

# ATTACHMENT 7

## RESOLUTION NO. PC-2017-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,990 SQUARE FOOT CONVENIENCE STORE WHICH INCLUDES THE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION ON AN APPROXIMATELY 0.4 GROSS ACRE PARCEL LOCATED ON THE NORTH SIDE OF DANBURY AVENUE, APPROXIMATELY 170 FEET WEST OF ARROWHEAD LAKE ROAD (CUP17-00005)**

**WHEREAS**, Maida Holdings, LLC has filed an application requesting approval of CUP17-00005 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 0.4 gross acres located on the north side of Danbury Avenue, approximately 170 feet west of Arrowhead Lake Road and consists of Assessor's Parcel Number 0398-303-18; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 4,990 square foot convenience store which includes the sale of beer, wine and liquor for off-site consumption (type 21); and

**WHEREAS**, Maida Holdings, LLC has also filed an application requesting approval of a Minor Exception, ME17-00003 to allow a reduction of three parking spaces; and

**WHEREAS**, the 0.4-acre site is currently vacant; the property to the east is occupied by a gas station with a convenience store, the properties to the west and south are vacant and the properties to the north are improved with single family residences; and

**WHEREAS**, the subject property as well as the properties to the east, west and south are within the Convenience Commercial (C1) zoning designation and the properties to the north are designated Single Family Residential with a minimum lot size of 18,000 square feet (R1-18,000); and

**WHEREAS**, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

**WHEREAS**, on June 27, 2017, 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 June 27, 2017 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) 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.
- (b) 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 and Development Code. The sale of alcoholic beverages is consistent with the allowable uses within the Convenience Commercial (C1) zone with approval of a conditional use permit.
- (c) 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 Convenience Commercial (C1) zone 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, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (d) 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 Convenience Commercial (C1) 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.
- (e) The site for the proposed use will have adequate access based upon its frontage along Danbury 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.
- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. A convenience store that includes the sale of beer, wine and liquor for off-site consumption is an allowable use within the Convenience Commercial (C1) zone with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP17-00005, subject to the conditions of approval as shown in Attachment "A".

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

**ADOPTED AND APPROVED** on this 27<sup>th</sup> day of June 2017.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission