

RESOLUTION NO. PC2025-06

**A RESOLUTION OF THE PLANNING COMMISSION, OF THE CITY OF IMPERIAL,
APPROVING CONDITIONAL USE PERMIT 25-02 TO ALLOW OFF-SALE
ALCOHOLIC BEVERAGE SALES AND GASOLINE DISPENSING AT CIRCLE K
LOCATED AT 1400 N. IMPERIAL AVENUE (APN 063-314-004)**

WHEREAS, Imperial Hotel Acquisitions, LLC submitted an application to allow off-sale alcoholic beverage sales and gasoline dispensing at Circle K located at 1400 N. Imperial Avenue; and

WHEREAS, the subject site is located within the Neighborhood Commercial (C-1) Zone where a store offering alcoholic beverages and gasoline dispensing are conditionally allowed uses within that zone; and

WHEREAS, a duly notified public hearing was published on May 15, 2025 in a local paper of general circulation, indicating the date and time of the public hearing in compliance with state law concerning Conditional Use Permit 25-02, and said notice was mailed to each property owner within a 300-foot radius of the project site; and

WHEREAS, a duly notified public hearing was held by the Planning Commission on May 28, 2025, to hear testimony for and against the proposed Conditional Use Permit;

WHEREAS, upon hearing and considering all testimony and arguments, 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 15303, Class 3(c), New Construction or Conversion of Small Structures of the California Environmental Quality Act and is exempt from further environmental review requirements; and

- E) That allowing the sales of off-sale alcoholic beverages and gasoline dispensing at the project site is consistent with the land uses allowed within the Neighborhood Commercial (C-1) Zone; and
- F) That based on the evidence presented at the public hearing, the Planning Commission hereby **APPROVES Conditional Use Permit 25-02**, subject to the requirements per section 24.19.340 of the Imperial Zoning Ordinance, 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.

The subject site is within the Neighborhood Commercial (C-1) Zone, intended for neighborhood shopping centers that provide limited retail business services and office facilities for the convenience of residents of the neighborhood. The shopping centers are intended to be compatible with residential environments as at locations indicated on the General Plan. Circle K aligns with the Commercial Zone's intention by providing essential services like fuel, food, and refreshments for motorists and residents. Its design and operations support the goals of the Imperial General Plan, ensuring safe vehicle access, reducing congestion, and maintaining an orderly appearance. Circle K complies with local regulations and city ordinances by contributing to the economic vitality of the City. Its continued operation, including alcohol sales, remains 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 ideal for a convenience store, offering patrons a quick and convenient stop for gas and refreshments as they travel along the City's main corridor. The site's strategic placement along a well-trafficked route makes it a suitable location for retail services, including the sale of alcohol. The proposed Circle K does not present to adversely affect or be materially detrimental to adjacent land uses, residents, buildings, structures, or natural resources. The established operating characteristics of the national retail chain, including responsible alcohol sales practices and ongoing staff training, further ensure that the proposed use remains compatible with the surrounding areas. Given these factors, alcohol sales at this location will not negatively impact the community or environment and is consistent with the objectives outlined 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.

With the established Conditions of Approval, the proposed project will not negatively impact public health, safety, or welfare or be bacterially injurious to properties in the vicinity.

With the inclusion of security measures, such as surveillance cameras and proper lighting, the project ensures a safe environment. By adhering to these conditions and maintaining responsible practices, Circle K will operate safely and harmoniously within the community, without causing harm to neighboring properties or the public.

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, which includes the sale of alcohol, complies with all applicable provisions of the City of Imperial's Zoning Ordinance. Circle K will be located in a Neighborhood Commercial (C-1) Zone, where alcohol sales are permitted as a conditional use. There are no variances requested or required for this project, and all zoning regulations and requirements, including those related to signage, parking, and hours of operation, will be fully adhered to. By meeting the conditions and the Conditions of Approval in Exhibit A, the project ensures alignment with the City's zoning standards and regulations.

- G) The City Attorney is authorized to make minor typographical changes to this Resolution that does not change the substance of this Resolution;

PASSED, ADOPTED AND APPROVED by the Planning Commission of the City of Imperial, this 28th day of May, 2025.

