

DRAFT RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF AGOURA HILLS  
APPROVING CONDITIONAL USE PERMIT CASE NO. 07-CUP-001

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section I. An application was duly filed by Elias Ben Hazany with respect to the real property located 5226 Palo Comado Canyon Road, Assessor's Parcel Number 2052-008-030, requesting the approval of a Conditional Use Permit Case No. 07-CUP-001 to remodel the interior of an existing service station and to allow the operation of a mini-mart as an ancillary use for an existing service station. A Public Hearing was duly held on November 1, 2007, at 6:30 p.m. in the Council Chambers, City Hall at 30001 Ladyface Court, Agoura Hills, CA 91301. Notice of the time, date and place and purpose of the aforesaid was duly given.

Section II. Evidence, both written and oral, was duly presented to and considered by the Planning Commission of the aforesaid Public Hearing.

Section III. The Planning Commission finds, pursuant to the Agoura Hills Zoning Ordinance, that:

A. The proposed use, as conditioned, is consistent with the objectives of this article and the purposes of the district in which the use is located. The property is within the CRS zone, which allows for the operation of a mini-mart as an ancillary use to a service station with the granting of a Conditional Use Permit. The building in which the mini-mart is located meets the development standards for the CRS-FC-OA zone relative to building height, setbacks, lot coverage, landscaping coverage and parking requirements.

B. The proposed use, as conditioned, is compatible with the surrounding properties. The mini-mart use is like and similar to the same use as the neighboring Chevron service station on Palo Comado Canyon Road. The proposed hours of the commercial use will not conflict with the residential uses north of the site.

C. The proposed use, as conditioned, and the conditions under which the project will be operated or maintained will not be detrimental to the public health, safety or welfare. Access to the property will be via two driveways on Palo Comado Canyon Road to the west of the site and two driveways on Canwood Street to the south. Additionally, there is sufficient on-site parking and adequate circulation to accommodate the use. The hours of operation are in keeping with other freeway-serving commercial uses in the City.

D. The proposed use, as conditioned, will comply with each of the applicable provisions of the Zoning Ordinance in that the development standards of the Commercial/Retail Services and Freeway Service zone relative to setbacks, lot coverage, building height, and compatible use. The mini-mart use is a permitted use with the approval of a Conditional Use Permit.

E. The distance from other similar and like uses is sufficient to maintain the diversity of the community. The proposed use would be one of only three min-mart uses within a gasoline station within the two mile freeway corridor between Kanan Road and Liberty Canyon Road. In addition, the proposed use will not require an expansion to existing size of the on-site service station building.

F. The proposed use, as conditioned, is consistent with the goals, objectives and policies of the General Plan. The proposed mini-mart ancillary to the gas station is a permitted use within the CRS land use district and provides goods and amenities for the highway traveler and local residents of the area. The proposed mini-mart is a retail use which offers a variety of retail goods and amenities, as called for per Policy No. 1.3 of the General Plan Land Use Element.

Section IV. The Planning Commission finds the proposed mini-mart to be categorically exempt from the California Environmental Quality Act (CEQA), per Section 15301.

Section V. Based on the aforementioned findings, the Planning Commission hereby approves Conditional Use Permit Case No. 07-CUP-001, subject to the attached Conditions, with respect to the property described in Section I hereof.

PASSED, APPROVED and ADOPTED this 1<sup>st</sup> day of November, 2007 by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Steve Rishoff, Chairperson

ATTEST:

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Doug Hooper, Secretary