

RESOLUTION NO. 2017-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, TO APPROVE A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 6 FUEL ISLANDS, A 5,784 SQUARE FOOT CONVENIENCE STORE WITH A SECOND STORY OFFICE AND A DRIVE-THRU RESTAURANT, A DETACHED 1,560 SQUARE FOOT AUTOMATED CAR WASH TUNNEL, A 3,300 SQUARE FOOT DRIVE-THRU RESTAURANT AND A 19,000 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING ON 3.5 GROSS ACRES LOCATED ON THE NORTHEAST CORNER OF RANCHERO ROAD AND SEVENTH AVENUE (CUP16-00009)

WHEREAS, Harp Verma has filed an application requesting approval of CUP16-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 3.5 gross acres within the Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) designation located on the northeast corner of Rancho Road and Seventh Avenue and consists of Assessor's Parcel Number 0412-172-01; and

WHEREAS, the Application, as contemplated, proposes to construct a gas station with 6 fuel islands, a 5,784 square foot convenience store with a second story office and a drive-thru restaurant, a detached 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building on 3.5 gross acres located at the northeast corner of Rancho Road and Seventh Avenue (APN: 0412-172-01; Applicant: Harp Verma); and

WHEREAS, Harp Verma has also filed an application requesting approval of a General Plan Amendment GPA16-00002 to change the General Plan land use designation from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2^{1/2}) to General Commercial (C2); and

WHEREAS, the subject site is currently occupied by a single family residence which will be demolished as a part of the project. Single-family residences exist to the north, east and west. The property to the south is also vacant; and

WHEREAS, the subject property is currently within the A1-2^{1/2} designation, which is proposed to be changed to C2. The properties to the north and east are also within the A1-2^{1/2} designation, the properties to the west are designated Limited Agricultural with a minimum lot size of 1 acre (A1), and the properties to the south are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

WHEREAS, an environmental Initial Study for the proposed project was completed on May 15, 2017, 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 ND16-00013 was subsequently prepared; and

WHEREAS, on June 27, 2017, 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, on August 15, 2017, the City Council 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 COUNCIL OF THE CITY OF HESPERIA AS FOLLOWS:

Section 1. The City Council 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 City Council during the above-referenced August 15, 2017 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) Based upon Negative Declaration ND16-00013 and the initial study which supports the Mitigated Negative Declaration, the City Council finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment;
- (b) The City Council has independently reviewed and analyzed the Negative Declaration, and finds that it reflects the independent judgement of the Council, 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, wine and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General 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 General Commercial (C2) designation 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 General Commercial (C2) zone of the Development Code, with approval of this Conditional Use Permit. The proposed use would not create noise exceeding that allowed by the municipal code, or result in traffic exceeding the design capacity of Rancho Road or Seventh Avenue, 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, wine and liquor) 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 and 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 General Commercial (C2) zone of the Development Code. 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 Rancho Road and Seventh Avenue. 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. A gas station, convenience store, drive-thru restaurant, multi-tenant commercial building and the sale of alcoholic beverages are allowable uses with approval of the General Plan Amendment and Conditional Use Permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves Conditional Use Permit CUP16-0009, subject to the conditions of approval as shown in Attachment "A" and Negative Declaration ND16-00013, which is attached to the staff report for this item.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED on this 15th day of August 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre
City Clerk