

RESOLUTION NUMBER 4758

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-12-0005 WITH A LETTER OF PUBLIC CONVENIENCE & NECESSITY AND VARIANCE 14-02-0011 TO APPROVE A PROPOSAL TO SELL ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION (TYPE 20 BEER AND WINE LICENSE) LOCATED ON 3995 N. PERRIS BLVD, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the applicant applied for a Conditional Use Permit and Letter of Public Convenience and Necessity on December 11, 2013 to permit the sale of beer and wine (Type 20); and

WHEREAS, the applicant also applied for a Variance on February 13, 2014 to waive the Zoning Code requirement for a minimum one-half mile distance between the proposed project and other off-site alcohol-selling fueling stations and 1,000 feet from a church; and

WHEREAS, this Conditional Use Permit, Variance and Letter of Public Convenience and Necessity have been duly noticed; and

WHEREAS, the Planning Commission public hearing was continued at the request of the applicant from the meetings of April 2, 2014; and

WHEREAS, a public hearing was held on May 21, 2014, which time all interested persons were given full opportunity to be heard and to present evidence, and the project was denied by the Planning Commission by a 6-0-1 vote; and

WHEREAS, City Council public hearing was continued at the request of the Council from the meetings of July 8, 2014; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has determined that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the CEQA Guidelines, enforcement actions by regulatory agencies.

Section 3. Based upon the information contained within the staff report and accompanying attachments, with respect to Conditional Use Permit 13-12-0005, and the City Council finds as follows:

1. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.
2. The proposed plan is consistent with the City's General Plan and conforms to all Specific Plans, zoning standards, applicable subdivision requirements, and other ordinances and resolutions of the City.
3. The proposed location of the Conditional Use Permit and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
4. The architecture proposed is compatible with community standards and protects the character of adjacent development.
5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.

Section 4. Based upon the information contained within the staff report and accompanying attachments, with respect to the additional findings required per PMC Section 19.65.040 to grant a Conditional Use Permit for the sale of alcoholic beverages, the City Council finds, as follows:

1. The location or the use shall not result in adverse impacts on park facilities, school facilities, existing religious land uses and/or existing residential land uses.
2. The traffic increases associated with the use will not result in potential hazards to existing pedestrian and/or vehicular traffic.
3. The establishment shall not constitute an enforcement problem to the City Police Department.
4. The development conforms to all applicable provisions of this Code.

Section 5. Based upon the information contained within the staff report and accompanying attachments, with respect to Variance 14-02-0011 to reduce the one-half mile distance requirement between minimarts and gas stations selling alcohol, the City Council finds, as follows:

1. There are unique physical circumstances applicable to the subject land, including size, shape, topography, location and surroundings.
2. The strict application of zoning standards deprives the property of the right to use the land in a manner enjoyed by other conforming property in the vicinity under identical zoning standards.

3. The granting of the variance and any appropriate conditions of approval shall not constitute a grant of special privileges which other conforming property properties in the vicinity do not enjoy under identical zoning standards.
4. As conditioned, the granting of the variance will not adversely affect the objectives, policies, and programs contained in the City's General Plan.

Section 6. Based upon the information contained within the staff report and that the accompanying attachments, with respect to the requested Determination of Appropriateness concerning a Letter of Public Convenience and Necessity (PCN) for Off-Site Consumption, the City Council finds, as follows:

1. The sale of alcohol at this business will be a public convenience. The subject business is a neighborhood market proposing to sell beer and wine for the convenience of its patrons there also shopping for groceries, general merchandise and gasoline.
2. The approval of a new license for the off-site sale of beer and wine as an ancillary use to a general merchandise store will not have a disproportionate impact on adjacent residential neighborhoods or sensitive uses.
3. The approval of the sale of beer and wine at this business will not result in an adverse impact on public health, safety, or welfare. Conditions of Approval have been approved to ensure the welfare of the public.

Section 7. The City Council approves Conditional Use Permit 13-12-0005, Variance 14-02-0011, and the Letter of Public Convenience and Necessity for the existing Circle K at 3995 N Perris Blvd., based on the information and findings presented in the staff report and subject to the attached Conditions of Approval (Attachment 1).

Section 8. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 9. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 26th day of August 2014.

Daryl R. Busch, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris do hereby certify that the foregoing Resolution Number 4758 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 26th day of August 2014, by the following vote:

AYES: LANDERS, RODRIGUEZ, ROGERS, YARBROUGH, BUSCH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Nancy Salazar, City Clerk