

# ATTACHMENT 5

## RESOLUTION NO. PC-2020-13

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING SITE PLAN REVIEW SPR19-00011 TO CONSTRUCT A 2,251 SQUARE FOOT DRIVE-THRU RESTAURANT IN CONJUNCTION WITH VARIANCE VAR20-00002 TO ALLOW FOR A REDUCTION IN THE MINIMUM REQUIRED WIDTH OF THE DRIVE-THRU AISLE AS WELL AS A REDUCTION IN LANDSCAPE COVERAGE ON 1.9 GROSS ACRES WITHIN THE SERVICE COMMERCIAL (C3) ZONE LOCATED ON THE SOUTHWEST CORNER OF BEAR VALLEY ROAD AND I AVENUE (SPR19-00011)**

**WHEREAS**, Poche Partners, LLC. has filed an application requesting approval of SPR19-00011 described herein (hereinafter referred to as "Application"); and

**WHEREAS**, the Application applies to approximately 1.9 gross acres located on the southwest corner of Bear Valley Road and I Avenue and consists of Assessor's Parcel Numbers 0399-132-01, 04, 28, & 30; and

**WHEREAS**, the Application, as contemplated, proposes to construct a 2,251 square foot drive-thru restaurant, associated parking lot, and site improvements; and

**WHEREAS**, the applicant has also filed an application requesting approval of Variance VAR20-00002 to allow for a reduction in the minimum required width of drive-thru aisle as well as a reduction in landscape coverage; and

**WHEREAS**, the 1.9 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 vacant land. The property to the east on the opposite side of I Avenue is vacant. The properties to the west consists of commercial uses and I Avenue borders the southern boundary of the site; and

**WHEREAS**, the subject property as well as the properties to the west and the south are currently within the Service Commercial (C3) zone. The properties to the east are within the General Commercial (C2) zone. 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 1.9 gross acres and can accommodate a 2,251 square foot drive-thru restaurant and 23 parking spaces with approval of Variance VAR20-00002. The development complies with the standards for 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 would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing drive-thru restaurants within the C3 zone. The development is subject to conditions of approval that ensure that the project will comply with the standards for driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. In addition, the project is designed with an on-site underground retention/detention to accommodate the required capacity of a 100-year storm. The project also proposes a Variance in order to reduce the minimum required width of drive-thru aisle as well as to reduce the minimum required width of the landscape planters adjacent to the right-of-way. The reviewing authority believes that approval of the Variance will not have an adverse effect on abutting properties because the proposal would not generate excessive amounts of traffic or result in any additional environmental impacts.
- (d) 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.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the C3 zone. The proposed drive-thru restaurant is an allowable use with approval of a Site Plan Review.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Site Plan Review SPR19-00011, 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 8<sup>th</sup> day of October 2020.

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Cody Leis, Chair, Planning Commission

ATTEST:

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Erin Baum, Secretary, Planning Commission