

PLANNING COMMISSION ATTACHMENT B

Resolution No. P-25-004
CUP Resolution (Initiative Area)

RESOLUTION NO. P-25-004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VICTORVILLE GRANTING THE CONDITIONAL USE PORTION OF CASE NO. PLAN24-00022; A SITE PLAN MODIFICATION AND CONDITIONAL USE PERMIT MODIFICATION THAT WAS PREVIOUSLY ENVIRONMENTALLY ASSESSED TO ALLOW FOR A NEW THREE-PHASE PLAN TO REPLACE THE PREVIOUSLY APPROVED PHASING PLAN (PLAN23-00032) ON PROPERTY ZONED AS R-1 (SINGLE-FAMILY RESIDENTIAL) LOCATED WITHIN AN INITIATIVE AREA AT THE NORTHWEST CORNER OF HOOK BOULEVARD AND AMARGOSA ROAD.

WHEREAS, an application has been received from Sage Investco. regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VICTORVILLE IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF PARCEL MAP NO. 16283, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 204, PAGES 52 AND 53 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDS OF SAID COUNTY. Assessor's Parcel Number: 3106-181-07; and

PARCEL 2 OF PARCEL MAP NO. 5426, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 50, PAGES 25 AND 26 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. Assessor's Parcel Number: 3106-181-06-0-000; and

WHEREAS, a public hearing was held on the 13th day of September 2023, pursuant to Title 7, Division I, Chapter 4, of the Government Code, State of California, when the Planning Commission approved the project entitlement under case PLAN22-00034; and

WHEREAS, a public hearing was held on the 13th day of December, 2023, pursuant to Title 7, Division I, Chapter 4, of the Government Code, State of California, when the Planning Commission approved a modification to the previous entitlement under case PLAN23-00032 to increase the project phasing from two phases to three phases; and

WHEREAS, a public hearing was held on the 8th day of January, 2025, and, pursuant to Title 7, Division I, Chapter 4, of the Government Code, State of California, to hear arguments for and against the issue; and

WHEREAS, the Planning Commission finds the Environmental Exemption for the original project entitlement (PLAN22-00034) was adopted by the Planning Commission on September 13, 2023, by Resolution P-23-021. The Planning Commission may rely on the adopted Environmental Exemption, Pursuant to Section 15332 of the California Environmental Quality Act (CEQA) entitled “In-Fill Development Projects”, for this project as its impacts are negligible and therefore can find that the proposal is previously assessed and no further environmental review is necessary.

WHEREAS, the Planning Commission finds that all materials that constitute the record of proceedings upon which its decision is based, shall be located with the City of Victorville Clerk, located at 14343 Civic Drive, Victorville, CA; and

WHEREAS, the Planning Commission finds that the site is adequate in size to accommodate the proposed use along with adequate development standards to ensure land use compatibility due to the sites location along arterial roadway frontages, the projects conformance with applicable standards of Title 16 of the Victorville Municipal Code (VMC) including a sufficient residential buffer per Section 16-3.10.030, and the sites location along an arterial roadways conducive to commercial uses; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(a) of the Victorville Municipal Code the proposed location of the conditional use is in accord with the objectives and requirements of the Development Code, because this request is for an upgraded construction phasing plan, which includes a new three-phase approach to replace the previously approved phasing plan. The proposal meets all applicable Title 16 objectives and requirements within the Neighborhood Commercial district; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(b) of the Victorville Municipal Code the proposed location of the conditional use and the conditions under which it will be operated is consistent with the General Plan and will not be detrimental to the public health, safety, or welfare, because this request is for an upgraded construction phasing plan, which includes a new three-phase approach to replace the previously approved phasing plan, which is consistent with the commercial land use designation of the General Plan; the use will meet Municipal Code standards and the use will not be detrimental to the uses, properties and improvements within the vicinity; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(c) of the Victorville Municipal Code the traffic generated by the proposed conditional use will not overload the capacity of the surrounding street system and will not create a hazard to public safety since the site will be accessed from arterial roadways, which will be able to adequately serve the needs of the site; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(d) of the Victorville Municipal Code the proposed conditional use complies with each of the applicable provisions of Title 16, Chapter 3 of the Victorville Municipal Code as conditioned, since the site will include sufficient parking for the proposed use, and site improvements, in accordance with current Municipal Code requirements, and in accordance with Section 16-3.07.020(g) of the VMC, C-1 (Neighborhood Service Commercial) district are a conditional use within the City Initiative Zone; and

WHEREAS, the Planning Commission finds that the proposed Conditional Use Permit modification is solely for construction phasing purposes and it is not anticipated to result in any substantial impact.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, pursuant to Section 16-3.02.040 of the Victorville Municipal Code that this Conditional Use Permit portion of Case No. PLAN24-00022, to allow for a new three-phase plan to replace the previously approved

phasing plan (PLAN23-00032) within an R-1 (Single-Family Residential) zoned City Initiative Area on the hereinabove described property be granted subject to the following conditions of approval:

Planning Conditions:

1. This approval shall be valid for a 3-phase construction plan of a shopping center including a carwash and a health club (Phase 1) with all off-site street improvements and setback landscaping on both Amargosa Road and Hook Boulevard to be completed as part of Phase 1. Additionally, all perimeter walls and setback landscaping along the project's north and west boundaries, and all interior circulation, driveways, parking, lighting, and landscaping will also be completed as part of Phase 1. Phase 2 involves the development of a drive-thru restaurant with all the necessary and required improvements, while Phase 3 will encompass the development of a vacant lot, to be initiated once a tenant is secured for the location. This phase will include additional site improvements, such as a parking lot, landscaping, and signage at the herein described location. Development of Phase 2 and 3 may commence in no particular order. Revisions required by condition shall be submitted to and approved by the Zoning Administrator prior to building plan check submittal.
2. The proposed development shall be in substantial conformity with the plans submitted as part of this application, unless modification is required to comply with the applicable development standards of Title 16 and/or conditions of approval.
3. Any change in use or implementation of a new use within the facility, which will require additional parking spaces resulting in noncompliance with the parking standards of Title 16, shall cause that use to be subject to Planning Commission review and approval.
4. Any expansion of this use beyond the scope of this conditional use permit shall require submission and approval of a conditional use permit modification or a new conditional use permit based upon the extent of the expansion.
5. This Conditional Use Permit shall run concurrent with the Site Plan portion of Case No. PLAN24-00022 and all requirements of the associated Site Plan portion of Case No. PLAN24-00022 shall be completed prior to the issuance of a permanent Certificate of Occupancy.
6. The Applicant/Owner shall agree to defend, indemnify and hold harmless, the City of Victorville, its agents, officers and employees from any claim, action or proceeding against the City of Victorville or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Victorville shall promptly notify the applicant of any such claim, action or proceeding, and the City of Victorville shall cooperate fully in the defense.
7. The project shall comply with all Federal, State and local laws and policies, including: the California Government Code (including the Planning, Zoning and Development Laws), Environmental Quality Act (CEQA), Subdivision Map Act, International Building Code, Green Code, Fire Code; and, Victorville General Plan and Municipal Code; unless permitted to deviate through provisions of such, or through adopted mitigation measures, conditions of approval, or the plans themselves.