

## **LOCATION MAP**



## **BACKGROUND**

### **Site Description**

The project is located on a 1.31-acre parcel on the northeast corner of Cochrane Road and DePaul Drive. The General Plan land use designation is Commercial and the zoning district is Planned Unit Development (PUD). The site is currently improved with a building pad, a parking lot and a trash enclosure.

### **Surrounding Uses**

The subject parcel is roughly rectangular in shape. Parcels to the north are partially developed with building pads, parking lots and trash enclosures. Properties to the east are partially improved with a parking lot. Properties to the south across Cochrane Road

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include a hotel and a single-family detached house with several outbuildings. Parcels to the west are improved with retail and restaurant buildings and associated parking lots.

### **Prior actions/Entitlements**

On December 7, 2005 the City Council adopted Ordinance No. 1746, approving a Zoning Amendment to establish a PUD District on 66.5 acres, which included the subject site (Attached).

The PUD allowed for up to five drive-thru facilities, liquor stores and eating establishments (including fast food). Conditional Uses include a maximum of one fuel station, car wash, and convenience market.

### **Modification to Approved Planned Development**

A minor modification to the PUD has been approved by the Planning Department, allowing the relocation of the uses being considered with this Conditional Use Permit. The proposed fueling station, convenience store and carwash considered with this Conditional Use Permit were originally identified at another site within the PUD (now Starbucks and Ono Hawaiian BBQ). The proposed uses are allowed within the PUD, and there are no provisions that would prevent relocation to another site within the development. Staff determined that the change in location was considered minor in nature. Minor modifications of an approved final plan are allowed in accordance with Section 18.30.120(A) of the Morgan Hill Municipal Code. Staff found the following findings could be made:

1. *The modification is consistent with the intent of the General Plan and Zoning;*

The proposed modification is consistent with the General Plan and Zoning requirements set forth in the Municipal Code as discussed in the analysis section below.

2. *The modification is consistent with the intent of the original PUD approval;*

The proposed modification is consistent with the intent of the original PUD as the original site plan had an option for the development of a fueling station, convenience store, and car wash on the original site plan. This option was not utilized at the previously identified site; however the proposed uses are allowed as conditional uses within the project development.

3. *The modification will not have an adverse impact upon owners of surrounding properties; and*

The modifications will not have an adverse impact upon surrounding properties which, with the exception of the single-family house across

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Cochrane Road, are all commercial in nature. The house across the street has a high fence and landscaping that screens it from the site.

Landscaping will be installed on the site to screen adjoining uses and all lighting will be directed on site to minimize light trespass on to adjoining properties.

#### 4. *The modified project is consistent with the environmental determination.*

The proposed uses were considered as part of the original Environmental Impact Report and the corresponding Negative Declaration.

### **Project Description**

A Conditional Use Permit is requested to construct and operate a 24-hour fueling station, carwash and convenience market. The proposed plans include a 4,990 square foot building, a 768 square foot automatic carwash, two drive-thru's, a twelve pump fueling station, a canopy for the fuel pumps, associated service station equipment, and associated parking. The two proposed drive-thru lanes were approved as part of the previously approved PUD. The building is divided into two distinct uses, a 2,066 square foot convenience store and a 2,510 square foot fast food eating establishment. An access point will be provided via DePaul Drive, through the adjoining parking lot to the north, and a curb cut off-site to the east along Cochrane Road. Stormwater retention was constructed as part of the previous development to the north and west. Landscaping has been provided onsite adjoining Cochrane Road and DePaul Drive. This landscaping will be augmented surrounding the building and uses on the site.

**Table 1: Project Components**

<b>Proposed Component Type</b>	<b>Square feet</b>
Site Area	57,141
Convenience Market/Fast Food Building	4,990
Fuel Station Canopy	3,427
Carwash	768

### **ANALYSIS**

The proposed Conditional Use was analyzed with respect to consistency with the: 1) General Plan and 2) Zoning

#### **1) General Plan**

The General Plan land use designation is Commercial. This designation is intended to allow a wide range of retail businesses, administrative and executive office uses, and professional services, either in stand-alone buildings or as part of a shopping center. The commercial designation allows a maximum floor area ratio (FAR) of 0.50 and a maximum building height of 30 feet. The proposed use would be a maximum of 25 feet in height and has a FAR of 0.10.

### **Commercial and Office**

**Policy CNF-15.2 Successful Commercial Uses.** *Ensure the viability of Downtown and other recognized shopping areas, and discourage isolated and sprawling commercial activities along major roads.*

**Policy CNF-15.3 Retail Uses at Major Intersections.** *Encourage retail sales use at major intersections as the focus of clustered commercial development.*

Policies CNF-15.2 and CNF-15.3 focus on the community wanting to concentrate commercial uses in existing recognized shopping areas. The proposed uses would expand the commercial and retail uses within an existing approved shopping area. The proposed development would provide additional dining options, convenient retail and refueling options for the northeast side of the City.

