

In the matter of decision of the City)
Planning Commission to approve a special)
permit to establish beer and wine sales)
for off-site consumption on .25+)
developed acres in the General)
Commercial (C-2) and Standard Single)
Family Residential (R-1) zone at the SE)
corner of 14th Avenue and 55th Street.)

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of April 28, 1988, the Planning Commission considered testimony regarding the above entitlement. At its April 28, 1988 meeting, the Planning Commission indicated an intent to approve the special permit subject to conditions and based upon findings of fact which follow:

Conditions

1. There shall be no pool tables, coin-operated or arcade games maintained upon the premises at any time.
2. "No Loitering" signs shall be posted on or about the premises.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Clearly visible signs shall be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
5. The applicant shall prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
6. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which he has control.
7. The sale of beer shall be in quantities of not less than one quart or six pack containers.
8. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packages four (4) packs.
9. The store shall remain closed between the hours of 9:00 p.m. and 6:00 a.m.

10. No wines having an alcoholic content of more than 12 percent (fortified wine) shall be sold.
11. A landscape plan shall be submitted for approval by the Planning Director within 30 days of the approval of this special permit. Shrubs shall be planted in the front setback area along 14th Avenue.
12. This special permit is for a limited term and shall expire 18 months from the date of approval of the special permit (from May 12, 1988). Unless the special permit is extended, beer and wine sales shall be discontinued.

Findings of Fact

1. The project, as conditioned, is based upon sound principles of land use in that:
 - a. adequate parking and circulation is provided; and
 - b. the use is compatible with surrounding uses which consist of commercial, residential and institutional uses.
 - c. the use will not alter the character of the neighborhood significantly.
2. The project, as conditioned, will not be detrimental to property in the vicinity in that the market is an existing use and the sales of beer and wine have occurred at that location for many years without complaints.
3. The project, as condition, will not be detrimental to the public health, safety and welfare nor result in the creation of a nuisance in that adequate setbacks, on-site parking, vehicle maneuvering, landscaping and security measures will be provided.
4. The proposed project is consistent with the City's General Plan in that the market is an existing use in a low density residential (4-15) du/na designated area.

Approved by the Planning Commission
on May , 1988 for the May 12, 1988
meeting.

Chairperson

DCS:vf

P88-103

May 12, 1988

Item #1A