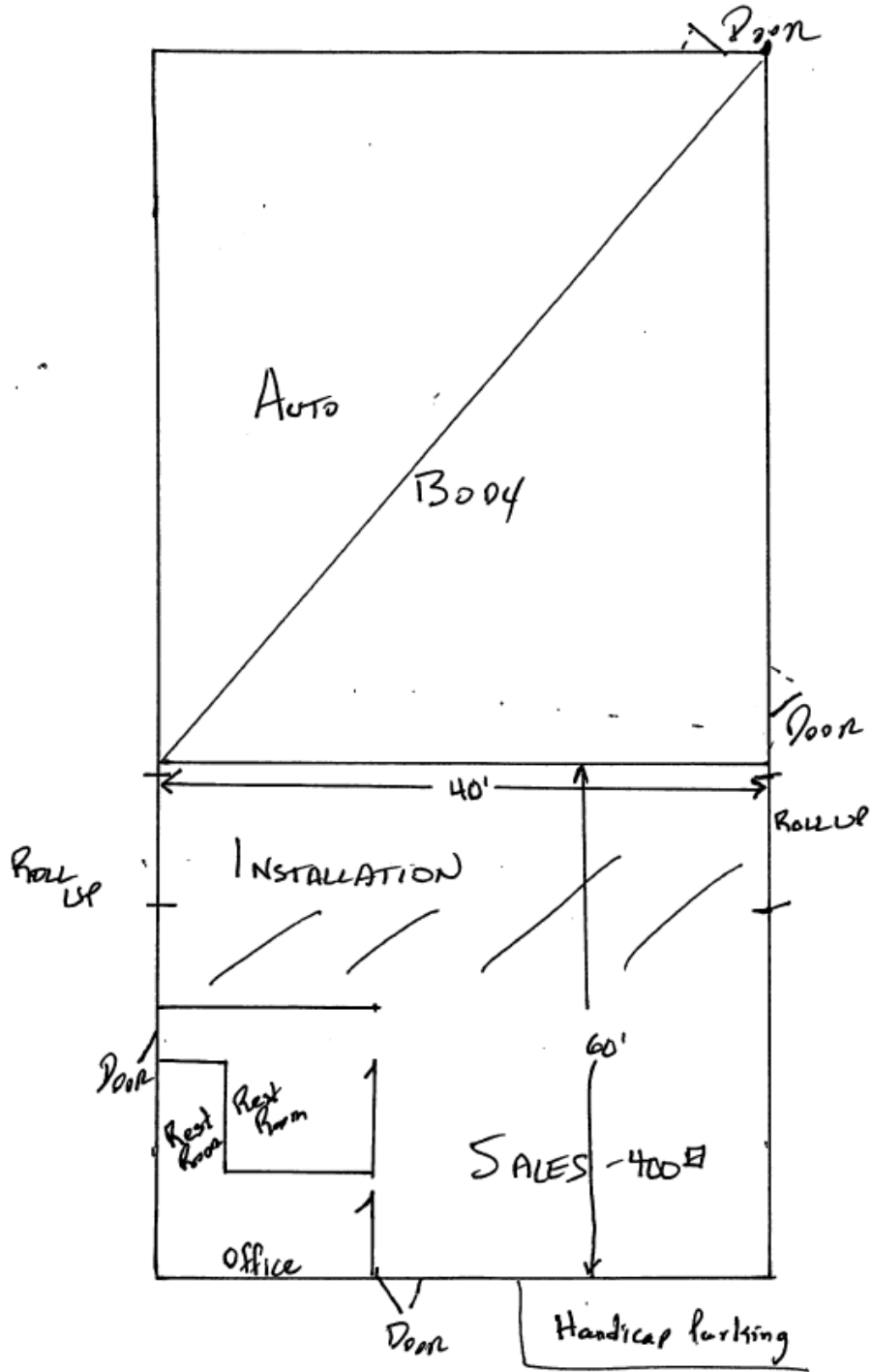
Attachments

- Site Plan
- Draft Resolution PC2022-13 with Conditions of Approval
- CUP 20-05 Resolution PC2021-13 with Conditions of Approval

Respectfully submitted,

Othon Mora, MCM, CBO
Community Development Director

Dunes 2 Dezert Site Plan



2nd Street

DRAFT RESOLUTION NO. PC2022-13

A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL, AMENDING CONDITIONAL USE PERMIT 20-05 FOR DUNES 2 DEZERT LOCATED AT 408 E. 2ND STREET (APN 064-180-003) TO ALLOW FOR THE USE OF OFF-ROAD ACCESSORIES RETAIL SALES AND INSTALLATION SERVICES FOR RV AND OFF-ROAD VEHICLES, SUBJECT TO THE ATTACHED CONDITIONS

WHEREAS, Robert Sawyer, owner of Dunes 2 Dezert, submitted an application for a Conditional Use Permit Amendment; and

WHEREAS, the subject site is located within an Industrial Zone and retails sales and services uses are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on December 14, 2022, to hear testimony for and against the proposed Conditional Use Permit Amendment; 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) 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 15301 of the California Environmental Quality Act; and
- E) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES** the amendment of Conditional Use Permit 20-05 to allow for the use of off-road accessories retail sales and installation services at the RV storage facility, subject to the conditions of approval outlined in Exhibit A and based on the following findings:
 1. 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 an I-2 Rail Served Industrial zone. RV storage, sales and service 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, is compatible to adjacent land uses and will not adversely affect or be materially detrimental to adjacent uses, residents, building structures, or natural resources

- 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.**

With the established Conditions of Approval put in place, the proposed project will not be detrimental to the public health, safety or welfare of those within the vicinity of the project site.

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

The RV storage facility with the additional land uses of retail sales and service complies with all provisions of the Zoning Ordinance.

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 14th day of December, 2022.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

AMENDMENT TO CONDITIONAL USE PERMIT 20-05

Dunes 2 Dezert 408 E. 2nd Street

1. This amendment of Conditional Use Permit (CUP) 20-05 is granted to Dunes 2 Dezert located at 408 E. 2nd Street; Imperial, CA 92251, APN 064-180-003, to allow for the use of off-road accessories retail sales and installation services for RV and off-road vehicles.
2. All Conditions of Approval for Conditional Use Permit 20-05 apply to this amendment.
3. 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.
4. The Developer/Applicant shall pay all applicable impact and capacity fees.
5. 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.
6. 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.
7. 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.
8. All storage of materials shall be stored within the building during the time that the business is not open for business. There shall be no outdoor storage of materials.

9. Department Comments

A) Community Development

- a) 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.
- b) 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 Conditional Use Permit, 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 Conditional Use Permit, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
- c) 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.
- d) 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.
- e) The project site shall be maintained in a clean, orderly manner, free of weeds, debris or junk materials.