

CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT ROBERT AND KRISTEN SHACKELFORD, 5101 Pinebrook Way, Sac., CA 95842
OWNER EVELYN JENSEN, 1530 4th Street #13, Sacramento, CA 95821
PLANS BY Shell Oil Company
FILING DATE 11/12/87 ENVIR. DET. Ex. 15301(a), 15303(c) REPORT BY CV/vf
ASSESSOR'S-PCL. NO. 020-0011-001

APPLICATION: Special Permit to allow the sale of beer and wine at an existing service station/mini-mart.

LOCATION: 3701 Franklin Boulevard

PROPOSAL: The applicant is requesting the necessary entitlements to sell beer and wine for off-site consumption.

PROJECT INFORMATION:

1974 General Plan Designation:	Commercial and Offices
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Shell Gas Station, mini-mart

Surrounding Land Use and Zoning:

North: Fast food, retail; C-2
South: Single family residential; R-1
East : Single family residential; R-1
West : Retail; C-2

Parking Required:	1 space
Parking Provided:	12 spaces
Property Dimensions:	Irregular
Property Area:	0.4+ acre (s)
Square Footage of Building:	Mini-mart: 155 sq. ft.
Height of Building:	1 Story
Topography:	Flat
Street Improvements & Utilities:	Existing

PROJECT EVALUATION: Staff has the following comments:

A. Land Use/Zoning

The subject site is zoned General Commercial (C-2) and is developed with a service station and mini-mart. Surrounding land uses include fast food restaurant and retail to the north, single family residential to the east and south and retail to the west.

B. Project Description

The applicant proposes to use an existing service station and mini-mart for the sale of beer and wine for off-site consumption. According to the applicant, the service station only sells gas and no longer performs automobile repair work. The mini-mart and office area total approximately 222 sq. ft. The remaining sq. ft. of the service station is used for general storage.

APPLC. NO. P87-468 MEETING DATE December 17, 1987 ITEM NO. 17

City Ordinance (87-077) requires a special permit for the sale of alcohol for off-site consumption. The Planning Commission is required to make findings stating the proposed sale of alcohol would not negatively impact the neighborhood.

Although the mini-mart and service station are presently open 24 hours, seven days per week, the applicant has stated he will limit the sale of beer and wine to 6:00 a.m. to 10:00 p.m., seven days per week.

An existing six foot high wood fence is located along the south and east property lines. The applicant proposes to replace this fence with a six foot high solid masonry wall along the south and east property lines.

According to the applicant, there are 12 parking spaces presently located on the site. Staff finds this to be an adequate number of parking spaces for the three employees per shift and the size of the mini-mart (155 sq. ft.).

C. Field Survey - Liquor Stores

Staff conducted a survey of stores selling liquor and beer in the area and notes the following:

1. Food City: 21st Avenue and Franklin Boulevard
2. Chimas Liquor: 26th Avenue and Franklin Boulevard
3. Chuck's Liquors: Franklin Boulevard and Fruitridge Road
4. Quick Stop: Franklin Boulevard and 4th Avenue
5. Regal Mini-Mart: Franklin Boulevard and Fruitridge Road

There are an adequate number of stores in this area that sell beer and wine. Staff notes that the properties to the east and south consist of single family homes. These homes could be impacted from noise generated by the mini-mart and service station use. These residents have indicated opposition for fear of increased traffic and crime problems.

D. Agency Comments

This proposal was reviewed by Traffic Engineering, Police Department and the following comments were received:

Police

We are opposing the request for a special permit to allow the sale of beer and wine at the above location. The proposed site is located in an area that has a serious existing crime problem. So far this year, within one block, there have been three reported armed robberies, one

murder, three arrests for possession of deadly weapons, two arrests for receiving stolen property and numerous other calls for service. This location is also the northern end of the Franklin Boulevard "Cruise" strip. As a result, there is severe traffic congestion in this area on cruise nights as well as problems with public drunkenness, drug abuse, and loitering. In addition, members of the Home Alert Group, located along the 2900 block of 13th Avenue, just south of the site, have expressed strong opposition to the permit. They fear it will add to the congestion and crime problems in their neighborhood.

