

ATTACHMENT 7

RESOLUTION NO. PC-2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A GAS STATION WITH 6 FUEL DISPENSERS, A 2,070 SQUARE FOOT DRIVE-THRU RESTAURANT, AND A 3,493 SQUARE FOOT CONVENIENCE STORE THAT WILL INCLUDE THE OFF-SITE SALE OF BEER, WINE AND LIQUOR FOR OFF-SITE CONSUMPTION, ON APPROXIMATELY 2.7 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE LOCATED ON THE SOUTHEAST CORNER OF BEAR VALLEY ROAD AND I AVENUE (CUP19-00009)

WHEREAS, Poche Partners, LLC. has filed an application requesting approval of CUP19-00009 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.7 gross acres located on the southeast corner of Bear Valley Road and I Avenue and consists of Assessor's Parcel Numbers 0399-132-01, 04, 05, 06, 27, 28, 29, & 30; and

WHEREAS, the Application, as contemplated, proposes to construct a 3,493 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 2,070 square foot drive-thru restaurant attached to the convenience store, and a 4,620 square foot fueling station with 6 fuel islands; and

WHEREAS, the applicant has also filed an application requesting approval of tentative parcel map TPM20-00003 (PM-20252), to create 2 parcels from 8 existing parcels as well as vacate and relinquish approximately 0.95 acres of existing right-of-way; and

WHEREAS, the 2.7 gross acre site is currently vacant; the property to the north on the opposite side of Bear Valley Road is located outside the City limits but consists of a gas station and drive-thru restaurant, the property to the west on the opposite side of I Avenue is vacant, the property to the east consists of commercial uses and the properties to the south consist of single family residences; and

WHEREAS, the subject property as well as the properties to the east are currently within the General Commercial (C2) zone. The properties to the west are within the Service Commercial (C3) zone. The properties to the south are zoned Rural Residential (RR-20,000) and the properties to the north are outside the City limits; 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 10, 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.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced September 10, 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 2.7 gross acres and can accommodate a 3,493 square foot convenience store, 2,070 square foot drive-thru restaurant and a 4,620 square foot fueling station with 6 fuel islands and 45 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 General Commercial (C2) zone, 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 C2 zone. In addition, 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 southern 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 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 C2 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 C2 zone. A gas station, convenience store, and drive-thru restaurant are allowable uses, and the sale of alcoholic beverages is allowed with approval of a Conditional Use permit.
- (e) The site for the proposed use will have adequate access based upon its frontage along Bear Valley Road and I 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 overconcentration of the census tract is not a negative factor because there are no similar establishments in close proximity to the proposed project that are within the same census tract. The closest such establishment is located approximately 2,816 feet (0.52 miles) to the east of the proposed project.
- (g) The number of off-sale alcohol licenses along Bear Valley Road, specifically along a 2-mile stretch from Hesperia Road to the eastern City boundary is not heavily concentrated with alcohol establishments. Along this section of Bear Valley Road there are 3 existing off-sale alcohol licenses located within City limits. Two of those establishments consist of a Walgreens Pharmacy and an Aldi Grocery store, neither of which are similar in size and scale to the proposed project.

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 CUP19-00009, 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 8th day of October, 2020.

Cody Leis, Chair, Planning Commission

ATTEST:

Erin Baum, Secretary, Planning Commission