**Policy CNF-16.1 Tourist and Sub-Regional Uses at the Northeast Cochrane and Southwest Tenant Freeway Interchange.** *Encourage tourist-oriented and sub-regional retail uses at the northeast Cochrane and southwest Tennant freeway interchanges.*

**Policy CNF-16.2 Ancillary Commercial Uses Limitations.** *Limit repetitive ancillary commercial uses, such as fast-food restaurants and service stations, on lands around all interchanges.*

Policies CNF-16.1 and CNF-16.2 focus on the development around highway interchanges being tourist orientated and maintaining high quality design in the areas around highway interchanges. The proposed fueling station and fast-food establishment would be highway oriented providing service to tourists and the sub-regional retail market. The design guidelines set forth in the PUD and the City of Morgan Hill's Design Guidelines will ensure high quality design. The previously approved PUD limits ancillary eating establishments, fueling stations, drive-thru's, convenience stores, and car washes allowed on the site.

### **Commercial Development**

**Policy ED-7.1 Shopping Center and Other Commercial Development.** *Support the development of retail facilities to meet local demand and regional market opportunities, including the overlap between visitor and resident serving uses, by encouraging retail goods and services that serve both market segments.*

**Policy ED-7.3 Regional Retail Facilities.** *Support the development of regional retail facilities that are visible and accessible from the City's freeway exits, to provide for easy access by local residents as well as shoppers traveling from outside the City.*

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Policies ED-7.1 and ED-7.3 focus on providing local residents and passing freeway users with the services that they need. The fueling station, eating establishment, and convenience store will provide residents on the northeast side of town and freeway convenient dining options and a place to refuel their vehicles.

### **2) Zoning Code Consistency**

The zoning of the site is PUD. The PUD established for the site by Ordinance No. 1746 specified Conditional Uses, which included a maximum of one fuel station, car wash, and convenience market.

#### Conditional Use Permit Findings

Pursuant to the requirements in Section 18.54.050 of the Zoning Ordinance, the following findings are required for the establishment of the proposed uses:

- A. The site is suitable and adequate for the proposed use.

The approval of the requested Conditional Use Permit would allow for continued development in an existing commercial development. To the west and south of the site are existing commercial buildings. Properties to the north and east are proposed for commercial development. For these reasons, staff concludes that the site is suitable and adequate for the proposed use.

- B. The proposed use and design would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system.

The proposed use and design is not anticipated to have a substantial adverse effect on traffic circulation or on the planned capacity of the street system, subject to the proposed Conditions of Approval. In order to increase safety along DePaul Drive and reduce the traffic impact of the site on road ways internal and external to the site staff recommends that the access to the site from DePaul Drive be converted to a right-in only. The reduction of the DePaul Drive median nose, on the north side of Cochrane Road, will allow traffic to more easily make the north turn from east bound Cochrane Road.

- C. The proposed use at the location will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area, or impair the utility or value of property of other persons located in the vicinity of the site, or be detrimental to public health, safety or general welfare.

The site will be required to meet all Fire Code and Building Code requirements which would address Health and Safety issues. Additionally, the project will be subject to Section 18.48.035 of the Morgan Hill Municipal Code specifying performance standards for convenience markets. The performance standard specifying restrooms requirements, service of automobiles, loitering controls, crime prevention measures,

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and the sale of alcoholic beverages. In general, the facility's operations will be typical of commercial uses in the surrounding area. The project would not impair the utility or value of the property of other persons located in the vicinity of the site and will not be detrimental to the health, safety or general welfare.

- D. The design of the project is compatible with existing and proposed development within the district and its surroundings.

The proposed plans include one building housing a 2,066 square foot convenience market and a 2,510 square foot fast-food eating establishment, a twelve pump fueling station, a carwash, two drive-thru's, a canopy over the gas pumps, associated service station equipment, associated parking and landscaping. The site is improved with a parking area and a trash enclosure. The parking area will be modified and the trash enclosure will be removed as part of the proposed project. The trash enclosure will be replaced with a new enclosure in a location that fits the modified site plan. The project will be subject to the City of Morgan Hill's Design Review Guidelines and the design requirements set forth in the approved PUD ordinance.

As designed and as further reviewed through the Site and Architectural Review approval process, staff considers the design of the project compatible with existing and proposed development within the district and its surroundings.

### **Site Circulation and Parking**

Primary access to the proposed facility would be provided by the existing driveway from DePaul Drive and a right-in/right-out curb cut on Cochrane Road, which would be constructed as part of this project. Secondary access would be provided through a parking lot connection to the north. A traffic study was prepared with the original PUD and the Engineering Department determined that a new traffic study was not warranted with the Conditional Use Permit application.

