

# ATTACHMENT 11

## RESOLUTION NO. PC-2025-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO DENY A VARIANCE TO MODIFY THE REQUIRED MATERIALS FOR SCREEN WALLS AND TO WAIVE THE REQUIREMENT TO FULLY SCREEN SEMI-TRUCKS ALONG HERCULES STREET IN CONJUNCTION WITH THE ESTABLISHMENT OF AN OUTDOOR SEMI-TRUCK PARKING AND MAINTENANCE FACILITY ON THE FORMER 84 LUMBER SITE THAT CONTAINS THREE EXISTING BUILDINGS AND FOUR EXISTING METAL CANOPIES ON 8.6 ACRES WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE SOUTHEAST CORNER OF HERCULES STREET AND "C" AVENUE (VAR25-00002 & CUP23-00010)**

**WHEREAS**, United Holding Group, LLC, has filed an application requesting approval of Variance (VAR25-00002) in conjunction with Conditional Use Permit (CUP23-00010) described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application, as contemplated, proposes the approval of a variance to modify the required materials for screen walls and to waive the requirement to fully screen semi-trucks from public view along Hercules Street in conjunction with the establishment of an outdoor semi-truck parking and maintenance facility on the former 84 Lumber site that contains three existing buildings and four existing metal canopies on 8.6 acres of land; and

**WHEREAS**, the Application applies to the property located at the southeast corner of Hercules Street and "C" Avenue and consists of Assessor's Parcel Number 0410-082-04; and

**WHEREAS**, a Variance was submitted in conjunction with the Conditional Use Permit to modify the required materials for screen walls and to waive the requirement to fully screen semi-trucks from public view along Hercules Street. Section 16.16.365(K)(3) of the Hesperia Municipal Code, requires all trucks, trailers and containers within outdoor storage areas to be completely screened from public view by a combination of buildings and/or solid screen walls of either decorative concrete masonry block or decorative concrete tilt-up walls; and

**WHEREAS**, the applicant is proposing to replace the required concrete masonry or concrete tilt-up screen walls with an 8-foot-high wrought iron fence with sheet metal to serve as the solid screen wall. The proposed wrought iron screen fence will be installed along Hercules Street and "C" Avenue and the return fences along the three driveway entrances. An existing chain link fence will remain in place along portions of the south and east sides of the property; and

**WHEREAS**, the applicant is also requesting to waive the requirement to fully screen semi-trucks from public view along Hercules Street. The proposed 8-foot-high screen fence along "C" Avenue properly screens semi-trucks from public view, as the proposed semi-truck parking is setback approximately 125 feet from the screen fence. This substantial distance allows for complete visual screening from public view. The semi-truck parking close to Hercules Street has a setback of approximately 28 feet, which is not enough distance to properly screen semi-trucks from the public view with an 8-foot-high fence; and

**WHEREAS**, the subject site is within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). All surrounding properties have the same land use designation of General Industrial (GI) except for the Burlington Northern Santa Fe Railway to the south zoned Railroad Corridor (RRC); and

**WHEREAS**, the subject site was previously used by 84 Lumber for truss manufacturing and storage. The property to the north across from Hercules Street, consists of a recycling facility, to the east is a wood manufacturing company, to the west across from 'C' Avenue, is a building construction company and to the south, is the BNSF Railway; and

**WHEREAS**, an Initial Study/Mitigated Negative Declaration for the proposed project was circulated for a 30-day public review period from April 2, 2025 through May 1, 2025. During the public review period no comments were received. A Mitigated Negative Declaration was prepared, a copy of the document is available at City Hall or on the City's website and the custodian of administrative record is the Planning Department; and

**WHEREAS**, on May 8, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed 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 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 May 8, 2025 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship with objectives of the development code. The property sits at a slightly higher elevation than Hercules Street, which means the proposed screen wall could be increased in size to adequately screen semi-trucks from public view. Alternatively, the truck parking could be relocated elsewhere on the site to prevent visibility from Hercules Street. The property to the north, along with other projects within the City of Hesperia that proposed on-site storage, were required to install decorative block walls as part of their development. In those cases, the high cost of construction was not a significant issue; and
- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone. The fact that the property was previously developed does not inherently create exceptional circumstances for not constructing a block wall. Many General Industrial (GI) zoned properties are redeveloped or reused, and the existence of pre-existing structures or conditions does not automatically warrant flexibility in zoning or development standards. The presence of vacant land nearby or lower traffic in the area does not create exceptional circumstances. Other industrial properties within the zone, even those surrounded by similar vacant or underdeveloped parcels, still face the same zoning regulations, and

are required to meet appropriate screening and development standards; and

- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges that could be enjoyed by the owners of other properties in the same designation in the future. Approving the applicant's request will not deprive the applicant of privileges that could be enjoyed by other owners in the vicinity, as other properties face the same grade differences relative to the street, and developed sites do not inherently create exceptional circumstances for not constructing a block wall. Therefore, denying the variance will not deprive the applicant to enjoy the same development privileges as others in the area; and
- (d) The granting of a variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same designation. As stated above, due to similar grade differences on other properties and developed sites not creating exceptional circumstances for eliminating or replacing development standards, the subject property does not exhibit exceptional circumstances that are not also found on other properties within the General Industrial (GI) zone. The physical characteristics and development constraints of the site are common among industrial properties in the area and do not warrant special consideration; and
- (e) The granting of the variance would be detrimental to the public health, safety, and welfare, and materially injurious to properties or improvements in the vicinity. The reviewing authority finds that approval of the variance would set an unfavorable precedent for future semi-truck parking projects or similar developments, potentially undermining the City's requirements for decorative screen block walls and the full screening of semi-trucks and outdoor equipment from public view. This could result in increased noise impacts and a decline in the aesthetic quality of the streetscape within the City of Hesperia.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Variance VAR25-00002, subject to the conditions of approval as shown in Attachment "A".

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

**ADOPTED AND APPROVED** on this 8<sup>th</sup> day of May 2025.

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Roger Abreo, Chair, Planning Commission

ATTEST:

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Maricruz Montes, Secretary, Planning Commission