

## **RESOLUTION NO. 16-XXX**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OPERATION OF A FUELING STATION, CONVENIENCE MARKET, AND CAR WASH ON 1.31 ACRES PARCEL LOCATED ON THE NORTHEAST CORNER OF COCHRANE ROAD AND DEPAUL DRIVE (APN 728-37- 024)**

**WHEREAS**, such request was considered by the Planning Commission at its regular meeting of September 27, 2016, at which time the Planning Commission approved application UP2016-0002 Cochrane-Browman; and

**WHEREAS**, the Planning Commission has made the findings required for approval of a conditional use permit as described in Section 18.54.050 of the Morgan Hill Municipal Code; and

**WHEREAS**, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES  
RESOLVE AS FOLLOWS:**

**SECTION 1.** The approved use together with the below conditions are consistent with the General Plan land use designation of the subject site, which is “Commercial”, and zoning district designation, which is “PUD”, as approved by Ordinance 1746.

**SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

**SECTION 3.** The Community Development Director hereby finds that, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that a Mitigated Negative Declaration was adopted prior to action taken to adopt the Conditional Use Permit. The custodian of the documents or other material which constitute the record shall be the Community Development Department.

**SECTION 4.** The use shall be expressly conditioned on conformance to conditions incorporated herein and as attached as Exhibit “A”.

**SECTION 5.** The approved project shall be conducted in a manner consistent with the statement of proposed operations, dated September 20, 2016, explained within the staff report of the Planning Commission Meeting of September 27, 2016 and Site Plans titled “Conoco 76 & Burger King” dated August 29, 2016, and by reference incorporated herein.

**SECTION 6.** The approved project shall be subject to the following conditions:

1. The applicant for land use approval has received notice that the issuance of a building permit to implement such land use action may be suspended, conditioned or denied where the City Council has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of Morgan Hill or to meet discharge standards imposed by the California Regional Water Quality Control Board.
2. Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of your development project for the purpose of defraying all or a portion of the cost of public facilities related to your development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, or fees collected (a) under development agreements or (b) as a part of your application for development allocations under the City’s Residential Development Control System. The Mitigation Fee Act Fees applying to your project are listed in the schedule of fees provide. Notice is also hereby given that you have the opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval of the approval or conditional approval of your development project and that the 90-day approval period in which you may protest has begun. This right to protest does not apply to voluntary Residential Development Control System fees.

**PASSED AND ADOPTED THIS 27<sup>th</sup> DAY OF SEPTEMBER, 2016, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

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**JENNA LUNA, Deputy City Clerk**

**WAYNE TANDA, Chair**

**A F F I D A V I T**

I, \_\_\_\_\_, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

\_\_\_\_\_  
\_\_\_\_\_, Applicant

Date: \_\_\_\_\_

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