Planning Commission Chairman

ATTEST:

City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 25-02 GAS STATION AND CONVENIENCE STORE WITH SALE OF ALCOHOL 1400 N IMPERIAL AVE (APN 063-314-004)

1. Applicant must obtain an approved building permit from the City of Imperial's Community Development Department along with any required development and/or construction plans, including payment of any related project fees for the project located at 1400 N. Imperial Avenue ("Property").
2. This Conditional Use Permit shall only be valid so long as the Type 21 ABC License authorizing the sale of beer, wine and distilled spirits for consumption off the premises where sold, is valid to the proprietor/owner.
3. A copy of these Conditions of Approval and the California Department of Alcoholic Beverage Control (ABC) license are required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
4. The provisions of Conditional Use Permit 25-02 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.
5. The Applicant shall pay its proportionate share reimbursement fee for the installation of the Heritage wastewater lift station located in Heritage, as specified in the applicable agreement. The fee shall be calculated at a rate of \$3,656.77 per acre for commercial properties.
6. A deceleration lane on the southbound side of Old SR-86 shall be provided, along with an access driveway from SR-86 to the Property. The deceleration lane shall be no less than the length required to extend continuously from the existing deceleration lane to the northern property line of the adjacent hotel project. The design and construction of the deceleration lane and driveway access shall be subject to review and approval by the Community Development Department and Public Services Department and shall conform to all applicable California Department of Transportation and local engineering standards.
7. To ensure safe and efficient traffic flow, a 'Right Turn Only' sign shall be installed at the Property's exit onto Neckel Road. The sign shall be placed in a visible location and subject to the review and approval of the City's Engineer and Community Development Department.
8. Deliveries and fuel tank refilling shall be limited to the hours between 7:00 AM and 8:00 PM to minimize impacts on nearby residences. No deliveries or refueling shall occur outside of this timeframe, except in an emergency or due to adverse weather conditions..

9. The Applicant shall be responsible for the removal of all graffiti from the property within seventy-two (72) hours of its appearance on the property.
10. The Applicant shall be responsible for maintaining the property 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 approval of Conditional Use Permit 25-02 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. The Applicant shall pay all applicable fees as required by the City, including but not limited to Development Impact and Capacity Fees.
14. Applicant must submit a completed application for a building permit to the Community Development Department within six (6) months of approval of Conditional Use Permit 25-02. If the applicant does not obtain an approved building permit from the Community Development Department, Conditional Use Permit 25-02 becomes null and void based on the final Planning Commission's date of approval.
15. If the Community Development Department finds and determines that the Applicant or successor-in-interest has not complied or cannot comply with the terms and conditions of Conditional Use Permit 25-02, or the Planning/Building Division determines that the permitted activities constitute a nuisance, the City shall provide the Applicant with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Applicant fails to comply, and/or (2) Applicant cannot comply with the conditions set forth in Conditional Use Permit 25-02, within a reasonable time period, then the matter shall be referred to the Planning Commission, or to the appropriate enforcement authority, for modification, suspension, or termination.
16. As between the City and the Applicant, any violation of Conditional Use Permit 25-02 approval may be a "nuisance per se". The City may enforce the terms and conditions Conditional Use Permit 25-02 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.
17. Applicant 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. Notwithstanding the foregoing, the Applicant's operation and use of the Property as a convenience store and/or motor fuel facility

shall not be considered a nuisance for purposes of this paragraph 17, if the Applicant is in compliance with all applicable laws, rules, and regulations and Conditional Use Permit 25-02.

18. The Imperial Police Department recommends that all Circle K employees undergo regular training on responsible alcohol sales, including recognizing the signs of intoxication and understanding the legal ramifications of selling alcohol to minors.
19. Fire protection water supply shall be reviewed and approved by the Imperial County Fire Department. The review shall include, but not be limited to, public and private fire hydrant locations, required fire flow, fire hydrant specifications, and private fire lines.
20. All fire protection systems, including automatic fire protection systems, shall be designed by a licensed C-16 Contractor and/or licensed Fire Protection Engineer. All systems shall be installed by a licensed C-16 Contractor.
21. The automatic fire protection systems shall be reviewed and approved by the Imperial County Fire Department. This shall include, but not be limited to, the automatic fire sprinkler system, pre-engineered fire suppression systems, commercial cooking fire suppression systems, and other fire protection and fire suppression systems required.
22. All access points shall be reviewed and approved by the Imperial County Fire Department. Access points shall meet the requirements in the California Fire Code. Two (2) approved accessible entries are required for the Property.
23. A Knox Box shall be required for the building and access gates.
24. A Hazardous Waste Material Plan shall be submitted to the Certified Unified Program Agency (CUPA) for their review and approval.
25. All hazardous material and waste shall be handled, stored, and disposed of as per the approved Hazardous Waste Materials Plan in accordance with Federal, State, and local regulations as required.
26. The Applicant shall ensure compliance with all applicable code sections of the California Fire Code.