We also feel the sale of alcohol at this location would be entirely inappropriate and detract from our efforts to control existing problems.

We have also asked the State Department of Alcoholic Beverage Control to deny the applicant's request for an off sale beer and wine license.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(a)), (15303(c)).

RECOMMENDATION: Staff recommends denial of the special permit based upon the findings of fact which follow:

Findings of Fact - Special Permit

1. The proposed use will adversely affect the peace or general welfare of the surrounding property by increasing the potential for crime in an area that has a serious existing crime problem.
2. The proposed use will also adversely affect the peace or general welfare of the surrounding property because the subject site is located at the northern end of the Franklin Boulevard "Cruise" strip. As a result, there is severe traffic congestion on cruise nights. Allowing the sale of beer and wine at the subject site could increase traffic at this location.



CITY OF SACRAMENTO

CITY PLANNING DIVISION

DEC 07 1987

RECEIVED

DEPARTMENT OF POLICE

HALL OF JUSTICE
813 6TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

December 4, 1987

Ref. 12-3

MEMORANDUM

TO: WILL WEITMAN, SENIOR PLANNER
CITY PLANNING DIVISION

FROM: JERRY V. FINNEY, ASSISTANT CHIEF
SACRAMENTO POLICE DEPARTMENT

SUBJECT: SPECIAL PERMIT FOR THE SHELL MINI-MART
3701 FRANKLIN BLVD.

We are opposing the request for a special permit to allow the sale of beer and wine at the above location. The proposed site is located in an area that has a serious existing crime problem. So far this year, within one block, there have been three reported armed robberies, one murder, three arrests for possession of deadly weapons, two arrests for receiving stolen property and numerous other calls for service. This location is also the northern end of the Franklin Blvd. "cruise" strip. As result, there is severe traffic congestion in this area on cruise nights as well as problems with public drunkenness, drug abuse, and loitering. In addition, members of the Home Alert Group, located along the 2900 block of 13th Avenue, just south of the site, have expressed strong opposition to the permit. They fear it will add to the congestion and crime problems in their neighborhood.

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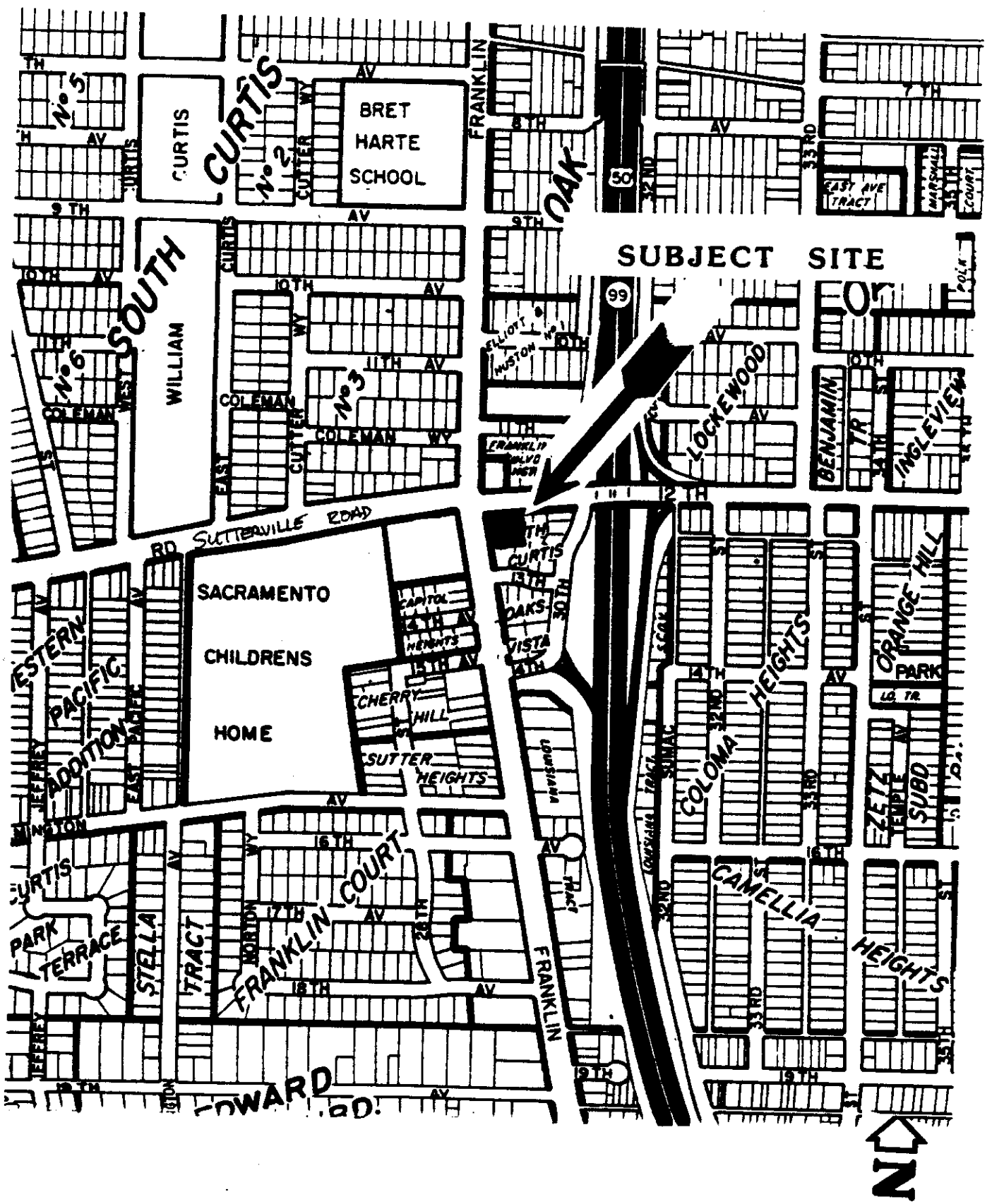
Jerry V. Finney
JERRY V. FINNEY
ASSISTANT CHIEF OF POLICE

