

# ATTACHMENT 8

## RESOLUTION NO. PC-2026-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-24-00005 TO CONSTRUCT A 165,111 SQUARE FOOT RETAIL AND GROCERY STORE BUILDING WITH ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND A TIRE CENTER AS WELL AS A GAS STATION WITH 14 FUEL PUMPS (28 FUEL POSITIONS) AND A 2,623 SQUARE FOOT AUTOMATED CARWASH FACILITY ON 25.4 ACRES (CUP24-00005)**

**WHEREAS**, Kimely-Horn (Applicant), has filed an application requesting approval of Conditional Use Permit CUP24-00005 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application, as contemplated, proposes to construct a 165,111 square foot large box retail building with alcohol sales for off-site consumption and a tire center. Including the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash; and

**WHEREAS**, the proposed project is generally located north and south of Amargosa Road, south of the California Aqueduct, east of Key Pointe Drive and west of the I-15 Freeway; APNs: 0405-062-72, -73 and 3064-481-25; and

**WHEREAS**, the project site is located within the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan and is currently vacant. The properties to the west are also designated Regional Commercial (RC) within the Specific Plan and consist of vacant land. To the south, the Interstate 15 southbound off-ramp at Main Street and associated Caltrans right-of-way occupy a portion of the area, with additional commercial uses, including retail and fast food establishments, located further south of the off-ramp. Along the southwest, existing developed uses include a hotel and a gas station along Key Pointe Drive. The California Aqueduct borders the site to the north, while the Interstate 15 Freeway lies directly to the east; and

**WHEREAS**, the northern portion of the site is approximately 16.7 acres and is proposed to be developed with a 165,111 square foot retail and grocery store. The building would be sited in the northern area of the parcel, with surface parking located primarily to the east and south of the structure. The store would accommodate a variety of customer-serving uses, including food and produce, a tire and battery center, vision center, food service area, and off-site alcohol sales for the sale of beer, wine, and distilled spirits (Type 21 license). Six truck-loading doors would be located along the west elevation, providing access to an enclosed receiving area, and a designated curbside pickup area would be provided on the south side of the building. Within the Regional Commercial (RC) zone, both the off-sale alcohol use and the tire center are permitted subject to approval of a Conditional Use Permit (CUP); and

**WHEREAS**, the southern portion of the site is approximately 8.67 acres and is proposed to be developed with a 14 pump (28 fueling position) vehicle fuel station and an automated carwash facility. The fuel station would consist of 14 drive-in lanes serving the 28 fuel positions, with each lane providing stacking for approximately 11 vehicles, for a total capacity of approximately 154 vehicles. The vehicle fuel station does not include a convenience store component, however an approximately 205 square foot employee building will be provided for the operations of the gas station. East of the fuel station, a 2,623-square-foot automated carwash is proposed with two drive-through lanes, providing stacking for approximately 40 vehicles. The carwash is designed as an automated facility and does not include vacuum stations; it is intended to function solely as a drive-through wash and is not intended to include a designated area for vacuuming or interior cleaning. Within the Regional Commercial (RC) zone, a gas station and a carwash are permitted subject to the approval of a Conditional Use Permit (CUP); and

**WHEREAS**, the Project would provide direct vehicular access for the retail building located north of Amargosa Road through two proposed access points: 1) a fully signalized intersection located approximately 650 feet east of Key Pointe Drive along Amargosa Road, which will serve as the primary point of access to improve traffic control and safety for vehicles entering and exiting the site; and 2) an unsignalized driveway allowing full access in and right-out only traffic, located approximately 1,000 feet east of Key Pointe Drive along Amargosa Road. Additionally, an emergency access only route will be provided along White Fox Trail, consisting of a 26-foot-wide paved road, connecting the west side of the project site to Cataba Road. Access to White Fox Trail will be restricted and limited to emergency vehicles only; and

**WHEREAS**, direct vehicular access for the fuel station and car wash would be provided through three proposed access points: 1) a signalized intersection along Amargosa Road aligned with the primary signalized access for the retail building; 2) an unsignalized right-turn-exit-only driveway along Amargosa Road aligned with the unsignalized retail driveway; and 3) and an unsignalized entrance-only driveway approximately 400 feet south of Amargosa Road along Key Pointe Drive; and

**WHEREAS**, the proposed automated carwash is considered ancillary to the primary use, which is the gas station. As such, it must comply with specific land use standards, including a minimum distance of 1,000 feet from the nearest full-service carwash. The closest full-service carwash is Quick Quack Carwash, located west of the project site at a distance of approximately 1,380 feet, therefore satisfying the minimum separation requirement; and

**WHEREAS**, the applicant will file an application for a Type 21 (Off-Sale General) license with the California Department of Alcoholic Beverage Control (ABC). There are currently four active off-sale alcoholic beverage licenses within Census Tract 100.09, which includes Walmart, Sky Market, G & M Oil Company and 7-Eleven. ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of the CUP24-00005 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity; and

**WHEREAS**, in determining whether to approve an additional license in an overconcentrated census tract, the Planning Commission may consider the surrounding context and availability of alcohol sales within the immediate service area. While four licenses are reported within the census tract, Walmart and G & M Oil Company locations are outside the City limits and located more than two and a half miles from the project site. The remaining establishments, Sky Market and 7-Eleven, are located southwest of the project site, approximately 1,000 to 1,400 feet; and

