

From: [Richard Smeaton](#)
To: [Planning Commission](#)
Cc: [Richard Smeaton](#)
Subject: Response to questions on Agenda Item #5
Date: Tuesday, September 27, 2016 3:30:20 PM
Attachments: [Cochrane Browman - Letter of Justification.pdf](#)

4.1 Why put the Gas Station on the main entrance corner instead interior to the project as originally planned?

The uses are permitted in the Planned Development (PD) agreement. The fueling station had a specific area that was propose as an option on the approved site plan the Community Development Director determined that the modification to the plan was minor in nature and could meet the findings described in the Staff Report dated September 27, 2016.

The optional site depicted on the previously approved site plan had already been constructed and therefore could not be used for the uses deemed to be conditional by the PD. The Conditional Use permit requires Planning Commission approval to determine whether the proposed use is appropriate for this location.

4.2 How much retail space are we losing? How much revenue will this cost the City?

The site was originally approved for 8,000 sq. ft. of retail space.

The retail use had previously been approved for a Wachovia Bank. If the use had been constructed as a bank the city would only have received property tax income.

The change of the site from a strip retail center to a gas station, convenience market and fast food restaurant would have a net increase in municipal revenue generation. In reviewing tax revenue data 4 of the top 25 sales tax generators for the city are fast food restaurants. Automotive related uses, which include fueling stations are included, are the number one generator of sales tax dollars for the city.

4.3 How will we direct traffic wishing to travel East on Cochrane to use the preferred route?

Users of the site will mostly be residents of the area and would shortly be aware of the best route to safely travel east. However, if the Planning Commission wishes they may require that signage be installed to direct users along the preferred route.

4.4 CUP Resolution, Section 3: This section refers to an Initial Study. It should reference the EIR for Cochrane Commons.

This will be corrected prior to the final resolution being presented to the Planning Commission for signing.

4.5 Did we get a letter of justification from the Applicant?

Yes see attached.



Cochrane Co-Brands II, Inc

Dealers For Chevron Brand Gasoline

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LETTER OF JUSTIFICATION FOR CUP FOR SERVICE STATION

Suitability and adequacy of the site for the proposed use:

There is only one Service Station at this major arterial freeway exit on the west side of the freeway as compared to most typical freeway exit that will have 4 to 6 service stations. This site is closest to the eastern side of the freeway as well as it stands at the entrance to the Cochrane Common Development which as we all know has Target as the major anchor. It is closest to the DePaul drive entrance and also closest to the second Cochrane Rd exit that will be paved as an exit for customers using the service station. There is no fast food either on the eastern side of the freeway and there is a need for people visiting the center to get their cars washed very quickly with the proposed automatic car wash.

Effect on traffic circulation and on the planned capacity of the street system by the proposed use and design:

The proposed design has been engineered and re-engineered multiple times in co-operation with the city to come up with the best design. For that purpose we have ensured adequate stacking for the Fast Food Drive Thru, Car Wash, Parking, multiple ingress/ egress points from the site and finally multiple ingress/ egress points from the center with the decision to pave and open the easterly driveway from the center onto Cochrane road. The actual design has again been tweaked multiple times in consultation with the city to create harmony with the existing architecture at the center.

The proposed use at the location requested:

Will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area with proposed use of High Definition surveillance cameras with access granted to the PD if required, proper training of the C-Store staff in Alcoholic Beverage Control Laws through classes, Point of sales system that will insist on ID checks whenever a Tobacco product or Alcoholic beverage is rung up and the presence of a multitude of employees working the fast food restaurant as compared to single employees operating Convenience Stores.

Will not Impair the utility or value of property of other persons located in the vicinity of the site as there will be strict enforcement of not to loiter notices, as well as the other proposed actions and security measures listed above

Will not be detrimental to public health, safety or general welfare as the proposed gasoline pumping systems will be the most modern ones that are currently being installed with leak detection and vapor retraction, and the operation of the fast food restaurant which has a large number of employees at most times as well as all the security measures proposed above.

Has a design of that has been tweaked and adjusted multiple times to make it compatible with the existing and proposed development within the district and its surroundings?

Allows retail sales of groceries, food, or beverage items upon automobile service station premises and the original plan always had a Service Station with C-Store which is just being shifted to a site which is more appropriate for the business than it was in the original approvals.



**Milestone
Associates**

Imagineering
A California Corporation

September 26, 2016

Richard Smeaton
City of Morgan Hill - Planning Division
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RE: Letter of Justification for proposed 76 Gas Station / Burger King Restaurant development located on Cochrane Commons – Pad “K”, Morgan Hill, CA

The following is justification for the requested Conditional Use Permit (CUP) for this project.

1. The subject property for this project is suitable and adequate for the proposed use based on the fact that this project will be constructed on a previously approved commercial pad located within an existing commercial shopping center.
2. No substantial adverse effect on traffic circulation and on the planned capacity of the street system is anticipated based on the fact that this project will use existing traffic patterns and access points which were originally designed to accommodate proposed use.
3. This project will not adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area because this project will provide a use previously approved within an existing shopping center.
4. This project will not impair the utility or value of property of other persons located in the vicinity of the site because this project will be designed to meet or exceed design guidelines for the existing shopping center.
5. This project will not be detrimental to public health, safety or general welfare because it complements current uses within the existing shopping center.
6. This project is compatible with the existing and proposed development within the district and its surroundings by incorporating the existing shopping center's architectural theme into its design.
7. The subject property for this project allows retail sales of groceries, food, or beverage items upon automobile service station premises.

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