

ATTACHMENT 7

RESOLUTION NO. PC-2020-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT CITY COUNCIL ____ APPROVE/ ____ DENY A CONDITIONAL USE PERMIT TO CONSTRUCT A 1,581 SQUARE FOOT CONVENIENCE STORE THAT INCLUDES THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION, AND A 4,860 SQUARE FOOT FUELING STATION WITH 6 FUEL ISLANDS ON 1 GROSS ACRE WITHIN THE REGIONAL COMMERCIAL (RC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTH SIDE OF MAIN STREET, APPROXIMATELY 375 FEET WEST OF THE CALIFORNIA AQUEDUCT (CUP19-00008)

WHEREAS, Walmart Stores, Inc. has filed an application requesting approval of CUP19-00008 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 1 gross acre located on the south side of Main Street, approximately 375 feet west of the California Aqueduct and consists of Assessor's Parcel Numbers 3057-011-39 & 45; and

WHEREAS, the Application, as contemplated, proposes to construct a 1,581 square foot convenience store that includes the sale of beer and wine for off-site consumption, and a 4,860 square foot fueling station with 6 fuel islands; and

WHEREAS, the site is currently vacant, and surrounded by commercial uses on all sides, except the California Aqueduct is located to the east; and

WHEREAS, the subject property as well as surrounding properties are currently within the Regional Commercial (RC) Zone of the Main Street and Freeway Corridor Specific Plan (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 May 14, 2020, 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.

____ APPROVAL OPTION:

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced May 14, 2020 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 gross acre and can accommodate a 1,581 square foot convenience store and a 4,860 square foot fueling station with 6 fuel islands and 23 parking spaces. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, 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 RC zone of the Main Street and Freeway Corridor Specific Plan, with approval of this Conditional Use Permit. 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 RC Zone. Furthermore, the sale of alcoholic beverages (beer and wine) as part of the convenience store will not have a detrimental impact on adjacent properties.
- (c) 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, 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 RC 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 RC zone of the Specific Plan. A fuel 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. 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 overconcentration of the census tract is not a negative factor due to many of the existing alcohol establishments not being in close proximity to this location, and those that are include an Aldi Grocery, a Target, a Walmart, and a hotel.
- (g) The discussion of Main Street concentration shows 3 existing fuel stations east of I-15, two on the north side and the proposed

Walmart fuel station would be the second on the south side, until you travel 1.5 miles to Maple Avenue.

- (h) The separation of the fuel stations in the area is reasonable and the area does not feel heavily concentrated with alcohol establishments.

DENIAL OPTION

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced May 14, 2020 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Alcohol establishments tend to increase calls for service at and around the premises of off-site alcohol uses.
- (b) Main Street as a whole is over concentrated with alcohol establishments. There are a total of 39 alcohol establishments along a 6.75-mile stretch of Main Street, 26 of which are fuel stations with convenience stores that sell alcohol and/or liquor stores. There are a total of 10 existing alcohol establishments within Main Street, between Mesa Linda Street and Topaz Avenue. In addition, Alcoholic Beverage Control (ABC) considers Census Tract 100.17, the tract from which the proposal is located within, over concentrated.
- (c) Another fuel station with convenience store selling alcohol is unnecessary given the number of existing fuel stations and alcohol establishments along Main Street, and in proximity to the proposal.
- (d) There are five existing fuel stations with convenience stores within Main Street, between Mesa Linda Street and Topaz Avenue. One additional fuel station is under construction. Three of these fuel stations are located east of Interstate 15 in proximity to the project. There are a total of 21 existing fuel stations on Main Street. An additional fuel station is unnecessary as it will only cannibalize from existing fuel stations.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council ___ approve/___deny Conditional Use Permit CUP19-00008, subject to the conditions of approval as shown in Attachment "A" if approved.

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

ADOPTED AND APPROVED on this 14th day of May 2020.

Cody Leis, Chair, Planning Commission

ATTEST:

Amanda Malone, Secretary, Planning Commission