

**FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13656**

The Fresno City Planning Commission, at its regular meeting on May 20, 2020, adopted the following resolution relating to Conditional Use Permit Application No. P19-05984.

WHEREAS, Conditional Use Permit Application No. P19-05984 has been filed with the City of Fresno by Ken Vang, of Vang Incorporated Consulting Engineers, on behalf of Sterling Hartel Development Inc., and pertains to an existing 2,280 S.F. Johnny Quik convenience store and gas station with alcohol sales located on ±0.34 acres of property at the southwest corner of North Cedar and East Nees Avenues; and,

WHEREAS, Conditional Use Permit Application No. P19-05984 requests authorization to upgrade from an existing 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) to a Type 21 alcohol license (Off-Sale General [Package Store] – sale of beer, wine, and distilled spirits for consumption on the licensed premises); and,

WHEREAS, pursuant to Section 15-5303 of the Fresno Municipal Code, the Fresno City Planning Commission conducted a public hearing on May 20, 2020 to review the proposed conditional use permit, consider the associated Categorical Exemption prepared for Environmental Assessment No. P19-05984, receive testimony from the applicant and the public, and consider the Planning and Development Department's report recommending denial of the proposed conditional use permit,

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

WHEREAS, the Planning and Development Department staff prepared a staff report and recommended the Planning Commission deny Conditional Use Permit Application No. P19-05984; and,

WHEREAS, the project applicant spoke in support of the project and no individuals from the public spoke in opposition of the proposed project.

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

WHEREAS, on May 20, 2020, the Fresno City Planning Commission reviewed the subject conditional use permit application in accordance with the policies of the Fresno General Plan and Woodward Park 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. P19-05984 is consistent with all goals and policies of the Fresno General Plan and Woodward Park Community Plan, is compliant with the provisions of the FMC, or compatible with the surrounding existing or proposed uses.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby denies Conditional Use Permit Application No. P19-05984 requesting authorization to upgrade from an existing 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) to a Type 21 alcohol license (Off-Sale General [Package Store] – sale of beer, wine, and distilled spirits for consumption on the licensed premises) for the existing Johnny Quik convenience store.

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

VOTING: Ayes - McKencie, Hardie, Bray, Criner, Diaz, Sodhi-Layne, Vang
 Noes - None
 Not Voting - None
 Absent - None

DATED: May 20, 2020



Jennifer Clark, Secretary
Fresno City Planning Commission

Resolution No. 13656
Conditional Use Permit Application No. P19-05984
Filed by Ken Vang, of Vang Incorporated Consulting
Engineers, on behalf of Sterling Hartel
Development Inc.
Action: Uphold the Director's Action