

ATTACHMENT 6

RESOLUTION NO. PC-2020-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING 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 STANDARDS IN CONJUNCTION WITH SPR19-00011 (VAR20-00002)

WHEREAS, Poche Partners, LLC. has filed an application requesting approval of Variance VAR20-00002 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 applicant has also filed an application requesting approval of SPR19-00011 to construct a 2,251 square foot drive-thru restaurant, associated parking lot, and site improvements; 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 strict or literal interpretation and enforcement of the specified regulations would result in practical difficulties or unnecessary physical hardships because the project is located on an irregularly shaped parcel that gets significantly more narrow as you move east across the site. The site varies in depth from approximately 150 feet at its longest point to approximately 65 feet at its narrowest.

Therefore, the development potential of the site is restricted due to the irregularly shaped parcel and it creates an extraordinary circumstance that would not generally apply to other properties.

- (b) There are exceptional circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone. The parcel is planned to be derived from existing right-of-way that is to be vacated. The right-of-way is able to be vacated because I Avenue was once planned as a straight street segment that would have bisected the site and terminated at Bear Valley Road. However, I Avenue was realigned to its present location. In addition, Outer Bear Valley Road was once planned to go through the site but it has since been abandoned. As a result, the parcel is irregularly shaped due to these right-of-way alignments.
- (c) The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges that could be enjoyed by the owners of other properties in the same designation because the 1.9 gross acre parcel is uniquely shaped, such that it does not resemble other parcels in the vicinity. This results in the drive aisle needing to be narrower than the required 12 feet, and the typical width for landscape planters adjacent to the right-of-way also cannot meet the minimum requirement of 8 feet. As such, the development of the site is restricted from meeting certain development standards that other parcels can satisfy.
- (d) The granting of the Variance would not constitute a grant of a special privilege inconsistent with the limitations on other properties classified in the same zone because the 1.9 gross acre parcel is irregularly shaped and restricted from meeting certain development standards.
- (e) The granting of the Variance will not be detrimental to the public health, safety, or welfare, and will not be materially injurious to properties or improvements in the vicinity, because the project site is within the C3 zone. The proposed drive-thru restaurant is an allowable use with approval of a Site Plan Review. 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 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.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Variance VAR20-00002, 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