

EXHIBIT K

FMC Findings

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CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION NO. C-16-033

Conditional Use Permit Application No. C-16-033 was subject to the following findings:

Findings per Fresno Municipal Code Section 15-5306	
<i>a. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Code and all other chapters of the Municipal Code; and,</i>	
Finding a:	The use proposed by Conditional Use Permit Application No. C-16-033, the addition of Type 20 alcohol sales, is allowed in the CG (Commercial-General) zone district with a conditional use permit. However, while the proposed use is permitted in the CG district, the proposed project does not comply with all applicable provisions of the Code; specifically, FMC Section 15-2706-E (location restrictions for new establishments). The proposed project is located within a high crime area, high concentration area, is within 500 feet of existing alcohol establishments, and is near a sensitive use (a drug abuse recovery/treatment facility). Further, the project proposes a total of four access points to the site which conflicts with FMC Section 15-2755-A. Section 15-2755 states that there shall be no more than two vehicular access points to and/from a public street. As proposed, the project would have three access points to a public street and one access point from the alley. Lastly, the project proposes the relocation of an existing billboard, which conflict with Section 15-2605 of the FMC, which prohibits billboards. Therefore, staff cannot make this required finding.
<i>b. The proposed use is consistent with the General Plan and any other applicable plan and design guideline the City has adopted; and,</i>	
Finding b:	The proposed project is in compliance with the Fresno General Plan. The project is within the Tower District Specific Plan; however, the Development Director has allowed for the site layout to differ from the Tower District Design Guidelines. Under the Tower District Design Guidelines, the proposed structure would be located closer to Belmont and the parking lot and fuel stations located to the rear, however, for safety and design, the proposed site layout is acceptable. In general, the proposed use is compatible with the surrounding uses and increases economic development by enhancing the existing commercial area by serving the surrounding neighborhood and regional visitors.
<i>c. The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements; and,</i>	
Finding c:	Because the alcohol use is not in compliance with the location restrictions mentioned above and in the staff report, the proposed project is considered to be substantially adverse to the public health, safety, or general welfare of the community, and detrimental to the surrounding properties and improvements. Therefore, staff cannot make this required finding.
<i>d. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and,</i>	

Finding d:	The grocery and household goods store is surrounded by commercial uses within the shopping center. Medium density residential uses exist south and west of the project, which provides an amenity for those residents. The use is compatible with the planned land use for the location and surrounding area, indicating that it will remain compatible for the foreseeable future.
e. <i>The site is physically suitable for the type, density, and intensity of use being proposed, including access, emergency access, utilities, and services required.</i>	
Finding e:	The proposed convenience store and proposed off-sale alcohol is consistent with the allowable land use and intensity requirements per the underlying zone district. Adequate access, parking, utilities and services would be provided to serve the property and were reviewed for consistency with the requirements of the CG (<i>Commercial-General</i>) planned land use and zone district.