

City of Hesperia

STAFF REPORT



DATE: September 12, 2019

TO: Planning Commission

FROM: Chris Borchert, Principal Planner

BY: Ryan Leonard, Senior Planner

SUBJECT: Conditional Use Permit CUP19-00007 and Variance VAR19-00002; Applicant: Circle K Stores, Inc.; APNs: 0408-134-03 & 25

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2019-20 and PC-2019-22, recommending that the City Council approve CUP19-00007 and VAR19-00002.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 4,450 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, and a 4,104 square foot fueling station with 7 fuel islands on 1.8 gross acres. A Variance (VAR19-00002) has also been filed to reduce the required 20-foot rear yard setback to approximately 12-feet 8-inches' (Attachment 1).

Location: On the northwest corner of Main Street and Cottonwood Avenue. Main Street is designated as a 120-foot wide Special Street on the City's adopted Circulation Plan and Cottonwood Avenue is designated as a 100-foot wide Arterial Street.

Current General Plan, Zoning and Land Uses: The site is within the Office Commercial (OC) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The properties to the north consist of single family residences. An ARCO AM/PM gas station exists to the east on the opposite side of Cottonwood Avenue. The property to the south is built with a commercial shopping center. The property to the west is vacant (Attachment 3).

ISSUES/ANALYSIS

Conditional Use Permit: The Specific Plan requires approval of a CUP for the proposed fueling station and the sale of alcoholic beverages. In addition, the City Council adopted Ordinance No. 2017-08 on October 3, 2017 which requires that all applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 square feet in floor area be forwarded to the City Council for final action. Such establishments must be located within 500 feet of an intersection of two arterial or major arterial streets identified on the City's adopted Circulation Plan.

The proposed CUP consists of the development of a 4,450 square foot Circle K convenience store and a 4,104 square foot fueling station with 7 fuel dispensers (Attachment 4). The CUP also includes the sale of beer, wine and liquor from the convenience store for off-site consumption (Type 21 License).

With the exception of the rear building setback, the proposed development complies with all other development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 18 parking spaces, based upon 4 spaces per 1,000 square feet of gross floor area. As proposed the project provides 22 parking spaces.

The site design complies with the architectural guidelines of the Specific Plan. The exterior of the building utilizes a stucco finish with varying accent colors and stacked stone columns on all sides of the building. The building also incorporates changes in wall and roof planes, and includes other architectural features such as steel awnings, cornices, and decorative lighting on the walls of the buildings. The east side of the building, which is adjacent to Cottonwood Avenue, includes metal lattices with hanging vines to add additional interest from the right-of-way (Attachment 5). The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the developed site; the project provides 10,455 square feet (22%) of total landscape coverage.

The applicant will file an application for a Type 21 (Off-Sale Beer, Wine and Liquor) license with the California Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages. Table 1 identifies four active off-sale alcoholic beverage licenses within Census Tract 100.16 (Attachment 6). ABC authorizes this census tract to have three off-sale licenses. Therefore, approval of CUP19-00007 will exceed the limitation of 3 licenses and ABC will require that the City make a finding of public convenience and necessity (Attachment 7).

Table 1: Existing On-Sale Licenses in Census Tract 100.16

Status	Business Name	Business Address	Type of License
Active	Stater Bros Markets	14466 Main Street	21-Beer, Wine, and Liquor
Active	Shop N Go	14518 Main Street	20-Beer and Wine
Active	Chevron	13188 Main Street	21-Beer, Wine, and Liquor
Active	Western Refining Retail, LLC	13100 Main Street	20-Beer and Wine

Variance: The applicant is requesting approval of a Variance for the rear building setback. The need for a variance is related to the size of the lot, location and tanker truck access requirements.

The Specific Plan requires a 20-foot rear building setback when a commercial use abuts a residentially zoned property. The proposed gas island canopy complies with the required setback; however, the food mart building does not. The convenience store is proposed to be setback from the rear property line by 12 feet 8 inches at the east end of the building, and 15 feet at the west end of the building. The varying rear yard setback is a result of Main Street not being parallel with the rear property line, creating a parcel that narrows as you move towards the east side of the parcel.

Enough of a unique circumstance related to the property exists to support approval of the setback variance. As previously mentioned, Main Street does not run parallel to the rear property line, creating a parcel that narrows as you move towards the east side of the parcel. At its longest point, the site is approximately 193 feet in depth before street dedications; at its narrowest point, the site is approximately 187 feet in depth. The minimum lot depth requirement

for new lots in the Office Commercial zone is 200 feet and other properties that are in close proximity to the site generally have a deeper site to work with. For example, at its longest point the parcel to the west has a lot depth of 195 feet. In addition, all of the parcels to the west until Maple Avenue gradually increase in size due to the alignment of Main Street. The parcel to the east, on the opposite side of Cottonwood Avenue, is built with an AM/PM gas station and has a lot depth of 313 feet.

Furthermore, fueling stations are unique in that they require specific site design features. The site has been designed to accommodate gas tanker trucks, and to have improved on-site vehicular circulation by providing additional maneuvering space within the drive aisles. The site is designed with 30-foot-wide drive aisles whereas the Development Code requires 26-foot-wide drive aisles. The applicant desires wider drive aisles for safer traffic flow during peak customer demand and to accommodate larger vehicles. Approval of the Variance will not adversely affect the property owners in the vicinity. The proposed convenience store is not anticipated to generate a substantial amount of noise and the space between the rear of the building and rear property line will not be used for parking or access. Furthermore, the site is designed with a new 6-foot high masonry block wall along the northern property line. The proposed building features four sided architecture with various architectural design elements to enhance the aesthetic quality of the development. Site lighting will be designed to be directed away from the neighboring residential uses.

Traffic/Street Improvements: Access to the site will be provided by a right-in and right-out driveway approach off of Main Street, and a full access driveway approach off of Cottonwood Avenue. As part of developing the site, the developer is required to dedicate right-of-way and construct street improvements, including curb, gutter and sidewalk along the project frontages of Main Street and Cottonwood Avenue. Street improvements will include the construction of a westbound right turn lane for the proposed driveway approach off of Main Street, and a southbound right turn lane along Cottonwood Avenue at the signalized intersection. In addition, the project will be required to modify the existing traffic signal and restripe north, east and west crosswalks at the intersection.

Drainage: Any additional runoff created on-site will be detained in an approved storm drain storage system. An underground drainage system is proposed to store the necessary volume. Upon completion of the on-site drainage improvements, the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The development will connect to an existing 10-inch sewer line and an existing 12-inch water line located along Main Street.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Conclusion: The project conforms to the policies of the Specific Plan and is consistent with the General Plan with adoption of a Variance. For the reasons described above, approval of a Variance will not result in an adverse impact to neighboring properties. Further, approval of the sale of beer and wine is appropriate, particularly to allow the convenience store to be competitive with similar businesses and to meet customer demand.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color elevations
6. Census Tract Map
7. Resolution No. PC-2019-20, with list of conditions (CUP)
8. Resolution No. PC-2019-22 (VAR)