JVF/ks

087-468

12-17-87

Item #17

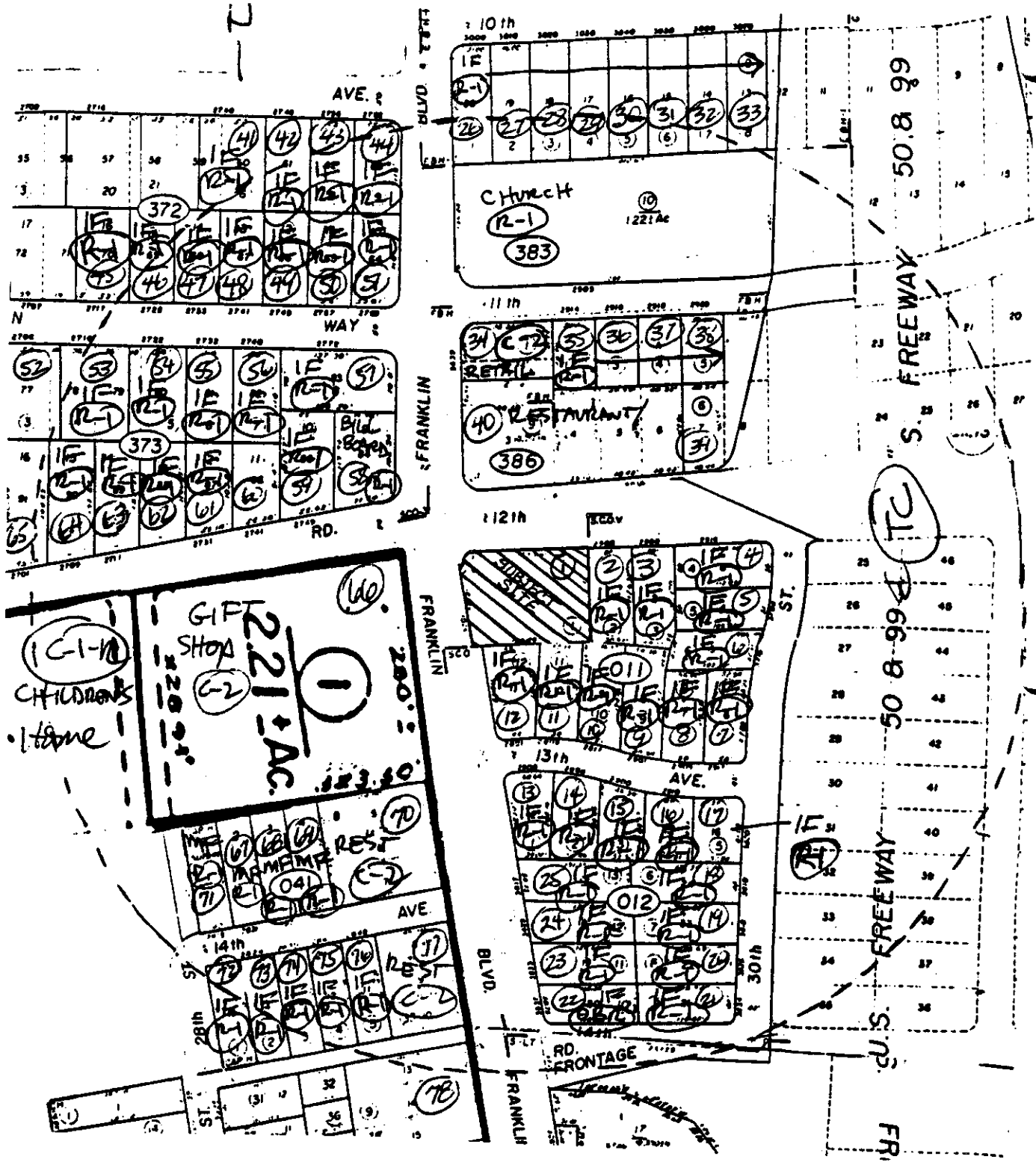


VICINITY MAP

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ITEM 17



LAND USE & ZONING MAP

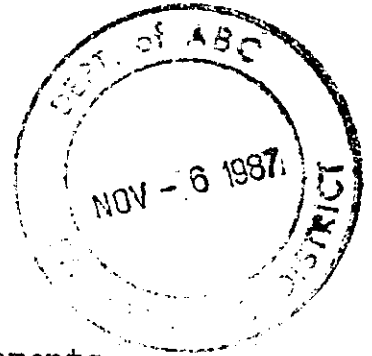
P87-466

Sacramento, California
November 5, 1987

LT

Dept. of Alcoholic Beverage Control
83 Scripps Drive, Suite 301
Sacramento, CA 95825

Atten: Cleo Davis



Dear Mr. Davis:

You asked for a list of changes or improvements we would be willing to make at Sutterville Shell in order to acquire our off-sale beer and wine license. The list is as follows:

1. We plan to build an 8-foot block fence around the lot which should cut down on noise pollution and littering on resident's property.
2. We will have two large lights installed in the parking lot to discourage loitering.
3. With a beer and wine license, there will be closer observance by the police, which would prevent loitering around the premises.
4. The cruising and loitering on Franklin Blvd., that the neighbors complain about, has existed for years and is done primarily by 16 to 20-year olds who would not be allowed to buy beer or wine from Sutterville Shell.
5. We have agreed not to sell beer or wine after 10:00 PM, which is before most of the cruising begins.
6. We have also agreed not to sell beer in less than six-pack quantities, and wine coolers in not less than a four-pack, or a 750 ML container for wine.

12-17-87

Stem 17

7. We will post permanent signs that prohibit loitering and drinking.

We have been operating at a loss for 9 months. The station cannot stay open without being converted to a small grocery store, which is badly needed in that area. However, we cannot afford the cost of remodeling and the above-mentioned improvements (fence, lights, etc.) unless we can sell beer and wine.

We feel sure that if a grocery store opened in the empty building across the street (Safeway, for example), no one would protest the application for a liquor license, including hard liquor. Since approximately 99.9% of all shoppers buying alcohol, or whatever, drive their cars to the store for their purchases, we cannot understand the reluctance of some members of the neighborhood to have wine and beer sold at our food mart.

Yours truly,

Sutterville Shell
3701 Franklin Blvd.
Sacramento, CA 95822

Robert & Kris Shackelford

Robert Shackelford
Kris Shackelford