

RESOLUTION NO. 5345

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD GRANTING SPECIAL USE PERMIT NO. 747, APPLIED FOR BY A.F.L. INVESTMENTS COMPANY TO PERMIT THE CONSTRUCTION OF AN APPROXIMATE 2130 SQUARE FOOT DRIVE-IN, DRIVE-THRU RESTAURANT FACILITY INCLUDING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN A C-2-PD (GENERAL COMMERCIAL PLANNED DEVELOPMENT) ZONE ON THAT APPROXIMATE .5 ACRE PARCEL SHOWN AS PARCEL "A" OF PARCEL MAP 77-20 LOCATED ON THE EAST SIDE OF SAVIERS ROAD, WEST OF SAMUEL AVENUE, APPROXIMATELY 450 FEET NORTH OF YUCCA STREET, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for a Special Use Permit filed by A.F.L. Investments Company in accordance with Sections 34-146 through 34-157.1 of the Oxnard City Code; and

WHEREAS, the Planning Director has determined that the project covered by this application will produce no substantial impact on the environment, and a declaration to this effect has been duly executed and posted in accordance with the guidelines established by the City Council; and

WHEREAS, the Commission finds that, after due study, deliberation and public hearing, the following circumstances exist:

1. That the proposed use is in conformance with the General Plan and other adopted standards of the City of Oxnard.
2. That the proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed use is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other items as required.
4. That the site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.
5. That the site for the proposed use will be provided with adequate sewage, water, fire protection and storm drainage facilities.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby grants said Special Use Permit subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 34-155 of the Oxnard City Code.

1. The special use permit is granted for the land as described in the application and shall not be transferable.
2. The special use permit shall become null and void within twelve months from the date of its issuance, unless the proposed development or use has been substantially developed or diligently pursued.
3. The special use permit shall be granted subject to the approval of a tentative parcel map and final parcel map and the completion of all the improvements required on the final parcel map.
4. Contracts, conditions and restrictions shall be subject to the approval of the City Attorney and the Planning Director.
5. The location of buildings and structures shall conform substantially to the plot plan submitted labeled Exhibit "A", except as amended at the time of approval.
6. The elevations of all buildings shall be substantially in conformance with the elevation plan submitted as part of Exhibit "A", except as amended at the time of approval. The roof material shall be "A" Clay tile.
7. The final design of buildings and masonry walls, including materials and colors, is subject to approval of the Planning Director.
8. Any minor changes may be approved by the Planning Director but any substantial revision will require the filing of an amended special use permit for consideration by the Planning Commission.

9. Trash pickup areas shall be screened with a solid masonry enclosure and located as per approval of the Public Works Director.
10. Underground utilities shall be required and installation shall conform to existing City policy.
11. A landscaping plan shall be submitted for the approval of the Planning Director and the Parks Superintendent prior to issuance of a building permit. Landscaping shall be installed prior to occupancy and maintained in accordance with the approved landscape plan.
12. Parking lot landscaping shall be provided as required in Section 34-9.2 of the Oxnard City Code.
13. All off-street parking spaces, including number, size, paving, striping, location and access, shall comply with Sections 34-5 and 34-6 of the Oxnard City Code.
14. All signs shall be constructed in accordance with the sign plans submitted as part of Exhibit "A" except as amended at the time of approval. Additional signs will require the filing of an amended special use permit.
15. On-site lighting, if provided, shall be shielded from abutting properties so as to produce no nuisance or annoyance. No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or on abutting streets. The spacing and height of the standards and luminars shall be such that a maximum of seven foot candles and a minimum of one foot candle of illumination are obtained on all vehicle access ways and parking areas. The height of light standards shall not exceed 10 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected. Under canopy lighting elements shall be recessed or concealed in such a manner as not to be directly visible from a public street.

16. All roof heating and/or cooling systems shall be recessed and/or screened from adjoining property to the approval of the Planning Director.
17. The proposed facility shall conform to the minimum standards prescribed in Title 19 of the California Administrative Code.
18. All of the conditions of this special use permit shall be complied with prior to occupancy or use of planned improvements.
19. No burning of combustible refuse on subject property is permitted.
20. Outdoor storage and display are not permitted.
21. That noise which is perceptible at the property line shall not exceed 65 DBA (decibels "A" scale).
22. The operator shall not create any public nuisance as defined in Chapter 19 of the Oxnard City Code.
23. This permit is conditional upon the successful completion and operation of the Ventura Road Relief Service Line (Public Works Project No. 76-10) and its ability to solve the presently existing sewer problems affecting the property which is the subject of this permit, and no development pursuant to this permit shall be commenced until this condition is satisfied unless permitted by amendments to or regulations adopted pursuant to City Council Ordinance No. 1652.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of July, 1977, by the following vote:

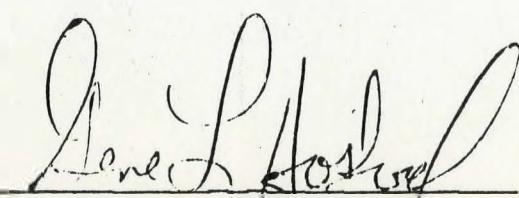
AYES: Commissioners: John, Stoll, Duff, O'Connell, Lopez

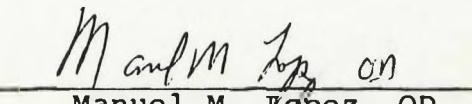
NOES: Commissioners: None

ABSENT: Commissioners: Flores

ABSTAINED: Commissioners: Maron

ATTEST:


Gene L. Hosford
Secretary


Manuel M. Lopez, OD

Chairman