**WHEREAS**, the nearby 7-Eleven and Sky Market (convenience store) primarily serves quick and convenient liquor purchases for immediate consumption. In contrast, the proposed retail building would provide a wholesale, membership-based shopping experience with a wide range of products, including bulk alcohol, groceries and household goods. This distinction ensures that the new off-sale license would enhance public convenience rather than create direct competition or overconcentration with existing businesses. Accordingly, the Planning Commission may determine that approval of the proposed Type 21 – Off-sale General license would serve the public convenience and necessity; and

**WHEREAS**, the project complies with all development standards and regulations within the City's Municipal Code and within Main Street and Freeway Corridor Specific Plan; and

**WHEREAS**, on April 9, 2026, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2026-04, adopting the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH #2024110259), and adopting a Mitigation Monitoring and Reporting Plan; and

**WHEREAS**, on April 9, 2026, 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 of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced April 9, 2026, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution No. PC-2026-04, the Environmental Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH #2024110259) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The site is adequate in size and shape to accommodate setbacks, walls and fences, parking areas, fire and building codes. The proposed project consists of the development of a 165,111 square foot retail and grocery store building with alcohol sales for off-site consumption and a built-in tire center. Including the construction of a gas station with 14 fuel pumps (28 fuel positions) and a 2,623 square foot automated carwash on approximately 25.4 acres. The project is conditionally permitted within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan

and will comply with all applicable provisions of the Development Code. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments. The site is suitable for the type and intensity of the use that is proposed.

- (c) The proposed development will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Plan and the Main Street and Freeway Corridor Specific Plan. The proposed uses are compatible with surrounding commercial developments and will operate in a manner that maintains orderly circulation, minimizes impacts on adjacent properties and enhances the aesthetic and functional character of the area. With appropriate landscaping, signage and adherence to operational standards, the project will contribute positively to the surrounding environment while providing a service to the community. A Traffic Impact Analysis (TIA) was submitted as part of the application, identifying necessary improvements to address project related traffic, including the installation of a traffic signal on Amargosa Road which will help mitigate increased traffic volumes.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code, Main Street and Freeway Corridor Specific Plan and all applicable codes and ordinances adopted by the City of Hesperia. The project is consistent with the conditional allowed uses of the Regional Commercial (RC) zone of the Main Street and Freeway Corridor Specific Plan.

The proposed automated carwash is considered ancillary to the primary use, which is the gas station and complies with specific land use standards of 1,000 feet separation from the nearest full-service carwash. The closest full-service carwash is Quick Quack Carwash, located west of the project site at a distance of approximately 1,380 feet.

The applicant will file an application for a Type 21 Off Sale General license with the California Department of Alcoholic Beverage Control. There are currently four active off-sale licenses within Census Tract 100.09, while only three are authorized by ABC, the CUP24-00005 will exceed the limitation of three licenses and ABC will require that the City make a finding of public convenience and necessity. Although four licenses exist, two are located outside City limits and more than two and a half miles northeast of the project site, while the remaining two are approximately 1,000 to 1,400 feet away. The nearby stores primarily serve quick convenience purchases, whereas the proposed project would offer a broader selection of goods, including bulk alcohol, groceries, and household items, in a larger scale retail setting designed for planned shopping trips; therefore, the Planning Commission finds that approval of the requested license would serve the public

convenience and necessity, expand consumer choice, and would not result in undue impacts to the surrounding community or contribute to an overconcentration of similar uses.

Further, the project shall comply with the conditions of approval for both off-site and on-site improvements. The conditions of approval shall be met based upon specific milestones. Some conditions shall be met prior to grading, some prior to building construction and prior to issuance of a Certificate of Occupancy.

- (e) The site will have adequate access. The Project would provide direct vehicular access for the retail building located north of Amargosa Road through two proposed access points: 1) a fully signalized intersection located approximately 650 feet east of Key Pointe Drive along Amargosa Road, which will serve as the primary point of access to improve traffic control and safety for vehicles entering and exiting the site; and 2) an unsignalized driveway allowing full access in and right-out only traffic, located approximately 1,000 feet east of Key Pointe Drive along Amargosa Road. Additionally, an emergency access only route will be provided along White Fox Trail, consisting of a 26-foot-wide paved road, connecting the west side of the project site to Cataba Road. Access to White Fox Trail will be restricted and limited to emergency vehicles only. Direct vehicular access for the fuel station and car wash would be provided through three proposed access points: 1) a signalized intersection along Amargosa Road aligned with the primary signalized access for the retail building; 2) an unsignalized right-turn-exit-only driveway along Amargosa Road aligned with the unsignalized retail driveway; and 3) and an unsignalized entrance-only driveway approximately 400 feet south of Amargosa Road along Key Pointe Drive (Attachment 4). In addition, a Traffic Impact Analysis (TIA) was submitted as part of the application, identifying necessary improvements to address project related traffic, including the installation of a traffic signal on Amargosa Road which will help mitigate increased traffic volume.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP24-00005 subject to the Conditions of Approval as set forth in ATTACHMENT "A."

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

**ADOPTED AND APPROVED** this 9<sup>th</sup> day of April 2026.

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Robert Abreo, Chair, Planning Commission

ATTEST:

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Leovi Wolsieffer, Secretary, Planning Commission