

# ATTACHMENT 8

## RESOLUTION NO. PC-2020-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO CREATE TWO PARCELS FROM 8 EXISTING PARCELS AS WELL AS VACATE AND RELINQUISH APPROXIMATELY 0.95 ACRES OF EXISTING RIGHT-OF-WAY ON APPROXIMATELY 4.6 GROSS ACRES WITHIN THE GENERAL COMMERCIAL (C2) ZONE AND SERVICE COMMERCIAL (C3) ZONES LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF BEAR VALLEY ROAD AND I AVENUE (TPM20-00003; PM-20252)**

**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 4.6 gross acres located within the within the General Commercial (C2) and Service Commercial (C3) zones located on the southeast and southwest corners of Bear Valley Road and I Avenue and consists of Assessor's Parcel Number 0399-132-01, 04, 05, 06, 27, 28, 29, & 30; and

**WHEREAS**, the Application, as contemplated, proposes 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 applicant has also filed an application requesting approval of CUP19-00009, 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 located on the southeast corner of Bear Valley Road and I Avenue; and

**WHEREAS**, the applicant has also filed an application requesting approval of 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 located on the southwest corner of Bear Valley Road and I Avenue; and

**WHEREAS**, the 4.6 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 properties to the east and west consist of commercial uses, and the properties to the south, on the eastern side of I Avenue consist of single family residences; and

**WHEREAS**, the subject property is within the General Commercial (C2) and Service Commercial (C3) zones. The properties to the west are within the Service Commercial (C3) zone. The properties to the south, on the western side of I Avenue are zoned C3, and along the eastern side of I Avenue are zoned Rural Residential (RR-20,000). 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 duly noticed 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 HESERIA 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 proposed map is consistent with the City's General Plan of the City of Hesperia.
- (b) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to nonresidential development and the proposed parcels have adequate area to accommodate the uses proposed under CUP19-00009 and SPR19-00011.
- (d) The site is physically suitable for the proposed intensity of nonresidential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met.
- (e) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (f) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission hereby approves Tentative Parcel Map TPMN20-00003 (PM-20252) subject to the conditions of approval as shown in Attachment "A," which is attached to the staff report for this item.

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

**ADOPTED AND APPROVED** 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