

# ATTACHMENT 7

## RESOLUTION NO. PC-2019-20

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT 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 APPROXIMATELY 1.8 GROSS ACRES WITHIN THE OFFICE COMMERCIAL (OC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTHWEST CORNER OF MAIN STREET AND COTTONWOOD AVENUE (CUP19-00007)**

**WHEREAS**, Circle K Stores, Inc. has filed an application requesting approval of CUP19-00007 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.8 gross acres located on the northwest corner of Main Street and Cottonwood Avenue and consists of Assessor's Parcel Numbers 0408-134-03 & 25; and

**WHEREAS**, the Application, as contemplated, proposes 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; and

**WHEREAS**, Circle K Stores, Inc. has also filed an application requesting approval of a Variance (VAR19-00002), to reduce the required 20-foot rear yard setback to approximately 12-feet 8-inches; and

**WHEREAS**, the 1.8 gross acre site is currently vacant; 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 and the property to the west is vacant; and

**WHEREAS**, the subject property as well as the properties to the south, east and west are currently within the Office Commercial (OC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The property to the north is within the Low Density Residential (LDR) Zone of the Specific Plan; 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 September 12, 2019, 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 September 12, 2019 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. The site is approximately 1.8 gross acres and can accommodate a 4,450 square foot convenience store and a 4,104 square foot fueling station with 7 fuel islands and 22 parking spaces. 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.
- (b) 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 OC zone of the Main Street and Freeway Corridor Specific Plan, with approval of this Conditional Use Permit. The proposed project is consistent with the maximum gross floor area ratio of 0.35 in the OC Zone. The proposed FAR for the project is 0.05. The project is also designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also meets all of the development standards of the OC Zone except the minimum 20-foot rear yard setback. The project proposes a rear yard setback of 12 feet 8 inches at the east end of the building, and 15 feet at the west end of the building. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties because the proposed convenience store is not anticipated to generate substantial amounts of noise, and the site is designed with a 6-foot high block wall along the northern property line separating the proposed commercial use from the adjacent residential properties. Furthermore, the sale of alcoholic beverages (beer, wine and liquor) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (c) 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, Specific 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 OC zone with approval of a Conditional Use Permit.
- (d) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the OC zone of the Specific Plan. A gas station, convenience store, and the sale

of alcoholic beverages are allowable uses with approval of a Conditional Use permit.

- (e) The site for the proposed use will have adequate access based upon its frontage along Main Street and Cottonwood 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.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP19-00007, 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 12<sup>th</sup> day of September 2019.

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Cody Leis, Chair, Planning Commission

ATTEST:

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Erin Baum, Secretary, Planning Commission