The proposed project is expected to generate a high volume of traffic with the fueling station and fast-food establishment. With this in mind, there is concern with patrons exiting the site and traveling either back to the highway or east on Cochrane Road. To travel east on Cochrane Road, patrons have three options:

- 1) Access Cochrane Road traveling west and within 150 feet merge into traffic, merge left two more times to get into the left hand turn lane at DePaul Drive, then U-turn on to Cochrane Road east.

This is less than optimal due to the need to merge across two lanes of traffic in a short distance and then U-turn at the intersection of DePaul Drive and Cochrane Road.

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- 2) Access DePaul Drive from the access drive closest to the site, turn right heading north, then at the next intersection U-turn to head south, upon reaching the intersection of DePaul Drive and Cochrane Road the driver would then use the dedicated turn lane to turn east on Cochrane Road.

This is less than optimal due to a pre-existing condition at this intersection with traffic traveling north merging from two lanes to one lane at this location. There will also be vehicles turning east to access the subject site and vehicles turning north to the get to the intersection to make a U-turn. There will be a significant number of turning and merging actions at this location. The pavement width at the intersection of DePaul Drive and the internal cross drive is not sufficient to safely accommodate U-turn movements.

- 3) Access DePaul Drive by traveling north through the existing parking lot to the north, turning left at the internal cross drive, turning left at the stop sign on DePaul Drive, upon reaching the intersection of DePaul Drive and Cochrane Road the driver would then use the dedicated turn lane to turn east on Cochrane Road.

This would be the optimal route for a user of the site to safely access east bound Cochrane Road. It is optimal due to the left turn movement on the cross access road that would have less traffic than DePaul Drive, the left turn controlled by a stop sign on DePaul Drive and the controlled east bound left turn on to Cochrane Road.

To travel west to the freeway from the site the best way would be to use the curb cut on Cochrane Road located east of the site, merge into traffic and continue west to the highway. Some users of this site will be coming from the highway and not be familiar with the area, the natural instinct will be to retrace their path back to the freeway. This would require the movement described in section 2 or 3 above.

In order to increase safety along DePaul Drive and reduce the traffic impact of the site on road ways internal and external to the site staff recommends that the access to the site from DePaul Drive be converted to a right-in only. The reduction of the DePaul Drive median nose, on the north side of Cochrane Road, will allow traffic to more easily make the north turn from east bound Cochrane Road. The following Conditions of Approval have been incorporated into the project:

Conditions of Approval:

1. That the access to the site from DePaul Drive be a right-in only.
2. Modification of DePaul Drive median, on the north side of Cochrane Road, reducing the nose by approximately 6-feet to allow for better traffic movements.

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3. That the curb cut east of the site, on Cochrane, be fully improved prior to the final planning inspection on the site.

Parking for all proposed uses has been reviewed in accordance with Chapter 18.50 (Off-Street Parking and Paving Standards) of the Morgan Hill Municipal Code.

**Table 2: Required Parking**

<b>Use</b>	<b>Required Parking</b>
Convenience Store (1/250)	8
Fast Food Restaurant (1/100)	25
Car Wash (5/10,000 sq. ft. lot area)	5
<b>Total</b>	<b>38</b>
<b>Parking Provided</b>	<b>43</b>

**Table 3: Drive-Thru Stacking Requirements**

<b>Use</b>	<b>Required Stacking</b>	<b>Provided Stacking</b>
Fast Food	8	8
Car Wash	TBD	3

Section 18.50.370 of the Morgan Hill Municipal Code states that drive-thru lane capacity for uses other than fast food restaurants will be determined by the Planning Commission through the Conditional Use Permit process based upon appropriate traffic engineering criteria and shall address the following issues:

1. Nature of the product or services being offered;
2. Method by which the order is processed;
3. Time required to serve a typical customer;
4. Arrival rate of customers; and,
5. Peak demand hours.

Staff reviewed the proposed stacking for the car wash and determined that three vehicle stacking spaces external to the building, in addition to the two spaces internal to the building, would be sufficient for this use. All other parking requirements have been met for the site.

**CEQA (California Environmental Quality Act)**

An Environmental Impact Report has been prepared for this project as part of a separate application for a Planned Unit Development. Mitigation Measures and a Mitigation Monitoring program have been adopted for those environmental impacts identified in the report.

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### **Community Engagement**

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period and a sign has been posted at the proposed business location pursuant to the Planning Division requirements.

No public comments were received prior to the publication of the staff report.

### **Conclusion**

As discussed in previous sections of his report, the Planning Commission is required to make findings of consistency for approval of the requested Conditional Use Permit for the construction and operation of a fueling station, fast food eating establishment, convenience market, and car wash; with associated drive-thru's.

The proposed Conditional Use Permit is found to be consistent with the criteria specified in Section 18.54.050 of the Municipal Code. Approval is recommended subject to the Findings and Conditions contained in the attached resolution.

### **LINKS/ATTACHMENTS:**

#### Attachments

1. Conditional Use Permit Resolution
2. Statement of Proposed Operations
3. Project Plans
4. Ordinance 1746
5. Location Map