

STAFF REPORT
City of Lancaster

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MVB

Date: October 25, 2016

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission’s Denial of Conditional Use Permit No. 16-04 (Request for a Mini-Mart with a Type 20 Off-Sale Alcohol License in Conjunction with a Proposed Gasoline Station located at 42015 North 10th Street West)**

Recommendation:

Adopt **Resolution No. 16-51**, approving Conditional Use Permit No. 16-04.

Fiscal Impact:

None.

Background:

The applicant filed the conditional use permit application on May 18, 2016. The Planning Commission held a hearing on the request on August 15, 2016, at which time they reviewed the proposal and heard testimony. The Commission voted to continue the hearing to September 19, 2016, to allow time for existing tenants to be notified about the request, and receive additional information clarifying a State Alcoholic Beverage Control form submitted by a member of the public regarding the level of crime in the reporting district in which the site is located. Staff provided notice to the tenants prior to the meeting of September 19, 2016, and the City’s Public Safety Director presented information explaining the origins and purpose of the submitted ABC document, noting that information presented was not particularly useful in determining the actual relationship between the proposed use and criminal activity.

The Commission, following additional discussion at the meeting, considered a motion to approve the mini-mart request without alcohol sales. This motion failed on a 3-3 vote. The Commission then considered a motion to approve the request as recommended by City staff, which also failed 3-3. Since failure to approve constitutes a denial of the request, Conditional Use Permit No. 16-04 was deemed denied by this action. On September 20, 2016, the applicant appealed the denial to the City Council.

The proposed development includes the construction of a gasoline station with new pumps, tanks, and canopy on an existing vacant pad located in a commercial center. The mini-mart would not be new construction, but would instead be located within an existing vacant tenant space. The conditional use permit is required both for the mini-mart and the off-site sale of beer and wine. The applicant has also requested a waiver of the separation distance between the site and another mini-mart that sells alcohol for off-site consumption currently located at the southwest corner of the intersection of 10th Street West and Columbia Way (Avenue M).

As noted in the attached staff report, staff's original recommendation was for approval of the request and granting of the distance waiver. The proposed conditions of approval would prohibit the sale of single containers of beer and malt liquor, and would restrict the display of alcoholic beverages to a maximum of 5 percent of the floor area. It was also noted that the Sheriff's Department did not object to the granting of a Type 20 alcohol license at this location. Staff recommends that the Council adopt Resolution No. 16-51, approving Conditional Use Permit No. 16-04 in accordance with the attached conditions.

Attachments:

Resolution No. 16-51

Conditions List - Attachment to Resolution No. 16-51

Aerial Map

PC Staff Report dated September 19, 2016

Appeal Filed September 20, 2016