

ATTACHMENT 8

RESOLUTION NO. PC-2018-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,631 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, A 1,858 SQUARE FOOT FAST FOOD RESTAURANT, A 5,110 SQUARE FOOT FUELING STATION WITH 9 FUEL ISLANDS, A 1,343 SQUARE FOOT AUTOMATED CARWASH TUNNEL, AND A 2,330 SQUARE FOOT FOOD TRUCK COMMISSARY ON APPROXIMATELY 4.2 ACRES OF AN 8.3 GROSS ACRE SITE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTHWEST CORNER OF HIGHWAY 395 AND PHELAN ROAD (CUP18-00003)

WHEREAS, Pipeline Petroleum Banning LLC has filed an application requesting approval of CUP18-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 8.3 gross acres located on the northwest corner of Highway 395 and Phelan Road and consists of Assessor's Parcel Numbers 3064-401-07 & 08; and

WHEREAS, the Application, as contemplated, proposes to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary; and

WHEREAS, the 8.3 gross acre site and the surrounding properties are all vacant; and

WHEREAS, the subject property as well as the properties to the north, east and south are within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan and the property to the west is zoned Commercial Industrial Business Park (CIBP) within the Specific Plan; and

WHEREAS, an environmental Initial Study for the proposed project was completed on August 14, 2018, which determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures. Mitigated Negative Declaration ND18-00003 was subsequently prepared; and

WHEREAS, on September 13, 2018, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 13, 2018 hearing, including public testimony and

written and oral staff reports, this Commission specifically finds as follows:

- (a) Based upon Negative Declaration ND18-00003 and the initial study which supports the Mitigated Negative Declaration, the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment;
- (b) The Planning Commission has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Commission, and that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the Development Code.
- (d) The proposed sale of beer and wine for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of alcoholic beverages at this location supports the public convenience and necessity and is consistent with the allowable uses within the NC zone with approval of a conditional use permit.
- (e) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the NC Zone of the Main Street and Freeway Corridor Specific Plan, with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. Further, the sale of alcoholic beverages (beer and wine) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (f) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the NC Zone of the Specific Plan. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be

constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.

- (g) The site for the proposed use will have adequate access based upon its frontage along Phelan Road and Highway 395. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (h) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the NC zone of the Specific Plan. A gas station, carwash, food truck commissary and the sale of alcoholic beverages are allowable uses with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP18-00003, subject to the conditions of approval as shown in Attachment "A" and Negative Declaration ND18-00003, which is attached to the staff report for this item.

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 13th day of September 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Edward Gomez, Secretary, Planning Commission