

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13698**

The Fresno City Planning Commission, at its regular meeting on November 4, 2020, adopted the following resolution relating to Conditional Use Permit Application No. P20-02556.

WHEREAS, Conditional Use Permit Application No. P20-02556 has been filed with the City of Fresno by Robert Vermeltfoort, of Vermeltfoort Architects Inc., and pertains to ±1.28 acres of property at the southwest corner of North Chestnut and East Olive Avenues; and,

WHEREAS, Conditional Use Permit Application No. P20-02556 requests authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 alcohol license (Off-Sale Beer & Wine [Package Store] – sale of beer and wine for consumption on off the premises where sold) for a recently approved ±4,088 square-foot 7 Eleven convenience store and gas station to be located at the subject property; and,

WHEREAS, the Planning & Development Department Director denied Conditional Use Permit Application No. P20-02556 On October 22, 2020, as the project does not satisfy the required location restrictions of Section 15-2706-E of the Fresno Municipal Code; and,

WHEREAS, the Director's decision to deny the request to establish an off-sale alcohol license was appealed by the applicant on October 23, 2020; and

WHEREAS, pursuant to Section 15-5303 of the Fresno Municipal Code, the Fresno City Planning Commission conducted a public hearing on November 4, 2020 to review the proposed conditional use permit, consider the associated Categorical Exemption prepared for Environmental Assessment No. P20-01633/P20-02556, receive testimony from the applicant and the public, and consider the Planning and Development Department's report recommending denial of the applicant's appeal and upholding the action of the Planning and Development Department Director to deny Conditional Use Permit Application No. P20-0255; and

WHEREAS, the Planning and Development Department staff prepared a staff report and recommended the Planning Commission deny Conditional Use Permit Application No. P20-02556; and,

WHEREAS, the Fresno City Planning Commission considered the proposed conditional use permit relative to the staff report issued for the project; and,

WHEREAS, the project applicant spoke in support of the project and three individuals from the public spoke in support of the proposed project.

WHEREAS, on November 4, 2020, the Fresno City Planning Commission reviewed the subject conditional use permit application in accordance with the policies of the Fresno General Plan, Fresno County Airport Land Use Compatibility Plan, Roosevelt Community Plan, and the Fresno Municipal Code; and,

NOW, THEREFORE, BE IT RESOLVED, that the Fresno City Planning Commission finds that, in accordance with its own independent judgment, there is no substantial evidence in the record that Conditional Use Permit Application No. P20-02556 is consistent with all goals and policies

of the Fresno General Plan and Roosevelt Community Plan, is compliant with the provisions of the Fresno Municipal Code, or compatible with the surrounding existing or proposed uses.

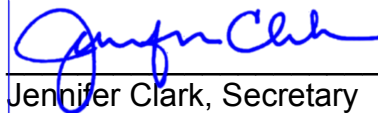
BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby denies the applicant's appeal and upholds the action of the Planning and Development Department Director to deny Conditional Use Permit Application No. P20-02556 requesting to establish a Type 20 Off-Sale Beer & Wine alcohol sales license for a proposed 7 Eleven convenience store and gas station.

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The foregoing Resolution was adopted by the Fresno City Planning Commission, upon a motion by Commissioner Vang, seconded by Commissioner McKenzie.

VOTING: Ayes - Vang, McKenzie, Bray, Diaz
 Noes - Sodhi-Layne
 Not Voting - Hardie
 Absent - Criner

DATED: November 4, 2020



Jennifer Clark, Secretary
Fresno City Planning Commission

Resolution No. 13698
Conditional Use Permit Application No. P20-02556
Filed by Robert Vermeltfoort, of Vermeltfoort
Architects Inc.
Action: Uphold the Director's Action