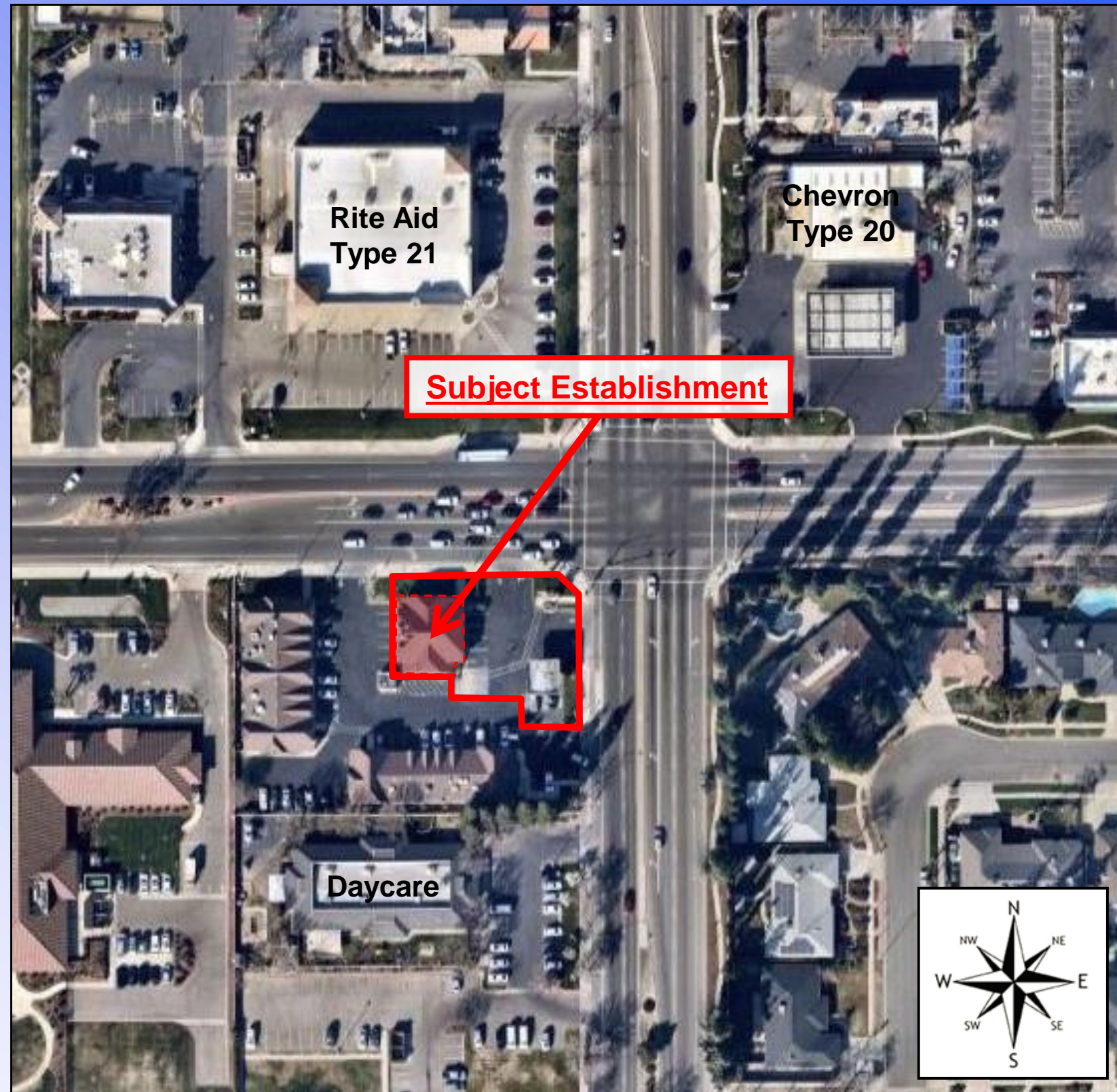


**CONSIDERATION OF
CONDITIONAL USE PERMIT APPLICATION NO.
P19-05984
AND RELATED ENVIRONMENTAL FINDING FOR
EA NO. P19-05984**

*Filed by
Ken Vang, of Vang Incorporated Consulting Engineers,
on behalf of
Sterling Hartel Development Inc.*

Aerial Photograph

- 2,280 S.F. convenience store and gas station (Johnny Quik)
- Located on ± 0.34 acres at the southwest corner of North Cedar and East Nees Avenues
- CC/UGM/cz (*Commercial-Community/Urban Growth Management/conditions of zoning*) zone district
- Community Commercial planned land use



Conditional Use Permit Application No. C-17-79

- Requests to upgrade an existing Type 20 alcohol license (Package Store – sale of beer and wine for consumption off the premises where sold) to a Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the existing Johnny Quik Food Store and Gas Station.
- Use (alcohol sales) not permitted per Conditions of Zoning.
- Project does not meet location restrictions pursuant to FMC Section 15-2706-E.
 - The Director & Planning Commission were unable to make findings for exception from location restrictions.
 - The Director & Planning Commission were unable to make CUP findings a, b, c, d, & e pursuant to FMC Section 15-5306.

Staff Recommendation

- **DENY** the appeal and uphold the action of the Planning Commission and Planning and Development Department Director to deny Conditional Use Permit Application No. P19-05984, a request to upgrade an existing Type 20 alcohol license (Package Store – sale of beer and wine for consumption off the premises where sold) to a Type 21 alcohol license (Package Store – sale of beer, wine, and distilled spirits for consumption off the premises where sold) for the existing Johnny Quik Food Store and Gas Station

- Should the City Council approve the ABC license, the following shall be required:
 1. Make exception to location restrictions
 2. Make required findings a, b, c, d, & e of Exhibit S
 3. Adopt Environmental Finding – Class 1 exemption